

ORDINANCE COMMITTEE

Regular meeting of the Ordinance Committee was held on Thursday, June 11, 2009 in the Council Chambers, City Hall, Cranston, Rhode Island.

The meeting was called to order at 9:50 P.M. by the Chair.

Present: Councilman Anthony J. Lupino, Chair
Councilman Robert J. Pelletier, Vice-Chair
Councilwoman Michelle Bergin-Andrews
Councilman Mario Aceto
Councilman Emilio L. Navarro
Council President John E. Lanni, Jr.

Also Present: Councilman Richard D. Santamaria, Jr.
Robin Muksian-Schutt, Director of Administration
Evan Kirshenbaum, Assistant City Solicitor
Robert Strom, Director of Finance
Patrick Quinlan, City Council Legal Counsel
Rosalba Zanni, Assistant City Clerk/Clerk of Committees
Heather Finger, Stenographer

MINUTES OF THE LAST MEETING:

On motion by Councilman Aceto, seconded by Councilman Pelletier, it was voted to dispense with the reading of the minutes of the last meeting and they stand approved as recorded.

CORRESPONDENCE:

OLD BUSINESS:

PUBLIC HEARINGS/NEW BUSINESS:

- 5-09-2 Ordinance in amendment of Chapter 2 of the Code of the City of Cranston, 2005, entitled "Administration and Personnel" (Resident Preference).**
- 5-09-3 Ordinance in amendment of Chapter 2 of the Code of the City of Cranston, 2005, entitled "Administration and Personnel" (Classified Service).**
- 5-09-7 Ordinance approving, ratifying and adopting that certain amendment to Master Agreement by and between Taco, Inc. and the City of Cranston relating to the Abandonment of a portion of Carlsbad St. and the improvement of two intersections.**

Public Speakers:

Lynne Furney, Senior Steward for Teamster Local 251, appeared to represent Steve Labrie, Business Agent, in favor of Ordinance 5-09-3.

Elizabeth Lewis, Esq., appeared to represent Taco, in favor of Ordinance 5-09-7. She stated that Taco is seeking to extend the Master Agreement for two years. This Agreement was entered into in 2006 to expire August, 2009. Taco is in the process of Phase II of the project and this is the reason for the two-year extension request.

Votes taken on the above Ordinances:

5-09-2

On motion by Council President Lanni, seconded by Councilman Navarro, it was voted to recommend approval of the above Ordinance.

Under Discussion:

Council President Lanni stated that the reason he sponsored this Ordinance is he believes the people who pay taxes in the City should have preference when taking tests for City jobs. He indicated that he would like to amend this Ordinance to add after the word “application” on line 34 of the Ordinance, “or who is currently employed by the City”. Mr. Kirshenbaum stated that the issue of residential requirement was researched by Assistant Solicitor Rawlson and he disagrees with Mr. Quinlan on the opinion. He recommends referring this Ordinance to the full City Council without a recommendation for an opinion at that time. There is a concern that the Charter does not require employees to be residents of the City.

Councilman Pelletier questioned the legal impact if this Ordinance is passed.

Councilman Lupino indicated that the Council would receive a legal opinion before the City Council meeting. A positive endorsement by this Committee would just be sending it to the full City Council.

Chair asked that, since Mr. Quinlan has left the meeting, the Clerk notify him of the request for legal opinion for the City Council meeting.

Council President Lanni stated that currently, Veterans are given extra points, he questioned whether this would be discriminatory, but he will wait for legal opinion because he values Mr. Kirshenbaum’s opinion.

On motion by Councilman Navarro, seconded by Councilman Pelletier, it was voted to amend this Ordinance as follows: line 34, after the word “resident”, add “or currently an employee” and after word “application”, add “or promotion”. Motion passed unanimously.

On motion by Councilman Navarro, seconded by Councilman Pelletier, it was voted to recommend approval of this Ordinance as amended. Motion passed unanimously.

5-09-3

Council President Lanni stated that he sponsored this Ordinance on behalf of several people, but he cannot participate in any discussion or vote, since his wife would be affected by this Ordinance.

On motion by Councilman Santamaria, seconded by Councilman Aceto, it was voted to recommend approval of this Ordinance.

On motion by Councilman Navarro, seconded by Councilwoman Bergin-Andrews, it was voted to amend line 36 of the Ordinance as follows: after the words “year of”, add “employment in such position” and delete “service in such position”.

Under Discussion:

Councilman Pelletier indicated that a classified employee goes through lengthy examination process, whereby passing this Ordinance would make someone who is unclassified not have to go through the testing process and making the bumping pool bigger and also making the unclassified people classified without testing.

Councilman Navarro stated that this Ordinance is following the Charter.

Mr. Kirshenbaum stated that there are a lot of things wrong with this Ordinance. He indicated to Section 14.04 of the Charter and stated that there are pools of classified non-union and classified. You are inviting litigation, discrimination and lawsuit. This Ordinance is a terrible idea.

Councilman Santamaria questioned why is this Ordinance needed if it is already in the Charter.

Mr. Kirshenbaum also stated that this Ordinance may be infringing in the Union Contracts.

Ms. Schutt indicated that Exhibit “B” in the Teamsters Contract has three unclassified pools and three classified pools of positions.

Chair asked for sponsor for this Ordinance, since Council President Lanni has recused. Councilman Navarro volunteered to sponsor this Ordinance.

Roll call was taken on motion to recommend approval of this Ordinance as amended and motion passed unanimously.

5-09-7

On motion by Councilman Aceto, seconded by Councilman Pelletier, it was voted to recommend approval of this Ordinance. Motion passed unanimously.

The meeting adjourned at 10:30 P.M.

Respectfully submitted,

Rosalba Zanni
Assistant City Clerk/Clerk of Committees