

(The following is not a verbatim transcript of comments or discussion that occurred during the meeting, but rather a summarization intended for general informational purposes. All motions and votes are the official records).

REGULAR MEETING – CITY COUNCIL

-NOVEMBER 25, 2019-

Regular meeting of the City Council was held on Monday, November 25, 2019 in the Council Chambers. 869 Park Ave., Cranston, Rhode Island.

The meeting was called to order at 7:00 P.M. by the Council President.

Roll call showed the following members present: Councilmembers Stycos, Vargas, McAuley, Donegan, Brady, Paplauskas, Council Vice-President Favicchio and Council President Farina -8.

Absent: Councilmember Hopkins -1.

Also Present: Daniel Parrillo, Director of Administration; John Psilopoulos, Deputy Director of Administration; Robert Strom, Director of Finance; John Verdecchia, Assistant City Solicitor; Evan Kirshenbaum, City Council Legal Counsel; David DiMaio, City Council Budget Analyst.

Council President Farina stated that Councilmember Hopkins's wife was rushed to the hospital today and our thoughts and prayers are with her and her family.

I. PUBLIC ACKNOWLEDGEMENTS AND COMMENDATIONS

SOPHIA LEDOUX, MISS RI TEEN USA 2020

Councilmember Brady presented Citation to Ms. Ledoux.

CRANSTON HISTORICAL CEMETERIES COMMISSION SUPPORTERS AND CONTRIBUTORS

**THOMAS WOJICK
JEFFREY DAVID
HELEN GANNON
ANGIE KOZIARA
INA WOOLMAN**

Councilmember Donegan presented Citations to the above members.

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II. PUBLIC HEARINGS

Council President Farina indicated that the Solar Ordinances on this evening’s docket will be continued for full hearing at the next Council meeting to coincide with a Comprehensive Plan Amendment, which is before the Planning Board.

John DiBona, Esq., appeared to represent applicant for proposed Ordinance 9-19-06.

Gregg Mierka, Chair of Cranston Historical Cemeteries Commission, appeared to speak and thanked the City Council for recognizing this evening the Cranston Historical Cemeteries Commission supporters and contributors. He also presented the City Council the Historical Cemeteries Commission’s Annual Report and stated that, as you can see by the report, the Commission has done a lot in the past year, such as cleanup work. They also try to help people who call of trees on cemetery property that need to be cut. They are also in the process of placing or replacing signs in the cemeteries and will continue this once the winter is over. There are over 100 cemeteries in the City and it is a lot of work. He also stated that he did an interview with Channel 12 regarding the Roger Williams Masoleum and stated that the Masoleum is a terrible problem and he did not want to commit the City to anything. After that interview, he received a call from a man appointed by Bishop Tobin and he was told that the Catholic Diocese would do all they could to help the people remove the bodies there and he passed this information on to Leanne Zarrella in the Mayor’s Office. Mr. Mierka stated that there will be festivities this Sunday, December 1st, starting at the Joy Homestead and continuing to the Governor Sprague Mansion, with a tree lighting ceremony.

Nick Lima, City Registrar, 81 Carman St., appeared to speak in favor of “Resolution authorizing Street Name Change from Ashmont St. to Brady Ave.” and stated that he did send a letter to the Director of the DMV, as requested by Councilmember Vargas at the last Public Works Committee meeting, to consider a waiver of fees for residents to change their address and he has not received a response yet.

III. RESOLUTIONS

None.

IV. REPORT OF COMMITTEES

FINANCE COMMITTEE

(Council Vice President Michael W. Favicchio, Chair)

10-19-04 ORDINANCE RATIFYING SCHOOL COMMITTEE’S COLLECTIVE BARGAINING AGREEMENT WITH THE NATIONAL ASSOCIATION OF GOVERNMENT EMPLOYEES, LOCAL RI-153, CUSTODIAN UNIT (July 1, 2017 – June 30, 2020)

On motion by Councilmember Paplauskas, seconded by Councilmember Brady, the above Ordinance was adopted on a vote of 8-0. The following being recorded as voting “aye”: Councilmembers Stycos, Vargas, McAuley, Donegan, Brady, Paplauskas, Council Vice-President Favicchio and Council President Farina -8.

RESOLUTION AUTHORIZING REAL ESTATE TAX ABATEMENTS

On motion by Councilmember Brady, seconded by Councilmember McAuley, the above Resolution was adopted on a vote of 8-0. The following being recorded as voting “aye”: Councilmembers Stycos, Vargas, McAuley, Donegan, Brady, Paplauskas, Council Vice-President Favicchio and Council President Farina -8.

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RESOLUTION AUTHORIZING MOTOR VEHICLE TAX ABATEMENTS

On motion by Councilmember McAuley, seconded by Councilmember Brady, the above Resolution was adopted on a vote of 8-0. The following being recorded as voting "aye": Councilmembers Stycos, Vargas, McAuley, Donegan, Brady, Paplauskas, Council Vice-President Favicchio and Council President Farina -8.

RESOLUTION AUTHORIZING TANGIBLE TAX ABATEMENTS

On motion by Councilmember Brady, seconded by Councilmember McAuley, the above Resolution was adopted on a vote of 8-0. The following being recorded as voting "aye": Councilmembers Stycos, Vargas, McAuley, Donegan, Brady, Paplauskas, Council Vice-President Favicchio and Council President Farina -8.

TAX INTEREST WAIVER APPROVALS

On motion by Councilmember McAuley, seconded by Councilmember Paplauskas, it was voted to approve the list of Tax Interest Waiver Approvals. Motion passed on a vote of 8-0. The following being recorded as voting "aye": Councilmembers Stycos, Vargas, McAuley, Donegan, Brady, Paplauskas, Council Vice-President Favicchio and Council President Farina -8.

TAX INTEREST WAIVER DENIALS

On motion by Councilmember McAuley, seconded by Councilmember Donegan, it was voted to approve the list of Tax Interest Waiver Denials. Motion passed on a vote of 8-0. The following being recorded as voting "aye": Councilmembers Stycos, Vargas, McAuley, Donegan, Brady, Paplauskas, Council Vice-President Favicchio and Council President Farina -8.

CLAIMS COMMITTEE

(Councilmember Paul J. McAuley, Chair)

REPORT OF SETTLED CLAIMS (*Informational purposes*): McLaughlin & Moran \$283.30 vehicle damage; Torie Okolowicz \$640.62 vehicle damage; Sante Marinucci \$1,500.00 property damage; Lucille Dottor by her attorney Kevin M. Daley \$40,000.00 personal injury.

No action needed.

PUBLIC WORKS COMMITTEE

(Councilmember Kenneth J. Hopkins, Chair)

10-19-06 ORDINANCE IN AMENDMENT OF TITLE 8.36 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED 'RODENT CONTROL' (Rodent Control)

On motion by Councilmember Brady, seconded by Councilmember Paplauskas, it was voted to adopt the above Ordinance.

Under Discussion:

Council President Farina stated that at the Public Works Committee meeting, a question was asked of what constitutes a rat proof condition. He asked if the Administration has an answer to this question. Attorney Kirshenbaum stated that this would be keeping condition free from any infestation. Remedy the problem that arised.

Roll call was taken on motion to adopt the above Ordinance and motion passed on a vote of 8-0. The following being recorded as voting "aye": Councilmembers Stycos, Vargas, McAuley, Donegan, Brady, Paplauskas, Council Vice-President Favicchio and Council President Farina -8.

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RESOLUTION AUTHORIZING STREET NAME CHANGE FROM ASHMONT ST. TO BRADY AVE.

On motion by Council Vice-President Favicchio, seconded by Councilmember McAuley, the above Resolution was adopted on a vote of 8-0. The following being recorded as voting “aye”: Councilmembers Stycos, Vargas, McAuley, Donegan, Brady, Paplauskas, Council Vice-President Favicchio and Council President Farina -8.

ORDINANCE COMMITTEE
(Council Vice President Michael W. Favicchio, Chair)

8-19-07 ORDINANCE IN AMENDMENT OF CHAPTER 17.24 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘ZONING’ (Solar Energy Systems)

On motion by Council Vice-President Favicchio, seconded by Councilmember Brady, it was voted to continue this Ordinance to the December meeting. Motion passed on a vote of 8-0. The following being recorded as voting “aye”: Councilmembers Stycos, Vargas, McAuley, Donegan, Brady, Paplauskas, Council Vice-President Favicchio and Council President Farina -8.

8-19-08 ORDINANCE IN AMENDMENT OF CHAPTER 17.20.030 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘ZONING’ (Schedule of Uses)

On motion by Council Vice-President Favicchio, seconded by Councilmember McAuley, it was voted to continue this Ordinance to the December meeting. Motion passed on a vote of 8-0. The following being recorded as voting “aye”: Councilmembers Stycos, Vargas, McAuley, Donegan, Brady, Paplauskas, Council Vice-President Favicchio and Council President Farina -8.

9-19-06 ORDINANCE IN AMENDMENT OF CHAPTER 17 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘ZONING’ (Change of Zone – 545 & 555 Atwood Ave.).

On motion by Councilmember Brady, seconded by Councilmember McAuley, the above Ordinance was adopted on a vote of 8-0. The following being recorded as voting “aye”: Councilmembers Stycos, Vargas, McAuley, Donegan, Brady, Paplauskas, Council Vice-President Favicchio and Council President Farina -8.

10-19-01 ORDINANCE IN AMENDMENT OF TITLE 10.32 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘MOTOR VEHICLES AND TRAFFIC’ (Metropolitan Ave. – No Parking)

10-19-02 ORDINANCE IN AMENDMENT OF TITLE 10, CHAPTER 32 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘MOTOR VEHICLES AND TRAFFIC’ (Crescent Ave. 15 min. parking during School hours)

10-19-03 ORDINANCE IN AMENDMENT OF TITLE 10.32 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘MOTOR VEHICLES AND TRAFFIC’ (Macklin St. – No Parking)

10-19-07 ORDINANCE IN AMENDMENT OF CHAPTER 10.32 OF TITLE 10 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘MOTOR VEHICLES AND TRAFFIC’ (Aqueduct Rd. at Intervale Rd. – 4 Way Stop)

On motion by Councilmember Brady, seconded by Councilmember Donegan, it was voted to continue the above four Ordinances to the December meeting for traffic report as a block. Motion passed on a vote of 7-1. The following being recorded as voting “aye”: Councilmembers Stycos, Vargas, Donegan, Brady, Paplauskas, Council Vice-President Favicchio and Council President Farina -7. The following being recorded as voting “nay”: Councilmember McAuley -1.

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On motion by Councilmember Donegan, seconded by Councilmember Vargas, it was voted to continue the above four Ordinances to the December meeting for traffic report as a block. Motion passed on a vote of 6-2. The following being recorded as voting “aye”: Councilmembers Stycos, Vargas, Donegan, Brady, Council Vice-President Favicchio and Council President Farina -6. The following being recorded as voting “nay”: Councilmembers McAuley and Paplauskas -2.

V. ELECTION OF CITY OFFICIALS

JUVENILE HEARING BOARD:

Member re-appointments terms ending December 1, 2022

- ***Raymond C. Coia, Esq.***

On motion by Council Vice-President Favicchio, seconded by Councilmember McAuley, it was voted to re-appoint Raymond C. Coia, Esq., as a member of the Juvenile Hearing Board.

Under Discussion:

Councilmember Stycos stated that he spoke to the Police Department and they stated to him that they are referring a lot more cases to the Board and that the Board is getting overwhelmed. Councilmember Stycos asked that someone speak to the Chair of the Juvenile Hearing Board to see if that is the case. Maybe the structure of that Board should be changed.

Council President Farina stated that he will speak to Chairman Coia regarding this. He asked that the Clerk send Chairman Coia correspondence regarding this.

Roll call was taken on motion to re-appoint Raymond C. Coia, Esq., as a member of the Juvenile Hearing Board and motion passed on a vote of 8-0. The following being recorded as voting “aye”: Councilmembers Stycos, Vargas, McAuley, Donegan, Brady, Paplauskas, Council Vice-President Favicchio and Council President Farina -8.

- ***Joseph Marocco***

On motion by Council Vice-President Favicchio, seconded by Councilmember Paplauskas, it was voted to re-appoint Joseph Marocco as a member of the Juvenile Hearing Board. Motion passed on a vote of 8-0. The following being recorded as voting “aye”: Councilmembers Stycos, Vargas, McAuley, Donegan, Brady, Paplauskas, Council Vice-President Favicchio and Council President Farina -8.

- ***Judith A. Abate***

On motion by Councilmember Brady, seconded by Councilmember Paplauskas, it was voted to re-appoint Judith A. Abate as a member of the Juvenile Hearing Board. Motion passed on a vote of 8-0. The following being recorded as voting “aye”: Councilmembers Stycos, Vargas, McAuley, Donegan, Brady, Paplauskas, Council Vice-President Favicchio and Council President Farina -8.

VI. REPORT OF CITY OFFICERS

- **HISTORICAL CEMETERIES COMMISSION – Annual report by Gregg Mierka**

Report given at the beginning of the meeting.

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- **MARK CAPUANO, TAX ASSESSOR REQUEST FOR APPRIAL OF 41 Heath Avenue (former Sanders School)** Vote required Charter Sec. 7.08(g)(2)

On motion by Councilmember Brady, seconded by Councilmember McAuley, it was voted to approve the request made by the Tax Assessor. Motion passed on a vote of 8-0. The following being recorded as voting “aye”: Councilmembers Stycos, Vargas, McAuley, Donegan, Brady, Paplauskas, Council Vice-President Favicchio and Council President Farina -8.

VII. EXECUTIVE COMMUNICATIONS

REPORT ON HIRING OF SPECIAL COUNSEL, CONSULTANTS, ETC., PURSUANT TO CHARTER SECTION 15.05.

No discussion.

REQUEST TO BE CONTINUED IN SERVICE FOR ONE YEAR DEPUTY CHIEF RICHARD MANCINI, CRANSTON FIRE DEPARTMENT

Director Parrillo appeared to speak.

On motion by Councilmember McAuley, seconded by Council Vice-President Favicchio, it was voted to approve the above request. Motion passed on a vote of 8-0. The following being recorded as voting “aye”: Councilmembers Stycos, Vargas, McAuley, Donegan, Brady, Paplauskas, Council Vice-President Favicchio and Council President Farina -8.

VIII. COUNCIL PRESIDENT COMMUNICATIONS

ADMINISTRATIVE REPORT ON DEFINITION OF ‘RAT PROOF CONDITION’

Discussed earlier in the meeting.

EXECUTIVE SESSION PURSUANT TO RIGL 42-46-5(a) (1)

Review of Candidate Qualifications for Position of City Clerk

Council President Farina stated that he was going to go into Executive Session to discuss the above item, but does not think it is needed at this time. He indicated that a resume has been submitted from an internal employee for the position of City Clerk. He asked that the City Council review it and for transparency, this position will be posted sometime in December or January. He also indicated that the City Clerk has submitted a job description and asked that the City Council review it and reply to him and the Clerk with any questions or concerns.

Council President Farina wished everyone a Happy and Safe Thanksgiving.

IX. COUNCIL MEMBER COMMUNICATIONS

COUNCILMEMBERS HOPKINS AND STYCOS:

- ***Northeast Tree***

Councilmember Stycos stated that he sent an email to the Administration last week in regards to the Zoning designation for Northeast property. He asked if the Administration has a response to this request. Director Parrillo stated that this is Zoned Residential A-80. Right now, it is considered legal non-conforming use in Residential area. Councilmember Stycos stated that he would like the City to enforce the provision of the Code of Operation. Director Parrillo stated that they fall into the Arborist Section of the Code (2.19.4.2) and it allows them to create dust and noise as long as there is no malicious intent on their part.

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COUNCILMEMBER STYCOS:

- *City plans to bring Hope Farm solar facility fencing into compliance. (Cont. from 6/24/2019)*

Director Parrillo stated that Planning Director Pezzullo has spoken to the contractor telling them that the issue needs to be rectified to be in conformance.

Jason Pezzullo, Planning Director, appeared to speak and stated that he has spoken to the contractor asking them to remove those poles on the right of way and their response is that that is part of the fence. What we are trying to do is see what leverage we have to remove this. We are trying to get them to comply.

Councilmember Stycos stated that there are residents that are neighbors of Northeast Tree that were not present during the public speaking portion of the meeting and he asked if any Council Members object to having them speak. No one objected.

A gentleman, whose name was not audible, appeared to speak and stated that he is one of the closest neighbors to Northeast Tree Service. He has a pool in his yard and his kids cannot use it because it gets totally filled with all type of dust. He is worried about the health issues.

Richard Ayres, 40 Meadow View Dr., appeared to speak and stated that this business has mulch piles 25 yards from his home. He cannot open his windows because of the dust and chemical smell. He pays taxes and he should not be going through this. It is not just dust, it is thick mulch. The pile of mulch is twice as big as his home. People on his street are getting sick and dying. Northeast is destroying the neighborhood. The business is grinding trees ten yards from the residential homes. That is not legal. This goes on on a daily basis.

Mr. Welch, Meadow View Dr., appeared to speak and stated that he has lived at this address since 1968. He cannot open his windows or go sit in his yard. His house vibrates, noise is loud and he is concerned about the health problems this business is causing. He presented a handout of health hazard of Industrial Wood Waste. He stated that he knows how it was like in this neighborhood before Northeast started grinding trees. It was a great place to live.

Dan Melewski, Meadow View Dr., appeared to speak and stated that the mulch pile is huge. Gutters and yards are full with all sorts of saw dust. He stated that if you drive up the street, you can't miss the pile of mulch. It is gigantic.

Councilmember Brady questioned what recommendation we can give these residents moving forward. Should they go to the State level? Solicitor stated that he has not researched this himself, but if circumstances are as dire as the neighbors have testified to, they would have to initiate a private nuisance act against Northeast.

Councilmember McAuley stated that he can testify to the statements made by the neighbors. It is just a horrible situation and he hopes the City can help them out somehow. This business has overgrown its location. The residents are not exaggerating about the pile being gigantic. There are elderly and children living there and this is a health risk.

Mr. Welch stated that there is the CLCF building there and you have hundreds of children who are being put in danger. He asked that all those children be considered.

Council Vice-President Favicchio stated that he sees the pile when he drives by there and you can see it from Pontiac Ave. He does not think the City has standing to sue on behalf of the residents in this situation.

Solicitor stated that he will look at the State Law and our own Ordinances to see if we can place some type of limitation on what they can and cannot do.

Council President Farina suggested placing this item on the Public Works Agenda for a full hearing to give the Attorneys and the Administration time to do the research needed. He also asked that the business be notified to attend the December 5th Public Works Committee meeting.

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Councilmember Stycos stated that discussing this issue before the Public Works Committee meeting is a good start.

- *ProSys Chemical Fire – recouping costs (Cont. 10/28/2019 – report from Administration)*

Councilmember Stycos stated that Director Parrillo sent him an e-mail regarding this and he asked Director Parrillo to share that with the Council Members.

Director Parrillo stated that the cost was \$640,000, which included healthcare, overtime, equipment loss and reimbursement to other communities.

Council President Farina asked Director Parrillo to forward the e-mail Councilmember Stycos mentioned to the full City Council.

Councilmember Stycos asked what the statute of limitation is on a case like this. Solicitor stated statute of limitation for property claims is 10 years and 3 years for personal injury. This is an indemnification claim. The statute of limitation for this would be 3 years just to be on the safe side.

Councilmember Vargas asked if the City could reach out to OSHA to see if there were any prior fines in the last five years. Solicitor stated that this could be done, if a request is made.

Council President Farina asked that Solicitor Rawson attend the December Council meeting to answer questions since he did the research.

- *Administrative report on decommissioning estimates for solar farms*

Director Parrillo stated that he was not able to obtain a final estimate. He did stated there is a Gold Medal Bond in the amount of \$180,000 for DiPrete Engineering.

Councilmember Stycos stated that there needs to be an outside engineering firm hired by the City and paid by the firm. He asked that this item be placed on the January Finance Committee Agenda for discussion.

Councilmember Vargas thanked the Administration and everyone who provided us with the new website, which is live.

XI. OLD BUSINESS

None.

XII. INTRODUCTION OF NEW BUSINESS

*(for informational purposes. All new business is referred to Committee for public hearing)

11-19-01 ORDINANCE AUTHORIZING THE CITY TO UTILIZE EASTERN RECREATIONAL IMPACT FEES FOR PURCHASE OF MOTOR VEHICLE WITH PLOW. Sponsored by Mayor Fung. Referred to Finance Committee December 2, 2019.

11-19-02 ORDINANCE AUTHORIZING THE CITY TO UTILIZE WESTERN CRANSTON RECREATIONAL IMPACT FEES FOR PURCHASE OF DUMP TRUCK WITH PLOW. Sponsored by Mayor Fung. Referred to Finance Committee December 2, 2019.

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11-19-03 ORDINANCE IN AMENDMENT OF CHAPTER 17 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘ZONING’ (Change of Zone – 100 Sockanosset Crossroad). Petition filed by 100 Sockanosset LLC. Referred to Ordinance Committee January 16, 2020.

CLAIMS:

- **Property Damage Claim:**
 - **Elizabeth Soe from alleged incident on September 5, 2019.**
 - **Progressive Casualty Insurance Co. for their insurer Anthony Merolli from alleged incident on September 27, 2019.**
 - **Clay Sinatra from alleged incident on September 28, 2019.**
 - **Jayne Rabideau from alleged incident on October 21, 2019.**
 - **Jose Santana from alleged incident on October 25, 2019.**
 - **Tammy & Michael Allen from alleged incident on November 1, 2019.**
 - **Wallace Gonsalves from alleged incident on November 1, 2019.**
 - **Timothea Iannuccilli from alleged incident on November 7, 2019.**

On motion by Council Vice-President Favicchio, seconded by Councilmember Brady, it was voted to refer the above new business to the respective Committees.

Under Discussion:

Councilmember Stycos objected to the introduction of Ordinances 11-19-01 and 11-19-02. He stated that the Mayor is in violation of Section 6.12 of the Charter by sponsoring these two Ordinances as drafted. He also indicated that the Capital Budget cannot be amended in the middle of the year according to the Charter.

Attorney Kirshenbaum stated that discussing this, when the items have not been introduced yet, violates Open Meetings Law.

Council President Farina stated that the introduction of Ordinances 11-19-01 and 11-19-02 will be voted on separately.

On motion by Council Vice-President Favicchio, seconded by Councilmember Brady, it was voted to refer proposed Ordinance 11-19-01 to its respective Committee. Motion passed on a vote of 6-2. The following being recorded as voting “aye”: Councilmembers Vargas, Donegan, Brady, Paplauskas, Council Vice-President Favicchio and Council President Farina -6. The following being recorded as voting “nay”: Councilmembers Stycos and McAuley -2.

On motion by Council Vice-President Favicchio, seconded by Councilmember Brady, it was voted to refer proposed Ordinance 11-19-02 to its respective Committee. Motion passed on a vote of 6-2. The following being recorded as voting “aye”: Councilmembers Vargas, Donegan, Brady, Paplauskas, Council Vice-President Favicchio and Council President Farina -6. The following being recorded as voting “nay”: Councilmembers Stycos and McAuley -2.

On motion by Council Vice-President Favicchio, seconded by Councilmember McAuley, it was voted to refer the remainder of the above new business to the respective Committees. Motion passed on a vote of 8-0. The following being recorded as voting “aye”: Councilmembers Stycos, Vargas, McAuley, Donegan, Brady, Paplauskas, Council Vice-President Favicchio and Council President Farina -8.

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XII. MISCELLANEOUS BUSINESS ON CLERK'S DESK

None.

The meeting adjourned at 8:45 P.M.

Maria Medeiros Wall, JD
City Clerk

Rosalba Zanni
Assistant City Clerk/Clerk of Committee

(See Stenographic Notes of Ron Ronzio, Stenotypist)