

## **SPECIAL MEETING – CITY COUNCIL**

**-AUGUST 31, 2006-**

Special meeting of the City Council was held on Thursday, August 31, 2006 in the Council Chambers, City Hall, Cranston, Rhode Island.

The meeting was called to order at 7:40 P.M. by the Council President.

Roll Call showed the following members present: Councilmen Fung, Livingston, Council Member Fogarty, Councilmen Lanni, Barone, Council Vice-President McFarland and Council President Garabedian –7.

Absent: Councilman McDonough and Council Member Bucci -2.

Also Present: Paul Grimes, Director of Administration; Robin Muksian-Schutt, Deputy Director of Administration; Michael Glucksman, City Solicitor; Steve Woerner, City Council Internal Auditor; Patrick Quinlan, City Council Legal Counsel.

**-AUGUST 31, 2006-**

Clerk read Call of the Meeting:

**CITY OF CRANSTON  
RHODE ISLAND**

**NOTICE OF SPECIAL MEETING  
OF THE CITY COUNCIL**

In Accordance with Section 3.07 of the Home Rule Charter and Section 2.04.06 of the City Code, I hereby call a special meeting of the City Council to be held on Thursday, August 31, 2006 at 7:30 P.M., in the City Council Chambers, third floor, City Hall, Cranston, RI 02910 at which meeting the following items of business shall be transacted:

- 8S-06-1 Ordinance Amending Chapter 24 of the Code of the City of Cranston, 2005, Entitled "Police Department" (Police Pension). As Amended.
- 8SS-06-2 Ordinance Ratifying the IBPO (International Brotherhood Police Officers) Contract, Local Union 301 (FY 2005-2008).
- Introduction of New Business

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 28<sup>th</sup> day of August, 2006.

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/s/ Aram G. Garabedian, Council President

**-AUGUST 31, 2006-**

**CERTIFICATION**

I hereby certify that a true copy of the attached Call of a special meeting of the City Council to be held on Thursday, August 31, 2006 at 7:30 P.M. in the Council Chambers, third floor, City Hall, Cranston, R.I. was delivered via electronic mail on the 28<sup>th</sup> day of August, 2006 and regular mail, postage prepaid to the addresses listed below.

Council President Aram G. Garabedian  
173 Belvedere Dr.  
Cranston, RI 02920  
[Aram@blissporoperties.net](mailto:Aram@blissporoperties.net)

Council Member Maria A. Bucci  
21 Red Hawk Dr.  
Cranston, RI 02921  
[MarBC4@aol.com](mailto:MarBC4@aol.com)

Council Member Cynthia M. Fogarty  
60 Ausdale Rd.  
Cranston, RI 02910  
[Fogarty1@msn.com](mailto:Fogarty1@msn.com)

Councilman Allan W. Fung  
252F Mayfield Ave.  
Cranston, RI 02920  
[alfung@cox.net](mailto:alfung@cox.net)

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

Councilman Jeffrey P. Barone  
16 Samuel Court  
Cranston, RI 02920  
[Jeffreyb22@cox.net](mailto:Jeffreyb22@cox.net)

Councilwoman Paula McFarland  
100 Pomham St.  
Cranston, RI 02910  
[pmcfarland@prodigy.net](mailto:pmcfarland@prodigy.net)

Councilman Kirk McDonough  
67 Dellwood Rd.  
Cranston, RI 02920  
[kirkmcdonough@cox.net](mailto:kirkmcdonough@cox.net)

Councilman John E. Lanni, Jr.  
111 Woodview Dr.  
Cranston, RI 02920  
[jlanni@peterpanbus.com](mailto:jlanni@peterpanbus.com)

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/s/ Rosalba Zanni, Assistant City Clerk

**-AUGUST 31, 2006-**

**8S-06-1      ORDINANCE AMENDING CHAPTER 24 OF THE CODE OF THE  
CITY OF CRANSTON, 2005, ENTITLED 'POLICE  
DEPARTMENT' (Police Pension)"**

Council President Garabedian stated that this Ordinance will be passed on and a new Pension Ordinance will be re-introduced this evening and will be heard at the September 14, 2006 Finance Committee meeting.

On motion by Councilman Fung, seconded by Councilman Barone, it was voted to go into Executive Session. Motion failed on a vote of 3-4. The following being recorded as voting "aye": Councilmen Fung, Barone and Council President Garabedian - 3. The following being recorded as voting "nay": Councilman Livingston, Council Member Fogarty, Councilman Lanni and Council Vice-President McFarland -4.

Mr. Glucksman stated that at the last Council meeting, an opinion was requested from the Solicitor's Office in Executive Session and he stated that if the Council wishes that opinion, it should be done in Executive Session and at that time the Council can vote to release that opinion in the Public Session. Councilman Livingston stated that in fairness to the public present, if the Solicitor has a legal opinion, it should be given in Public Session. Councilman Lanni agreed. Council President Garabedian stated that the Council should respect the fact that the Solicitor would like to have this opinion given in Executive Session and he asked if there was any other vote to reconsider.

On motion by Councilman Lanni, seconded by Council Vice-President McFarland, it was voted to reconsider the previous vote. Motion passed on a vote of 5-2. The following being recorded as voting "aye": Councilmen Fung, Lanni, Barone, Council Vice-President McFarland and Council President Garabedian -5. The following being recorded as voting "nay": Councilman Livingston and Council Member Fogarty - 2.

On motion by Councilman Fung, seconded by Councilman Barone, it was voted to go into Executive Session. Motion passed on a vote of 5-2. The following being recorded as voting "aye": Councilmen Fung, Lanni, Barone, Council Vice-President McFarland and Council President Garabedian -5. The following being recorded as voting "nay": Councilman Livingston and Council Member Fogarty -2.

The meeting went into Executive Session at 7:45 P.M.

Present in Executive Session: Councilmen Fung, Livingston, Council Member Fogarty, Councilmen Barone, Lanni, Council Vice-President McFarland and Council President Garabedian; Paul Grimes, Director of Administration; Michael Glucksman, City Solicitor; Patrick Quinlan, City Council Legal Counsel.

**-AUGUST 31, 2006-**

**EXECUTIVE SESSION MINUTES**

At the August 31, 2006 Special City Council meeting, the Council voted to unseal the minutes of Executive Session from the August 31, 2006 Special City Council meeting.

The meeting went into Executive Session at 7:45 P.M.

Present in Executive Session: Council Member Cynthia M. Fogarty, Chair  
Council Vice-President Paula B. McFarland  
Councilman Jeffrey P. Barone  
Councilman John E. Lanni, Jr.  
Councilman Allan W. Fung  
Councilman Terence Livingston  
Council President Aram G. Garabedian  
Michael Glucksman, City Solicitor  
Patrick Quinlan, City Council Legal Counsel  
Maria Medeiros Wall, City Clerk  
Rosalba Zanni, Assistant City Clerk/Clerk of Committees

**COLLECTIVE BARGAINING AGREEMENT WITH IBPO, LOCAL 301, 2005-2008**

Solicitor Glucksman presented a memo of his legal opinion.

Councilman Livingston stated that as to the Arbitrator's Award, the problem he has with issue is that the Union signed off on it and now they are not willing to accept it. The City and the Union placed the Council in the middle.

Councilman Barone asked why the Council can't vote on the contract and then deal with the parenthetical numbers. Mr. Quinlan stated that the parenthetical numbers are in the collective bargaining agreement.

Council Member Fogarty asked how the Council can change what the Union and the Administration sat down and agreed to. She asked what the timeline is.

Councilman Lanni stated that the Award came out after the Union and the Administration agreed on the contract. He questioned, by ratifying after, wouldn't the Award be part of the contract.

Councilman Barone asked if there are any other grievances in effect now that may effect this contract. Solicitor Glucksman stated, not that he is aware of.

Council Member Fogarty stated that since the Council is having a hard time making a decision on this, she asked if the Administration has made any effort to sit with the Union and come up with another contract. Solicitor Glucksman stated, not that he is aware of.

The meeting came out of Executive Session at 8:00 P.M.

On motion by Council Vice-President McFarland, seconded by Councilman Barone, it was voted to come out of Executive Session. Motion passed on a vote of 7-0. The following being recorded as voting "aye": Councilmen Fung, Livingston, Council Member Fogarty, Councilmen Lanni, Barone, Council Vice-President McFarland and Council President Garabedian -7.

## -AUGUST 31, 2006-

On motion by Councilman Fung, seconded by Councilman Lanni, it was voted to unseal the minutes of the two previous Executive Session meetings relating to this matter. Motion passed on a vote of 7-0. The following being recorded as voting "aye": Councilmen Fung, Livingston, Council Member Fogarty, Councilmen Lanni, Barone, Council Vice-President McFarland and Council President Garabedian -7.

On motion by Councilman Livingston, seconded by Council Member Fogarty, it was voted to request that the Administration and Union Representatives meet on the issue of the Arbitrator's Award to see if there is a way to resolve the issue of how to handle the Arbitrator's Award.

### Under Discussion:

**Steven Antonucci**, President of Police Union, appeared to speak and stated that it is the Union's position that the contract and the award are two separate issues. The contract was signed June 25, 2006. The Union may not agree with the arbitration award but they are bound by it. He stated he would like to see the Council vote without attaching the award to the collective bargaining agreement which would be unfair and unnecessary.

Councilman Livingston stated that the problem he has is that the Union and the Administration were in collective bargaining and the Council has now been placed in the middle of this debate. Both parties knew this arbitration was pending and both parties felt they were going to prevail. The problem he has is that this award comes down after the Union and the Administration have an agreement and before the Council gets to ratify it, but to ignore it is wrong. The Council has to address it.

Mr. Antonucci stated that he is not asking that the Council ignore the decision, but it should be treated separately and the Union will deal with that and take it to another forum.

Council President Garabedian stated that he has read the contract in its entirety and there are issues that hang out there and once the Council and Mayor's Office change, if anyone looked at the records, they would see that this Council recognize going forward the Arbitrator's Award.

Mr. Grimes state that he has great respect for Mr. Antonucci, but respectfully disagreed with his position. He stated that the notion that this is unfair is not the case. This is not a bargaining issue. There is a bargaining agreement. This has to do with establishing management rights and establishing the legislative intent. All it does is remove ambiguity down the road. The Council has the right to recognize the Arbitrator's Award and it is the Council's role to recognize this to remove ambiguity for the future.

Councilman Fung agreed with Councilman Livingston and Council President Garabedian that if the Council doesn't recognize the award it would create ambiguity. This would not be changing the contract.

Councilman Barone stated that his understanding is that if the Arbitrator's Award is made part of the contract, it will be part of the contract as it comes up for ratification every two or three years. If it is made part of an Ordinance, that stays on the books.

**-AUGUST 31, 2006-**

**8SS-06-1      “ORDINANCE RATIFYING THE IBPO (International Brotherhood Police Officers) CONTRACT, LOCAL UNION 301 (FY 2005-2008)”**

Council Vice-President McFarland suggested removing in Section 2, last line, “and its impact on Section 9 of the 2005-2008 Collective Bargaining Agreement” and in Section 3, first line, “and said Arbitration Award and”. No roll call was taken.

On motion by Council Member Fogarty, seconded by Council Vice-President McFarland, it was voted to amend this Ordinance as follows: Section 2, third line after the words ‘City Council’, add “the Council recognizes that the Arbitrator’s Award has been issued subsequent to the agreement of the parties and prior to the Council ratification of the agreement”.

On motion by Council Vice-President McFarland, seconded by Council Member Fogarty, it was voted to move the question. Motion passed on a vote of 5-2. The following being recorded as voting “aye”: Councilman Livingston, Council Member Fogarty, Councilman Lanni, Council Vice-President McFarland and Council President Garabedian -5. The following being recorded as voting “nay”: Councilmen Fung and Barone -2.

Roll call was taken on motion made by Council Member Fogarty amending this Ordinance and motion passed on a vote of 5-2. The following being recorded as voting “aye”: Councilman Livingston, Council Member Fogarty, Councilman Lanni, Council Vice-President McFarland and Council President Garabedian -5. The following being recorded as voting “nay”: Councilmen Fung and Barone -2.

On motion by Council Vice-President McFarland, seconded by Council Member Fogarty, the above Ordinance was adopted as amended and to be re-advertised, on a vote of 6-1. The following being recorded as voting “aye”: Councilmen Fung, Livingston, Council Member Fogarty, Councilman Lanni, Council Vice-President McFarland and Council President Garabedian -6. The following being recorded as voting “nay”: Councilman Barone -1.

**-AUGUST 31, 2006-**

***“Introduction of New Business”***

City Clerk stated that what the Council has before them sets out only the changes being made and the corrected revised one will be distributed setting out the complete ordinance. The following introduced Ordinances was read into the record and referred for public hearing as stated:

8SSS-06-1 Ordinance amending Chapter 2.20 of the Code of the City of Cranston, 2005, entitled “Police Pension Fund” (Retirement from Service).  
SPECIAL CITY COUNCIL 9/14/2006 at 7:15 P.M.

On motion by Council Vice-President McFarland, seconded by Council Member Fogarty, it was voted that the above Ordinance be heard for public hearings before the respective Committee as read by the City Clerk, along with amended Ordinance 8SS-06-1 (IBPO Contract). Motion passed on a vote of 7-0. The following being recorded as voting “aye”: Councilmen Fung, Livingston, Council Member Fogarty, Councilmen Lanni, Barone, Council Vice-President McFarland and Council President Garabedian -7.

Mr. Quinlan stated that when this Ordinance is heard, the Council will receive the full Ordinance, which is very lengthy.

The meeting adjourned at 9:00 P.M.

Maria Medeiros Wall  
City Clerk

Rosalba Zanni  
Assistant City Clerk/Clerk of Committee

(See Stenographic Notes of Meredith Mahoney, Stenotypist).