

FINANCE COMMITTEE

Regular meeting of the Finance Committee was held on Thursday, August 13, 2009 in the Cranston High School East Auditorium, 899 Park Ave., Cranston, Rhode Island.

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

Present: Councilman Emilio Navarro, Chair
Councilman Mario Aceto, Vice-Chair
Councilman Paul Archetto (appeared at 6:45 P.M.)
Councilman Anthony J. Lupino
Council Vice-President Terence Livingston (appeared at 7:40 P.M.)

Also Present: Councilman Richard Santamaria, Jr.
Councilman Robert J. Pelletier
Councilwoman Michelle Bergin-Andrews
Mayor Allan Fung
Robin Muksian-Schutt, Director of Administration
Gerald Cordy, Deputy Director of Administration
Robert Strom, Director of Finance
Anthony Cipriano, City Solicitor
Evan Kirshenbaum, Assistant City Solicitor
Maria Medeiros Wall, City Clerk
Rosalba Zanni, Assistant City Clerk/Clerk of Committees
Heather Finger, Stenographer

Chair addressed the agenda for this evenings meeting and stated that the Committee will handle all the items on the agenda except for the Mayor's Advice and Consent of the appointment of Marco Palombo as Chief of Police. He will request that this meeting be recessed and hold Ordinance Committee meeting and then resume this meeting to address the Mayor's Advice and Consent and at that time hold public hearing and vote. No one objected to this.

MINUTES OF THE LAST MEETING:

On motion by Councilman Aceto, seconded by Councilman Lupino, 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:

- **Status on Operation of Ice Rink/Bubble Rink and Management Company**

Mr. Strom appeared to speak and stated that under the old management company, the City was left with a number of outstanding invoices over the past six weeks, he has made payments of approximately \$82,000 for vendors. The City will be doing an audit of Rink Management under advise of the Law Department. He also stated that Rink Management did not provide him with all the invoices because vendors have been calling him over the last six weeks as to why they were not being paid. During the last six weeks, the new management company has been able to book approximately \$74,000 more in ice time for the main rink and on the bubble rink side, and by raising the fees and reducing ice time. We have had to commit to: we went out to bid for the drains and cement work, which was required by Building Inspection and Fire Department, in order to open the rink; \$67,500 to initiate the energy savings program and that would save approximately \$64,000 in the first year.

Councilman Lupino asked that Mr. Strom look at to make sure the high schools are not going to be paying more for ice time.

Councilman Lupino stated that if Rink Management did hand over any invoices due by the City, he asked Mr. Strom how he is making sure they are legitimate invoices. Mr. Strom stated that he has signed invoices from the manager of the management company at the time.

***5-09-6 Ordinance in amendment of Title 2, Chapter 13 of the Code of the City of Cranston, 2005, entitled “Administration and Personnel” (Police Department Composition). Continued 6/11/2009.**

On motion by Councilman Aceto, seconded by Councilman Lupino, it was voted to keep this Ordinance tabled.

Under Discussion:

Councilman Lupino questioned why this Ordinance is listed on the agenda again and why it is being tabled again. Chair indicated that the Committee is still waiting on some legal opinions from the Solicitor and City Council Legal Counsel on issues, such as some positions that were eliminated. Solicitor Kirshenbaum stated that he did give a legal opinion last month and it was circulated to the Committee.

Motion to keep this Ordinance on the table passed unanimously.

PUBLIC HEARING/NEW BUSINESS

Advice and Consent of Mayor’s Appointment of Marco Palumbo as Chief of Police

See end of meeting for discussion on Advice and Consent and public hearing and vote.

- **Real Estate Tax Abatements**

No one appeared to speak in favor or to oppose.

On motion by Councilman Lupino, seconded by Councilman Aceto, it was voted to recommend approval of this list of Abatements. Motion passed unanimously.

- **Motor Vehicle Tax Abatements**

No one appeared to speak in favor or to oppose.

On motion by Councilman Lupino, seconded by Councilman Aceto, it was voted to recommend approval of this list of Abatements. Motion passed unanimously.

On motion by Councilman Lupino, seconded by Councilman Archetto, it was voted to recess the meeting and hold Ordinance Committee meeting and discussion on Advice and Consent and hold public hearing and vote after recess.

The meeting recessed at 6:55 P.M.

Advice and Consent of Mayor's Appointment of Marco Palumbo as Chief of Police

Councilman Aceto recognized Representatives Nick Mattiello and Charlene Lima and former Council President Aram Garabedian in the audience.

Chair stated that Council President Lanni has had a triple bypass surgery and he is doing well and wished him a speedy recovery and return back on the Council.

Mayor Fung thanked the Committee for holding hearing this evening for the next Colonel for the City of Cranston and thanked all the law enforcement members throughout the State, Warwick, Providence, State Police, South Kingston, Yatt Detention Center, Pawtucket, Coventry, Bristol, and also Anthony Sylvia, President of RI Municipal Police Academy, who are present this evening. He also thanked former Chiefs Kenneth Mancuso and Augustine Comella and possibly other Chiefs he did not recognize. He also thanked State Colonel Steven Pare and Cumberland Chief, Anthony Sylvia, who served on the search team for the Colonel's position. Mayor Fung explained the competitive process. He stated that besides all the awards and recognitions Colonel Palombo has received, he shares his visions for our great City. This is the type of leadership he wants for our City.

Marco Palombo appeared to speak and thanked Mayor Fung for selecting him as the next Chief of Police.

Chair noted for the record that there are a large number of letters of recommendations on Colonel Palombo's behalf and they are p

On motion by Councilman Lupino, seconded by Councilman Aceto, it was voted to approve the advice and consent of the Mayor's appointment of Marco Palombo as Chief of Police.

Chair did not recognize the motion and the second.

Chair stated that when this process began, he researched the Charter and the Civil Service. He asked if there was a competitive test given. Mayor Fung stated that there was a written essay asked of each of the candidates and under advice of Solicitor, he has to be careful on answers he gives because of confidentiality to the Colonel as well as other applicants. After the exam process, there was an oral board, which he sat on, and he asked again for references from each of the candidates. Chair stated that the Charter states that the Colonel's position is to be a classified position and classified positions are to be by competitive examination through the Personnel Department. Mayor Fung stated that examination was done and this is in each of the candidate's files. He noted that he followed the same procedure as many other municipalities practice. Chair referred to the Civil Service Rule 5 "examinations". He stated that the Charter and Civil Service Rules are pretty clear that it is a Personnel Department matter as to classified service and how those positions are filled.

Councilman Aceto stated that there have been numerous Colonels in the past that were appointed with the same process. Chair ruled Councilman Aceto out of order. Councilman Aceto stated that the agenda was advertised as Advice and Consent and not the process. Chair stated that this is not about the person in question or the Mayor, it is about the process. He asked Mayor Fung why the process outlined in the Charter regarding classified service was not followed. Mayor Fung stated that he believes he followed the law.

Councilman Lupino indicated that he made a motion, which was seconded, in order to discuss this issue and he was not recognized by the Chair. He made a motion to approve Mayor's Advice and Consent again and was not recognized by the Chair again.

Councilman Aceto stated that he sent an e-mail to Council Legal Counsel, Pat Quinlan and Solicitor Kirshenbaum asking if the process followed by the Mayor violated the Charter and both Mr. Quinlan and Solicitor Kirshenbaum responded, no.

Susan Bello, Director of Personnel, appeared to speak. Chair asked Ms. Bello if she was involved at all in the process of testing for the Colonel's position. Ms. Bello stated that she was aware and privy to the process, but she did not participate and would not as Director of Personnel. It would be improper for her to sit on the panel.

Chair asked Ms. Bello if she certified a list of candidates for the Mayor. Ms. Bello stated that she was asked to provide a list of candidates that were eligible.

Councilman Archetto asked if previous Colonels were given exams, either oral or written, or were any exempt. Ms. Bello stated that she inquired of the former Personnel Director and was advised that going back to 1999, in the past, there was not as complete examination process as was done in this point and time. Councilman Archetto asked former Colonels Mancuso and Comella the same question as asked of the Personnel Director. Former Colonel Mancuso stated that he served as Colonel of the Police Department from 1986-1992 and he took a written and oral exam. This process was the same. Former Colonel Comella stated the same as Colonel Mancuso. He stated that all former Colonels followed the same process. Ms. Schutt stated that when she served under the Laffey Administration, there was no oral or written exam for the former Colonel. There was an interview with the Mayor only.

On motion by Councilman Lupino, seconded by Councilman Aceto, it was voted to approve the advice and consent of the Mayor's appointment of Marco Palombo as Chief of Police.

Chair acknowledged the motion and the second.

Under Discussion:

Councilman Archetto asked Acting Colonel Palombo how his leadership will differ from that of other past Colonel's. Acting Colonel Palombo stated that he believes in communication and informing rank and file on what is going to be done and why. Councilman Archetto asked Acting Colonel Palombo what changes, if any, he would implement in the department. Acting Colonel Palombo stated that we need to reconnect with our residents by creating neighborhood groups and utilizing community policing.

Council Vice-President Livingston asked Acting Colonel Palombo if he will be following the accreditation through. Acting Colonel Palombo stated that this became a top priority of his to complete the accreditation process.

On motion by Councilman Lupino, seconded by Councilman Aceto, it was voted to move the question.

Chair did not recognize the motion and the second.

Council Vice-President Livingston asked for Solicitor's opinion on the following questions – on an advertised public hearing, can the public be prohibited from speaking? Solicitor Kirshenbaum stated that he thinks the public should be allowed to speak.

Councilman Lupino stated that motion to move the question is non-debatable.

Chair did not recognize the motion and the second to move the question.

Public Speakers:

Former Council President Aram Garabedian, 173 Belvedere Dr., appeared to speak and stated that he supports the appointment of Acting Colonel Marco Palombo and is sure he is very highly qualified for this position, but the only issue is the process used. It is clear in the Charter that the Director of Personnel is to take a very active role in the process. He would like to see a broad written test evaluated by points.

Former Colonel Augustine Comella appeared to speak and stated that he is proud of the fact that this Committee looks like is going to approve Acting Colonel Palombo as Colonel. The morale of the Police Department was enhanced this evening in appointing Acting Colonel Palombo. Because of his reputation, Acting Colonel Palombo will be able to move the department forward. He is the right guy at the right time to run the Cranston Police Department.

Representative Nicholas Mattiello appeared to speak and stated that Acting Colonel Palombo is the right guy at this time. He will lead the Police Department and he will be strong and appropriate leader in a variety of circumstances. He is a man of integrity and asked the Council to support his appointment.

Representative Charlene Lima appeared to speak and asked for unanimous support of the appointment of Acting Colonel Palombo as the new Police Chief. The fact that a person comes from within the department is an asset to the department. This should be a policy that we should look within the department first when promoting for a position.

Diana Gordon, 363 Pontiac Ave., appeared to speak in favor of the appointment of Acting Colonel Palombo.

Molly Romano, 28 Harris Ave., appeared to speak in favor of the appointment of Acting Colonel Palombo.

Anthony Soscia, appeared to speak in favor of the appointment of Acting Colonel Palombo.

Steven Carrera, 16 Mollie Dr., appeared to speak in favor of the appointment of Acting Colonel Palombo. He stated that he wholeheartedly endorses his appointment.

Roy Hilterman appeared to speak in favor of the appointment of Acting Colonel Palombo. He stated that Acting Colonel Palombo has integrity, he is honest and a hard worker. He commended the Mayor for choosing a Colonel within the department.

Robert Barber, 34 Celeste Ave., retired Police Officer, who worked with Acting Colonel Palombo, appeared to speak in favor of the appointment of Acting Colonel Palombo and stated that he is the right person for the job at the right time.+

Sgt. Steven Antonucci, 60 Pine Ridge Dr., President of IBPO, Police Union, appeared to speak and stated that as President of the Union, if the process was not followed, he would be appearing before this Committee opposing this appointment. The process was done and done fairly. He thanked the Mayor for selecting from within the department. He commended Captain Schaffran and Captain Ryan for participating in the process and for also attending this meeting in support of Acting Colonel Palombo.

Melody Cassel, Esq., former Police Officer, appeared to speak in favor of the appointment of Acting Colonel Palombo and stated that he is a very honorable, ethical and courageous Police Officer.

Jean Colanieri, 2158 Flat River Rd., Coventry, retired employee of the YMCA, appeared to speak in favor of the appointment of Acting Colonel Palombo.

Father Healy appeared to speak in favor of the appointment of Acting Colonel Palombo. He stated that he grew up with Acting Colonel Palombo and he is confident he will do a great job.

Motion to recommend approval of the Mayor's Advice and Consent passed unanimously.

The meeting adjourned at 9:40 P.M.

Respectfully submitted,

Rosalba Zanni
Assistant City Clerk/Clerk of Committees