

REGULAR MEETING – CITY COUNCIL

-SEPTEMBER 27, 2004-

Regular meeting of the City Council of the City of Cranston was held on Monday, September 27, 2004.

The meeting was called to order 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: Paul Grimes, Director of Administration; Robin Muksian-Schutt, Deputy Director of Administration; Nancy Garcia-Ponte, Assistant City Solicitor; Jerome Baron, Director of Finance; Mike Igoe, City Controller; Pat Quinlan, City Council Legal Counsel; Steve Woerner, City Council Internal Auditor.

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

I. PUBLIC ACKNOWLEDGEMENTS AND COMMENDATIONS

No Business.

II. INTRODUCTION OF UNDOCKETED RESOLUTIONS

No Business.

III. EXECUTIVE COMMUNICATIONS

Mr. Grimes appeared to speak regarding Middle School Sports. He stated that on August 23, 2004, the Administration introduced an Ordinance making a transfer to the School Department, with the intention that that money would be used to restore middle school sports. Very constructive suggestions were made at the Ordinance Committee meeting and the Administration was asked to draft an Ordinance with changes to be introduced as new business at this meeting. Middle school sports was eliminated by the School Committee due to funding. After this was done, the City and School received additional State Aid. The Mayor has asked to use the \$80,000 to restore middle school sports. He stated that there have been questions asked about the mechanism being used to establish the funding for this and Mr. Kirshenbaum is present to answer any questions.

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IV. COUNCIL PRESIDENT COMMUNICATIONS

Council President Pastore stated that approximately three weeks ago, he received a call from Janice Mathews of JanCo regarding the lease of land and she stated to him that some information was made available to the Administration as to the lease. He relayed to her that the City would need an indemnification and other issues would need to be addressed and he asked her that any documents given to this and the previous Administration be made available to the Council for review. Council President Pastore handed over all the information he now has to the City Clerk to distribute copies to the Council Members and stated that if the Council desires to, this can be deliberated on in October.

Council President Pastore addressed Councilman Jackvony and stated that he has been a tremendous asset to the City and a contributor and he has his respect for what he has contributed and he wishes him and his family well.

V. COUNCIL MEMBER COMMUNICATIONS

Councilwoman McFarland stated that she has received complaints from residents of Flint St. regarding to speeding in the area. She stated that she addressed this issue to the Administration and was told that the Traffic Engineer would go out there and report back, but the Traffic Engineer has never filed a report.

Councilwoman McFarland stated that she has received calls from residents of the Stadium area stating that City employees exit the Stadium using Flint St., and asked that the Administration tell the employees not to use this street exit.

Councilwoman McFarland stated that she received a phone call today from Crooks Garage regarding Noa Noa Restaurant on Gansett Ave. with regards to people drinking alcohol in the back of the business. She called the owner of Noa Noa and went to the business today. She stated that there were beer bottles and glass all over the parking lot and unregistered vehicles in the parking lot. The business next door indicated to her that this business is being used as a bar and not a restaurant. Councilwoman McFarland stated that she attended the last Safety Services and Licenses meeting to address some of the problems and concerns with this business, and the owner was present at this meeting. Councilwoman McFarland asked that the Safety Services and Licenses Committee look into this. Council President Pastore asked Mr. Grimes to follow up on Councilwoman McFarland's request regarding the Flint St. issue. Councilman Lanni asked that the City Clerk contact the Police Department requesting an investigation be done on the Noa Noa issue and he guaranteed, as Chair of Safety Services and Licenses Committee, that proper action will be taken on this.

Councilman Fung stated that the Presidential Debate will be held this Thursday and RI College will be conducting a Statewide debate watch and they are seeking civic leaders at the State and City level to attend.

Councilwoman O'Hara stated that the Audit Committee met on September 21, 2004 with Jim Prescott, of Prescott, Clune and Chatelliere, for an update on the audit and he informed the Committee that deadlines are being met and at this point, there are no concerns of any delays. Councilwoman O'Hara stated that the Audit Committee was told that the financial statements misstated the actual contribution to the Police and Fire Pension Fund and she asked that the City Clerk place this item on the Finance Committee Agenda. Council President Pastore asked Mr. Woerner to address this issue. Mr. Woerner stated that a letter dated September 7, 2004 from the Auditor was received regarding the footnotes. The footnotes are not correct and they would be restated so that the rating agencies would not be questioning this. The dollar amount in question is \$10,200,000. Council President Pastore asked that the accounting firm give the Council, along with the Administration, financing statements for 6/30/2003. He also asked Mr. Woerner to keep the Council informed of the footnotes as they are being addressed.

VI. PUBLIC HEARINGS

Hope Pilkington, 12 Selkirk Rd., Treasurer of the Edgewood Waterfront Preservation Association, appeared to speak regarding proposed Ordinance 8-04-4 and asked that this Ordinance be tabled. She also thanked Mr. Flynn and Mr. Rhodes of the Planning Department for their help in the past with the Stillhouse Cove.

Council President Pastore handed the gavel to Council Vice-President O'Hara.

Aram Garabedian, 173 Belvedere Dr., appeared to speak regarding proposed Ordinance 8-04-4 and asked that it not be approved. He also spoke regarding "Resolution in Support of Middle School Sports Programs" and stated that the City does not have the authority to hold the money back until the School Department provides bills to the City. The School Committee has the sole control, care and management of the school's finances. If you want to give the School Department money, then appropriate the money with no strings attached, but the final decision is the School Committee's.

John DeGenova, Vice-President of Firefighters Union, appeared to speak regarding the item listed on the docket – "documentation and legal opinion on COLA changes" and stated that he brought this up at the last Council meeting. This is a separate issue from the pending lawsuit. When he mentioned this, Council President Pastore asked that this issue be placed on the Finance Committee Agenda. When he attended the Finance Committee meeting, no report was available. Ms. Schutt presented the Committee with a legal brief, which had nothing to do with what happened on July 1 regarding the 1965 Ordinance. Their attorney, James Kelleher, is present this evening to answer any questions.

Robert Valentini, 28 Selkirk Rd., appeared to represent the Edgewood Waterfront Preservation Association, and asked that Ordinance 8-04-4 be tabled.

John DiBona, Esq., appeared to speak regarding Ordinances 7-04-5 and 7-04-6 and represent the applicants. He stated that a question was asked at the Ordinance Committee meeting as to the egress and ingress to the property and the way it was left at the Ordinance Committee was that this project must go before the Planning Commission and this body will determine what egress and ingress will be made to the project.

Valerie Schiulli appeared to speak regarding "Resolution in support of Middle School Sports Programs" and stated that this process is a very dangerous thing to do and is not the correct process. If this does go through, she would like to see money being used for supplies.

Mark Lucas, 28 Riverfarm Rd., appeared to speak regarding "Resolution in support of Middle School Sports Programs" and stated that maybe the Council and Administration should address some of the flaws within the School Department. He asked that if this Resolution is passed, at least fund money for the Spring sports.

Joseph Castellone appeared to speak regarding "Resolution imploring gun stores in Cranston not to sell assault weapons" and noted that in Rhode Island, you cannot sell assault weapons or weapons that is fully automatic. The State of Rhode Island and ATF do not allow assault weapons to be sold. The only people that can purchase assault weapons are law enforcement personnel only. He stated that he would like to see some documentation from the organizations stated in the Resolution. Councilman Fung asked if any law enforcement people are present in the audience that could speak regarding this issue.

Robert Hargis, law enforcement private contractor, appeared to speak and stated that RI State Law states that you cannot sell assault weapons to anyone other than law enforcement personnel.

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Steven Drager, School Committee Member from Ward 3, appeared to speak regarding proposed Ordinance for interscholastic school sports and stated that according to the School Department's attorneys, this is illegal. There is still an intramural sports program for the middle schools, and instead of thirty percent involvement, they're hoping for forty percent. He stated that when he presented the Budget, he stressed to the Council the consequences of not fully funding the School Department and they would appreciate any additional funding to the School Department, but the Council cannot dictate how they use their money.

Brad Draycott, 1345 Seven Mile Rd., School Candidate for Ward 5, appeared to speak regarding "Resolution in support of Middle School Sports Programs" and commended the Council for bringing this up to the table.

Michael Palumbo, School Committee Member, appeared to speak regarding "Resolution in support of Middle School Sports Programs" and stated that middle schools sports have not been dropped, they have been changed to intramural. If the Council is really interested in giving the School the funding, allow them to apply money to the areas that are currently severely under-funded.

Elizabeth Coombs, 1363 Narragansett Blvd., appeared to speak in favor of Ordinance 8-04-4.

Jacqueline Baddley, 1563 Narragansett Blvd., appeared to speak in favor of Ordinance 8-04-4.

Roger Keyes, 1463 Narragansett Blvd., appeared to speak in favor of Ordinance 8-04-4.

Robert Mancini, 42 Windsor Rd., appeared to speak in favor of Ordinance 8-04-4.

Donna Tocco-Greenaway, 567 Comstock Parkway, appeared to speak in favor of funding for middle school sports.

Council Vice-President O'Hara asked Mr. Grimes to address Mr. DeGenova's request that was made at last month's Council meeting and what was provided at the Finance Committee meeting, which Mr. DeGenova stated that it had nothing to do with what he requested. Mr. Grimes stated that this is all the same issue. Those retirees who had their COLAs and escalators frozen will receive retroactive pay. He stated that he can have the Legal Department give a legal explanation in Executive Session if the Council would like.

Gavel was handed back to Council President Pastore.

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Council President Pastore stated that Auditor General, Ernest Almonte, had a meeting with Mr. Baron today regarding a \$10 million variance in pension contribution. Mr. Almonte forwarded a letter requesting a response and copied the City Council. It is dated September 27, 2004, regarding errors in two places in the City's Audit for the Fiscal Year ending June 30, 2003, this is found in two footnotes, showing a \$10 million variance. The Auditor General has requested a response on a number of items to clarify that issue. Council President Pastore stated that Mr. Baron is working on a response to that letter. Council President Pastore also stated that what is prudent is: 1) Mr. Baron is to obtain the actuarial that was utilized in 1993, and the 1990 actuarial report and he will be running the new actuarial table for un-funded pension liability; 2) Mr. Woerner, Mr. Baron, himself, Chair of the Audit Committee and Mr. Prescott will meet with the Auditor General and go over specific details and then the Council and Audit Committee will be up-dated on the situation.

Mr. Baron stated that there is an error in the audit report, but it did not effect any future budgeting and the error was made by the auditors and not the City. The auditors added the \$15 million actual contribution to the \$10 million former Mayor O'Leary took out of the pension and they came up with \$25.1 million and assumed that the City was putting in more then the required contribution. If there is a difference of what the City contributed, it would have to go into a trust fund. Council President Pastore stated that there was a \$10 million variance, which affected the pension contribution to the City and the question that needs to be answered is, was it funded 100% or only 60%?

Council President Pastore left the meeting and Council Vice-President O'Hara conducted the remainder of the meeting.

VII. UNDOCKETED RESOLUTIONS

No business.

VIII. DOCKETED RESOLUTIONS

“RESOLUTION IN SUPPORT OF MIDDLE SCHOOL SPORTS PROGRAMS”

Councilman Fung stated that this does impact our City, the children. This Resolution came about because many Council members heard concerns from parents throughout the City trying to reinstate school sports in middle schools. Many of the parents were not having their concerns addressed by the School Committee and School Administration and they were being directed to speak to the Council members and the City Administration. To alleviate many of the concerns, he with the help of Mr. Kirshenbaum and other Council members, came up with an idea that would solve some of the problems. This Resolution does not in any way dictate or mandate to the School Committee on how to spend their funds. It is a Resolution and not an Ordinance. The Council Internal Auditor, Mr. Woerner, has been spoken to and he confirmed that this goes on in the City of Providence also. Councilman Fung quoted Section 45-2-3 of RI General Laws and stated that overall, Cities and Towns do have the authority to provide the funding and make recommendations on where to use the funds.

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Councilman Lanni questioned why the funds can't just be given to the School Department requesting that it be used for school sports, making this a \$80,000 grant to the School Department instead of holding the funds. Councilwoman McFarland asked if the funds have been forwarded to the School Department at this point. Mr. Grimes stated, no, they have not. This has to be done by Ordinance, which is being introduced tonight to be taken up next month.

Councilwoman McFarland stated that several School Committee members have stated that sports have been ongoing and she questioned what programs have been impacted and how many students it affects. Councilman Fung stated that soccer is one sport that has been impacted that he knows of at the interscholastic level. Councilwoman McFarland stated that these types of questions need to be addressed before any money is funded to the Schools. She does not see any advocates appearing before the Council asking for sports to be funded and she has not received any calls from any constituents asking for this. Councilman Ferolito stated that he did receive at least a dozen phone calls regarding this issue. He thinks the people do not know what to do because they attend the School Committee meetings and are not given any answers and maybe they are getting organized. Councilman Fung stated that when he was at the CLCF field, he was approached by several parents who told him that they were willing to volunteer to save some of the programs and they were told by the School Department no without any legitimate reasons.

Councilman Jackvony stated that this comes down to the separation of powers issue. He believes the Council and Administration do not have the right to tell the School Department in an Ordinance on how to spend money.

Council Member Fogarty stated that there are sports going on right now, but this is very risky for us to hold the money. She would like to have more time to read Mr. Kirshenbaum's and the other attorney's opinion and suggested holding off voting on anything at this time.

Councilman Fung stated that the only people being held hostage is the students.

On motion by Councilman Fung, seconded by Councilman Ferolito, it was voted to approve the above Resolution. Motion failed on a vote of 2-6. The following being recorded as voting "aye": Councilmen Fung and Ferolito -2. The following being recorded as voting "nay": Councilman Jackvony, Councilwoman O'Hara, Council Member Fogarty, Councilwoman McFarland, Councilmen Lanni and McDonough -6.

"RESOLUTION IMPLORING GUN STORES IN CRANSTON NOT TO SELL ASSAULT WEAPONS"

On motion by Councilman Fung seconded by Councilman Lanni, it was voted to amend the above Resolution as follows: last paragraph, after the words "City Council", delete remainder of paragraph in its entirety and add "requests the Rhode Island Congressional Delegation to urge reauthorization of the Violent Crime Control and Enforcement Act of 1994." Motion passed on a vote of 8-0. The following being recorded as voting "aye": Councilmen Fung, Jackvony, Councilwoman O'Hara, Council Member Fogarty, Councilwoman McFarland, Councilmen Ferolito, Lanni and McDonough -8.

On motion by Councilman McDonough, seconded by Councilman Lanni, the above Resolution was adopted as amended on a vote of 7-1. The following being recorded as voting "aye": Councilmen Fung, Jackvony, Councilwoman O'Hara, Council Member Fogarty, Councilwoman McFarland, Councilmen Lanni and McDonough -7. The following being recorded as voting "nay": Councilman Ferolito -1.

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

**7-04-5 “ORDINANCE AMENDING THE COMPREHENSIVE PLAN OF
1992 (BURTON ST.)”**

On motion by Councilwoman McFarland, seconded by Councilman McDonough, the above Ordinance was adopted on a vote of 7-0 with 1 abstention. The following being recorded as voting “aye”: Councilmen Fung, Jackvony, Councilwoman O’Hara, Council Member Fogarty, Councilwoman McFarland, Councilmen Ferolito and McDonough -7. Councilman Lanni abstained.

**7-04-6 “ORDINANCE IN OF CHAPTER 30 OF THE CODE OF THE CITY
OF CRANSTON, 1970, ENTITLED ‘ZONING’ (CHANGE OF
ZONE – BURTON ST.)”**

On motion by Councilwoman McFarland, seconded by Councilman McDonough, the above Ordinance was adopted on a vote of 7-0 with 1 abstention. The following being recorded as voting “aye”: Councilmen Fung, Jackvony, Councilwoman O’Hara, Council Member Fogarty, Councilwoman McFarland, Councilmen Ferolito and McDonough -7. Councilman Lanni abstained.

**8-04-3 “ORDINANCE IN AMENDMENT OF CHAPTER 27 OF THE
CODE OF THE CITY OF CRANSTON, 1970, ENTITLED
‘STREETS AND SIDEWALKS’ (Discharges to City Streets).”**

On motion by Councilwoman McFarland, seconded by Councilman McDonough, the above Ordinance was adopted on a vote of 8-0. The following being recorded as voting “aye”: Councilmen Fung, Jackvony, Councilwoman O’Hara, Council Member Fogarty, Councilwoman McFarland, Councilmen Ferolito, Lanni and McDonough –8.

**8-04-4 “ORDINANCE IN AMENDMENT OF CHAPTER 18 OF THE
CODE OF THE CITY OF CRANSTON, 1970, ENTITLED
‘OFFENSES-MISCELLANEOUS’ (Damage to Trees)”**

Kevin Flynn, City Planner, appeared to speak in favor of this Ordinance. He stated that this Ordinance is not targeted to any specific area of the City.

On motion by Councilwoman McFarland, seconded by Councilman McDonough, the above Ordinance was adopted on a vote of 8-0. The following being recorded as voting “aye”: Councilmen Fung, Jackvony, Councilwoman O’Hara, Council Member Fogarty, Councilwoman McFarland, Councilmen Ferolito, Lanni and McDonough –8.

**8-04-5 “ORDINANCE IN AMENDMENT OF CHAPTER 17 OF THE CODE OF
THE CITY OF CRANSTON, 1970, ENTITLED ‘MOTOR VEHICLES AND
TRAFFIC’ (Wellington Ave.)”**

On motion by Councilwoman McFarland, seconded by Councilman McDonough, the above Ordinance was adopted on a vote of 8-0. The following being recorded as voting “aye”: Councilmen Fung, Jackvony, Councilwoman O’Hara, Council Member Fogarty, Councilwoman McFarland, Councilmen Ferolito, Lanni and McDonough –8.

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COMMITTEE ON FINANCE

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

On motion by Council Member Fogarty, seconded by Councilman Ferolito, the above Resolution was adopted on a vote of 8-0. The following being recorded as voting “aye”: Councilmen Fung, Jackvony, Councilwoman O’Hara, Council Member Fogarty, Councilwoman McFarland, Councilmen Ferolito, Lanni and McDonough –8.

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

On motion by Council Member Fogarty, seconded by Councilman Ferolito, the above Resolution was adopted on a vote of 8-0. The following being recorded as voting “aye”: Councilmen Fung, Jackvony, Councilwoman O’Hara, Council Member Fogarty, Councilwoman McFarland, Councilmen Ferolito, Lanni and McDonough –8.

“TAX INTEREST WAIVER LIST.”

On motion by Council Member Fogarty, seconded by Councilman Ferolito, it was voted to approve the Tax Interest Waiver List. Motion passed on a vote of 7-0. The following being recorded as voting “aye”: Councilmen Fung, Jackvony, Councilwoman O’Hara, Council Member Fogarty, Councilmen Ferolito, Lanni and McDonough –7. Councilwoman McFarland was not present for roll call vote.

“DOCUMENTATION AND LEGAL OPINION ON BASIS OF RECENT COLA CHANGES”.

Council Vice-President O’Hara asked that this item be placed on the Finance Committee and Audit Committee Agendas and anyone wishing to speak will be allowed to speak at that time. She also stated that part of the discussion will be in Executive Session and any concerns and issues will be addressed in the public hearing portion.

COMMITTEE ON PUBLIC WORKS

“RESOLUTION AUTHORIZING THE ABANDONMENT OF A PORTION OF THOMAS STREET.”

On motion by Councilman McDonough, seconded by Councilman Ferolito, it was voted to approve this Resolution.

Under Discussion:

Councilman McDonough stated that earlier, the Council President and City Clerk notified him that the appraisal was incomplete. Appraisal is needed for property to be abandoned in addition to the abutting property and the two combined and he asked that this be referred back to the Public Works Committee and the Clerk to notify attorney to obtain proper appraisal on this property.

On motion by Councilman McDonough, seconded by Councilman Ferolito, it was voted to table this Resolution pending correct appraisal being received. Motion passed on a vote of 7-0. The following being recorded as voting “aye”: Councilmen Fung, Jackvony, Councilwoman O’Hara, Council Member Fogarty, Councilmen Ferolito, Lanni and McDonough -7. Councilwoman McFarland was not present for roll call vote.

X. ELECTION OF CITY OFFICIALS

No business.

XI. REPORT OF CITY OFFICERS

No Business.

XIA. OLD BUSINESS

No Business.

XII. NEW BUSINESS

On motion by Council Member Fogarty, seconded by Councilman McDonough, the following introduced Ordinances be advertised for hearing before the Ordinance Committee on THURSDAY, October 14, 2004 at 7 PM pursuant to Sec. 3.12 of the Charter. Motion passed on a vote of 7-0. The following being recorded as voting "aye": Councilmen Fung, Jackvony, Councilwoman O'Hara, Council Member Fogarty, Councilmen Ferolito, Lanni and McDonough –7. Councilwoman McFarland was not present for roll call vote.

9-04-1 Ordinance in amendment of Chapter 32 of the Code of the City of Cranston, 1970, entitled "Municipal Court" (Municipal Court Magistrate/Clerk). ORDINANCE COMMITTEE 10/14/1004.

9-04-2 Ordinance amending the Budget for the Fiscal Year commencing July 1, 2004 and ending June 30, 2005 (Additional State Aid/Middle School Sports). FINANCE COMMITTEE 10/14/2004 and ORDINANCE COMMITTEE 10/14/2004.

9-04-3 Ordinance in amendment of Chapter 2 of the Code of the City of Cranston, 1970, entitled "Administration" (Elderly and Disabled Tax Deferral and Recovery Program). FINANCE COMMITTEE 10/14/2004 and ORDINANCE COMMITTEE 10/14/2004.

9-04-4 Ordinance in amendment of Chapter 17 of the Code of the City of Cranston, 1970, entitled "Motor Vehicles and Traffic" (Norwood Avenue School). ORDINANCE COMMITTEE 10/14/2004.

On motion by Councilwoman McFarland, seconded by Councilman Ferolito, the following introduced Ordinances be advertised for hearing before the Ordinance Committee on WEDNESDAY, November 10, 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, Councilwoman O'Hara, Council Member Fogarty, Councilwoman McFarland, Councilmen Ferolito, Lanni and McDonough –8.

9-04-5 Ordinance amending the Comprehensive Plan of 1992 (Johnson & Wales). CITY PLAN COMMISSION 11/9/2004 and ORDINANCE COMMITTEE 11/10/2004.

9-04-6 Ordinance amending the Zoning Ordinance establishing an Educational Institution Zoning District (EI Zone). CITY PLAN COMMISSION 11/9/2004 and ORDINANCE COMMITTEE 11/10/2004.

9-04-7 Ordinance in amendment of Chapter 30 of the Code of the City of Cranston, 1970, entitled "Zoning" (Change of Zone-Johnson & Wales). CITY PLAN COMMISSION 11/9/2004 and ORDINANCE COMMITTEE 11/10/2004.

Tax Incentive Application for Dr. STEPHEN PUERINI for property located at 115 Budlong Rd. FINANCE COMMITTEE 10/14/2004.

Tax Incentive Application for DREW EASTON for property located at 1725 Pontiac Ave. FINANCE COMMITTEE 10/14/2004.

XIII. MISCELLANEOUS BUSINESS ON CLERK'S DESK

No Business.

XIV. PUBLIC HEARINGS ON UNDOCKETED ITEMS

Thomas Ricci, 75 Knight St., appeared to speak and stated that last month, he filed a complaint regarding Mr. Quinlan acting as Solicitor for the Council, which is a violation of the Charter. He stated that until this issue is resolved, Mr. Quinlan should be refrained from giving the Council any opinions. He stated to the Council that basically, they are creating a government within a government.

Aram Garabedian, 173 Belvedere Dr., appeared to speak and stated that the Charter states Council can hire an attorney "from time to time". If he were sitting in the Council's seats, he would want an attorney to represent the Council to give them an opinion and "from time to time" would mean the monthly Council meetings and any other meetings the Council holds. In all the years he has been attending Council meetings, he has never seen a Solicitor give an opinion that the Mayor does not like.

Albert Benetti, 24 Concord Ave., appeared to speak and stated that in all the budgets he has seen presented, he has never seen where the Superintendent or School Committee members have said how they intend on using the money during that particular year and then look at how they can pay people.

James Kelleher, Esq., 5 Alhambra Circle, appeared to represent the Firefighters Union and spoke regarding the 3% increase that was not provided to the firefighters retirees in July and stated that there are two distinct legal issues. He stated that a legal brief that was presented at the Finance Committee meeting is a legal brief resulting from 2003 Ordinance amendment. The issue before the Finance Committee involves a denial of a right to a pension increase as July, 2004. Council Vice-President O'Hara asked Mr. Grimes to have the Solicitor present at the Finance Committee meeting to respond to the specific points made by Attorney Cullen for the benefit of the Council.

Richard Tomlins, 400 Farmington Ave., appeared to speak regarding the Fire pension issue spoken by Attorney Cullen.

Ken Rouleau, Cranston Firefighter, appeared to speak regarding the issue of the COLA changes. He stated that as to the pension fund, what bothered the members of the Union is that the Council, the State Legislatures and the Bond Counsel were told that this fund was fully funded.

Paul Valetta, President of Firefighters Union, appeared to speak and stated that the Firefighters Union and the Administration have come to a stand still as far as the waiver forms and firefighters are still being delayed treatment and are still paying out of pocket. He stated that they agree on the waiver, but are stuck on two issues that members cannot do under RI State Law: 1) first issue involves a grievance, and 2) a fraudulent case the City finds out after the fact. Councilman McDonough suggested using the waiver form originally being used until this is heard in Court so in the interim, the Fire members are covered. Council Vice-President O'Hara stated that for clarification, the last time this was discussed, Council President Pastore suggested that the two parties (Administration and Firefighters Union Representatives) sit down and work on a waiver and then report back to the Council on the progress. The Administration previously did report back to the Council and Mr. Valetta is reporting back tonight.

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Solicitor Ponte stated that the waiver issue is an Administrative action and is not within the power of the Council at this time. Mr. Valetta stated that this issue cannot wait until the Finance Committee meeting because people are not being covered. He needs an emergency Resolution that the City follow the previous IOD waiver form. Blue Cross is not paying any claims. Mr. Grimes stated that United Healthcare has informed the City that they will pay claims until this issue is resolved. He will communicate with Blue Cross to ask them to do the same. He asked Mr. Valetta to provide him a list of every employee and their healthcare provider and the Administration will be happy to communicate that. He also stated that the Police has been using the new form without a problem. Council Vice-President O'Hara stated that her understanding the last time this was discussed was that the Administration agreed that while the waiver issue was being resolved, no firefighter would go without treatment and medical coverage. Mr. Grimes asked Mr. Valetta if he has firefighters being denied claims or treatment to relay that information to the Administration. Councilwoman McFarland asked what the status is with the grievances on the waiver form. She stated that the Council previously approved IOD cases and then the Administration contracted out to Beacon Mutual, thereby taking away that function from the Council. Mr. Grimes stated that there is an arbitration on the administrative protocol put in place. This arbitration is scheduled for some time in December. Councilwoman McFarland asked what the reason is that the Administration does not want to use the old form. Mr. Grimes stated that this is a more specific and up to date use of form.

Steven Antonucci, President of IBPO, Police Union, appeared to speak and correctly stated that the form was changed. The Union has not previously filed a grievance because they were trying to work in good faith with the Administration. However, in light of Mr. Grimes' comments tonight, he can be assured that he will have a grievance petition on this desk tomorrow morning. Mr. Grimes questioned where the mistakes were. Mr. Antonucci stated that the Police Union never withdrew the grievance. Mr. Grimes questioned the release being asked to be signed now, how is it different then the previous one? Mr. Antonucci stated that the form being used now was used to prosecute cases that was originally generated by the Attorney General Office. Councilman Lanni stated he would be willing to sponsor a Resolution for next month asking that the two unions and the Administration try to work this out and continue to use the current old form until an arbitrator makes a decision. Council Vice-President O'Hara suggested that if any Council member wishes to co-sponsor a Resolution, that would be fine.

John DeGenova, Vice-President of Firefighters Union, appeared to speak and stated that the reason the union does not want to use these forms is because they do not want non-medical personnel to have access to and read firefighters' personal medical records.

The meeting adjourned at 11:10 P.M.

Maria Medeiros Wall
City Clerk

Rosalba Zanni
Assistant City Clerk/Clerk of Committees

(See Stenographic Notes of Ron Ronzio, Stenotypist).