

(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, December 4, 2014, in the Council Chambers, City Hall, Cranston, Rhode Island.

CALL MEETING TO ORDER:

The meeting was called to order at 6:35 P.M. by the Chair.

Present Councilman Steven A. Stycos, Chair (left meeting at 9:35 p.m.)
 Council Vice-President Michael J Farina, Vice-Chair
 Councilman Mario Aceto (left meeting at 8:55 p.m.)
 Council Majority Leader Paul H. Archetto
 Councilman Donald Botts, Jr.
 Councilwoman Sarah Kales Lee
 Council President John E. Lanni, Jr.

Also Present: Council Minority Leader Michael Favicchio
 Councilman Richard D. Santamaria, Jr.
 Gerald Cordy, Director of Administration
 Evan Kirshenbaum, Assistant City Solicitor
 Vincent Ragosta, Esq.
 Robert Strom, Finance Director
 Kenneth Mason, Director of Public Works
 Anthony Moretti, City Council Internal Auditor
 Maria Medeiros Wall, City Clerk
 Rosalba Zanni, Assistant City Clerk/Clerk of Committees
 Ron Ronzio, Stenographer

MINUTES OF THE LAST MEETING:

On motion by Councilman Aceto, seconded by Council Vice-President Farina, 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:

- **Fiscal Audit FY 2014 Draft**

Chair stated that the Finance Committee will meet with the Audit Committee in order for the Auditors to make their presentation regarding the Fiscal Audit to the Finance Committee and the Audit Committee once instead of to both Committees. Following the presentation and questions and answers, the Finance Committee will recess and the Audit Committee will meet in the Conference Room with the Auditors to discuss the Audit and then the Finance Committee will reconvene to obtain the recommendation from the Audit Committee.

On motion by Council Vice-President Farina, seconded by Council President Lanni, it was voted to recess the Finance meeting at 6:36 P.M. and to convene jointly with the Audit Committee for the presentation. Motion passed unanimously.

[Auditors presentation on the 2014 City Audit. Presentation ended at 7:05 p.m. The Audit Committee moved to the 3rd floor Conference to continue with their meeting.]

The Finance meeting reconvened at 7:00 P.M.

Chair stated that he received an email from a retired Police Officer, Ron Jacob, asking that his argument that he should have received a disability pension be considered. He asked Solicitor Kirshenbaum to provide the Council with a recommendation on how we should proceed on this.

Chair stated that he found out this week from the Superior Court that on December 11th at 2 P.M. regarding Law Enforcement Bill of Rights Hearing regarding Captain Steven Antonucci. He hopes the City will take a position that is proper and not cut any deals.

Public Speakers:

Paul Valetta, President of Firefighters Union, appeared to speak regarding proposed Ordinance 11-14-01 opposing this Ordinance. He also presented a handout and asked that this Ordinance be tabled for now.

Senator Frank Lombardi appeared to speak as a resident of Cranston and also as Senator for District 26 regarding the Advice and Consent of Captain Todd Patalano as Major. He stated that the City residents deserve a transparency. This appointment needs to be made in order to clear the cloud over this Department. He urged the City Council to approve this Advice and Consent for the following reasons:

- He relies on the opinion of the Colonel, who was quoted as stating that Captain Patalano would be an asset to the Administration
- Captain Patalano has received numerous awards, commendations and citations
- Captain Patalano has helped Colonel Winkvist in the Accreditation process of the Police Department

Senator Lombardi stated that the City Council has made numerous statements regarding the Ticket gate. He stated that the ticket gate has nothing to do with Captain Patalano. That issue is irrelevant at hand. Another issue that has been brought up is the Patalano lawsuit. That also has nothing to do with a promotion to a Major. The only thing that the Council should be considering is Captain Patalano's job performance and character.

Colonel Michael Winqvist appeared to speak and urged the Council's support of his recommendation of the appointment of Captain Patalano as Major. Captain Patalano has strong support, respect and admiration from the staff of the Cranston Police Department, which is evident of the support of the people who are present this evening to support him.

Gary Bucci appeared to speak in favor of the Advice and Consent of Captain Patalano as major and stated that he is involved with Cranston Western Little League and Captain Patalano is involved with the league and is a tremendous help to the league and the parents of the players have a lot of respect for him.

David Laponten, Major of the Providence Police Department, appeared in favor of the Advice and Consent of Captain Patalano as Major and stated that Captain Patalano is highly intelligent, honest and has a lot of integrity. He also stated that he is not speaking on behalf of the Providence Police, but as a resident of the City of Cranston.

Peter Sepe, retired Police Officer, appeared to speak and stated that he does not know Captain Patalano, but over the last year he has had a lot of interaction with the Officers of the Police Department and they all spoke highly of Captain Patalano. He asked the Council to please trust the Colonel and support his recommendation.

Jeannine Nota-Masse, Assistant School Superintendent, appeared to speak and asked for approval of "Resolution loan order authorizing the issue of \$15,000,000 bonds of the City to finance the improvement, renovation, repair, and alteration and equipping of Schools and School Facilities in the City". She also thanked Colonel Winqvist, the City Administration and the Cranston Police Department in assisting in the School's efforts to improve the safety of the children in the Schools in the City of Cranston.

Richard Tomlins, 400 Farmington Ave., appeared to speak and stated that Captain Patalano's promotion should not be approved until the Council receives the report from the State Police. No one should be promoted. All we are hearing from this evening is from the hierarchy. He wants to hear from the other Police Officers, the Patrol Officers. He also indicated that the City is looking at over \$1 million in legal fees for the pending lawsuit and the City has not reserved any money to pay for this.

Tom Okolowitz, Cranston Police Officer, appeared to speak.

Audit Committee report on 2014 City Audit

Robert Baute, Esq., Audit Committee member, appeared to speak and stated that the Audit Committee met and voted to recommend approval of the Audit contingent upon the Auditor General's review and internal quality control to be done by the Auditors.

On motion by Council Vice-President Farina, seconded by Council President Lanni, it was voted to recommend approval of the Audit Committee's recommendation to recommend approval of the Audit contingent upon the Auditor General and internal quality control to be done by the Auditors. Motion passed unanimously.

11-14-01 Ordinance in amendment of Chapter 3.04 of the Code of the City of Cranston, 2005, entitled "Fiscal Provisions" (Ordinance Fiscal Notes). Sponsored by Councilman Stycos. [\[click to view\]](#)

Robert Baute, member of the Audit Committee, appeared to speak and stated that he recognizes that there is some dispute of what information should be provided in a fiscal note. The way it is currently presented does not give future years' expenses of a contract.

Mark Perrotti, member of the Audit Committee and Director for Workforce Solutions for the Cities of Providence and Cranston, appeared to speak and stated that fiscal notes should have projections of not where you are going to be now, but in future years. The way the fiscal notes are presented now will not help in a budgetary basis.

Chair recommendation continuing this and stated that the purpose is not to just get it passed but that everyone feels comfortable.

On motion by Council Vice-President Farina, seconded by Councilwoman Lee, it was voted to continue this Ordinance to the next Finance Committee meeting.

Under Discussion:

Councilman Botts stated that he has concerns on how the half year increases are calculated.

Roll call was taken on motion to continue this Ordinance and motion passed unanimously.

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

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

- **Tax Assessment Board of Review Decisions assessed as of December 31, 2013.**
(For Information Only) [\[click to view\]](#)

No action needed.

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

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

Advice and Consent of Mayor's appointment of Captain Sean Carmody as Major of the Cranston Police Department.

Withdrawn by Captain Carmody. No action.

Advice and Consent of Mayor's appointment of Captain Todd Patalano as Major of the Cranston Police Department.

Chair stated that the Finance Committee reviewed Captain Patalano's personnel file with the approval of Captain Patalano in Executive Session last evening. It did not include any Internal Affairs investigation material. Chair also stated that he had requested from Attorney Penza, Captain Patalano's attorney, access to the audio tapes that Captain Patalano took and he was told by the attorney that he would not be allowed access to those tapes, since they are part of litigation.

Chair stated that there are three issues that the Council needs to focus on:

- Qualification of Captain Patalano to serve as Major
- Individual employment agreement that he Mayor negotiated with Captain Patalano
- Proposed modification to the CBA between the City and the Police Union

Councilman Aceto stated that as to the MOA and Employment Agreement, he does not see them listed on the agenda this evening. He asked if the Committee is going to act on those documents this evening or just discuss the Advice and Consent. Chair stated that the Committee just received the MOA and Employment Agreement last evening. They won't be voted on this evening since there has been no public notice.

Council President Lanni stated that he spoke to the Council Legal Counsel, Mr. Quinlan, this morning regarding this and he is out of town and his suggestion to the Council is the Council do nothing until he can review these documents. This is an actual contract change and it is not fair for the Council to act on it in 24 hours. It is not fair to Captain Patalano or to the taxpayers of the City.

Councilman Aceto asked if the Committee is just going to discuss the Advice and Consent this evening and have the opportunity to ask Captain Patalano some questions. Chair stated that he believes that the Committee should not rush anything until Mr. Quinlan reviews the two documents.

Mr. Cordy introduced Captain Patalano and stated that the Administration supports the Colonel's recommendation for Advice and Consent.

Captain Patalano appeared to speak and stated that he is a 19-year veteran and Captain for the last eight years. He asked for approval of Advice and Consent as Major. He stated that he feels that his institutional knowledge and experience can help the department move forward.

Council President Lanni asked Captain Patalano that it is not him. What he saw in his personnel file, he has been told by numerous people in the City and he thinks by far he is the most qualified person for this position. He just wants due diligence.

Captain Patalano stated that everyone in the department is refreshed and supports the Colonel. There is no more A team or B team, it is the Police team.

Council Minority Leader Favicchio asked Captain Patalano what he feels the biggest difference is between a Captain and a Major. Captain Patalano stated, accountability, when you make a decision as a Major, you are making a decision that affects everyone.

Council Vice-President Farina and Council Minority Leader Favicchio commended Captain Patalano's integrity and fortitude to go through the process for applying for Major's position after everything he has been through.

Council Majority Leader Archetto stated to Captain Patalano that he reviewed his personnel file last night and was impressed, although, he has some reservations regarding the agreement Captain Patalano made with the Mayor and the Council was only provided with that agreement just last night and did not get a chance to review it. He also stated that he looks forward to his leadership and wished him luck in his endeavor.

Chair stated that a concern he has with the Police and Fire is the departments do not reflect the changes in ethnic makeup in our City. He asked Captain Patalano what approach he would take to recruit more minority and women to the department. Captain Patalano stated that the Department's Training Division does an excellent job in reaching out recruits, but the testing process controls who gets hired. We will be going out into other minority areas. They will also be looking for opinions from the Council on suggestions for recruiting minorities.

Chair asked Captain Patalano if he has done any taping in the department since the lawsuit. Solicitor Kirshenbaum stated that this is an area that should not be discussed due to the pending litigation. Councilman Aceto stated that if the Chair wishes to continue to speak regarding this, maybe the Committee should call for an Executive Session and even that is inappropriate.

Chair asked Captain Patalano how, as Major, he would dispel concerns of Officers thinking they would be taped by him. Solicitor Kirshenbaum stated that answering this question is not appropriate due to pending litigation. He rephrased the question and asked Captain Patalano if he would feel he would have the trust of the men and women in the department. Captain Patalano stated, without a doubt. He stated to just take a look behind him at all the members of the department who are present.

Council Majority Leader Archetto asked how many Captains there are in the department at this time and their names. Captain Patalano stated the following: himself, Captain Quirk, Captain Carnevale, Captain Ricci, Captain Guilbeault, Captain McAteer, Captain Carmondy and Captain Antonucci. Council Majority Leader Archetto stated that the Code states that there shall be six (6) Captains and now we have eight (8).

Councilman Botts referred to the cases in New York and Ferguson, Missouri, regarding the Police Officers not being indicted in the deaths of two black males. He asked Captain Patalano if he has any opinions on what happened there because cases like these have bearing on all the Police Departments. Captain Patalano stated that for him to speak on this would be speculation and he does not want to do that.

Chair referred to the recent Arbitration award and stated that the petition that started the Order was sealed. He questioned why. Attorney Ragosta stated that he does not know why. **Carly Iafrate**, Esq., representing IBPO Local 301, appeared to speak and stated that she filed the Petition to confirm the Arbitration award. That is done electronically now and there is no way to seal that document.

Councilman Aceto asked if the Council could be provided with a copy of the transcript of the Arbitration hearing. Attorney Iafrate stated that there was not transcript. Stipulation of facts are submitted to the Arbitrator and the hearing is just based on facts and evidence. It was expedited at the request of the parties. Councilman Botts asked if both sides have to agree to a hearing being expedited. Attorney Ragosta stated that the rules require that there be a request. The request was done by the Union and the Arbitrator approved.

Councilman Botts asked what the normal timeframe is for an Arbitration hearing to be heard. Attorney Iafrate stated, several months from the time you demand for an Arbitration.

Attorney Ragosta stated the following timeline:

- Grievance was filed 8/27/2014 by IBPO Local 301
- Grievance was denied by the Director of Administration on 8/29/2014
- Filed timely demand for Arbitration on 9/5/2014
- Arbitrator was appointed on 10/13/2014
- Per request from the Union for expedition for Arbitration hearing was convened on 11/17/2014
- Award issued on 11/17/2014

Councilman Aceto asked Attorney Iafrate if she was aware that the Code states that there be six (6) Captains in the Department. Attorney Iafrate stated that it was not relevant to her for pursuing grievances. What was relevant was the City did not fill the Major's position in a timely manner. Councilman Aceto asked Attorney Ragosta if the Arbitrator was told of this Section of the Code. Attorney Ragosta stated, no, the Arbitrator has to enforce the promotional section of the CBA.

Chair indicated that, per Mr. Cordy, list of expiration of list for Captains was going to expire on 11/19/2014, the list for Lieutenants was going to expire on 11/20/2014 and list for Sergeants was going to expire on 12/19/2014.

On motion by Council President Lanni, seconded by Councilman Stycos, it was voted to continue the Advice and Consent.

Under Discussion:

Council President Lanni stated that the Council Attorney needs to review the MOA and employment agreement and we have to do our due diligence to make sure that the MOU and employment contract will not be tying our hands in future contracts. He also stated that he will make sure Mr. Quinlan is aware of the time concern and a date certain will be scheduled for a special meeting prior to the December Council meeting to vote on the Advice and Consent.

Councilman Aceto left the meeting at 8:55 P.M.

Council Minority Leader Favicchio asked that the Advice and Consent be forwarded to the full City Council because it has been advertised and just in case the issues are resolved in the meantime. This way we would also be in compliance with the Arbitrator's decision.

Chair stated to Captain Patalano that it is no reflection on him, but the council is concerned with the MOA and employment agreement.

Solicitor Kirshenbaum questioned if the motion is continue this item to the full Council meeting or to the next Finance Committee meeting. Council President Lanni stated that the motion was to continue to a Finance Committee meeting to be determined when he confers with the Council attorney.

Roll call was taken on motion to continue and motion passed unanimously.

Sidewalk Cost Share Program – report from Kenneth Mason, Public Works Dir.

[\[click to view\]](#)

Mr. Mason appeared to speak and referred to a memo he sent to the Committee members regarding this and stated that the proposal is limited to residential units of four units or less and the program should be only for replacing existing sidewalks and should only be in the current public right of way. Property owner should be responsible for securing a contractor and construction work should be done by the contractor. The property owner would pay the contractor and then the City would reimburse the property owner on a square footage price.

Council Vice-President Farina stated that he would want to know the cost of the sidewalk before approving this. We should have a few estimates and have a baseline to go by. Chair asked Mr. Mason if he can obtain that information. Mr. Mason stated, yes.

Chair asked if the next step should be to draft an Ordinance. Mr. Mason stated that he does not think an Ordinance is needed. The last program was set up as a policy. Mr. Strom stated that if there is a cost to the City, this program should be set up by Ordinance.

Councilman Botts asked how the residents would get picked on who gets the funds. Would it be done by lottery and will there be a list. Chair stated that this would have to be looked at by Mr. Quinlan.

Chair stated that Attorney Quinlan would draft an Ordinance, and left meeting at 9:35 P.M. Vice-Chair conducted remainder of the meeting.

Resolution urging the RI General Assembly to eliminate tax on Social Security benefits. Sponsored by Council Vice-President Farina. [\[click to view\]](#)

On motion by Council Majority Leader Archetto, seconded by Council Vice-President Farina, it was voted to recommend approval of this Resolution. Motion passed unanimously.

Council Majority Leader Archetto, Councilman Botts, Councilwoman Lee and Council President Lanni asked to be added as co-sponsors.

Resolution loan order authorizing the issue of \$2,000,000 bonds of the City to finance the acquisition, construction, improvement, renovation, repair, alteration and equipping of playgrounds and athletic fields in the City of Cranston. Sponsored by Council Minority Leader Favicchio. [\[click to view\]](#)

Mr. Strom appeared to speak.

On motion by Council President Lanni, seconded by Council Majority Leader Archetto, it was voted to recommend approval of this Resolution. Motion passed unanimously.

Resolution loan order authorizing the issue of \$15,000,000 bonds of the City to finance the improvement, renovation, repair, and alteration and equipping of Schools and School Facilities in the City. Sponsored by Council Minority Leader Favicchio. [\[click to view\]](#)

Mr. Strom appeared to speak.

On motion by Council President Lanni, seconded by Councilman Botts, it was voted to recommend approval of this Resolution. Motion passed unanimously.

Resolution loan order authorizing the issue of \$1,200,000 bonds of the City to finance the improvement, renovation, repair, and upgrading of the Public Library System. Sponsored by Council Minority Leader Favicchio. [\[click to view\]](#)

Mr. Strom appeared to speak.

On motion by Council President Lanni, seconded by Councilwoman Lee, it was voted to recommend approval of this Resolution. Motion passed unanimously.

The meeting adjourned at 9:45 P.M.

Respectfully submitted,



Rosalba Zanni
Assistant City Clerk/Clerk of Committees