

(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).

FINANCE COMMITTEE

Regular meeting of the Finance Committee was held on Thursday, August 14, 2014, in the Council Chambers, City Hall, Cranston, Rhode Island.

CALL MEETING TO ORDER:

The meeting was called to order at 6:30 P.M. by the Chair.

Present Councilman Steven A. Stycos, Chair
 Council Vice-President Michael J Farina
 Councilman Mario Aceto
 Council Majority Leader Paul H. Archetto
 Councilman Donald Botts, Jr. (left at 7:30 P.M.)
 Councilwoman Sarah Kales Lee
 Council President John E. Lanni, Jr.

Also Present: Councilman Richard D. Santamaria, Jr.
 Council Minority Leader Michael W. Favicchio
 Gerald Cordy, Director of Administration
 Evan Kirshenbaum, Assistant City Solicitor
 Robert Strom, Finance Director
 Anthony Moretti, City Council Internal Auditor
 Maria Medeiros Wall, City Clerk
 Rosalba Zanni, Assistant City Clerk/Clerk of Committees
 Shelly Deming, Stenographer

MINUTES OF THE LAST MEETING:

On motion by Council Vice-President Farina, seconded by Council President Lanni, it was voted to dispense with the reading of the minutes of the last meeting and they stand approved as recorded. Motion passed unanimously.

CORRESPONDENCE:

PUBLIC HEARINGS/OLD BUSINESS:

PUBLIC HEARINGS/NEW BUSINESS:

- **Report of costs regarding Administrative Leave of Lydia Wilson**

Mr. Strom presented breakdown of the costs from when Ms. Wilson was placed on Administrative Leave from November 11, 2011 through May 4, 2012. He stated that Ms. Wilson was paid while on leave. In addition, the employee doing her work while she was on leave earned Differential and some Overtime, which amounted to \$1,802.59, of which \$494.59 was for Overtime and \$1,308 was for Differential. Legal fees incurred as of today was \$6,396.

Council President Lanni asked what the reason was for her being placed on Administrative Leave. Solicitor Kirshenbaum stated that this is no longer a pending legal matter and documents were signed at the conclusion of this that are nature of confidentiality. Council President Lanni asked if Ms. Wilson is still employed by the City and where. Solicitor Kirshenbaum stated that she is still employed by the City. She was transferred to another department.

Council Majority Leader Archetto asked who placed Ms. Wilson on Administrative Leave. Solicitor Kirshenbaum stated that he is not sure. Council Majority Leader Archetto asked that this information be obtained and provided to the Council. Council Majority Leader Archetto asked what department Ms. Wilson was transferred to. Solicitor Kirshenbaum stated, Public Works Department.

Councilman Aceto asked Mr. Cordy if there was any correspondence to him, as Acting Director of Personnel, as to the reason of the Administrative Leave. Mr. Cordy stated that he was neither Acting Personnel Director or Director of Administration at that time. Councilman Aceto asked if the Director of Administration at that time would have placed Ms. Wilson on Administrative Leave. Mr. Cordy stated that that is possible. He does not know.

Councilman Stycos asked, in general, how one get placed on Administrative Leave so they get paid and do not have to work. Mr. Cordy stated that there are instances where it is in the best interest of the City that the person not be in the work place while there is not necessarily an investigation, but issues that need to be looked into. This is not necessarily the case here, but this is how it is generally.

Council Majority Leader Archetto asked what Ms. Wilson's position was prior to being placed on Administrative Leave. Solicitor Kirshenbaum stated that there is a confidentiality settlement document signed and he asked that an Executive Session be held with the Labor attorney and he will not answer any more questions on Ms. Wilson.

Council Majority Leader Archetto stated to Solicitor Kirshenbaum, why not state that Ms. Wilson worked in the Police Department as former Colonel Palumbo's Secretary. Solicitor Kirshenbaum stated that it has to do with liability and his job for the City and does not want to violate any rights on any party. He will answer general questions, if there are any.

Councilman Aceto motioned to go into Executive Session for more answers to questions that cannot be discussed in public. Motion was withdrawn.

Councilman Aceto asked that Solicitor Kirshenbaum obtain information and not involve labor attorney since he charges.

Councilman Santamaria stated that he is getting tired of Executive Sessions and let's get the information out to the public. How long will the State Police be in the City?

Council Minority Leader Favicchio said we needed to be cautious on the Open Meetings Law.

City Clerk indicated that Open Meetings Law requires that if there is any discussion of employee's performance, the employee is to be given notice of the meeting.

Council Vice-President Farina stated that out of abundance of caution, we should not be discussing this any further. He would not want another litigation.

Councilman Aceto asked if Ms. Wilson was advised of this meeting. City Clerk stated that the item listed on the agenda was to be strictly regarding financial so that notification to the employee was not required.

Council President Lanni stated that the agenda only states report of costs, it does not state reason for Administrative leave. If Executive Session is needed, we will do it. At this point, he does not think this is needed. He understands all the questions because it costs the City money, but not this evening.

Councilman Aceto asked if someone is filling the position at the Police Station previously held by Ms. Wilson. Mr. Cordy stated, yes. Councilman Aceto asked if the position held by Ms. Wilson in the Public Works Office is a budgeted position. Mr. Cordy stated, yes. Councilman Aceto asked if Ms. Wilson is receiving the same salary she was receiving when working at the Police Station. Mr. Cordy stated, yes.

Councilman Stycos indicated that Solicitor Kirshenbaum will provide the following information for the next meeting:

- Settlement agreement and with terms and if Executive Session is needed, one will be held;
- Who made the decision to place Ms. Wilson on Administrative Leave
- List of people in the City who have been placed on Administrative Leave since January 1, 2011 (not sick leave or parental leave, just administrative leave) with dates they were placed on Administrative Leave.

- **Legal costs and explanation of Boudreau vs. Lussier**

Solicitor Kirshenbaum stated that this case commenced September, 2013. It is currently in Federal District Court. Costs to date is \$32,065.65.

Councilman Stycos asked what this case is about. Solicitor Kirshenbaum stated that he will write out a summary for the Council and if needed, it can be discussed in Executive Session. He can give a brief outline this evening in Executive Session if the Committee wishes.

Council Majority Leader Archetto stated that the reason this item is on the agenda is to look at legal costs because the citizens have a right to know what those costs are.

Council Minority Leader Favicchio stated that we are treading dangerous waters. We should not be discussing these cases while they are in litigation. He asked that we wait until it is decided in the Courts. He also stated that this is the reason we have Executive Session. The Council is advised prior to settlement. After a case is settled, we may discuss it more freely.

Councilman Stycos stated that the reason for his questioning is he is wondering if there is a pattern of not following protocol or procedures in the Police Department. Solicitor Kirshenbaum stated to Councilman Stycos that he does not know all the facts of this case and should not be making this assumption.

On motion by Council President Lanni, seconded by Council Vice-President Farina, it was voted to go into Executive Session pursuant to RIGL 42-46-5(a)(2) Pending Litigation. Motion passed unanimously.

Meeting went into Executive Session at 7:30 P.M.

Present in Executive Session: Councilman Stycos, Council Vice-President Farina, Councilman Aceto, Councilwoman Lee, Councilman Botts, Council Majority Leader Archetto, Council President Lanni; Councilman Santamaria, Council Minority Leader Favicchio; Gerald Cordy, Director of Administration; Robert Strom, Director of Finance; Evan Kirshenbaum, Assistant City Solicitor; Anthony Moretti, City Internal Auditor.

On motion by Council Vice-President Farina, seconded by Councilman Aceto, it was voted to come out of Executive Session. Motion passed unanimously.

The meeting came out of Executive Session at 7:45 P.M.

On motion by Council Vice-President Farina, seconded by Council Majority Leader Favicchio, it was voted seal the minutes of Executive Session. Motion passed unanimously.

- **Administration's procedure for approving legal costs in the police dept.**

Solicitor Kirshenbaum asked for clarification of this request.

Councilman Stycos stated that he would like an explanation on the claims or other legal costs.

Solicitor Kirshenbaum stated that all claims are handled through the Law Department. If there is a need, the Law Department will hire outside legal counsel. This is not just for claims. It could be for anything, such as grievances.

- **Tax Collector's system for depositing tax payments**

Councilman Stycos stated that a constituent indicated to him that they paid their taxes electronically and it took close to a month for the City to accept the payment. The constituent also indicated to him that there are three types of ways to make payments. He asked Mr. Strom to address this.

Mr. Strom stated that tax bills are mailed out the second week of June and first payment is due July 15th with five day grace period. Over 100,000 bills were sent out. There are at least three cashiers in the Tax Collections Office who collect payments. Checks or cash is accepted. We receive money from lock box from the banks and we have online banking. All electronic checks have to be copied and the Clerk has to go into the system to reconcile since there is no stub with the check. There can be a delay for online banking because of the process of reconciling. He acknowledged the Tax Collections Office who have done and are doing an excellent job in collections. 99% is reconciled and deposited by the end of the month. He will check with some of the banks to see if there is a better system because it is frustrating for the Treasury Department.

- **Real Estate and Tangible Tax Abatements** [\[click to view\]](#)

On motion by Council Vice-President Farina, seconded by Council President Lanni, it was voted to recommend approval of the above list of Tax Abatements. Motion passed unanimously.

- **Motor Vehicle Tax Abatements** [\[click to view\]](#)

On motion by Council Vice-President Farina, seconded by Council President Lanni, it was voted to recommend approval of the above list of Tax Abatements. Motion passed unanimously.

- **Tax Interest Waiver Approvals** [\[click to view\]](#)

On motion by Council Vice-President Farina, seconded by Council President Lanni, it was voted to recommend approval of the above list of Tax Interest Waiver Approvals. Motion passed unanimously.

- **Tax Interest Waiver Denials** [\[click to view\]](#)

On motion by Council Vice-President Farina, seconded by Council President Lanni, it was voted to recommend approval of the above list of Tax Interest Waiver Approvals. Motion passed unanimously.

7-14-1 Ordinance ratifying School Committee's Collective Bargaining Extension Agreement with the National Association of Government Employees (NAGE) Local RI-153 (Custodians 2014-2017). [\[click to view\]](#)

On motion by Councilman Aceto, seconded by Council President Lanni, it was voted to recommend approval of this Ordinance.

Under Discussion:

Raymond Votto, School Department Chief Operating Officer, appeared to speak and outlined

the following items negotiated in this agreement:

- 3% increase for 2014-2015
- No raises for 2016-2017
- Steps process is reinstated
- Phasing out longevity by phasing it into the salary

Mr. Moretti stated that he concurs with the School's analysis and impact as presented.

Joe Balducci, School Department Chief Financial Officer, appeared to speak.

Ron Cascione, Esq., appeared to represent the School Department and addressed the issues of the raises and phasing out of longevity and re-opening of contract provision.

Councilman Stycos and Council President Lanni both stated that the Custodians are the lowest paid employees in the City and the 3% raise is justified and this is a good contract.

Roll call was taken on motion to recommend approval of this Ordinance and motion passed unanimously.

The meeting adjourned at 8:10 P.M.

Respectfully submitted,



Rosalba Zanni
Assistant City Clerk/Clerk of Committees