

SPECIAL MEETING – CITY COUNCIL

-AUGUST 7, 2006-

Special meeting of the City Council was held on Monday, August 7, 2006 in the Council Chambers, City Hall, Cranston, Rhode Island.

The meeting was called to order at 7:30 P.M. by the Council President.

Roll Call showed the following members present: Councilmen Fung, Livingston, Council Member Fogarty, Council Member Bucci, Councilmen Lanni, Barone, Council Vice-President McFarland and Council President Garabedian –8.

Absent: Councilman Pisaturo -1.

Also Present: Paul Grimes, Director of Administration; Robin Muksian-Schutt, Deputy Director of Administration; Nancy Garcia-Ponte, Assistant City Solicitor; Steve Woerner, City Council Internal Auditor; Attorney Vincent Ragosta.

-AUGUST 7, 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 Monday, August 7, 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:

- Collective Bargaining Agreement with IBPO, Local 301, 2005-2008.

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 1st day of August, 2006.

/s/ Aram G. Garabedian, Council President

-AUGUST 7, 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 Monday, August 7, 2006 at 7:30 P.M. in the Council Chambers, third floor, City Hall, Cranston, R.I. was delivered via electronic mail on the 1st 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

Council Member Maria A. Bucci
21 Red Hawk Dr.
Cranston, RI 02921
MarBC4@aol.com

Council Member Cynthia M. Fogarty
60 Ausdale Rd.
Cranston, RI 02910
Fogarty1@msn.com

Councilman Allan W. Fung
252F Mayfield Ave.
Cranston, RI 02920
alfung@cox.net

Councilman Terence Livingston
28 Tucker Ave.
Cranston, RI 02905
Terry@livingstonlaw.us

Councilman Jeffrey P. Barone
16 Samuel Court
Cranston, RI 02920
Jeffreyb22@cox.net

Councilwoman Paula McFarland
100 Pomham St.
Cranston, RI 02910
pmcfarland@prodigy.net

Councilman Michael S. Pisaturo
17 Warren Ct..
Cranston, RI 02920
michaelpisaturo@cox.net

Councilman John E. Lanni, Jr.
111 Woodview Dr.
Cranston, RI 02920
jlanni@peterpanbus.com

Councilman Kirk McDonough
67 Dellwood Rd.
Cranston, RI 02920
kirkmcdonough@cox.net

/s/ Rosalba Zanni, Assistant City Clerk

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On motion by Councilman Barone, seconded by Councilman Fung, it was voted to go into Executive Session. Motion passed on a vote of 8-0. The following being recorded as voting "aye": Councilmen Fung, Livingston, Council Member Fogarty, Council Member Bucci, Councilmen Lanni, Barone, Council Vice-President McFarland and Council President Garabedian -8.

The meeting went into Executive Session at 7:32 P.M.

Present in Executive Session: Councilmen Fung, Livingston, Council Member Fogarty, Council Member Bucci, Councilmen Barone, Lanni, Council Vice-President McFarland and Council President Garabedian; Mayor Laffey; Paul Grimes, Director of Administration; Nancy Garcia-Ponte, Assistant City Solicitor; Steve Woerner, City Council Internal Auditor; Attorney Vincent Ragosta.

The meeting came out of Executive Session at 7:55 P.M.

On motion by Councilman Livingston, seconded by Council Member Fogarty, it was voted to come out of Executive Session. Motion passed on a vote of 6-0. The following being recorded as voting "aye": Councilmen Fung, Livingston, Council Member Fogarty, Councilmen Lanni, Barone and Council President Garabedian -6. Council Member Bucci and Council Vice-President McFarland were not present for roll call vote.

On motion by Councilman Fung, seconded by Councilman Livingston, it was voted to seal the minutes of Executive Session. Motion passed on a vote of 8-0. The following being recorded as voting "aye": Councilmen Fung, Livingston, Council Member Fogarty, Council Member Bucci, Councilmen Lanni, Barone, Council Vice-President McFarland and Council President Garabedian -8.

The following Resolution was presented to the Council members for passage:

"RESOLUTION RATIFYING THE IBPO (International Brotherhood Police Officers) CONTRACT, LOCAL UNION 301 (FY 2005-2008)"

City Clerk read Resolution into the record.

On motion by Councilman Fung, seconded by Councilman Barone, it was voted to approve amended Resolution as read by City Clerk. Motion passed on a vote of 5-3. The following being recorded as voting "aye": Councilmen Fung, Livingston, Lanni, Barone and Council President Garabedian -5. The following being recorded as voting "nay": Council Member Fogarty, Council Member Bucci and Council Vice-President McFarland -3.

Under Discussion:

Discussion took place on the amendment as read by the City Clerk, which includes the recently received arbitrator's award.

Council President Garabedian stated that this arbitrator's award will help the City get better protection on the City streets. More protection in the City was one of the issues he supported during the budget process.

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Paul Saccoccio, National Representative for IBPO Local 301, appeared to speak and stated that a tentative agreement was reached with the City on or about July 5, 2006, prior to the arbitrator's award over an interpretation of a particular section of prior and present agreements. The Union bargained in good faith. The arbitrator does not have authority to modify, amend or take wording out of a contract. The Union accepts this award, but that should not be part of the Council's vote this evening. He asked that the Council revote on this and vote on what is on the agenda, which is the tentative agreement reached between Local 301 and the City. He also stated that by passing this Resolution as amended, the Council is trying to do something that is supposed to be done in negotiations. This is not the proper way to remove the particular language and the Administration is trying to use the Council to do this.

Councilman Lanni motioned to reconsider the above vote, since in fairness, the Union's point of view should have been heard from prior to voting on this item. No one seconded this motion.

After another discussion regarding this, Councilman Livingston motioned to reconsider the above vote and Councilman Lanni seconded this motion.

Under Discussion:

Mr. Saccoccio stated that the Union has accepted the arbitrator's award, but the Resolution should not be part of this tentative agreement. He was not made aware of the Council voting on this Resolution in reference to the arbitrator's award. Council Vice-President McFarland called for a point of order, since a Union representative was not present in Executive Session. She stated that this is an injustice to the bargaining unit. Attorney Ragosta stated that the tentative agreement is subject to ratification of the Council and the Union. What the Resolution states, is that the Council is recognizing the impact of the arbitrator's award in Section 9. Council President Garabedian asked if the Council has the power to amend the contract as presented to the Council and send back to the Union. Attorney Ragosta stated, absolutely, just like the Union can. Council Vice-President McFarland stated that the Council has not been supplied with copies of the Resolution in question and at this point, she does not know what the Council is voting on. Attorney Ragosta stated that he has heard from Mr. Saccoccio that the Union accepts the award and the Resolution is stating that the Council recognizes it. The Council is not being asked that the tentative agreement be changed in any way. Mr. Saccoccio stated that the Union did not have any preparation or notice to discuss this Resolution this evening. Councilman Livingston asked when the deadline is for the Council to ratify this contract, because if the Union needs more time and there is time, then he would have no problem holding off on voting on this agreement this evening. Attorney Ragosta stated that he does not believe there is any time limitation. Council President Garabedian stated that he will be introducing an Ordinance ratifying this contract, similar to the way the last collective bargaining contract was ratified. Council Vice-President McFarland stated that the Council is being asked to pass a Resolution, which no one has seen, it is not listed on the Call of the Meeting and the Council is being asked to violate Open Meetings Law.

On motion by Council Vice-President McFarland, seconded by Council Member Bucci, it was voted to move the question and motion failed on a tie vote. The following being recorded as voting "aye": Council Member Fogarty, Council Member Bucci, Councilman Lanni and Council Vice-President McFarland -4. The following being recorded as voting "nay": Councilmen Fung, Livingston, Barone and Council President Garabedian -4.

Roll call was taken on motion to reconsider vote to adopt the above Resolution as amended and motion passed on a vote of 5-3. The following being recorded as voting "aye": Councilmen Fung, Livingston, Lanni, Barone and Council President Garabedian - 5. The following being recorded as voting "nay": Council Member Fogarty, Council Member Bucci and Council Vice-President McFarland -3.

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On motion by Council Vice-President McFarland, seconded by Councilman Barone, it was voted to accept the ratifying of the contract between IBPO Local 301 and the City.

Under Discussion:

Council Vice-President McFarland addressed the increase in holiday reductions and asked what the offset is. Mr. Grimes stated that it is almost a break-even. Councilman Fung thanked the Union members for coming to the table. Councilman Lanni also thanked the Union members for stepping up to the plate.

Gavel was handed to Council Vice-President McFarland.

Council President Garabedian addressed the healthcare co-pay. He stated that he wishes to send out a message to City employees that a goal of 20% is not unreasonable. This Union has agreed to 17.5% for new hires, which is a start. Councilman Barone agreed with Councilmen Lanni and Fung and also thanked the Union for coming to the table especially for the 17.5% healthcare co-pay.

Roll call was taken on above motion and motion passed on a vote of 7-1. The following being recorded as voting "aye": Councilmen Fung, Livingston, Council Member Fogarty, Council Member Bucci, Councilmen Lanni, Barone and Council Vice-President McFarland -7. The following being recorded as voting "nay": Council President Garabedian -1.

NEW BUSINESS:

City Clerk read the following Ordinance into the record as New Business:

8SS-06-1 Ordinance ratifying the IBPO (International Brotherhood Police Officers) Contract, Local Union 301 (FY 2005-2008). REFERRED TO FINANCE COMMITTEE 8/17/2006.

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 Heather Finger, Stenotypist).