

SPECIAL MEETING – CITY COUNCIL

-MAY 12, 2008-

Special meeting of the City Council was held on Monday, May 12, 2008 in the Council Chambers, City Hall, 869 Park Ave., Cranston, Rhode Island.

The meeting was called to order at 7:10 P.M. by the Council President.

Roll Call showed the following members present: Councilmen Lanni, Lupino, Livingston, Navarro, Santamaria, Barone, Council Vice-President McFarland and Council President Garabedian –8.

Absent: Council Member Bucci -1.

Also Present: Mayor Michael T. Napolitano; Ernest Carlucci, Director of Administration; Frank Migliorelli, Deputy Director of Administration; Vito Sciolto, City Solicitor; Corsino Delgado, Director of Finance; Mike Igoe, City Controller; Steve Woerner, City Council Internal Auditor; Pat Quinlan, City Council Legal Counsel.

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City Clerk read call into the record:

**CITY OF CRANSTON
RHODE ISLAND**

**NOTICE OF SPECIAL MEETING OF THE CITY COUNCIL
2009 BUDGET ADOPTION**

In Accordance with the Home Rule Charter and Section 3.07 thereof, I hereby call a special meeting of the City Council to be held on **Monday, May 12, 2008** at 7:00 P.M. in Council Chambers, City Hall, 869 Park Ave., Cranston, RI at which meeting the following items of business shall be transacted:

- Consideration and action on the Operating Budget and Appropriation Ordinance, Capital Budget and Capital Improvement Program pursuant to Chapter 6 of the Home Rule Charter.
- Consideration and action on Resolution levying and order the assessment and collection of a tax on ratable real estate and tangible personal property pursuant to Section 6.11 of the Home Rule Charter and Ordinance fixing the date when taxes are assessed and due and payable.
- Consideration and action on any other related Ordinances and Resolutions pertaining to the City of Cranston's budget.
- Introduction of New Business: Proposed Ordinance no. 05-08-1S Ordinance in Amendment of the Code of the City of Cranston In Amendment of Section. 8.20 Entitled "Health and Safety" (Noise Control – Unruly Gatherings)

I hereby request the City Clerk to notify all Council members of the Call of the special meeting.

Executed at Cranston, Rhode Island, this 7th day of May, 2008.

/s/ Aram G. Garabedian, Council President

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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, May 12, 2008 at 7:00 P.M. in the Council Chambers, third floor, City Hall, 869 Park Ave., Cranston, R.I. was delivered via electronic mail on the 7th of May, 2008 and regular mail, postage prepaid to the addresses listed below.

Council President Aram G. Garabedian
173 Belvedere Dr.
Cranston, RI 02920
Aram@blissproperties.net

Council Member Maria A. Bucci
301 Wilbur Ave.
Cranston, RI 02921
MarBC4@aol.com

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

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

Councilwoman Paula B. McFarland
100 Pomham St.
Cranston, RI 02910
p_mcfarland@verizon.net

Councilman John E. Lanni, Jr.
111 Woodview Dr.
Cranston, RI 02920
john.lanni@yahoo.com

Councilman Anthony J. Lupino
15 Black Oak Court
Cranston, RI 02921
tlupino@cox.net

Councilman Emilio L. Navarro
61 Autumn St.
Cranston, RI 02910
Navarro_emilio@hotmail.com

Councilman Richard Santamaria
20 Burr St.
Cranston, RI 02920
Ritatj10@yahoo.com

/s/ Rosalba Zanni, Assistant City Clerk

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On motion by Councilman Lanni, seconded by Councilman Lupino, it was voted to go into Executive Session pursuant to RIGL 42-46-5(a)(2). Motion failed on a tie vote of 4-4. The following being recorded as voting "aye": Councilmen Lanni, Lupino, Santamaria and Council President Garabedian -4. The following being recorded as voting "nay": Councilmen Livingston, Navarro, Barone and Council Vice-President McFarland -4.

On motion by Councilman Navarro, seconded by Councilman Lupino, it was voted to reconsider the above vote. Motion passed on a vote of 6-2. The following being recorded as voting "aye": Councilmen Lanni, Lupino, Livingston, Navarro, Santamaria and Council President Garabedian -6. The following being recorded as voting "nay": Councilman Barone and Council Vice-President McFarland -2.

Roll call was taken on main motion to go into Executive Session and motion passed on a vote of 6-2. The following being recorded as voting "aye": Councilmen Lanni, Lupino, Livingston, Navarro, Santamaria and Council President Garabedian -6. The following being recorded as voting "nay": Councilman Barone and Council Vice-President McFarland -2.

The meeting went into Executive Session at 7:15 P.M.

Present in Executive Session: Councilmen Lanni, Lupino, Livingston, Navarro, Santamaria, Barone, Council Vice-President McFarland Council President Garabedian; Mayor Michael T. Napolitano; Ernest Carlucci, Director of Administration; Frank Migliorelli, Deputy Director of Administration; Vito Sciolto, City Solicitor; Patrick Quinlan, City Council Legal Counsel; Steve Woerner, City Council Internal Auditor.

The meeting came out of Executive Session at 7:45 P.M.

On motion by Councilman Lanni, seconded by Councilman Livingston, it was voted to come out of Executive Session at 7:45 P.M. Motion passed on a vote of 8-0. The following being recorded as voting "aye": Councilmen Lanni, Lupino, Livingston, Navarro, Santamaria, Barone, Council Vice-President McFarland and Council President Garabedian -8.

On motion by Councilman Lanni, seconded by Councilman Livingston, it was voted to seal the minutes of Executive Session. Motion passed on a vote of 7-1. The following being recorded as voting "aye": Councilmen Lanni, Lupino, Livingston, Navarro, Santamaria, Council Vice-President McFarland and Council President Garabedian -7. The following being recorded as voting "nay": Councilman Barone -1.

Public speakers:

Marie Perry, 89 Villa Ave., City employee and member of the Teamsters Union, appeared to speak and asked the Council to think before passing this budget, because time and time again this union has given concessions to the City and instead of a thank you, it gets hit again.

Lynne Furney, City employee and member of the Teamsters Union, appeared to speak and asked that the 14 positions effected in the Mayor's proposed budget be restored to the original positions. She asked that the full Council remove the amendment made by the Finance Committee entitled "Taxpayer Escrow Account", which this should not be borne on the shoulders of the Teamsters alone and should be spread throughout the City.

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Steve Labrie, 1740 Plainfield Pike, Business Agent for the Teamsters Union, appeared to speak and stated that this Union has time and time again given concessions to the City and are tired of giving back.

Councilman Santamaria stated that there seems to be confusion regarding furloughs and healthcare co-pay change and what the Taxpayer Escrow Account is. Councilman Livingston, Chair of Finance Committee, explained what the Taxpayer Escrow Account is to be for. He stated that the Finance Committee tried to identify areas that the Mayor was asked to explore, such as 20% healthcare co-pays across the board, perhaps furlough days and consolidation of services between the City and Schools. We need to begin changing the structure of City government. These are suggestions that the Council is bringing forward to the Mayor. These are up to the bargaining unit and the Mayor and those concessions would go into this account.

Discussion took place on how to proceed in voting on the amendments recommended by the Finance Committee.

On motion by Councilman Barone, seconded by Council Vice-President McFarland, it was voted to vote on the amendments recommended by the Finance Committee line item by line item rather than as a block.

Under Discussion:

Council Vice-President McFarland asked for City Solicitor's opinion. Councilman Barone stated that he would like to vote on the amendments line item by line item because there may be a line item that a Council member might want to vote against and if voted on as a block, that Council member won't be able to vote against that particular line item.

Roll call was taken and motion failed on a vote of 4-4. The following being recorded as voting "aye": Councilmen Lupino, Barone, Council Vice-President McFarland and Council President Garabedian -4. The following being recorded as voting "nay": Councilmen Lanni, Livingston, Navarro and Santamaria -4.

Councilman Livingston read into the record the amendments as recommended by the Finance Committee.

On motion by Councilman Livingston, seconded by Councilman Lanni, it was voted to approve the budget as amended by the Finance Committee and read by Councilman Livingston.

Under Discussion:

Councilman Barone stated that he is in favor of the amendment regarding "Police Car Detail", which is a good idea and will bring in more revenue; the "Transfer of Other Funds", he asked where those funds will come from; "Universal Business Licenses", he stated that an Ordinance has to be passed to initiate this and we are counting on this money. Councilman Livingston stated that this is an estimate that the Council Auditor came up with, with the anticipation that an Ordinance will be passed. Councilman Livingston addressed the question of the "Transfer of Other Funds" and stated that this account will be set up and will have an account number. Mr. Igoe indicated that this account number will be #46110. Councilman Livingston stated that those funds would come from consolidating services between City and School, furlough days and healthcare and any other concessions, if those are realized.

Council Vice-President McFarland stated that the \$374,368 is coming from the Budget Stabilization Fund.

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Councilman Barone addressed the Council Auditor Salary and stated that this position is a part-time position. He asked if this will become full-time or stay part-time. Councilman Livingston stated that the Ordinance creating this position sets a salary cap of \$50,000 and when Mr. Woerner accepted this position, he was employed by another municipality, and he no longer is employed elsewhere and this is the reason for the salary increase and the health coverage. This position will remain part-time.

Councilman Barone asked if the Hospitalization includes the 20% co-pay. Councilman Livingston stated, yes, Mr. Woerner will pay 20% towards the health coverage. Councilman Barone stated that the Mayor's proposed budget does not call for any raises for any unions and the Council is proposing to set up a Taxpayer Escrow Account. He stated that he does not believe the unions are going to give any concessions equaling \$1.5 million. Councilman Livingston stated that this is between the Mayor and the unions to discuss.

Council Vice-President McFarland stated that the proposed budget affects just a few members. She will not support eliminating the Engineering Department and she also indicated that there is no money allocated in the budget for the \$11 million worth of projects and there is no money allocated for engineering consultants.

Roll call was taken and motion passed on a vote of 5-3. The following being recorded as voting "aye": Councilmen Lanni, Livingston, Navarro, Santamaria and Council President Garabedian -5. The following being recorded as voting "nay": Councilmen Lupino, Barone and Council Vice-President McFarland -3.

On motion by Councilman Lupino, seconded by Councilman Barone, it was voted to remove from the block of amendments the following: Acct. #101-0201-54136 and 51254. Motion and second were withdrawn.

On motion by Council Vice-President McFarland, seconded by Councilman Barone, it was voted to remove from the budget the following amendment: "Taxpayer Escrow Account".

Under Discussion:

Council Vice-President McFarland stated that this is not a sustainable number, since you do not have viable concessions. Any concessions can be placed in the General Fund.

Mayor Napolitano stated to Councilman Barone that these are bad times in the City. People will lose their jobs, prices of food and gas have gone up. He indicated that he will veto the recommendations of the Finance Committee and will do everything in his power not to raise taxes this year. **Councilman Barone** asked if the Mayor will guarantee that there won't be a supplemental tax. Council President Garabedian stated that the Mayor does not have to answer this question.

Roll call was taken and motion failed on a vote of 1-6. The following being recorded as voting "aye": Councilman Barone -1. The following being recorded as voting "nay": Councilmen Lanni, Lupino, Livingston, Navarro, Santamaria and Council President Garabedian -6. Council Vice-President McFarland was not present for roll call vote.

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On motion by Councilman Lupino, seconded by Councilman Barone, it was voted to remove from the block of amendments the following: "Council Auditor Salary and Hospitalization".

Under Discussion:

Councilman Barone stated that he cannot support a 25% increase in salary with no increase in hours and he cannot award \$14,000 healthcare benefit to a part-time employee. This would open up to other part-time employees in the City to seek coverage through the City or buyback option.

Roll call was taken and motion passed on a vote of 2-6. The following being recorded as voting "aye": Councilmen Lupino and Barone -2. The following being recorded as voting "nay": Councilmen Lanni, Livingston, Navarro, Santamaria, Council Vice-President McFarland and Council President Garabedian -6.

On motion by Councilman Lupino, seconded by Council Vice-President McFarland, it was voted to place in an escrow account and add as income the following: sale of former Police Station - \$2,200,000, Hamilton Building - \$1,350,000 and Sanders School - \$590,800.

Under Discussion:

Council Vice-President McFarland suggested placing an amount in a "Judgment Debt Service Account". She asked Mr. Woerner what the amount is to pay for the Judgment Bonds.

Councilman Navarro stated that he was advised that the Council, in the past, passed an Ordinance that once the Police Station is sold, part of that money would go to the Schools. Council President Garabedian stated that the Ordinance states that \$2 million would be appropriated for asset management, textbooks and fire rescue wagon, transportation and plant maintenance. Mr. Woerner stated that \$1.5 million is for Providence Water, \$2.5 million for the Valley case and he is not sure what the amount is for the Cullion case, he would guess between \$4 to \$5 million.

Roll call was taken and motion failed on a tie vote of 3-3. The following being recorded as voting "aye": Councilmen Lupino, Santamaria and Council Vice-President McFarland -3. The following being recorded as voting "nay": Councilmen Lanni, Barone and Council President Garabedian -3. Councilmen Livingston and Navarro were not present for roll call vote.

On motion by Councilman Lupino, seconded by Council Vice-President McFarland, it was voted to add as income, Police Station property in the amount of \$2 million for this budget year, to be placed possibly in the Budget Stabilization Account.

Under Discussion:

Councilman Barone stated that Highway Maintenance Acct. #3102, Highway Supervisor's salary increase of \$2,500 proposed by the Mayor was not brought up at the Finance Committee meeting. He questioned if any action will be taken this evening regarding this. Council President Garabedian stated that at the Finance Committee hearing, no action was taken. Councilman Barone stated that he would like some time to obtain the figures for this and revert the salary for this position back to the original amount prior to the mayor's proposal.

Roll call was taken and motion passed on a vote of 8-0. The following being recorded as voting "aye": Councilmen Lanni, Lupino, Livingston, Navarro, Santamaria, Barone, Council Vice-President McFarland and Council President Garabedian -8.

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Council Vice-President McFarland announced that the Flood Commission met prior to this meeting and recommendation was made to the full Council for bond referendum to repair drainage and flood problems in the City. She questioned if the Capital Budget needs to be amended to address that bond referendum or would it be amended later if the voters approve it. She stated that the potential cost for this referendum is approximately \$13 million. She asked for guidance from the Administration or City Solicitor. Council President Garabedian quoted Section 6.12 of the City Charter.

On motion by Councilman Livingston, seconded by Councilman Barone, the following amendment was proposed: Acct. #101-050-5111 Personnel Analyst increase of \$15,000. This would allow the employee currently holding the Personnel Analyst position to work 75 days per year.

Under Discussion:

Councilman Navarro addressed page 4 of the handout provided by Mr. Migliorelli and stated that he would like adjusted number total for each department. Mr. Delgado stated that there is no change, the net effect is -0-. Councilman Navarro asked why this handout was presented this evening prior to the meeting. Mr. Delgado stated that when the budget was presented, after reviewing it, his department noticed some minor inconsistencies and the reason for this handout is to correct these inconsistencies. The employees listed on this handout, their salary in the proposed budget still showed 3% salary increase and all the employees should show -0- increase.

Chair stated that at the Finance Committee meeting last Wednesday, during the amendment night, he was advised by the Administration that they had more amendments they would like to present and he asked that these additional amendments be made and the Administration did not want to make them that night. He contacted Mr. Carlucci Friday morning and asked him to send the Council members a list of these amendments prior to the Adoption night and it was not done, yet it was presented this evening during the meeting.

Roll call was taken and motion passed on a vote of 8-0. The following being recorded as voting "aye": Councilmen Lanni, Lupino, Livingston, Navarro, Santamaria, Barone, Council Vice-President McFarland and Council President Garabedian -8.

On motion by Councilman Lupino, seconded by Councilman Barone, it was voted to approve the following amendment:

- Acct. #432-5800-51101 decrease of \$1,750 for revised amount of \$58,354
- Acct. #43205800-51251 decrease of \$135 for revised amount of \$4,464
- Acct. #432-5800-51252 decrease of \$111 for revised amount of \$4,780
- Acct. #432-5800-53069 decrease of \$1,996 for revised amount of \$176,996

Motion passed on a vote of 7-0 with 1 abstention. The following being recorded as voting "aye": Councilmen Lupino, Livingston, Navarro, Santamaria, Barone, Council Vice-President McFarland and Council President Garabedian -7. Councilman Lanni recused himself.

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On motion by Councilman Lupino, seconded by Councilman Livingston, it was voted to approve the amended salary schedule from document presented by Administration.

Under Discussion:

Council Vice-President McFarland addressed page 2 of the handout presented by Administration and questioned whether a dollar amount should be associated with each title. Supposedly, these are errors. She questioned how we actually know they are errors. Mr. Delgado stated that these are verified against the grade table and there are no dollars associated. Council Vice-President McFarland stated that there are still errors in this handout. The vacant positions were to be removed from the budget and they are not. There are four vacant positions listed in this budget and she would hate to see that they are filled in the future when the City is in dire dire financial situation.

Roll call was taken and motion passed on a vote of 7-0. The following being recorded as voting "aye": Councilmen Lanni, Lupino, Navarro, Santamaria, Barone, Council Vice-President McFarland and Council President Garabedian -7. Councilman Livingston was not present for roll call vote.

On motion by Council Vice-President McFarland, seconded by Councilman Navarro, it was voted to remove the following vacant positions listed in the budget, as recommended by the Finance Committee: Juvenile Hearing Board Clerk in the Police Department, Cashier in the Treasurer's Office, Records Inspector in the Clerk's Office and Finance Director Confidential Secretary.

Under Discussion:

Council Vice-President McFarland stated that the Council has not discussed any other restructuring of departments previously discussed. The Council also has not appropriated any money for consulting fees for engineering consultants.

Roll call was taken and motion passed on a vote of 6-2. The following being recorded as voting "aye": Councilmen Lanni, Livingston, Navarro, Santamaria, Council Vice-President McFarland and Council President Garabedian -6. The following being recorded as voting "nay": Councilmen Lupino and Barone -2.

On motion by Councilman Livingston, seconded by Councilman Navarro, it was voted to approve the amended budget as amended. No roll call was taken.

On motion by Council President Garabedian, seconded by Councilman Navarro, it was voted to amend the Treasurer's salary in the amount of \$5,500, which is half of the Mayor's proposal. Motion failed on a vote of 1-7. The following being recorded as voting "aye": Council President Garabedian -1. The following being recorded as voting "nay": Councilmen Lanni, Lupino, Livingston, Navarro, Santamaria, Barone and Council Vice-President McFarland -7.

Council President Garabedian motioned to amend the Safety Engineer's salary by reducing it by \$10,000. No one seconded this motion.

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“RESOLUTION ADOPTING THE OPERATING BUDGET AND THE ATTACHED SALARY SCHEDULE FOR THE GENERAL FUND, THE SEWER FUND, THE INSURANCE FUND AND THE CAPITAL BUDGET FOR THE FISCAL YEAR COMMENCING JULY 1, 2008 AND ENDING JUNE 30, 2009 AND ADOPTING THE CAPITAL IMPROVEMENT PROGRAM FOR THE FOUR SUCCEEDING YEARS”

“ORDINANCE MAKING ANNUAL APPROPRIATION FOR THE CITY OF CRANSTON FOR THE FISCAL YEAR COMMENCING JULY 1, 2008 AND ENDING JUNE 30, 2009”

On motion by Councilman Livingston, seconded by Councilman Navarro, it was voted to approve the budget as amended and adopt the above Resolution and Ordinance. Motion passed on a vote of 6-2. The following being recorded as voting “aye”: Councilmen Lanni, Lupino, Livingston, Navarro, Santamaria and Council President Garabedian -6. The following being recorded as voting “nay”: Councilman Barone and Council Vice-President McFarland -2.

“RESOLUTION AUTHORIZING THE ASSESSMENT OF VALUATIONS AND LEVY OF TAXES”

On motion by Councilman Livingston, seconded by Councilman Barone, the above Resolution was adopted on a vote of 6-2. The following being recorded as voting “aye”: Councilmen Lanni, Lupino, Livingston, Navarro, Santamaria and Council President Garabedian -6. The following being recorded as voting “nay”: Councilman Barone and Council Vice-President McFarland -2.

“ORDINANCE FIXING THE DATE WHEN TAXES ARE ASSESSED AS OF DECEMBER 31, 2007 WILL BE DUE AND PAYABLE AND THE DATE WHEN UNPAID TAXES WILL CARRY A PENALTY”

On motion by Councilman Livingston, seconded by Councilman Navarro, it was voted to adopt the above Ordinance was adopted on a vote of 7-0. The following being recorded as voting “aye”:

Under Discussion:

Councilman Lupino stated that he has received a number of telephone calls from constituents regarding the exorbitant rate that is charged on delinquent taxes to some of the elderly on a fixed income. He questioned if an adjustment could be made at some point in time to that rate. Council Vice-President McFarland stated that she agrees with Councilman Lupino and believes the Council has the ability to raise the rate up to 18% and it has been done. She asked the Solicitor if we could actually lower that number back to the realistic number of 12%. Mr. Delgado stated that at this time, the City is charging 12%. **Joe Morris**, Senior Revenue Agent, appeared to speak and stated that the problem is, as the Ordinance is written now, the taxpayers have five business days grace from the date that it is due and that interest is collected back to July 15th. It is on the entire amount unpaid.

On motion by Councilman Livingston, seconded by Councilman Navarro, it was voted to move the question. Roll call was taken and motion passed on a vote of 8-0. The following being recorded as voting “aye”: Councilmen Lanni, Lupino, Livingston, Navarro, Santamaria, Barone, Council Vice-President McFarland and Council President Garabedian -8.

Roll call was taken on motion to adopt the above Ordinance and motion passed 6-2. The following being recorded as voting “aye”: Councilmen Lanni, Lupino, Livingston, Navarro, Santamaria and Council President Garabedian -6. The following being recorded as voting “nay”: Councilman Barone and Council Vice-President McFarland -2.

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“ORDINANCE IN AMENDMENT OF TITLE 13 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘PUBLIC SERVICES’”

On motion by Councilman Livingston, seconded by Council Vice-President McFarland, the above Ordinance was adopted on a vote of 8-0. The following being recorded as voting “aye”: Councilmen Lanni, Lupino, Livingston, Navarro, Santamaria, Barone, Council Vice-President McFarland, Council President Garabedian -8.

“CAPITAL BUDGET”

On motion by Councilman Livingston, seconded by Council Vice-President McFarland, it was voted to approve the Capital Budget.

Under Discussion:

Council Vice-President McFarland stated that in regards to the Bond Referendums for the flood and drainage problems in the City, and after speaking with the Council legal counsel, we cannot change the Capital Budget before it goes to the Planning Commission. At this point, we will just forward a Resolution to the General Assembly because we are running out of time to get the Referendum on the November ballot.

Roll call was taken and motion passed on a vote of 7-1. The following being recorded as voting “aye”: Councilmen Lanni, Lupino, Livingston, Navarro, Santamaria, Council Vice-President McFarland, Council President Garabedian -7. The following being recorded as voting “nay”: Councilman Barone -1.

NEW BUSINESS:

City Clerk read the following introduced items and the Committees and the date referred for public hearing.

City Council – May 27, 2008

5S-08-1 Ordinance in amendment of Title 8 of the code of the City of Cranston, 2005, entitled “Health and Safety” (Noise Control-Unruly Gatherings).

City Clerk also indicated that a Mayor’s veto was received May 8, 2008 regarding Ordinance 2-08-5 entitled “Building Code” (Historic Certificate of Occupancy). This Ordinance will be presented at the May 27, 2008 regular Council meeting for a possible veto override.

The meeting adjourned at 10:45 P.M.

Maria Medeiros Wall JD
City Clerk

Rosalba Zanni
Assistant City Clerk/Clerk of Committees

(See Stenographic Notes of Meredith Mahoney, Stenotypist)