

REGULAR MEETING – CITY COUNCIL

-SEPTEMBER 22, 2003-

Regular meeting of the City Council of the City of Cranston was held on Monday, September 22, 2003.

The meeting was called to order in the Council Chamber, City Hall, at 7:00 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 P. Laffey; Paul Grimes, Director of Administration; Robin Muksian-Schutt, Deputy Director of Administration; Jametta Alston, City Solicitor; Evan Kirshenbaum, Assistant City Solicitor; Jerome Baron, Director of Finance; Mike Igoe, City Controller; Pat Quinlan, City Council Counsel.

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

Council President Pastore recognized members of the School Department and School Committee present in the room.

I. PUBLIC ACKNOWLEDGEMENTS AND COMMENDATIONS

No Business.

II. INTRODUCTION OF UNDOCKETED RESOLUTIONS

No Business.

III. EXECUTIVE COMMUNICATIONS

Mr. Grimes addressed the issue of legal fees and stated that the Administration will have the information to the Clerk's Office by the close of business on Thursday. Council President Pastore asked that Mr. Grimes also send copies to the Financial Review Board.

Mayor Laffey addressed where we stand with the relationship with the School Committee and spending. He stated that the City's increase is a 16% increase to the Schools and speaking with other mayors from other cities and towns, this is the largest increase in the State. The City made a very serious effort and the School Department made no effort at all and this is way he went to the process of taking them to Court. On Wednesday, the Judge is expected to rule on the merits of the City taking the School Department to Court of whether it is good or bad. It is imperative that we stay on our five year plan. He met with School Superintendent Ciarlo for three months and told her that they were getting \$10 million. Some really tough decisions have to be made.

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“ADVISE & CONSENT ON APPOINTMENT OF PAUL ARCHETTO TO CRANSTON CONSERVATION COMMISSION.” (Tabled August 25, 2003).

On motion by Councilwoman McFarland, seconded by Councilman Ferolito, it was voted to remove this from the table. 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 Councilwoman McFarland, seconded by Councilman Ferolito, it was voted to approve the Advise and Consent of appointment of PAUL ARCHETTO to the Cranston Conservation Commission. 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.

IV. COUNCIL PRESIDENT COMMUNICATIONS

Council President Pastore stated that he received a letter dated September 8 and Council members received copies of this letter regarding \$3.2 budget gap for fiscal year 2004 and regarding the Caruolo Act. He stated that the Council has spoken in Executive Session and after he spoke to Mr. Quinlan, it was determined that based on Charter, the Administration must make a recommendation to the Council for any budget change. If the Council passes an appropriation without a recommendation from the Administration, the Council could be sued personally as well as in a capacity of an elected body. A Resolution has been drafted and placed on the Docket asking the Auditor General to review the financial records of the City and Schools. He sent copies of this draft Resolution to the Auditor General for input. Council President Pastore requested that this Resolution be removed from the Docket pending the outcome of Wednesday’s ruling from the Judge.

Council President Pastore stated that a letter has been received from the Personnel Director regarding Mr. Derderian’s position on the Personnel Appeal Board and suggested removing this item from the Docket. Ms. Alston stated that based on the way the letter is drafted, Mr. Derderian has resigned from the Personnel Appeal Board.

Council President Pastore read document from Darrell Brown, Director of Economic Development, regarding Tax Incentive Application for C & C Realty.

Mr. Baron stated that there is an Ordinance being introduced tonight to be forwarded to the Finance Committee regarding Crossing Guards. He also stated that collections rate are just over 96%.

V. COUNCIL MEMBER COMMUNICATIONS

Council Member Fogarty asked for explanation on cell phones report she received and asked what break thru 5000 and 10000 means. Mr. Grimes stated that this is just the type of calling plans. Council Member Fogarty stated that her concern is that almost every single month, the rates on this report went over the time allotted. Ms. Schutt stated that the plan gives 500 peak time minutes and 4500 push to talk and nights and weekends. The plan gives 500 minutes per work day. Council Member Fogarty asked for copies of the plan.

Mr. Baron stated that the City’s Audit firm began work last week and there should be no reason why the audit should not be delivered on a timely basis.

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Council Member Fogarty stated that during the Budget process, she suggested suing some of the attorneys handling the City's cases in the past and was told that to pursue them would be like suing ourselves. She stated that she understands we have an attorney we have hired pursuing this and she would like a copy of this attorney's contract. Ms. Alston stated that she will provide a copy tomorrow.

Council Member Fogarty asked to view the contract of the private detective hired to investigate highway workers and crossing guards. Mr. Grimes stated that this information will be available in the Solicitor's Office and will not be available to the public.

Councilman Lanni asked how many attorneys the City has. Ms. Alston stated that we currently employ four – Tillinghast, Rusty Robinson, Mike Lepizzera and Adler Pollock. Councilman Lanni asked how many individual attorneys are working for the City. Ms. Alston stated that there could be one or two depending on how many attorneys the firm disseminates to do the work.

Council President Pastore asked that Councilwoman O'Hara speak with the CPA firm and ask them to look at determining how much has been accrued for legal fees and when we could expect that.

VI. PUBLIC HEARINGS

Joe Capirchio appeared to speak as a resident and spoke regarding the "Resolution approving the Administrative Unit Employment Benefits" and stated that he does not think you could take this tool out of the Mayor's hands

VII. UNDOCKETED RESOLUTIONS

No Business.

VIII. DOCKETED RESOLUTIONS

"RESOLUTION SUPPORTING THE IMMIGRANT WORKERS' FREEDOM RIDE".

On motion by Councilman Fung, seconded by Councilman McDonough, 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 REQUESTING THE AUDITOR GENERAL REVIEW THE FINANCIAL RECORDS OF THE CITY".

On motion by Councilwoman O'Hara, seconded by Council Member Fogarty, it was voted to remove this item from the Agenda. 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.

"RESOLUTION APPROVING THE 'ADMINISTRATIVE UNIT EMPLOYMENT BENEFITS HANDBOOK".

On motion by Councilwoman O'Hara, seconded by Councilwoman McFarland, it was voted to refer this Resolution to the Finance Committee for further discussion. 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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**IX. REPORT OF COMMITTEES
COMMITTEE ON ORDINANCE**

4-03-17 “ORDINANCE IN AMENDMENT OF CHAPTER 30 OF THE CODE OF THE CITY OF CRANSTON, 1970, ENTITLED ‘ZONING’ (SIGNAGE)”. (Recommended Approval-Ordinance Committee 8/14/2003 Pending Staff Report from Building Inspector- Tabled August 25, 2003).

On motion by Councilman Lanni, seconded by Councilman Ferolito, it was voted to remove this Ordinance from the table. Motion passed on a vote of 5-4. The following being recorded as voting “aye”: Councilwomen O’Hara, McFarland, Councilmen Ferolito, Lanni, McDonough and Council President Pastore –5. The following being recorded as voting “nay”: Councilmen Fung, Jackvony, Council Member Fogarty and Council President Pastore –4.

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

6-03-2 “ORDINANCE IN AMENDMENT OF CHAPTER 30 OF THE CODE OF THE CITY OF CRANSTON, 1970, ENTITLED ‘ZONING’ (DIMENSIONAL VARIANCES BY BUILDING OFFICIAL)”. (Recommended Approval-Ordinance Committee 8/14/2003 Pending Opinion from Solicitor Regarding Advertising- Tabled August 25, 2003).

Ms. Wall stated that this will remain on the table to complete its advertising and will be heard at the October meeting.

8-03-2 “ORDINANCE IN AMENDMENT OF CHAPTER 2 OF THE CODE OF THE CITY OF CRANSTON, 1970, ENTITLED ‘ADMINISTRATION’. (COLLECTIVE BARGAINING AGREEMENTS)”. (Recommended Approval –Ordinance Committee 9/11/2003 pending Assistant Solicitor’s report).

On motion by Councilwoman McFarland, seconded by Council Member Fogarty, the above Ordinance was tabled pending Solicitor’s report since it is not ready. 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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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, Councilwoman McFarland, Council Member Fogarty, 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, Councilwoman McFarland, Council Member Fogarty, Councilmen Ferolito, Lanni, McDonough and Council President Pastore –9.

“TAX INTEREST WAIVER LIST.”

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

“TAX INCENTIVE APPLICATION FOR C & C REALTY, RI, LLC, AT 10 AMFLEX DR., CRANSTON, RI”.

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

X. ELECTION OF CITY OFFICIALS

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

Councilman McDonough stated that Mr. Palazzo is a registered Republican and his appointment will satisfy the Charter requirement.

XI. REPORT OF CITY OFFICERS

No Business.

XII. NEW BUSINESS

On motion by Councilwoman McFarland, seconded by Councilwoman O'Hara, the following introduced Ordinances be advertised for hearing before the Ordinance Committee on THURSDAY, OCTOBER 16, 2003 at 7 PM pursuant to Sec. 3.12 of the Charter 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.

- 9-03-1 Ordinance amend. the Budget for the fiscal year commencing July 1, 2003 and ending June 30, 2004. (Budget - Crossing Guards). FINANCE COMM. 10/16/2003 and ORDINANCE COMM. 10/16/2003.
- 9-03-2 Ordinance amend. the Budget for the fiscal year commencing July 1, 2002 and ending June 30, 2003. (FY 03 Appropriations). FINANCE COMM. 10/16/2003 and ORDINANCE COMM. 10/16/2003.
- 9-03-3 Ordinance transferring appropriations and amending the Budget for the fiscal year commencing July 1, 2002 and ending June 30, 2003. (FY 03 Transfers). FINANCE COMM. 10/16/2003 and ORDINANCE COMM. 10/16/2003.
- 9-03-4 Ordinance in amend. of Chapter 2 of the Code of the City of Cranston, 1970, entitled "Administration". (Waiver of Interest on Overdue Tax Payments). FINANCE COMM. 10/16/2003 and ORDINANCE COMM. 10/16/2003.
- 9-03-5 Ordinance in amend. of Chapter 14 of the Code of the City of Cranston, entitled "Housing-Minimum Standards". (Housing Code Public Nuisance Task Force). ORDINANCE COMM. 10/16/2003.
- 9-03-6 Ordinance in amend. of Chapter 30 of the Code of the City of Cranston, 1970, entitled "Zoning" (Change of Zone-Fourth Ave.). CITY PLAN COMM. 10/7/2003 and ORDINANCE COMM. 10/16/2003.
- 9-03-7 Ordinance in amend. of Chapter 2 of the Code of the City of Cranston, 1970, entitled "Administration". (Administrative Unit Benefits). FINANCE COMM. 10/16/2003 and ORDINANCE COMM. 10/16/2003.

XIII. MISCELLANEOUS BUSINESS ON CLERK'S DESK

7-03-3 "ORDINANCE IN AMENDMENT OF CHATER 16 OF THE CODE OF THE CITY OF CRANSTON, 1970, ENTITLED 'LICENSES GENERALLY' (FEES)".

Council Member Fogarty stated that this Ordinance is for us to just bring our totals to what we have been charging already or what the State is allowing us to charge. Councilman Fung stated that his concern originally was that the fees for Victualling is going to be substantially higher then a full liquor license. Mr. Kirshenbaum addressed requirements to charge fees set under new Statute. Ms. Wall stated that this Ordinance is just a housekeeping measure to bring us into conformity with the State statute and explained the need to increase Class B Full to \$2,000 because the B Limited is a set fee at \$1,500. She stated that we will have to charge the set fee whether Ordinance is passed or not. Councilman Jackvony asked which were set. Ms. Wall stated that Class A, Class B Limited and Class E are set. Class D currently \$400 max is now \$800 and State requirement now permit Class D holders to serve the public, giving them some privilege as a Class B Full.

On motion by Councilman McDonough, seconded by Council Member Fogarty, it was voted to reconsider. 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.

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

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XIV. PUBLIC HEARINGS ON UNDOCKETED ITEMS

Frank Flynn, President of Teachers Alliance, appeared to speak and asked for the City Council to find a way to come up with a way to find some additional revenues. He stated that the teachers have helped in the past. One way they have helped is by changing from Classic Blue Cross to Health Mate Coast to Coast.

Thomas Ricci, 75 Knight St., appeared to speak and stated that the School Committee have taken away co-pay instead of implementing a co-pay. He stated that School Committee members have helped family members get some very lucrative jobs with the City. He suggested the Council reconvene a Charter Review Commission to see how the City is really doing business.

Ana Bedrosian, 137 Sheldon St., Cranston High School East student, appeared to speak. She asked not to cut sports or extra curricular activities.

Robert Murray, 75 Debbie Dr., appeared to speak as a parent of two Cranston High School West students and a taxpayer. He stated that as a parent and a taxpayer, he is satisfied with the School Administration and the work they are doing within the School system. He stated that he has read the Caruolo Bill and the Charter and the Court decision arising out of the Caruolo Bill and as a parent, he does not feel the Superior Court Judge should be making a decision effecting his children's and other children's education. Mr. Murray stated that under Section 11.01 of the Charter, the School Committee has an obligation to amend their budget and bring it into balance.

John Lombardi, graduate of Cranston High School East, appeared to speak and stated his concern is the large amount of money being spent on attorneys. He stated that as a taxpayer, he would like to see this money going back to serve the taxpayers.

School Committee Member Edward Eramian, appeared to speak and stated that he is disappointed the Council withdrew the "Resolution requesting that the Auditor General review the financial records of the City". He has asked the Mayor at least four times before the end of June to assist the School Committee in this process. He has heard nothing. If you look at the RIPEC report, Cranston is 28th in per pupil spending. Councilman Fung asked when was the first time that Mr. Eramian heard from Superintendent Ciarlo about the suggestions of cuts listed in the newspaper last week. Attorney Piccirilli asked that the School Committee members not discuss any of the process upon his recommendation at this time. Councilman Fung asked if Mr. Eramian was in Court last week. Mr. Eramian stated, yes. Councilman Fung asked what day Mr. Eramian was in Court. Mr. Eramian stated Thursday. Councilman Fung asked if Mr. Eramian heard Superintendent Ciarlo testify. Mr. Eramian stated that he was present for part of it. Councilman Fung asked Mr. Eramian what is legally mandated in the School Department budget. Attorney Piccirilli stated that Councilman Fung should ask the Council's legal counsel what is legally mandated. Ms. Alston stated that in this forum, she does not think it is appropriate to ask this because we are in litigation. Maybe, in a work session, this would have been an appropriate question to ask.

Nancy Winters, 88 Drowne St., appeared to speak as a parent of a student in Cranston. She stated that the only thing that Cranston has going is its extra curricular activities.

Bill McHenry, 43 Melrose St., appeared to speak and stated that every year the children are used as ping pong balls back and forth between the School Committee, City Council, Administration and School Department and at the last minute, everything gets worked out. Why wait to the last minute to work things out.

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School Committee Member Michael Cardarelli appeared to speak and addressed the Council and stated that the Mayor had the Council believing that you were duped. She stated to the Council that they were not duped. You preferred to negotiate rather than litigate. His challenge is for tomorrow night, the Mayor to show up at the School Committee meeting with his proposals.

Debbie Greifer, 48 Richland Rd., appeared to speak as a parent of a Cranston student. She stated that she has been very active as a parent in the schools for the last sixteen years and has seen Administrations and Councils come and go and this Administration and Council is one of the best that she has seen.

Albert Benetti, 24 Concord Ave., appeared to speak and stated that this Mayor came in and had to pull us out of a whole and implemented a supplemental tax. He tried to come up with a best plan possible. He stated that still, today, the Council and Administration has no control over employee costs. You are in Court now because no one (Unions) would give you a break. He suggested implementing a one affordable health care plan for every employee in the City with a 15% co-pay.

Richard Tomlin appeared to represent the Citizens for Fair and Equitable Tax Treatment Inc. He stated that he attended the joint Council and School Committee meeting at Hope Highlands and he came out of that meeting sure that this was going to end up in Court. He questioned who lobbied for the Caruolo Act. This Act was not put in for the benefit of the citizens of this City or the State. For what we are doing in the City, we can no longer afford it, we cannot raise taxes enough.

Mayor Laffey appeared to speak and stated that there were some really tough choices that had to be made. The allocation given to the School Department was the largest in the State of Rhode Island this year. We have the lowest bond rating in America and the only way it is going to go up is to follow the five year plan the Auditor General approved. The School Department knew when the budget was adopted the amount that was going to be allocated to them. The School Department waited until school started and retired teachers were replaced and band practice started, to come out and threaten cuts in sports and extra curricular activities. If we do not turn this City around now, then you won't live here and there will be more crime.

Bruce Lafleur, 54 Welfare Ave., appeared to speak and stated that he finds the Mayor's statements insulting. There comes a time when there is no more fat in the budget. All the City's unions have got to get a conscience.

Debra Fraiola appeared to speak as a parent of Cranston High School East student. She stated that even though the Council does not see the parents at every meeting, they are concerned. The reason they do not attend all meetings is because they are out supporting their children at sports or band practices.

Julie Greenhalgh, 68 Stevens Rd., appeared to speak as a parent of Cranston High School East student.

Goudra Bedrosian, 147 Sheldon St., appeared to speak as a parent of Cranston High School East student and stated that the Schools and City Council and Administration need to work together. She questioned how could past Administrations agree to contracts for five years and who is responsible for this. She also questioned, doesn't the School Department know how much money they have before they spend it.

Council President Pastore stated that as this process continues, the Council would like to work with the School Committee and Administration to see if we could bring closure to this budgetary process.

The meeting adjourned at 10:00 P.M.

Maria Medeiros Wall
City Clerk

Rosalba Zanni
Assistant City Clerk/Clerk of Committees

(See Stenographic Notes of Ron Ronzio, Stenotypists)