

(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, February 12, 2015, 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
 Council Majority Leader Paul H. Archetto
 Councilman Michael J Farina
 Council Vice-President Richard D. Santamaria, Jr.
 Councilman Donald Botts, Jr.
 Councilman Mario Aceto
 Council President John E. Lanni, Jr.

Also Present: Councilman Christopher G. Paplauskas
 Councilman Minority Leader Michael W. Favicchio
 Robert Coupe, Director of Administration/Acting Personnel Director
 Evan Kirshenbaum, Assistant City Solicitor
 Mike Igoe, City Controller
 Anthony Moretti, City Council Internal Auditor
 Patrick Quinlan, City Council Legal Counsel
 Rosalba Zanni, Assistant City Clerk/Clerk of Committees
 Heather Finger, Stenographer

MINUTES OF THE LAST MEETING:

On motion by Councilman Farino, seconded by Councilman Botts, 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:

OLD BUSINESS:

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. (Cont. 1/12/2015). [\[click to view\]](#)

Chair stated that he has not been able to meet with Mr. Moretti regarding this Ordinance and asked for a continuance.

On motion by Councilman Farina, seconded by Council Vice-President Santamaria, it was voted to continue this Ordinance. Motion passed on a vote of 6-0. The following being recorded as voting "aye": Councilman Stycos, Council Majority Leader Archetto, Councilman Farina, Council Vice-President Santamaria, Councilman Aceto and Council President Lanni -6. Councilman Botts was not present for roll call vote.

Chair asked that if there are no objections, he would like to take up Ordinance 1-15-04 since the School Department Representatives present have to attend School Committee Budget meeting, which had to be rescheduled for this evening due to the snowstorm. No one objected.

PUBLIC HEARINGS/NEW BUSINESS:

1-15-04 Ordinance ratifying the School Committee's Collective Bargaining Agreement with RI Council 94, AFSCME, AFL-CIO Cranston Public School Employees Local 2044, School Secretarial Unit (Fiscal Years 2014-2017). [\[click to view\]](#)

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

Under Discussion:

Joseph Balducci, School Department Chief Financial Officer, appeared to speak and stated that the first year of the contract there is no contractual increase. There were changes that affected the hourly rate; eliminated longevity and that value rolled into the new hourly base; elimination of paid holiday (Good Friday) and that was rolled into the hourly base; second and third year – contractual increase of 2% each year; steps have been re-instated, which were previously frozen; health and dental remain at 20%.

Councilman Farina asked if this is the same Union that we took money from last year and now we are giving it back to them. Mr. Balducci stated, that that is correct.

Mr. Balducci stated that in this contract, everyone was given full credit for longevity rolled into their hourly rate even if they did not earn it. This amounts to \$775 built into their base of hourly rate.

Mr. Moretti stated that he is 100% in agreement with Mr. Balducci's presentation of the fiscal note.

Council Vice-President Santamaria asked Mr. Balducci if these members got anything back from last year. Mr. Balducci stated that the changes he stated earlier are some of the give backs.

Council Majority Leader Archetto asked how many individuals this contract affects. Mr. Balducci stated, 61.

Council Minority Leader Favicchio questioned why different Unions are being treated different. Some are receiving holidays paid and some have it taken away, etc. Mr. Balducci stated that that is a question for the School Committee who negotiates with the Unions.

Councilman Farina stated that he wishes former School Committee Member Iannazzi was present because this Union was decimated in Arbitration. When Ms. Iannazzi presented the contract for this Union last year, she stated that if they did not take this, it was going to get worse, but a year later we are giving them steps and raises. He questioned what changed. He hopes the School Committee members attend the Council meeting when this comes up for final approval so they can be asked this question. He questioned if there is mismanagement because a year later, tax base is same and tax rate is the same.

Councilman Aceto stated that he calculated the increases and it equals to approximately nineteen cents per hour increase. That is the least they deserve. He commended the Union for giving some of the steps back.

Council President Lanni stated that the Council is not here to micro-manage the School Department. What happened in the past, happened in the past. It is a 20% increase. They serve it.

Lori Ryan, President of Secretaries Union, appeared to speak and stated that the longevity was handled the same way as other Unions. The 2% raise in the second and third year of the contract are equivalent to the 2% the teachers received in their contract.

Councilman Botts stated that this contract is well deserved, especially what they went through with the last contract.

Councilman Farina stated that he was not in favor of the last contract. He is mad because of what this Union was put through by having things taken away and now given it all back. This is why is mad.

Kathy Park, Office Manager/Benefits Coordinator for the School Department, appeared to speak.

Councilman Farina asked if the Secretaries get paid for snow days under this contract. Ms. Ryan stated that they have always been paid and will remain in this contract.

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

Chair stated next item he would like to take up is Mr. Ragosta's issue.

- **Status of Vincent Ragosta as City's labor attorney**

Council Vice-President Santamaria asked Attorney Ragosta if he is being paid to be present this evening. Attorney Ragosta stated, yes, he is representing the City.

Chair stated that there have been a number of rumors about Attorney Ragosta's labor responsibilities for the City so he and Council President Lanni asked Attorney Ragosta to attend this meeting to answer questions.

Councilman Aceto questioned if the Committee needs to go into Executive Session while Attorney Ragosta speaks so if there is some litigation pending, it won't harm the status of the litigation. He asked for recommendation. Solicitor Kirshenbaum stated that the Administration did not call for Attorney Ragosta to be here. He indicated that the Administration hires attorneys at will. It is the Mayor's discretion to hire who he wants to perform labor counsel. In terms of Attorney Ragosta appearing this evening, he does not think rumors and things heard in the wind adds up to go before the City Council.

Council Vice-President Santamaria suggested a motion should be made to suspend the Rules so the Chair can take items out of order.

On motion by Council President Lanni, seconded by Council Vice-President Santamaria, it was voted to suspend the Rules. Motion passed on a vote of 6-1. The following being recorded as voting "aye": Councilmen Stycos, Farina, Council Vice-President Santamaria, Councilmen Botts, Aceto and Council President Lanni -6. The following being recorded as voting "nay": Council Majority Leader Archetto -1.

Chair asked for any public members who would like to speak regarding this issue.

Richard Tomlins, 400 Farmington Ave., appeared to speak and stated that by setting Attorney Ragosta aside at this point and bringing someone in who is inexperienced in what has been going on in the City does not make any sense. All you are going to do is open a can of worms and there is going to be more delays and you are going to find yourself as a Council trying to answer a lot of questions all over again and you are going to lose any grounds you have gained in the cases that he represents for the City when you start over and that is wrong. It is not good for the taxpayers and it is going to be expensive for the taxpayers.

Councilman Botts stated that he believes it is not up to the Council to hire Attorney Ragosta to represent the City.

Councilman Farina questioned if Attorney Ragosta is still the City's labor attorney. He does not understand why this is before the Committee.

Chair stated that Attorney Ragosta has handled various labor matters for the City and now Attorney Steven Robinson was hired by the Mayor to negotiate a contract with Mr. Patalano even though Attorney Ragosta was initially involved in these negotiations. It was brought to his attention that Attorney Ragosta was not handling Police negotiations for the contract anymore. This is why Attorney Ragosta was asked to appear and explain what matters he handles for the City as a labor attorney and if that has changed any within the last several months.

Attorney Ragosta stated that he has been representing the City on and off since 1992 as labor counsel doing a variety of functions, including collective bargaining, grievance arbitration, interest arbitration, all labor related and point related civil litigation, including cases such as the Crossing Guards, layoff elimination, disciplinary cases and day to day consulting on grievances, grievance adjustment, policy and so forth. He is present this evening also because he was asked to give update on the ticket-gage prosecution, which is one of the cases that he is handling currently and there was a decision rendered by Superior Court yesterday on that. He was asked by the Fung Administration to get involved in collective bargaining during the calendar year 2014. He had not been involved in collective bargaining before 2014. In 2014, he was asked for the first time to actually attend collective bargaining and that occurred when the Rhode Island State Police had taken over the day to day management of the department. He attended about four sessions, last of which was December 15, 2014, but that date had to be postponed because the John Doe litigation was continuing in Superior Court. In January of 2015, he emailed the Administration and asked if they would be obtaining another date to resume negotiations with the IBPO and he did not receive a response and then he learned through rumors that the City was using another attorney to provide labor relations counsel with respect to the collective bargaining with the IBPO. He was never officially informed that he was not the City's labor counsel and he eventually received communication from Robinson's associate inquiring about his file and informing him that they were assuming representation of the City. He then emailed the Mayor, but again, received no response. Before he turned over the file, he needed some confirmation that the Mayor in fact had engaged new counsel. The Mayor sent him a brief response indicating that he had engaged new counsel and he then transferred his file to the Robinson Law Firm. Attorney Ragosta indicated that he received a phone call from the American Arbitration Association because there was an interest arbitration scheduled with the IBPO in the event the contract is not resolved and he is counsel of record. He is the designated arbitrator for the Council in that case. The arbitration has been comprised satisfactorily and it consists of himself as the City's arbitrator and Attorney Joseph Rodeo as the IBPO arbitrator. He has not been officially informed that he has been removed from that and the American Arbitration Association has not informed him otherwise. The Mayor's Office also has not informed him otherwise, but if they are to proceed, there are dates scheduled in the springtime for arbitration. As far as he knows, he is still the City's labor attorney, just not in regard to negotiating the IBPO contract. He also indicated that there was a new case filed by the Teamsters. No one from the City has told him that he was disengaged as labor counsel. So when he received the arbitration selection list, he emailed the Mayor. He inquired about the nature of the grievance because strategically, that helps in terms of making an appropriate selection and he did not receive a response. He sent a second email to the Mayor and he did not receive a response. Consistent with his practice, to protect the City's interest, he used his best judgment and completed the arbitration selection list and submitted it to the American Arbitration Association. He received a call from New York City, which is where they administer the cases. The case manager there inquired what was happening because she had learned that the Robinson Firm was going to handle this particular case. So at this point, it is unclear to him when he is the City's labor attorney and when he is not.

Council President Lanni asked Attorney Ragosta if he has sat down with the Mayor and discussed what is going on. Attorney Ragosta stated that much to his disappointment, the Mayor has not communicated with him and it is totally uncharacteristic of the relationship that he had with the Mayor. He has been around 36 years and he has done this in just about every community in the State and communication is key. He has not received the courtesy or the directness of a communication indicating to him that he is no longer the attorney. From a professional viewpoint, it is disappointing. From a common decency viewpoint, it is disappointing, but he can't answer the question why.

Council President Lanni stated that he finds it disturbing of the lack of communication. Not even a phone call or an explanation of the situation. Attorney Ragosta is not even aware of why he was removed. He just knows he was removed because Attorney Robinson's secretary asked him for his files as far as the Police contract.

Councilman Aceto asked Mr. Coupe who the City's labor attorney is. Mr. Coupe stated that the Mayor exercises his authority to bring in outside legal counsel for various matters, including labor matters, litigation involving personal injury and many other matters. At this point, it may be in the best interest of the City to have multiple attorneys representing the City in various areas.

Council Vice-President Santamaria stated that the Administration is adding expense in hiring another attorney. Attorney Ragosta has not been terminated, he is still doing work for the City. This is the taxpayers' expense. He also stated that he does not think this is fiscally responsible.

Council Minority Leader Favicchio cautioned the Committee that it is delving into an attorney-client relationship. It looks like we are trying to force the Administration to hire or to retain someone. That is not the Council's job. The City Council's job is to appropriate money, if they wish. He does not think Attorney Ragosta can answer any more questions because we are going to be disclosing confidential information. The City Council holds Executive Sessions to discuss certain issues with the attorneys. The City Council does not hire them and they do not force the Administration to hire certain people and that is what it appears that we are trying to do. This should not be discussed in public. It is absolutely putting politics above the rules and the laws of Rhode Island and he thinks it is wrong.

Attorney Ragosta stated that he consulted with the Rules of Professional Responsibility and Rule 1.13 and Supreme Court Code of Professional Responsibility. The client is the City and the client is not only one branch or entity, and discussion here this evening is limited to his role in cases that are pending in public forums, so he is not delving into anything confidential other than the fact that he is Council of record in the John Doe litigation. He is Council of record in interest arbitration involving the contracts that have now gone out of the collective bargaining agreement and into interest arbitration. He would never do anything to compromise the best interest of this City. He has fought for the City in many cases, some of which were unpopular and he has always appeared before the Council and give the Council the best advice he could, even if they were at odds with the Mayor because he was ethically bound to give advice to the City. He does not give the Council advice or give the Mayor advice, he gives advice to any branch of the City government that is deserving and needing of it and he gives that advice objectively and independently.

Chair stated that the reason Attorney Ragosta was asked to attend this meeting is because the Council has oversight responsibility. The Council does not hire attorneys as it has been stated, but it does have oversight responsibilities and that is what the Council is doing this evening.

Councilman Farina stated that he does not think this is the property venue for oversight. Hopefully, after this evening, the City will reach out to Attorney Ragosta and advise him of what his roles and responsibilities are.

Council Majority Leader Archetto asked Attorney Ragosta how many cases he has handled for the City from 2013 to 2015. Attorney Ragosta stated that he does not have those figures this evening, but he stated that he had frequent daily contact with either Mr. Cordy, Police Chief and oftentimes the Mayor. New cases being filed are not being sent to him and he is not being consulted. Council Majority Leader Archetto asked Attorney Ragosta who he sent the emails to. Attorney Ragosta stated that early in January, he felt obliged to resume the collective bargaining and realized that the December 15th had been cancelled so he emailed Mr. Cordy and when he realized that Mr. Cordy retired and was replaced, he emailed the Mayor inquiring about the cancellation and when negotiations would resume and if he should contact the IBPO representative, Attorney Saccoccia. He did not receive any response until he learned that the Robinson Law Firm was going to assume Police negotiations.

Council Majority Leader Archetto asked Mr. Coupe if at this point, Attorney Ragosta's emails have not been answered. Mr. Coupe stated that unfortunately, he has not received any of those emails so he cannot speak to it from any personal knowledge.

Councilman Botts asked Attorney Ragosta if he followed-up with a phone call when his emails were not answered. Attorney Ragosta stated that in his customary practice in communicating with this Administration, he has always received very prompt responses from either the Mayor or Mr. Cordy so this is a distinct change following the litigation in December.

Councilman Aceto asked that the Administration report back at the Council meeting on how they are going to handle this to make sure that the amount of work that goes into preparing these cases is great and give the Council assurance that there will be property representation on the City's side so it doesn't cost the City hundreds of thousands of dollars. Mr. Coupe stated that it seems like there was an implication that the City will be paying double, he does not believe that is the case. Councilman Aceto stated that he just wants to make sure the taxpayers he represents in the City in Ward 4 know that with all these matters that we have pending that we are prepared to defend them and negotiate them so that in the end we do not get screwed again and have to pay money that we are not prepared to pay. He clarified what he is requesting of the Administration for the Council meeting: who is going to represent the City in the pending cases, whether it's Attorney Ragosta or Attorney Robinson and who is handling what cases.

Councilman Farina stated that he would like to add to Councilman Aceto's request to add what the hourly rate the City is paying Attorney Robinson.

Chair added that the Council would like to have assurance that there is going to be communication between Attorney Robinson and Attorney Ragosta concerning the interest arbitration on the Police contract.

Ron Jacob, Cranston Police Department Disability Request

Solicitor's recommendation as to procedure for reconsideration. (Cont. 1/12/2015).

Solicitor Kirshenbaum stated that he discussed this issue with the Colonel and the Colonel thinks it should not be him to address this and he agrees with the Colonel. Therefore, he requests that the Council advise the people that contacted that to file a lawsuit or go through correct procedure to have their pension reviewed and not by the Council in Open Session.

Chair asked if Mr. Jacobs could file a claim. Solicitor Kirshenbaum stated that it is really not a claim. One of the cases goes back to approximately 44 years, probably has run out of Statute of Limitations and the other case goes back to the 1990's and that also probably has run out of Statute of Limitations.

Chair stated that he spoke to Mr. Quinlan today and he also felt the Council did not have authority to alter pensions.

Public Speakers:

Richard Tomlins, 400 Farmington Ave., appeared to speak and stated that he had hope the City Council members attended the School Committee Budget hearings to hear their presentation and ask questions. As to Attorney Ragosta, he stated that rumor is the Mayor wanted to bring back Captain Antonucci and that is why Attorney Ragosta was let go. The City Council needs to step up and do the right thing for the taxpayers.

Solicitor Kirshenbaum corrected statements made by Mr. Tomlins and stated that Attorney Ragosta is still the attorney of record in the Antonucci case. He indicated that he sent Attorney Ragosta an email on January 20, 2015 at 2:30 p.m. to tell him that he was still the counsel in the Antonucci matter and he did not receive a response to that email.

***Administrative Status Report on Snow Removal Budget**

Mr. Mason appeared to speak and stated that the Snow Removal Budget is set up in four separate accounts: Vendors, City Employees Overtime, Snow Removal Material and Snow Removal Equipment Repairs. He also stated that \$650,000 was budgeted for this Fiscal Year, and we have spent \$645,287, which does not include Monday's storm.

Council President Lanni asked if there is still a Reserve Account. Mr. Mason stated, yes. Council President Lanni asked how much is in that account. Mr. Mason stated, \$262,000.

Councilman Farina asked how much Monday's storm would cost. Mr. Mason stated, approximately \$100,000.

Council Vice-President Santamaria asked who is responsible for clearing the RIPTA bus shelters of snow and who would be responsible if someone was injured due to the shelters not being cleared. Mr. Mason stated that as far as he knows, RIPTA and/or LAMAR is responsible. Council Vice-President Santamaria asked if an Ordinance could be passed enforcing them to clear the bus shelters. Mr. Coupe stated that this would have to be looked into by the Solicitor.

Council President Lanni asked if RIPTA could be fined for not clearing snow from bus shelters similar to the way businesses and residents are fined for not clearing their sidewalks. Council Vice-President Santamaria asked that the Solicitor look into this also.

Councilman Aceto asked if the City could apply for federal reimbursement for the blizzard. Mr. Mason stated that FEMA has contacted the City and they will be visiting all the Cities and Towns tomorrow and he and the Fire Chief will meet with them to see if we qualify. Typically, they reimburse 75%.

Mr. Mason explained the protocol during snowstorms. He stated that once the storm starts, we dispatch our City large trucks, which amount to approximately 30, with plows and some with sanders and they are responsible for clearing the mains, some secondary roads and hills and areas near schools. Once the storm intensifies and gets to more than 3", we call in the vendors and dispatchers who will clear secondary roads, dead ends and culde sacs. He also stated that the City does not sand or salt all the City's roads. We sand approximately 20-25% of our roads. We sand the mains, hills, some secondary roads and around schools. Our vendors are not equipped for sand and salt.

Council Majority Leader Archetto suggested Administration meet with the School Committee and on snow days when schools are closed, they could have pool of students in various Wards that could help in shoveling people out.

Council Majority Leader Archetto stated that Cranston has spent \$6 million for snowstorms and the City of Warwick has spent approximately \$160,000. He questioned the big difference. Mr. Mason stated that he cannot comment on this without comparing the two Cities.

Council Minority Leader Favicchio stated that the City of Warwick has a large fleet of very large trucks, but their cost of maintaining those trucks is also large.

- **Acting Major Todd Patalano and Cranston Police Dept. major positions**

Chair stated that this item was placed on the agenda prior to the Executive Session and does not need to be addressed this evening.

Council President Lanni asked if the Major has officially been hired. Solicitor Kirshenbaum stated that the agreement has been drafted to the satisfaction and the Union has signed it and the Mayor has signed it and Captain Patalano has signed the employment letter and has signed assenting to the MOU and not as a party and the Administration will be presenting the MOU for the City Council to approve at the February Council meeting.

Chair asked if there has been another name placed for the second Major's position. Solicitor Kirshenbaum stated, Captain Quirk, but there is nothing in writing yet.

- **Status of Vincent Ragosta as City's labor attorney**

Discussed earlier in the meeting.

- **Legal opinion from Solicitor and Council Legal Counsel regarding Police Retirees-disability pension**

Discussed earlier in the meeting.

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

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

Resolution Authorizing the City to Enter Into a Cooperative Agreement with R.I. Department of Environmental Management on the Stillhouse Cove Boat Ramp/Launch.
Sponsored by Councilman Stycos. [\[click to view\]](#)

On motion by Councilman Aceto, seconded by Council Vice-President Santamaria, it was voted to recommend approval of this Resolution.

Under Discussion:

Mr. Mason appeared to speak and explain this Resolution and stated that cost is approximately \$100,000, of which D.E.M. will reimburse 75% of that.

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

Resolution in Support of Legislation to Allow the City to Use Income Criteria in Determining Whether to Grant Property Tax Relief. Councilman Stycos
[\[click to view\]](#)

Chair asked that this Resolution be continued.

On motion by Councilman Farina, seconded by Councilman Botts, it was voted to continue this Resolution. Motion passed unanimously.

1-15-04 Ordinance ratifying the School Committee's Collective Bargaining Agreement with RI Council 94, AFSCME, AFL-CIO Cranston Public School Employees Local 2044, School Secretarial Unit (Fiscal Years 2014-2017). [\[click to view\]](#)

Discussed and voted on earlier in the meeting.

1-15-05 Ordinance in amendment of Ch. 12 of the Code of the City of Cranston, 2005 entitled "Street, Sidewalks and Public Places" (Sidewalk Reconstruction Cost Share Program). Councilman Stycos. [\[click to view\]](#)

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

Under Discussion:

Council Majority Leader Archetto asked to be added as co-sponsor.

Mr. Mason appeared to speak and explain this Ordinance.

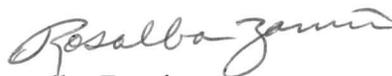
Councilman Botts asked what the determining factor is of who will be reimbursed and who will not be. Chair stated that one factor is addressed in the first paragraph of the Ordinance and the other is the amount of money the Council appropriates. Mr. Mason stated that it would be determined on first come first base only until the money runs out.

Councilman Aceto asked who will be administering this program. Mr. Mason stated, he will.

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

The meeting adjourned at 8:55 P.M.

Respectfully submitted,



Rosalba Zanni
Assistant City Clerk/Clerk of Committees