

REGULAR MEETING – CITY COUNCIL

-MARCH 22, 2004-

Regular meeting of the City Council of the City of Cranston was held on Monday, March 22, 2004.

The meeting was called to order at 7:25 P.M. by the Council President.

Roll Call showed the following members present: Councilmen Fung, Jackvony, Councilwoman O’Hara, Council Member Fogarty, Councilwoman McFarland, Councilmen Ferolito, Lanni, McDonough and Council President Pastore –9.

Also Present: Mayor Stephen Laffey; Paul Grimes, Director of Administration; Robin Muksian-Schutt, Deputy Director of Administration; Evan Kirshenbaum, Assistant City Solicitor; Mike Igoe, City Controller; Pat Quinlan, City Council Legal Counsel; Steve Woerner, City Council Internal Auditor.

Councilman Ferolito led the Pledge of Allegiance. Invocation was given by Councilman McDonough.

Minutes of the last meeting were dispensed with and stand approved as recorded.

I. PUBLIC ACKNOWLEDGEMENTS AND COMMENDATIONS

“PROCLAMATION HONORING DR. FRANK W. DICHIARA.”

On motion by Councilwoman McFarland, seconded by Councilman Fung, it was voted to approve this Proclamation. Motion passed on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Fung, Jackvony, Councilwoman O’Hara, Council Member Fogarty, Councilwoman McFarland, Councilmen Ferolito, Lanni, McDonough and Council President Pastore –9.

II. INTRODUCTION OF UNDOCKETED RESOLUTIONS

No Business.

III. EXECUTIVE COMMUNICATIONS

“CITATION FOR SARAH CARR, RECIPIENT OF THE STATE YOUTH SCHOLARSHIP AWARD.”

Mayor Laffey presented this Citation to Sarah Carr.

Mayor Laffey appeared to speak regarding the decision of the School Department lawsuit and stated that when he stated it was a victory, it was a victory for everyone and he encouraged everyone to read the Judge’s decision.

“REQUEST TO BE PLACED ON NON-OCCUPATIONAL DISABILITY PENSION DETECTIVE PAUL ROUSSEAU, CRANSTON POLICE DEPARTMENT.”

Mr. Grimes appeared to speak.

On motion by Councilman McDonough, seconded by Councilman Fung, it was voted to approve the above request on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Fung, Jackvony, Councilwoman O’Hara, Council Member Fogarty, Councilwoman McFarland, Councilmen Ferolito, Lanni, McDonough and Council President Pastore –9.

“REQUEST TO BE PLACED ON OCCUPATIONAL DISABILITY RETIREMENT SGT. DAVID GREENE, CRANSTON POLICE DEPARTMENT.”

Mr. Grimes appeared to speak.

On motion by Councilwoman McFarland, seconded by Councilman Fung, it was voted to approve the above request on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Fung, Jackvony, Councilwoman O’Hara, Council Member Fogarty, Councilwoman McFarland, Councilmen Ferolito, Lanni, McDonough and Council President Pastore –9.

“REQUEST TO BE PLACED ON OCCUPATIONAL DISABILITY PENSION RONALD ANTUONO, CRANSTON FIRE DEPARTMENT.”

Mr. Grimes appeared to speak.

On motion by Councilman Ferolito, seconded by Councilman Lanni, it was voted to approve the above request on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Fung, Jackvony, Councilwoman O’Hara, Council Member Fogarty, Councilwoman McFarland, Councilmen Ferolito, Lanni, McDonough and Council President Pastore –9.

“REQUEST TO BE PLACED ON OCCUPATIONAL DISABILITY PENSION ASST. CHIEF ANTHONY MASTANTUONO, CRANSTON FIRE DEPARTMENT.”

Mr. Grimes appeared to speak.

On motion by Councilman McDonough, seconded by Councilman Fung, it was voted to approve the above request on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Fung, Jackvony, Councilwoman O’Hara, Council Member Fogarty, Councilwoman McFarland, Councilmen Ferolito, Lanni, McDonough and Council President Pastore –9.

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Mr. Grimes stated that, as requested by the City Council, a Representative of Carroll Buracker will be in Cranston on March 25, 2004 and will be available to meet with the City Council one on one to answer any questions the Council may have and Mr. Grime's Office will be making appointments and the Council can contact his office to set up appointments. Councilman McDonough asked if the Consultant will have any discussion with the public. Mr. Grimes stated that the firm will be meeting with the Council on an independent basis and will not be participating in the public meeting of the Performance Audit on March 25, 2004. Councilman McDonough asked Solicitor's opinion on how matters of public safety would apply under the Open Meetings Law. Mr. Kirshenbaum stated that he will research this and report back to the Council at the end of this meeting. Councilman McDonough asked that Mr. Quinlan also research this and give his opinion.

Council President Pastore questioned if the Performance Audit Committee could meet in Executive Session. Council Member Fogarty, Chair of the Performance Audit Committee, stated that she was told by the Solicitor that they could not hold Executive Session meeting on this issue.

Council President Pastore stated that it would be more prudent if once the Administration has compiled what they recommend the Council implement, then the Consultant could be asked to appear before the Council to discuss these recommendations. He asked when the Administration will have these recommendations ready. Mr. Grimes stated that they would probably be ready within a couple of weeks. Council President Pastore stated that if this is the case, we should defer the meeting on March 25, 2004 of the Performance Audit Committee and then have discussion on these recommendations and meet with the consultant.

Mayor Laffey addressed Councilman McDonough's earlier remarks in regards to meeting with the Consultant one on one and stated that the Council could have the Minority Leader and the Majority Leader of the Council meet with the consultant and address questions the Council may have.

Councilwoman McFarland stated that the contract signed by Buracker and the Mayor states that there would be a presentation to the City and the Council and the public have not been afforded the opportunity of a presentation. She stated that the Council has meetings all week this week and she made it a point to be able to attend the meeting of the Performance Audit Committee on March 25, 2004. She also stated that the Council members have jobs and work during the day and it is very hard for the Council to leave their offices to meet with the consultant during the day and come back at night for the meeting.

Council President Pastore asked that Mr. Quinlan request an opinion from the Attorney General's Office on whether the Performance Audit Committee can meet in Executive Session as a body.

IV. COUNCIL PRESIDENT COMMUNICATIONS

Council President Pastore stated that he received a copy of a letter from Jacqueline White, School Committee Chair, addressed to Kirsten Marek, naming her as the School Committee's appointment to the Financial review Board.

Council President Pastore stated that he received a Resolution from North Kingstown advocating a review of financials for municipalities. He asked the City Clerk to forward copies to the members of the City Council.

Council President Pastore stated that he received a phone call today from Mr. Baron, Finance Director, asking that the April 6 Budget Hearing be rescheduled since this is a holiday for him. Council President Pastore asked that the City Clerk work with the Chair of Finance Committee in amending the schedule of hearings to accommodate Mr. Baron.

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Council President Pastore asked what the status is of the actuarial table being redone. Mr. Igoe stated that his understanding is that Mr. Baron has been in contact with the consultant, but he is not sure of the completion date of the report. The table has been revised based on 30 years and is on the website. They are still working on the COLA.

Council President Pastore stated that the RFP came out for the new police station and he requested of Mr. Grimes that when meetings are held, they be held early in the morning or late in the afternoon so the Council members can attend.

V. COUNCIL MEMBER COMMUNICATIONS

Councilman Jackvony announced that the Cranston High School West Student Council is part of the Feinstein Youth Hunger Organization and they are accepting goods or monetary donations.

Councilman Fung stated that since we are coming up to the Budget, he asked the Administration if the Council members could obtain copies of all Exhibits from the School Department Court decision. He also would like the Council to consider hiring Mr. Edge or Mr. Sweeney as the City's own experts in going through the School Budget. Council McDonough questioned how this would be funded. Councilman Fung stated that this would be only if we have the appropriate funding.

Councilman McDonough asked Council President Pastore to call another meeting with the School Committee since the last one was cut short. Council President Pastore asked that the City Clerk contact the School Department and ask if they would like to consider another session, the Council would be more than happy to do this.

Councilman Ferolito stated that he has heard concerns from the residents of the new Orchard Farms Elementary School of water problems and ponding inside the classrooms. Mr. Grimes stated that he has spoken to the Public Works Director and that there was some flooding in the school because of the snow and ice and the water was being dammed up at the door and going in the foyer. The Public Works Director is planning to have a drain installed before going into the door. The School Department is handling it as a maintenance issue. The contractual issue is being sorted out by the Public Works Department.

Councilwoman McFarland announced that there is a campaign going on for the Community Youth Center and they are accepting contributions, which would go directly to the Center.

Council Member Fogarty congratulated Principal Mary McNally of Waterman School and staff, students and parents, for receiving Blue Ribbon School Award.

Council Member Fogarty spoke regarding RFP's and stated that Assistant Solicitor Kirshenbaum and Mr. Baron both believe that the RFP's are parameters and are not what ultimately ends up in the contract. After research, she has found that that is not the case and she feels it is important that the Council realize that this is the opinion of two people who sit on the Board of Contract and Purchase. Councilman Jackvony stated that he feels the purchasing manual needs to be revamped.

Council President Pastore announced upcoming Special Council meetings. He also stated that the City is now entering its third year with Cayer Prescott. The Auditor General advised the City of a new law that an auditor cannot conduct an audit for three consecutive years without going out to re-bid. He asked Mr. Woerner where we stand with the RFP going out. Mr. Woerner stated that he received consent from Mr. Baron and the School Department today with some minor changes and he will send it to the Auditor General tomorrow and probably go out to bid next week.

On motion by Councilwoman O'Hara, seconded by Councilman McDonough, it was voted to have the Audit services sent out to RFP subject to Auditor General approval. Motion passed on a vote of 9-0. The following being recorded as voting "aye": Councilmen Fung, Jackvony, Councilwoman O'Hara, Council Member Fogarty, Councilwoman McFarland, Councilmen Ferolito, Lanni, McDonough and Council President Pastore -9.

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VI. PUBLIC HEARINGS

Jennifer Calvino appeared to speak in favor of proposed Ordinance 2-04-1. A parent of a child at Waterman School, she stated that she and her children were pinned up against a fence after a car hit a truck near the school and she holds the City responsible for fixing this problem before a tragedy happens.

Mary McNally, Principal of Waterman School, appeared to speak in favor of proposed Ordinance 2-04-1.

Erin Howard, 48 Post Rd., appeared to speak in favor of proposed “Resolution in support of Rhode Island for Health Care.”

Bob Oliveira appeared to speak regarding proposed “Resolution in support of minimizing City investments in companies that outsource American jobs.”

Pat O’Rourke, 134 Ferncrest Ave., appeared to speak regarding proposed “Resolution in support of Rhode Island for Health Care.”

Father Giacomo Capoverdi of St. Mark’s Church, appeared to speak in favor of proposed “Resolution in support of ‘Unborn Victims of Violence Act.’”

Dave Ferguson, City Traffic Engineer, appeared to speak regarding proposed Ordinance 2-04-1. He stated that he has not formally prepared a response to this Ordinance at this time. The Ordinance, as proposed, does not provide for a solution to what the problems are at this location. This area is utilized specifically by the parents dropping off and picking up their children. There is no designated area for parents to park. In the past, he has asked to sit with members of the PTO and Council person of the area and that never took place. He appeared to oppose to this Ordinance because if we don’t have a solution to the problem, then by passing this Ordinance, it would be creating a problem in another area. We need to fashion a better resolution by working together with the PTO, the school and parents in finding a place for parents to park. Council Member Fogarty stated that perhaps sawhorses can be placed on the street, similar to the ones placed next door to City Hall on Julia St. with no Ordinance, no permission from the Council and closing off a City street and stated that no other solution has been forthcoming and no traffic report made. The problem is trucks parking on the side street. Mr. Ferguson stated that his office has placed signs there. There are already restrictions in place on Mapleton from Pontiac. Council President Pastore recommended that Mr. Ferguson have the City Planner involved in a resolution to this problem that could mitigate the concerns stated by Mr. Ferguson. He also pointed out that the City Council is now on notice of a potential risk there and if we don’t do anything, we could be liable. Mr. Kirshenbaum concurred with Council President Pastore. Councilwoman McFarland stated that Traffic Ordinances require Traffic Engineer’s report and he has 60 days after it’s passage for report and this Ordinance would have to be referred to the next month’s Council meeting.

VII. UNDOCKETED RESOLUTIONS

No Business.

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VIII. DOCKETED RESOLUTIONS

“RESOLUTION IN SUPPORT OF MINIMIZING CITY INVESTMENTS IN COMPANIES THAT OUTSOURCE AMERICAN JOBS.”

Councilman Fung stated that his concern with this Resolution is we would be limiting our ability to invest in sound companies. Councilman Jackvony stated that this Resolution would be minimizing City investments, it would not be tying the hands of the Investment Committee. Councilman Fung stated that he realizes this Resolution would be minimizing, but questioned how would the Investment Committee decide which companies to invest in. Councilman Lanni stated that the Resolution states “minimizing” just for that reason, so we can pick and choose. This is a moral and ethical issue. We have to take a stand and he urged the Council members to vote “yes” on this Resolution, because years from now, there will be no middle class in the US and the jobs will all be overseas. Councilman McDonough stated that this is about saving our economy. This may not solve every problem, but it is a good start. Council President Pastore stated that he understands the intent of this Resolution, but to minimize is a very challenging undertaking.

On motion by Councilman McDonough, seconded by Councilman Lanni, the above Resolution was adopted on a vote of 6-3. The following being recorded as voting “aye”: Councilman Jackvony, Councilwoman O’Hara, Council Member Fogarty, Councilwoman McFarland, Councilmen McDonough and Lanni –6. The following being recorded as voting “nay”: Councilmen Fung, Ferolito and Council President Pastore –3.

“RESOLUTION IN SUPPORT OF ‘UNBORN VICTIMS OF VIOLENCE ACT.’”

On motion by Councilman McDonough, seconded by Councilman Lanni, the above Resolution was adopted on a vote of 7-2. The following being recorded as voting “aye”: Councilmen Fung, Jackvony, Council Member Fogarty, Councilmen Ferolito, Lanni, McDonough and Council President Pastore –7. The following being recorded as voting “nay”: Councilwomen O’Hara and McFarland –2.

“RESOLUTION IN SUPPORT OF RHODE ISLAND FOR HEALTH CARE.”

On motion by Councilwoman O’Hara, seconded by Councilwoman McFarland, it was voted to adopt this Resolution.

Under Discussion:

Councilman Jackvony stated that he is confused as to what the exact solution would be. His concern is the effect this plan would have and the cost of this plan to the taxpayer.

Councilwoman O’Hara stated that there is nothing in this Resolution that mentions a single-tier system. This is a general message to the General Assembly that the City of Cranston is in support of their working for a more equitable solution.

On motion by Councilwoman O’Hara, seconded by Councilman McDonough, it was voted to amend this Resolution as follows: third “Whereas”, amend 80% to 66%. Motion passed on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Fung, Jackvony, Councilwoman O’Hara, Council Member Fogarty, Councilwoman McFarland, Councilmen Ferolito, Lanni, McDonough and Council President Pastore –9.

Roll Call was taken on main motion to adopt the above Resolution and motion passed on a vote of 7-2. The following being recorded as voting “aye”: Councilman Fung, Councilwoman O’Hara, Council Member Fogarty, Councilwoman McFarland, Councilmen Lanni, McDonough and Council President Pastore –7. The following being recorded as voting “nay”: Councilmen Jackvony and Ferolito –2.

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**IX. REPORT OF COMMITTEES
COMMITTEE ON ORDINANCE**

2-04-1 “ORDINANCE IN AMENDMENT OF CHAPTER 17 OF THE CODE OF THE CITY OF CRANSTON, 1970, ENTITLED ‘MOTOR VEHICLES AND TRAFFIC’, SAME-NEAR SCHOOLS WHEN SCHOOL IN SESSION’, SUBSECTION (c) ENTITLED ‘DANIEL D. WATERMAN SCHOOL’ BY ADDING MAPLETON ST., PORTION OF.”

Councilwoman McFarland stated that the Ordinance Committee referred this Ordinance without recommendation due to the fact that there was no Solicitor present at the Ordinance Committee meeting.

On motion by Council Member Fogarty, seconded by Councilman McDonough, it was voted to adopt the above Ordinance.

Under Discussion:

Council President Pastore quoted section of the Charter regarding requirement of Traffic Engineer Report for Motor Vehicle Ordinances. He stated that a report was made by the Traffic Engineer and asked if everyone is in favor of accepting Traffic Engineer’s verbal opinion at this meeting tonight. Council Member Fogarty conferred that Mr. Ferguson gave his opinion on this Ordinance this evening, which constitutes a report.

Roll Call was taken and motion passed on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Fung, Jackvony, Councilwoman O’Hara, Council Member Fogarty, Councilwoman McFarland, Councilmen Ferolito, Lanni, McDonough and Council President Pastore –9.

Council Member Fogarty requested that the Traffic Engineer meet with the Planning Department to review long-term solution to the problem at Mapleton St. including Tennyson Rd.

2-04-3 “ORDINANCE IN AMENDMENT OF CHAPTER 17 OF THE CODE OF THE CITY OF CRANSTON, 1970, ENTITLED ‘MOTOR VEHICLES AND TRAFFIC’, ‘SAME-SUNDAYS ONLY BETWEEN 7:00 AM AND 3:00 PM’ BY DELETING GRANT AVE., PORTION OF AND LINCOLN AVE., PORTION OF; ‘NO PARKING ON CERTAIN STREETS-GENERALLY’ BY ADDING GRANT AVE., PORTION OF AND LINCOLN AVE., PORTION OF.”

Councilwoman McFarland stated that the Ordinance Committee referred this Ordinance without recommendation due to the fact that there was no Solicitor present at the Ordinance Committee meeting.

On motion by Council Member Fogarty, seconded by Councilman McDonough, the above Ordinance was adopted on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Fung, Jackvony, Councilwoman O’Hara, Council Member Fogarty, Councilwoman McFarland, Councilmen Ferolito, Lanni, McDonough and Council President Pastore –9.

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2-04-4 “ORDINANCE AMENDING THE BUDGET FOR THE FISCAL YEAR COMMENCING JULY 1, 2003 AND ENDING JUNE 30, 2004 (LAW DEPT.)”

Councilwoman McFarland stated that the Ordinance Committee referred this Ordinance without recommendation due to the fact that there was no Solicitor present at the Ordinance Committee meeting.

On motion by Councilman McDonough, seconded by Councilman Fung, it was voted to adopt the above Ordinance.

Under Discussion:

Councilwoman McFarland asked that since there are three more months in this budget year, where does the Administration plan on getting additional revenues for this Ordinance and how much legal fees do we have at this time and what departments are being utilized to pay legal fees and at what amount. Mr. Grimes stated that he will e-mail this information to her and the rest of the City Council members by the end of the week.

Roll Call was taken and motion passed on a vote of 8-0. The following being recorded as voting “aye”: Councilmen Fung, Jackvony, Councilwoman O’Hara, Councilwoman McFarland, Councilmen Ferolito, Lanni, McDonough and Council President Pastore –8. Council Member Fogarty was not present for roll call vote.

COMMITTEE ON FINANCE

“RESOLUTION AUTHORIZING TAX ABATEMENTS – RECOMMENDED BY CITY ASSESSOR (REAL ESTATE ABATEMENTS).”

On motion by Councilwoman O’Hara, seconded by Councilman Ferolito, the above Resolution was adopted on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Fung, Jackvony, Councilwoman O’Hara, Council Member Fogarty, Councilwoman McFarland, Councilmen Ferolito, Lanni, McDonough and Council President Pastore –9.

“RESOLUTION AUTHORIZING TAX ABATEMENTS – RECOMMENDED BY CITY ASSESSOR (MOTOR VEHICLE ABATEMENTS).”

On motion by Councilwoman O’Hara, seconded by Councilman Ferolito, the above Resolution was adopted on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Fung, Jackvony, Councilwoman O’Hara, Council Member Fogarty, Councilwoman McFarland, Councilmen Ferolito, Lanni, McDonough and Council President Pastore -9.

“RESOLUTION AUTHORIZING TAX ABATEMENTS-RECOMMENDED BY CITY ASSESSOR (SUPPLEMENTAL REAL ESTATE ABATEMENTS).”

On motion by Councilwoman O’Hara, seconded by Councilman Fung, it was voted to approve this list on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Fung, Jackvony, Councilwoman O’Hara, Council Member Fogarty, Councilwoman McFarland, Councilmen Ferolito, Lanni, McDonough and Council President Pastore –9.

“RESOLUTION AUTHORIZING HOMESTEAD ABATEMENTS-RECOMMENDED BY CITY ASSESSOR.”

On motion by Councilwoman O’Hara, seconded by Councilman Ferolito, the above Resolution was adopted on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Fung, Jackvony, Councilwoman O’Hara, Council Member Fogarty, Councilwoman McFarland, Councilmen Ferolito, Lanni, McDonough and Council President Pastore -9.

X. ELECTION OF CITY OFFICIALS

On motion by Councilwoman McFarland, seconded by Council Member Fogarty, it was voted to re-appoint **COLLEEN CRUDALE** and **HAROLD TILLINGHAST** TO THE BOARD OF CONTRACT AND PURCHASE. Motion passed on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Fung, Jackvony, Councilwoman O’Hara, Council Member Fogarty, Councilwoman McFarland, Councilmen Ferolito, Lanni, McDonough and Council President Pastore -9.

On motion by Councilman McDonough, seconded by Councilwoman McFarland, it was voted to re-appoint **EDWIN KEENAN** to the BUILDING APPEALS BOARD. Motion passed on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Fung, Jackvony, Councilwoman O’Hara, Council Member Fogarty, Councilwoman McFarland, Councilmen Ferolito, Lanni, McDonough and Council President Pastore -9.

On motion by Councilman Lanni, seconded by Councilman Fung, it was voted to re-appoint **CARLO TESTA** to the BUILDINGS APPEAL BOARD. Motion passed on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Fung, Jackvony, Councilwoman O’Hara, Council Member Fogarty, Councilwoman McFarland, Councilmen Ferolito, Lanni, McDonough and Council President Pastore -9.

On motion by Councilman McDonough, seconded by Councilman Lanni, it was voted to re-appoint **MARIO OLIVELLI** to the ARCHITECTS & ENGINEERS. Motion passed on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Fung, Jackvony, Councilwoman O’Hara, Council Member Fogarty, Councilwoman McFarland, Councilmen Ferolito, Lanni, McDonough and Council President Pastore -9.

XI. REPORT OF CITY OFFICERS

Mr. Igoe gave an update on financials. He stated that through February the City collected \$143,372,154 and expended \$127,535,148. From last month, there is not much significant except the School Department, they budgeted \$1.7 million for Medicare through February they collected \$83,000.00. Meal tax passed last year, coming in approximately \$80,000 per month. There is legislation trying to repeal that tax.

XIA. OLD BUSINESS

10-03-1 “ORDINANCE IN AMENDMENT OF CHAPTER 2 OF THE CODE OF THE CITY OF CRANSTON, 1970, ENTITLED ‘ADMINISTRATION’ (APPROVAL OF APPROPRIATIONS). (TABLED 1/26/2004 AND 2/23/2004).”

On motion by Councilman McDonough, seconded by Councilman Lanni, it was voted to remove this Ordinance from the table for discussion. Motion passed on a vote of 7-2. The following being recorded as voting “aye”: Councilmen Fung, Jackvony, Council Member Fogarty, Councilmen Ferolito, Lanni, McDonough and Council President Pastore -7. The following being recorded as voting “nay”: Councilwomen O’Hara and McFarland -2.

Councilman McDonough stated that this was amended and with the amendments, he recommended this Ordinance be sent back to the Financial Review Board and have it brought back to the City Council for further discussion.

On motion by Councilman Lanni, seconded by Councilman McDonough, it was voted to retable this Ordinance. Motion passed on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Fung, Jackvony, Councilwoman O’Hara, Council Member Fogarty, Councilwoman McFarland, Councilmen Ferolito, Lanni, McDonough and Council President Pastore -9.

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XII. NEW BUSINESS

On motion by Councilwoman McFarland, seconded by Councilman Fung, the following introduced Ordinances be advertised for hearing before the Ordinance Committee on THURSDAY, April 15, 2004 at 7 PM pursuant to Sec. 3.12 of the Charter. Motion passed on a vote of 8-0. The following being recorded as voting “aye”:
Councilmen Fung, Jackvony, Councilwomen O’Hara, McFarland, Councilmen Ferolito, Lanni, McDonough and Council President Pastore –8. Council Member Fogarty was not present for roll call vote.

- 3-04-1 Ordinance in amendment of Chapter 17 of the Code of the City of Cranston, 1970, entitled “Motor Vehicles and Traffic”, “Same-Near Schools When School is in Session”, subsection (p), entitled “Chester W. Barrows School” by deleting Netherlands Ave., portion of; “Same-Near Schools When School is in Session”, subsection (p), entitled “Chester W. Barrows School” by adding Netherlands Ave., portion of. ORDINANCE COMMITTEE 4/15/2004.

- 3-04-2 Ordinance in amendment of Chapter 4 of the Code of the City of Cranston, 1970, entitled “Animals” (Nuisance Abatement). ORDINANCE COMMITTEE 4/15/2004.

- 3-04-3 Ordinance amending Ordinance 2003-72 (Personnel Analyst Position). FINANCE COMMITTEE 4/15/2004 and ORDINANCE COMMITTEE 4/15/2004.

XIII. MISCELLANEOUS BUSINESS ON CLERK’S DESK

Council President Pastore stated that there is a counterproposal on the land abandonment on Oaklawn Ave. A letter from Daniel O’Hara, submitting a counter-offer, was sent to the Purchasing Agent and per the Solicitor, this letter be referred to the Board of Contract and Purchase.

XIV. PUBLIC HEARINGS ON UNDOCKETED ITEMS

Jordan Bruno appeared to speak and stated shame on the Administration, since he heard at the beginning of this meeting that the public will not be able to hear a presentation from the consultant who performed the Audit for the Police and Fire. He also stated that earlier, the Mayor stated that last week was a victory for everyone regarding the lawsuit the City won regarding the School Department. He stated that this was not a victory, he has two children and the children are used as political football.

John DeGenova, Phenix Ave., Vice-President of Local 1363 Firefighter Union, appeared to speak regarding the Performance Audit for the Fire Department and stated that for the Council to meet one or two at a time with the consultant is ridiculous. He stated that this Council voted to go forward with a performance audit and paid for it. The document itself is not what the City paid for. The Administration is saying that they do not want a lynching of the consultant, he suggested that the public does not have to ask questions, the Council can ask questions. He also stated that at the March 25, 2004 Performance Audit Committee meeting, he will have an expert speak, who is a retired New York Firefighter.

Albert Benetti, 24 Concord Ave., appeared to speak and stated that he agrees with the Mayor regarding the School Department Court decision. If you read the Judge's decision, you will agree that it seems they were ill prepared and not represented properly by their counsel. He also spoke regarding the Police and Fire Audit and stated that the consultant made some suggestions, none of that is binding. The main focus of this report shows that the departments really need to have some changes made to them. This Council needs to put politics aside and really make some changes.

Councilwoman McFarland stated that there is a contract signed by someone (Mayor and not the Finance Director) other than the authorized person, similar to the Avcoor contract, a scope of work that was not followed properly and contract states that the City would get a presentation from the Consultant, but only the Administration was given a presentation.

Paul Valetta, President of Local 1363 Firefighters, appeared to speak regarding the Performance Audit for the Fire Department. He stated that he attended an executive session meeting last week via phone with Mr. Adams, the consultant, and was allowed one guest, which he took Council Member Fogarty. He stated that he asked Mr. Adams questions and was told over and over by Mr. Grimes and Sue Bello, Personnel Director, that he could not ask those particular questions and Mr. Grimes constantly tried to change the answers Mr. Adams was giving. Mr. Grimes stated that he sent a letter to Mr. Valetta and the Union dated February 3 asking for concerns of all issues of the Performance Audit and received no response. On February 19, he sent a follow-up letter and received no response. He sent a letter March 2 and received no response. The City invited Mr. Valetta to the meeting with the Mayor's Advisory Task Force and for Mr. Valetta to say he tried to change the answers or tried to stop him from asking questions is not true. Mr. Valetta stated that Mr. Adams conducted this Audit based on 17 hours of talking to the command staff. He spent three days in the City of Cranston and gave recommendations that would jeopardize the safety of the residents and firefighters in the City of Cranston. Mr. Valetta stated that he did not submit questions in writing to Mr. Grimes purposely because Mr. Adams could have all the answers ready. He also stated that when he attended the meeting with the Task Force and asked Mr. Adams questions, he could not answer them and Council Member Fogarty can confirm this, since she was present at that meeting.

The meeting adjourned at 10:40 P.M.

Maria Medeiros Wall
City Clerk

Rosalba Zanni
Assistant City Clerk/Clerk of Committees

(See Stenographic Notes of Jean DeLomba, Stenotypist).