

(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).

SPECIAL MEETING – CITY COUNCIL

-MARCH 19, 2020-

A Special meeting of the City Council was called held on Thursday, March 19, 2020 in the Council Chambers, City Hall, Cranston, Rhode Island.

The meeting was called to order at 5:05 P.M. by the Council President.

Roll call showed the following members present: Council Members Stycos, Hopkins, McAuley, Donegan, Brady, Paplauskas and Council President Farina -7.

Absent: Councilmember Vargas and Council Vice-President Favicchio -2.

Also Present: Mayor Allan W. Fung; Daniel Parrillo, Director of Administration; John Psilopoulos, Deputy Director of Administration; John Verdecchia, Assistant City Solicitor; Robert Strom, Director of Finance.

-MARCH 19, 2020-



**CALL OF SPECIAL MEETING
OF THE CITY COUNCIL**

In Accordance with Section 3.07 of the Home Rule Charter and Section 2.04.060 of the City Code, I hereby call a special meeting of the City Council to be held on **Thursday, March 19, 2020 at 5:00 p.m.**, Council Chamber, 869 Park Avenue, Cranston, R.I. 02910 at which meeting the following matters will be heard:

Pursuant to Rhode Island General Laws Section 30-15-13, Continuation by the City Council of Mayor Allan Fung's Declaration of State of Local Emergency.
[\[click to view Mayor's Declaration\]](#)

To comply with Governor Raimondo's recent Executive Order 20-05 on Public Meetings as well as Executive Order 20-04 limiting gatherings to no more than 25 people, the special council meeting will be live-streamed to the public at
[\[https://www.youtube.com/channel/UCtE9vwA1B1PQHuftrNPcZjg\]](https://www.youtube.com/channel/UCtE9vwA1B1PQHuftrNPcZjg).

I hereby request the City Clerk to notify all Council members of the Call of the special meeting.

Executed at Cranston, Rhode Island, this 17th day of March, 2020

/s/ **Allan W. Fung, Mayor**

-MARCH 19, 2020-

CERTIFICATION

I hereby certify that a true copy of the attached Notice of a Special meeting of the City Council to be held on, Thursday, March 19, 2020 at 5:00 p.m. in the Council Chambers, 869 Park Ave., Cranston, R.I. was delivered via electronic mail on the 17th day of March, 2020 to the addresses listed below.

Council President Michael J Farina
dukefarina@cs.com

Council Vice-President Michael W. Favicchio
mike@favilaw.com

Councilman Steven A. Stycos
Sstycos26@gmail.com

Councilman Kenneth J. Hopkins
Khopkins7878@gmail.com

Councilman Edward J. Brady
Brady4cranston@gmail.com

Councilman Paul J. McAuley
PJMCAULEY@yahoo.com

Councilman Christopher Paplauskas
chrispaplauskas@gmail.com

Councilwoman Lammis Vargas
Lammis.vargas@gmail.com

Councilman John Donegan
JohnDoneganForCranston@gmail.com

/s/ Rosalba Zanni, Assistant City Clerk

-MARCH 19, 2020-

Mayor Fung stated that he is asking for the City Council to codify and continue the State of Emergency until such time the Governor has lifted her State of Emergency or until he can locally feel he can lift the State of Emergency.

On motion by Councilmember Brady, seconded by Councilmember Paplauskas, it was voted to extend the Mayor's Declaration until a time when the Governor releases that State of Emergency.

Under Discussion:

Councilmember Stycos asked what this does and why it is needed.

Mayor Fung stated that it codifies the following:

- It initiates our emergency operations plan that is on file now with the City as well as the State.
- It codifies a lot of police powers where in some instances, if he has to exercise some powers with respect to pulling some licenses, he will not hesitate to do so. Councilmember Stycos asked how this will affect the City Council powers.
- This also gives us the ability for any potential reimbursement we can get from the federal government.

Solicitor stated that we are on uncharted territory from the federal level to local municipal level. As to the pulling of business license, this would have to be considered on a day to day basis. The duration, how long this could last, no one knows at this point. During this type of a crisis, the Chief Executive powers are fairly extensive. Title 30 "Emergency Management Act" delineates the authority of the Governor and the local Chief Executives. It is clear that as long as this type of emergency exists, the Chief Executives is fairly sweeping powers. It is an emergency and that is why they are given pretty extensive powers. He can only declare an emergency up to seven days in the absence of permission from the local legislative body to allow him to extend it and unless there is a rational legitimate reason not to do that, it would seem that it would be a ministerial act especially given the fact that the Mayor, like all Mayors in Rhode Island, are subservient to what the Governor does.

Councilmember Stycos stated that the Council is giving the Mayor power for unlimited amount of time. This makes him a little nervous. Solicitor stated that what the Mayor is asking is mirrored on what is contained in the State Statute. If a specific issue comes up and has to be dealt with, that could be dealt with on an ad hoc basis. In his opinion, it is clearly within the Mayor's authority to continue with the Emergency Declaration.

Councilmember McAuley stated that he has the outmost confidence in the Mayor on how he will handle this State of Emergency in the City of Cranston.

Mayor Fung stated that if there is any type of action that requires City Council approval, he will certainly come before the City Council, but there are things that may need to be acted on in an emergency or short timeframe and he needs that authority during that emergency.

Councilmember Hopkins thanked Mayor Fung for his leadership this week and indicated that the City Council receives daily updates from the Mayor. He asked what the Police is doing to step up enforcement on what the Mayor has done and what the City Council can do to help. Mayor Fung stated that as to recreational facilities and playgrounds, he has ordered them closed and he notified the Police Chief of that Order so that they can let patrol know about this. We do not expect the Police to be out there issuing tickets, but our departments are vigilant of our responsibilities prioritize what we need to do department by department.

-MARCH 19, 2020-

Councilmember Donegan echoed that the Mayor has handled this situation incredibly well during this time and for updating the Council periodically. He has concerns with extending the Declaration indefinitely. If this passes this evening, hypothetically, if the City Council feels they do not want this extension in place anymore, he questioned if the Council would have the availability to convene and take away those emergency powers. Solicitor stated that the first issue would be on what basis would it be determined that the emergency no longer exists? If the Governor released the State Emergency, then the Mayor would have to show why he would like the local State Emergency to continue. Solicitor suggested perhaps keep this under some kind of constraint rather than have this issue as a wide open type of thing. He suggested perhaps reaching some kind of an agreement to extend it maybe 14 to 21 days and revisit this issue again than. The Statute gives no guidance on that it simply states seven days.

Councilmember Donegan stated that he would feel more comfortable with the Solicitor's suggestion to review this in fourteen days and, if needed, extend it another fourteen days.

Councilmember Paplauskas thanked Mayor Fung and his Administration for all their work in handling this. He has no problem setting a time period, but feels that fourteen days is not enough of a deadline to get everyone together. He suggested possibly seventy-five to one hundred days.

Councilmember Brady agreed with Councilmember Paplauskas and stated that he would suggest at least thirty days. He also stated that he appreciates the Mayor's response time and quick actions.

Councilmember Stycos stated that he is concerned about our Police and Fire force. If they respond to a person who tests positive for the virus and they are all exposed, suddenly we are down five safety officers. He asked if this has been thought about.

Mayor Fung stated that this is being discussed in every community right now and we actually have a proposal. He also stated that the Administration has been meeting with the Unions and have changed the process.

Solicitor indicated that this type of discussion should not be held at this time. He is concerned about Open Meetings even though it has been relaxed. This agenda is only to see if the Mayor's extension is approved.

Mayor Fung stated that when we have whatever proposal, he will forward it to the City Council as part of his updates as he has been doing. Councilmember Stycos thanked the Mayor for his updates he is sending the Council.

Councilmember Stycos questioned if someone violates the quarantine, has the issuance of a civil traffic ticket been considered? Solicitor stated that based on his review of State Law, failure to comply with directives such as this, the person would be subject to arrest, face \$500 fine and or 90 days in jail.

Councilmember Stycos stated that he would support a twenty-one day extension with a wider posting of agenda so more discussion could be held on these issues.

Council President Farina thanked Mayor Fung and his staff and also first responders. He stated that he would also like to see a thirty day term with a thirty day extension if the State is still under State of Emergency.

Councilmember Stycos stated that the reason he would like set fourteen days is he really does not know what we are voting on and what the implications of it are. He suggested 14-21 day power emergency and we meet again and the Solicitor can research this issue and give us a better idea of what a further extension would be.

-MARCH 19, 2020-

On motion by Councilmember Brady, seconded by Councilmember Hopkins, it was voted to extend the emergency powers for 45 days.

Under Discussion:

Councilmember McAuley stated that we should just stay within the State's Emergency Declaration.

Motion and second were withdrawn.

Solicitor stated that the reason not to keep this on a shorter timeframe is because as we have seen in other communities or States, if Order of Shelter In Place goes out and we can't meet, a short term extension would be counter-productive. Forty-five days is not unreasonable.

Councilmember Hopkins stated that he is disturbed by the fact that he is hearing sense of politics getting thrown into this. This should not be a political issue. We have a great Mayor who has given us great directives and asked that we give the Mayor the power and authority to do what he needs to do to keep our people safe in this City.

Councilmember Donegan stated that his objection is not to the Mayor, it is the amount of time, of the continuance indefinitely. Thirty days is plenty of time. If we can't meet in person, then we have thirty days to meet virtually.

On motion by Councilmember McAuley, seconded by Councilmember Brady, it was voted to extend the State of Emergency for the City of Cranston to the Governor's State of Emergency and the City follow suit. Motion passed on a vote of 5-2. The following being recorded as voting "aye": Councilmembers Hopkins, McAuley, Brady, Paplauskas and Council President Farina -7. The following being recorded as voting "nay": Councilmembers Stycos and Donegan -2.

The meeting adjourned at 6:00 P.M.

/s/ Rosalba Zanni
Assistant City Clerk/Clerk of Committee)