

## SPECIAL MEETING – CITY COUNCIL

-APRIL 20, 2009-

A special meeting of the City Council was held on Monday, April 20, 2009 in the Council Chambers, City Hall, Cranston, Rhode Island.

The meeting was called to order at 7:05 P.M. by the Council President.

Roll Call showed the following members present: Councilmen Lupino, Aceto, Archetto, Navarro, Pelletier, Santamaria, Councilwoman Bergin-Andrews, Council Vice-President Livingston and Council President Lanni -9.

Also Present: Mayor Allan W. Fung; Robin Muksian-Schutt; Steve Woerner, City Council Internal Auditor; Pat Quinlan, City Council Legal Counsel; Evan Kirshenbaum, Assistant City Solicitor.

-APRIL 20, 2009-

**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

Monday, April 20, 2009 @ 7 p.m.  
Council Chambers, City Hall  
869 Park Ave.,  
Cranston, RI. 02910

Executive Session pursuant to RIGL 42-46-5(a)(2):  
IBPO, Local 301 Collective Bargaining Agreement

Open Session:  
Ordinance 3-09-1S Ratifying the IBPO Local Union 301 Collective Bargaining Agreement (FY 2008-2011)

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

Executed at Cranston, Rhode Island, this 13th day of April, 2009.

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**/s/ John E. Lanni, Jr., Council President**

Individuals requesting interpreter services for the hearing-impaired must notify the Office of the City Clerk at 461-1000 Ext. 3197 seventy-two (72) hours in advance of the hearing date."

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**CERTIFICATION**

I hereby certify that a true copy of the attached Call of a special meeting of the City Council to be held on Monday, April 20, 2009 at 7:00 P.M. in the Council Chambers, City Hall, 869 Park Ave., Cranston, R.I. was delivered via electronic mail on the \_\_\_14<sup>th</sup>\_\_\_ day of April, 2009 and regular mail, postage prepaid to the addresses listed below.

Council President John E. Lanni, Jr.  
111 Woodview Dr.  
Cranston, RI 02920  
[john.lanni@yahoo.com](mailto:john.lanni@yahoo.com)

Councilman Terence Livingston  
28 Tucker Ave  
Cranston, RI 02905  
[Terry@livingstonlaw.us](mailto:Terry@livingstonlaw.us)

Councilman Anthony J. Lupino  
15 Black Oak Court  
Cranston, RI 02921  
[tlupino@cox.net](mailto:tlupino@cox.net)

Councilman Emilio L. Navarro  
61 Autumn St.  
Cranston, RI 02910  
[Navarro\\_emilio@hotmail.com](mailto:Navarro_emilio@hotmail.com)

Councilman Richard Santamaria  
20 Burr St.  
Cranston, RI 02920  
[Ritatj10@yahoo.com](mailto:Ritatj10@yahoo.com)

Councilman Robert Pelletier  
81 Laconia Rd.  
Cranston, RI 02920  
[Rpelletier1@verizon.net](mailto:Rpelletier1@verizon.net)

Councilman Mario Aceto  
152 Locust Glen Dr.  
Cranston, RI 02920  
[maceto@hess.com](mailto:maceto@hess.com)  
[maceto79@aol.com](mailto:maceto79@aol.com)

Councilman Paul Archetto  
359 Princess Ave.  
Cranston, RI 02920  
[Parchetto@ccri.edu](mailto:Parchetto@ccri.edu)

Councilwoman Michelle Bergin-Andrews  
280 Summit Dr.  
Cranston, RI 02920  
[Michelle@andrewslawoffices.com](mailto:Michelle@andrewslawoffices.com)

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

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**Councilman Navarro** stated that at the last Finance Committee meeting, that Committee did everything procedurally correct on how that meeting was handled. There was a sense from the public that they were prevented from speaking regarding proposed additional amendments to the contract by the Administration. However those amendments could not be addressed in public session because they were not formally presented to the Committee by the Administration. The Amendments needed to be publically presented before they could be discussed by the Committee even though the Committee was aware of them via an e-mail.

**Mayor Fung** stated that at the last Finance Committee meeting, the Administration was not given the opportunity to present the revised tentative agreement and the Administration was not allowed in Executive Session.

**Ms. Schutt** addressed the following changes in the tentative agreement:

- Page 1, Section “D” – the Council asked the Administration to look at a phase-in option. Logistically, this would be difficult to do.
- Page 3 – there was concern with operational and structure language.
- Bottom of Page 12 and 13, Section 9(B) – clothing maintenance allowances – this is a wash.
- Page 14, Section 11 – healthcare insurance for active members – Ms. Schutt referred to RIGL 28-7-49 and stated that this language was opened up to a comparable third party administrator and also to comply with State Law.
- Page 20, #15 – the Council asked that this be addressed again and the Administration did speak with the Union. The Administration is very confident that this is not an issue.

**Councilman Lupino** questioned where in the MOU does it state the expiration of June 30<sup>th</sup>. Ms. Schutt stated that it is predicated on the 2009 supplement. Councilman Lupino questioned third party healthcare administrator and asked, does it cover the City if the City decides to go with premium based situation. Ms. Schutt stated that we would still have to offer multiple plans.

**Mr. Kirshenbaum** stated that we are not naming the healthcare plan, we are naming the Administrator.

**Council Vice-President Livingston** asked if this mutually agreed tentative agreement been signed by the Union members. Mayor Fung stated, no, it is a mutual agreement between Mr. Antonucci and himself.

**Council Vice-President Livingston** stated, as to the mutual agreed upon language, it is probably not needed because a contract can always be amended if it is mutual. As to the language “mutually agreed upon by the parties”, this creates a problem. The parties are the Mayor and the Union. The Council, if it approves the contract, would be giving the Mayor and the Union permission to amend the contract in the future without it coming back to the Council for ratification. This is a concern. Mayor Fung stated that he disagrees because no matter what, on a contract, the Administration would have to come back to the Council for ratification.

**Councilman Aceto** suggested the following language: “mutually agreed by the parties and ratified by the Council”.

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**Councilman Santamaria** addressed Section 21 and stated that out of abundance of caution, he asked if we can take out any references to Blue Cross or United. Ms. Schutt stated that Sections 17 and 18 is for retired members and this cannot be changed. Ms. Schutt stated that this is currently what the members have realistically. This is why it was left in there. Councilman Santamaria asked for legal opinion based on State Law. Mr. Kirshenbaum stated that with respect to the Statute, it covers more than one Administrator and it is legal to leave those in the contract. Mr. Quinlan addressed Councilman Santamaria's question and stated that it is not clear at this point.

Public Speakers:

**Russell Henry**, Business Agent for IBPO Local 301 and Major in the Police Department, appeared to speak. He addressed the concern regarding naming healthcare provider, was done to reference the plan they have now. In February, the Union reached a tentative agreement with the Mayor, which was ratified by the body of a total of \$1.4 million. Some of the agreed upon concessions were no raise for eighteen months, give up three holidays, co-pay increase, clothing allowance reduced, no vacancies filled up to June 30, 2011. These concessions were given up by the members and it cost the City almost nothing.

**Paul Saccoccia**, National Representative of IBPO, appeared to speak. He addressed the concern regarding naming healthcare providers in the contract and stated that the Union Representatives attended hearings at the State House when this Bill was taken up and they discussed it with their legislatures knowing full well what this Bill was about. He stated that this Union has stepped up to the plate financially and asked that the Council please vote on this contract favorably.

**Lee Sohn**, 130 Alexander St., Cranston Police Officer, appeared to speak and stated that the Police Officers are mothers and fathers and sons and daughters and have families to support just like everyone in the private sector.

On motion by Councilman Aceto, seconded by Councilman Archetto, it was voted to go into Executive Session pursuant to RIGL 42-46-5(a)(2) Collective Bargaining/Litigation. Motion passed on a vote of 9-0. The following being recorded as voting "aye": Councilmen Lupino, Aceto, Navarro, Archetto, Pelletier, Santamaria, Councilwoman Bergin-Andrews, Council Vice-President Livingston and Council President Lanni -9.

The meeting went into Executive Session at 8:07 P.M.

Present in Executive Session: Councilmen Lupino, Aceto, Navarro, Archetto, Pelletier, Santamaria, Councilwoman Bergin-Andrews, Council Vice-President Livingston and Council President Lanni; Mayor Allan W. Fung; Robin Muksian-Schutt; Director of Administration; Evan Kirshenbaum, Assistant City Solicitor; Steve Woerner, City Council Internal Auditor; Pat Quinlan, City Council Legal Counsel; Maria Medeiros Wall, City Clerk; Rosalba Zanni, Assistant City Clerk/Clerk of Committees.

The meeting came out of Executive Session at 8:45 P.M.

On motion by Councilman Archetto, seconded by Councilwoman Bergin-Andrews, it was voted to come out of Executive Session. Motion passed on a vote 8-1. The following being recorded as voting "aye": Councilmen Lupino, Aceto, Navarro, Pelletier, Santamaria, Councilwoman Bergin-Andrews, Council Vice-President Livingston and Council President Lanni -8. The following being recorded as voting "nay": Councilman Archetto -1.

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On motion by Councilman Lupino, seconded by Councilman Navarro, it was voted to seal the minutes of Executive Session. Motion passed on a vote 8-1. The following being recorded as voting "aye": Councilmen Lupino, Aceto, Navarro, Pelletier, Santamaria, Councilwoman Bergin-Andrews, Council Vice-President Livingston and Council President Lanni -8. Councilman Archetto -1.

On motion by Councilman Lupino, seconded by Councilman Pelletier, it was voted to approve the above Ordinance as revised on April 15, 2009.

Under Discussion:

**Councilman Aceto** asked, if this is not approved, any ideas on how we can make up the money. Mayor Fung stated that layoffs are already planned if this is not approved and that may not cover it.

**Councilman Lupino** stated that he received the revisions on April 15, 2009 at the last meeting. He received the last amendments the night of the last meeting. The City website still had the original tentative agreement posted. Some members of the City Council feel that there are issues that are in violation of the City Charter. He is hoping we can continue to work together. One issue he has is the management section, which takes the Chief of Police out of the situation. It takes the power away from the Chief, which he feels is in violation of the Charter.

**Council Vice-President Livingston** apologized to the Mayor of what he said at the last meeting and he did not mean to impugn his integrity. His vote on this issue is not political contrary to what people have said. He has certain issues with the contract. Some issues in the contract are some issues of the language setting out certain units, dollar savings. Looking at the contract, out of the \$1.4 million in savings and approximately \$1.2 million is from the vacancies and five have been vacant for a very long time. The vast majority of the savings are from the vacancies and they are not Union members right now and are not on the job. His vote has nothing to do whether he likes the Mayor or whether he likes the Police Department or with politics. We need to start making structural changes in all City government.

**Councilman Pelletier** stated that a document that he has been provided with shows 2004 and 2007 there was \$176,000 that came to the City through twelve search warrants, last year we had two. That is because we had no officers. A Police Officer is a thankless job. They do a great job and he will support this contract.

**Councilman Navarro** stated that one of his main concern was the structural change. He is not dismissing the concessions, but there are raises in this contract, \$1.2 million is coming from vacancies. To preserve the economic situation of the City, we have to make structural changes.

**Councilman Aceto** stated that we are paying an attorney to represent us with the School Committee at approximately \$200,000 right now to date and to him, he is not paying an attorney, he is approving this contract.

**Councilman Archetto** stated that he agrees that a Police Officer's job is very dangerous. In the bad economic times, crime rate is going up and we need more officers and this contract will do that. if this contract is not passed, it will cost the City more money in attorney fees.

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**Councilwoman Bergin-Andrews** stated that she agrees with issues as stated by Councilmen Livingston, Navarro and Lupino, but also she has issues with holiday pay, which she feels would cause more overtime. She can't get a figure of what that cost would be. This is a political decision for her. She was voted by all the citizens in her Ward and she cannot in good faith vote in favor of this contract.

Roll call was taken on motion to approve the above Ordinance and motion failed on a vote of 3-6. The following being recorded as voting "aye": Councilmen Aceto, Archetto and Pelletier -3. The following being recorded as voting "nay": Councilmen Lupino, Navarro, Santamaria, Councilwoman Bergin-Andrews, Council Vice-President Livingston and Council President Lanni -6.

The meeting adjourned at 9:30 P.M.

Maria Medeiros Wall, JD  
City Clerk

Rosalba Zanni  
Assistant City Clerk/Clerk of Committees

(See Stenographic Notes of Ron Ronzio, Stenotypist)