

AUGUST 23, 2004 RECESSED MEETING – CITY COUNCIL

Reconvened -AUGUST 25, 2004-

The August 23, 2004 regular Cranston City Council meeting was reconvened at 7:10 P.M. in the Council on WEDNESDAY, August 25, 2004 in the Council Chambers, City Hall, Cranston, Rhode Island at 7:10 P.M.

Roll Call showed the following members present: Councilmen Fung, Jackvony (appeared at 7:15 P.M.), Councilwoman O’Hara, Council Member Fogarty, Councilwoman McFarland, Councilmen Ferolito, Lanni, McDonough and Council President Pastore –9.

Also Present: Paul Grimes, Director of Administration; Robin Muksian-Schutt, Deputy Director of Administration; Evan Kirshenbaum, Assistant City Solicitor; Nancy Garcia-Ponte, Assistant City Solicitor; Steve Woerner, City Council Internal Auditor; Patrick Quinlan, City Council Legal Counsel.

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Council President Pastore asked that any member of the public wishing to speak, limit their speaking to no more than five minutes. He asked the City Clerk to read, verbatim, Rule 30F of the City Council Rules which addresses the time limit for speakers. City Clerk read this section of the Rules.

Council President Pastore stated that if a member of the public gets out of hand during a speaking portion, he will ask the Police Officer to escort the person out of the building. He stated that this meeting is a continuation from the August 23 regular meeting to address what transpired in the last few days and to resolve the Injured on Duty (IOD) issue and he asked Mr. Valetta and Mr. Grimes to give update on this.

Mr. Grimes stated that he met with the Fire Union representatives on Tuesday afternoon and had a very constructive conversation and they have been working on some draft changes to this release. They met with attorney for IAFF and attorney for Beacon Mutual Insurance and have made good progress and he is sure that they can come to some kind of an agreement. Mr. Valetta appeared to speak and agreed and stated that the meetings were very constructive and they will be meeting again this week. Council President Pastore asked that once a consensus is reached on the form, the Council be kept apprised and shown the revised document.

Councilman McDonough asked if the same form will be offered to the Police. Mr. Grimes stated that it is the Administration's intention that they will have the same form and this revised form will be sent to the Police also.

Mr. Valetta stated that there is still a concern of the firefighters who have not been approved to be placed on IOD.

Council Member Fogarty stated that a question that was asked at the regular Council meeting, which has not been answered, is the firefighters who have United Health are not receiving treatment at this time. Mr. Grimes presented a letter dated August 25 from Sonia Millsom of United Healthcare regarding payments for members who may be covered under a third party insurance and also stating that, as requested by the City, United Healthcare will pay these claims on an exception basis and each exception will be approved in writing by the City.

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Public Hearings:

Thomas Ricci, 75 Knight St., appeared to speak regarding a Charter item. He stated that he has a problem with Attorney Quinlan sitting next to the Council President. He cautioned the Council that they are setting a dangerous precedent. He stated that he believes that the Council is in violation of the Charter. Council President Pastore stated that Mr. Quinlan does not write press releases. He also stated that Mr. Quinlan has represented the Council at numerous School Committee meetings. Council President Pastore stated that he is a firm believer of checks and balances between the Administration and the City Council. Mr. Ricci requested from the Solicitor's Office a finding on the legality of this.

Steven Antonucci, President of International Brotherhood of Police Officers Union Local 301, appeared to speak. He stated that earlier this year, he received correspondence from Mr. Grimes stating that the City was changing the IOD release form. After consulting with legal counsel, Mr. Antonucci stated that he was told that this would have to be changed in the contract and would have to be negotiated with the Union. He informed Mr. Grimes of this. The City went ahead and changed this form and the IBPO filed a grievance. The City made changes to this form and it was basically forced upon the police. The Union members were told to fill this form out and cross out Section 6, which they feel is illegal and does not apply. Council President Pastore asked Ms. Bello, Personnel Director, to come forward and speak regarding the grievance. Ms. Bello stated that there is a grievance filed and she was told that the Police union is going to hold off on this grievance until they had their attorney review this revised IOD form for input and further negotiate with their attorney. Mr. Grimes spoke regarding medical authorization form for the Police Department. He stated that the Administration conferred with the Police Department Administration and there are a few cases where the Police officers struck out sections of this form and the employees signed it. In terms of the actual language being stricken, this would have no impact on the medical release. This is why the Administration had no concern about the Police officers striking this language out. The Police officers have no problem allowing the City access to medical records, but they object to item #6, which gives a third party access to medical records.

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Albert Benetti, 24 Concord Ave., appeared to speak and stated that after the incident that occurred at the regular Council meeting the other night, the City needs to make sure that these incidents don't happen any more. He feels a Police officer should be present at every Council meeting, every Committee meeting and every School Committee meeting.

Aram Garabedian, 173 Belvedere Dr., appeared to speak and stated that the other night, the Council passed an Ordinance regarding impact fees for Briggs Farm. He quoted Section 11.06 of the Charter, which requires advisory opinion from the Advisory Commission on Parks and Recreation. He asked if the Administration is aware that this Commission has not been meeting every three months. Mr. Grimes stated that it is likely that they have not met in three months. He will research this and provide the answer to this concern to Mr. Garabedian. Councilwoman McFarland stated that she and Councilman Fung are members of this Commission representing the Council and there were two or three meetings scheduled, one of which was cancelled and they have not met since. Mr. Garabedian stated that the purpose of an advisory commission is to allow the public to give their input on what is important. The reason for him addressing the Council on this is because he knows for a fact that there are baseball leagues that are looking for fields.

Fred Wilson, 51 East Side Court, appeared to speak and asked who is responsible for negotiating with the Fire Union. Council President Pastore stated it is the Administration.

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Council Member Communications

Ms. Grady of Beacon Mutual Insurance appeared to speak regarding the release form and address questions from the Council. She stated that the release form is required in order for the Administration to be advised on the proper procedure for accepting or denying the claim. The insurance company is not interested in getting any broad information at all. They need just medical records that pertain to the injury that occurred on duty and any medical information that may have a direct effect on the injury. Councilwoman McFarland asked if Ms. Grady has discussed with the Administration what Beacon is looking for in this release form. Ms. Grady stated that she has been in discussion with the Administration. She did receive a sample of the release the Administration has placed in effect and she has made recommendations to the Administration on the language to be removed and language to be added. Councilman McDonough asked how many municipalities Beacon Insurance deals with. Ms. Grady stated 24 and the company does provide sample release forms and the municipality is directed to have their Solicitor develop their own forms to meet their needs. Councilman Fung asked what would happen if the authorization was revoked. Ms. Grady responded that they would recommend denial because they wouldn't be able to continue reporting on the validity.

The meeting adjourned at 8:00 P.M.

Rosalba Zanni
Assistant City Clerk/Clerk of Committees

Maria Medeiros Wall
City Clerk

(See Stenographic Notes of Ron Ronzio, Stenotypist).