

*(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**

**-JANUARY 4, 2021-**

A Special meeting of the City Council was called held on Monday, January 4, 2021 via ZOOM Webinar.

The meeting was called to order at 5:02 P.M. by the Council President.

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

Absent: Councilmember Hopkins -1.

Also Present: Daniel Parrillo, Director of Administration; John Verdecchia, Assistant City Solicitor.

**-JANUARY 4, 2021-**



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

In accordance with Sections 3.07 and 3.14 of the Home Rule Charter, I hereby call a special meeting of the City Council to be held on **Monday, January 4, 2021 at 5:00 p.m. *Via Zoom Webinar***

You are invited to a Zoom webinar.  
When: Jan 4, 2021 05:00 PM Eastern Time (US and Canada)  
Topic: Special City Council meeting

Please click the link below to join the webinar:  
<https://us02web.zoom.us/j/89176659791?pwd=bjdwcVNKWFk2U2ISdWpyMTExRnBBQT09>

Passcode: 490184

Or iPhone one-tap :

US: +13126266799,,89176659791#,,,,\*490184# or  
+16465588656,,89176659791#,,,,\*490184#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 312 626 6799 or +1 646 558 8656 or +1 301 715 8592 or +1 346 248 7799 or +1 669 900 9128 or +1 253 215 8782 or 833 548 0282 (Toll Free) or 877 853 5247 (Toll Free) or 888 788 0099 (Toll Free) or 833 548 0276 (Toll Free) Webinar ID: 891 7665 9791

Passcode: 490184

International numbers available: <https://us02web.zoom.us/j/89176659791?pwd=bjdwcVNKWFk2U2ISdWpyMTExRnBBQT09>

at which meeting the following matters will be considered:

- **Possible Override of Mayor's Veto regarding Ordinance 9-20-05 in amendment of Title 8 of the Code of the City of Cranston**

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

Executed at Cranston, Rhode Island, this 30<sup>th</sup> day of December, 2020.

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**/s/ Michael J Farina, Council President**

**-JANUARY 4, 2021-**

**CERTIFICATION**

I hereby certify that a true copy of the attached Notice of a Special meeting of the City Council to be held on, Monday, January 4, 2021 at 5:00 p.m. via Zoom Webinar, was delivered via electronic mail on the 30<sup>th</sup> day of December, 2020 to the addresses listed below.

Council President Michael J Farina  
[dukefarina@cs.com](mailto:dukefarina@cs.com)

Council Vice-President Michael W. Favicchio  
[mike@favilaw.com](mailto:mike@favilaw.com)

Councilman Steven A. Stycos  
[Sstycos26@gmail.com](mailto:Sstycos26@gmail.com)

Councilman Kenneth J. Hopkins  
[Khopkins7878@gmail.com](mailto:Khopkins7878@gmail.com)

Councilman Edward J. Brady  
[Brady4cranston@gmail.com](mailto:Brady4cranston@gmail.com)

Councilwoman Aniece Germain  
[aniecegermain2@gmail.com](mailto:aniecegermain2@gmail.com)

Councilman Christopher Paplauskas  
[chrispaplauskas@gmail.com](mailto:chrispaplauskas@gmail.com)

Councilwoman Lammis Vargas  
[Lammis.vargas@gmail.com](mailto:Lammis.vargas@gmail.com)

Councilman John Donegan  
[JohnDoneganForCranston@gmail.com](mailto:JohnDoneganForCranston@gmail.com)

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/s/ Rosalba Zanni, Assistant City Clerk

## -JANUARY 4, 2021-

- **Possible Override of Mayor's Veto regarding Ordinance 9-20-05 in amendment of Title 8 of the Code of the City of Cranston entitled "Health and Safety" (Fair Housing Practices)**

On motion by Councilmember Stycos, seconded by Councilmember Donegan, it was voted to override the Mayor's veto.

Under Discussion:

**Councilmember Donegan** stated that he appreciates the Mayor's consideration and appreciates him signing the other housing Ordinance, but he strongly disagrees with the Mayor's interpretation. He asked where in the State Law and case law it states that we are pre-emptive in taking up this issue. He urged everyone to override the veto.

**Council Vice-President Favicchio** stated that he disagreed with Councilmember Donegan. He understands Councilmember Donegan's intent, but there are numerous cases and State Statutes that pre-empt everything that we are doing here. It is basically an Ordinance that is inconsistent with State Law. He thinks it could cost the taxpayers money if the State decides to come out and state that it has to be repealed or we are going to get sued.

**Councilmember Stycos** stated that when he was running for Mayor, people stressed to him that we need more affordable housing in the City and he agrees. This is the right thing to do and it helps address the affordable housing crisis.

**Director Parrillo** stated that the Mayor agrees that housing is very important, but does not agree that this is the proper way of going about it. The Housing Commission is a start.

**Councilmember Vargas** stated that Barrington has some language that has gone through and has not been contested yet. She will support this override, but if it fails, she hopes that we all can consider it again in the future.

**Councilmember Germain** thanked Councilmember Donegan for putting this Ordinance in and this Ordinance ensures Cranston is a City that is welcoming and cares for all people. She questioned if there is evidence that this Ordinance would be against State Law.

**Solicitor Verdecchia** stated that, as he recalls, he was never asked about the legality of this Ordinance. The Mayor asked him to research this and he did. He indicated that the State is the enabling authority in the State of Rhode Island and what that means is, the cities and towns can only do and can only act pursuant to the authority given by the State. There are two major concerns of this legislation. The first being doctrine of preemption, which he has spoken about in the past. He believes that legally, only the General Assembly can expand the reach of the discrimination Statute. He does not believe any local municipality has inherent legal authority to take a State Statute and add to it or subtract from it. That is solely within the purview of the General Assembly. The second problem with this Ordinance is you are giving Municipal Court the authority to essentially act as a defacto Human Rights Commission. The only body that can do that is the General Assembly. He is not persuaded by the argument that Barrington did it. As he stated to the Mayor, the fact that someone else is doing it wrong is a poor basis for going forward with the same type of defective legislation in another municipality. He thinks that you are really overstepping your authority.

**Councilmember Brady** stated that he is struggling with this beyond belief. He believes in the essence of it. This is an important conversation he has every day with people about improving housing in the City. This is something he feels passionate about and he is willing to revisit this in the future.

**-JANUARY 4, 2021-**

**Councilmember Paplauskas** stated that he agrees with Councilmember Brady and Council Vice-President Favicchio and what Council President Farina and Councilmember Donegan have stated that this is an important issue that needs to be addressed. If it does not pass this evening, it should come up the next term.

**Councilmember Germain** asked why the enforcement an issue for Municipal Court. She questioned if Municipal Court can refer cases to the Human Rights Commission. Solicitor stated that in order to get it into Municipal Court, a violation has to be issued alleging wrongful conduct. The Courts adjudicate, they issue judgments, they are not a referring agency. The Housing Commission, that is different. If the Housing Commission receives a complaint, they could forward that on to the Human Rights Commission, but a Court adjudicates so it would not be appropriate for the Municipal Court to have violations written and then take the violation and forward it to the Human Rights Commission. That is not their function.

**Council President Farina** stated that there are eight members of the City Council present and we had one member, who is present this evening, who abstained at the last meeting. He asked for ruling from the Solicitor regarding how many votes are needed. Solicitor stated that the Charter clearly states 2/3 of all the members, not the members that are present and not members who abstained, all members of the City Council and he interprets that to mean the full nine members so 2/3 of that would be six votes.

Roll call was taken on motion to override the Mayor's veto and motion failed on a less than majority vote of 5-2 with 1 abstention. The following being recorded as voting "aye": Councilmembers Stycos, Vargas, Germain, Donegan and Council President Farina -5. The following being recorded as voting "nay": Councilmember Paplauskas and Council Vice-President Favicchio -2. Councilmember Brady abstained.

The meeting adjourned at 6:06 P.M.

/s/ Leanne Zarrella, JD  
City Clerk

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