

SPECIAL MEETING – CITY COUNCIL

-MAY 12, 2009-

Special meeting of the City Council was held on Tuesday, May 12, 2009 in the Council Chambers, City Hall, 869 Park Ave., Cranston, Rhode Island.

The meeting was called to order at 6:50 P.M. by the Council President.

Roll Call showed the following members present: Councilmen Lupino, Aceto, Navarro, Archetto, Pelletier, Santamaria, Councilwoman Bergin-Andrews, Council Vice-President Livingston and Council President Lanni –9.

Also Present: Mayor Allan Fung; Robin Muksian-Schutt, Director of Administration; Evan Kirshenbaum, Assistant City Solicitor; Robert Strom, Director of Finance; Mike Igoe, City Controller; Steve Woerner, City Council Internal Auditor; Pat Quinlan, City Council Legal Counsel.

Also Present: Attorney Matt Oliverio, Counsel for the City in the Caruolo Action.

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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- 2010 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 **Tuesday, May 12, 2009** at 6:30 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.

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, 2009.

/s/ John E. Lanni, Jr., 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 Tuesday, May 12, 2009 at 6:30 P.M. in the Council Chambers, City Hall, Cranston, R.I. was delivered via electronic mail on the 7th day of May, 2009 and regular mail, postage prepaid to the addresses listed below.

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

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

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

Councilman Robert Pelletier
81 Laconia Rd.
Cranston, RI 02920
Rpelletier1@verizon.net

Councilman Mario Aceto
152 Locust Glen Dr.
Cranston, RI 02920
acetocitywide@gmail.com
MAceto@CranstonRI.org

Councilman Paul Archetto
359 Princess Ave.
Cranston, RI 02920
Parchetto@ccri.edu

Councilwoman Michelle Bergin-Andrews
280 Summit Dr.
Cranston, RI 02920
Michelle@andrewslawoffices.com

/s/ Rosalba Zanni
Assistant City Clerk/Clerk of Committees

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Council President Lanni asked if Administration would like to make comments regarding the School Budget revisions by the Mayor.

Mayor Fung addressed the School Maintenance of Efforts and stated that there needs to be adjustments made to the budget overall to meet our Maintenance of Efforts obligations and meet the \$2 million he proposed to give the Schools, total of approximately \$2.2 million in adjustments to the budget needs to be made. Areas that need amendments that the Administration recommends are: OPEB Reductions, Fire and Police Pension Contributions and Transfer to Other Funds Line Item.

Council President Lanni asked if any from the School Department would like to make a statement.

School Committee Chair Michael Traficante appeared to speak and stated that since the Budget was presented to the City Council, the School Committee has met with the City Council, City Administration and School Department Administration and he thanks all of them in working out a good number of problems.

Joe Balducci, School Chief Financial Officer, appeared to speak and stated that during the past few weeks, all the people Mr. Traficante mentioned met to try and resolve the Maintenance of Efforts issues, which they seemed to have been resolved.

Councilman Navarro asked Mayor Fung when he realized that the Schools were not funded fully on the Maintenance of Efforts. Mayor Fung stated that this has been an ongoing process. It is a floating target because of the conflicting information we have been receiving from the State agencies. It was not until last week that the Administration noticed that it was short in the Maintenance of Efforts obligation and, as quickly as possible, he notified Mr. Woerner and the Council with the amendments that the Administration had, which was Wednesday of last week. Councilman Navarro asked Mayor Fung when he found out that there was a problem with the City's obligation on the Maintenance of Efforts. Mayor Fung stated, as soon as the Schools raised it as an issue. Mr. Balducci stated that approximately a week after the Budget presentation, he brought up the issue of this problem. Councilman Navarro stated that he is not opposed to this amendment, but the Mayor waited until the eleventh hour for these amendments to be made. Mayor Fung stated that at the School Budget hearing, we still did not have a clear information on what is going on here because of the information we receive from the State. There was no intention of withholding information until the eleventh hour. At the April 21, 2009 meeting, Counsel from Attorney Oliverio's Office was present to see if we were handling this issue properly. Since then, we have been meeting with the School Department to try to resolve this issue. We could not in good faith present any amendments earlier to the Council if we were not sure those numbers met our obligations.

Councilman Navarro addressed the question between the School and Administration of the \$1.7 million. This is stated as stimulus money. He asked if this is a one time revenue source to fill that Budget gap. Attorney Oliverio stated that it is discretionary. The stimulus money is a one time money, but it is also money that was not anticipated. Mayor Fung stated that it is just like any other unanticipated revenue. It is not a supplement for our \$87 million for Maintenance of Efforts. Councilman Navarro stated to the Mayor that he stated in the past that he would not use stimulus money to fill gaps in the Budget. He asked where we are going to find \$1.7 million in two years, since this is becoming part of the School Budget.

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Councilman Aceto asked if the \$87 million will be increased by \$1.7 million next year for Maintenance of Efforts. Attorney Oliverio stated, no, the Maintenance of Efforts will stay at \$87 million. Mayor Fung stated that going forward, our only obligation is \$87 million on the Maintenance of Efforts.

Council Vice-President Livingston stated that he has been asking for long time, what the skeleton bottom line number is that we would have to give by law regulation and contract. No one has provided this information to him to date. Mr. Balducci stated that they are in the process of going through a performance audit. An interim report has been done by the consultants and shared with the School Department and City Council. The number is approximately \$124 million.

On motion by Council Vice-President Livingston, seconded by Councilman Pelletier, it was voted to accept the Mayor's proposed amendments to the Budget. Motion passed on a vote of 9-0. The following being recorded as voting "aye": Councilmen Lupino, Aceto, Navarro, Archetto, Pelletier, Santamaria, Councilwoman Bergin-Andrews, Council Vice-President Livingston and Council President Lanni -9.

On motion by Councilman Navarro, seconded by Council Vice-President Livingston, it was voted to reconsider amendment by the Finance Committee to Acct. #101-2801-51111 'Police Special Duty' to fund Major's position by adding \$65,000 for total amendment to \$74,415.

Under Discussion:

Mr. Igoe indicated that beginning balance was \$10,154.

Roll call was taken and motion passed on a vote of 9-0. The following being recorded as voting "aye": Councilmen Lupino, Aceto, Navarro, Archetto, Pelletier, Santamaria, Councilwoman Bergin-Andrews, Council Vice-President Livingston and Council President Lanni -9.

On motion by Councilman Navarro, seconded by Council Vice-President Livingston, it was voted to reconsider amendment by the Finance Committee to Acct. #101-0201-54106 'Contingency Fund' reduced by \$105,000, adjusted amount would be \$22,313. Motion passed on a vote of 9-0. The following being recorded as voting "aye": Councilmen Lupino, Aceto, Navarro, Archetto, Pelletier, Santamaria, Councilwoman Bergin-Andrews, Council Vice-President Livingston and Council President Lanni -9.

On motion by Councilman Navarro, seconded by Council Vice-President Livingston, it was voted to reconsider amendment by the Finance Committee to Acct. #101-3201-51113 'Engineering Part-Time Clerk of Works' by adding \$40,000. Motion passed on a vote of 9-0. The following being recorded as voting "aye": Councilmen Lupino, Aceto, Navarro, Archetto, Pelletier, Santamaria, Councilwoman Bergin-Andrews, Council Vice-President Livingston and Council President Lanni -9.

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The meeting recessed at 7:50 P.M.
The meeting reconvened at 8:00 P.M.

On motion by Councilman Navarro, seconded by Councilman Pelletier, it was voted to approve Capital Budget 'Arlington Modular Classrooms' total of \$210,000.

Under Discussion:

Councilman Lupino stated that this is an intention for the School Department to use these funds for this area, but indicated the Council cannot earmark where funds are to be spent. School Committee Member Paula McFarland appeared to speak and thanked the Council for appropriating these funds and stated that the School Committee will make sure these funds are used for this and it is much appreciated.

Roll call was taken and motion passed on a vote of 9-0. The following being recorded as voting "aye": Councilmen Lupino, Aceto, Navarro, Archetto, Pelletier, Santamaria, Councilwoman Bergin-Andrews, Council Vice-President Livingston and Council President Lanni -9.

“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, 2009 AND ENDING JUNE 30, 2010 AND ADOPTING THE CAPITAL IMPROVEMENT PROGRAM FOR THE FOUR SUCCEEDING YEARS”

On motion by Council Vice-President Livingston, seconded by Councilman Santamaria, it was voted to approve this Resolution as amended by Finance Committee and by the Council this evening.

On motion by Councilman Aceto, seconded by Council Vice-President Livingston, it was voted to amend to add position of Senior Construction Technician with no funding. Funding would be through stimulus money.

Under Discussion:

Councilman Navarro stated that if there is no funding, he questioned why add the position. Councilman Aceto stated that it could be that the other position in this department will not be filled and we could transfer those funds to this position to oversee projects, such as Natick Ave. and Fletcher Ave.

Councilwoman Bergin-Andrews asked if someone would be hired not or wait until stimulus money comes in. Councilman Aceto stated that you would have to authorize the position in the Budget first. Councilwoman Bergin-Andrews questioned why not hire someone when the money comes in.

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On motion by Council Vice-President Livingston, seconded by Council President Lanni, it was voted to move the question. Motion passed on a vote of 6-3. The following being recorded as voting "aye": Councilmen Aceto, Archetto, Pelletier, Councilwoman Bergin-Andrews, Council Vice-President Livingston and Council President Lanni -6. The following being recorded as voting "nay": Councilmen Lupino, Navarro and Santamaria -3.

Roll call was taken on main motion to amend by adding position of Senior Construction Technician and motion failed on a vote of 4-5. The following being recorded as voting "aye": Councilmen Lupino, Aceto, Archetto and Pelletier -4. The following being recorded as voting "nay": Councilmen Navarro, Santamaria, Councilwoman Bergin-Andrews, Council Vice-President Livingston and Council President Lanni -5.

On motion by Council Vice-President Livingston, seconded by Councilman Lupino, it was voted to adopt the above Resolution as amended by the Finance Committee and the City Council this evening. Motion passed on a vote of 9-0. The following being recorded as voting "aye": Councilmen Lupino, Aceto, Navarro, Archetto, Pelletier, Santamaria, Councilwoman Bergin-Andrews, Council Vice-President Livingston and Council President Lanni -9.

"ORDINANCE MAKING ANNUAL APPROPRIATION FOR THE CITY OF CRANSTON FOR THE FISCAL YEAR COMMENCING JULY 1, 2009 AND ENDING JUNE 30, 2010"

On motion by Council Vice-President Livingston, seconded by Councilman Lupino, it was voted to approve the above Ordinance as amended by Finance Committee and the City Council this evening. Motion passed on a vote of 7-2. The following being recorded as voting "aye": Councilmen Lupino, Navarro, Archetto, Santamaria, Councilwoman Bergin-Andrews, Council Vice-President Livingston and Council President Lanni -7. The following being recorded as voting "nay": Councilmen Aceto and Pelletier -2.

"RESOLUTION AUTHORIZING THE ASSESSMENT OF VALUATIONS AND LEVY OF TAXES"

On motion by Council Vice-President Livingston, seconded by Councilman Navarro, the above Resolution was adopted on a vote of 9-0. The following being recorded as voting "aye": Councilmen Lupino, Aceto, Navarro, Archetto, Pelletier, Santamaria, Councilwoman Bergin-Andrews, Council Vice-President Livingston and Council President Lanni -9.

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“ORDINANCE FIXING THE DATE WHEN TAXES ARE ASSESSED AS OF DECEMBER 31, 2008 WILL BE DUE AND PAYABLE AND THE DATE WHEN UNPAID TAXES WILL CARRY A PENALTY”

On motion by Councilman Aceto, seconded by Councilman Navarro, the above Ordinance was adopted on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Lupino, Aceto, Navarro, Archetto, Pelletier, Santamaria, Councilwoman Bergin-Andrews, Council Vice-President Livingston and Council President Lanni –9.

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

On motion by Council Vice-President Livingston, seconded by Councilman Navarro, the above Resolution was adopted on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Lupino, Aceto, Navarro, Archetto, Pelletier, Santamaria, Councilwoman Bergin-Andrews, Council Vice-President Livingston and Council President Lanni –9.

Council President Lanni stated that the Mayor has 48 hours to veto the Budget for any additional appropriations made by the Council. If there is a veto, a Special City Council meeting has been scheduled for Friday, May 15, 2009 at 6:00 P.M. to consider the Mayor’s veto.

The meeting adjourned at 8:15 P.M.

Maria Medeiros Wall JD
City Clerk

Rosalba Zanni
Assistant City Clerk/Clerk of Committees

(See Stenographic Notes of Meredith Mahoney, Stenotypist)