

## **REGULAR MEETING – CITY COUNCIL**

**-OCTOBER 25, 2004-**

Regular meeting of the City Council of the City of Cranston was held on Monday, October 25, 2004.

The meeting was called to order at 7:05 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; Evan Kirshenbaum, 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.

Council President Pastore welcomed members of Cranston Troop 6 of St. Ann’s Church, who are present at this meeting for their citizenship and community service badges.

### **I. PUBLIC ACKNOWLEDGEMENTS AND COMMENDATIONS**

No Business.

### **II. INTRODUCTION OF UNDOCKETED RESOLUTIONS**

No Business.

### **III. EXECUTIVE COMMUNICATIONS**

“REQUEST TO BE PLACED ON PENSION LIEUTENANT PAUL E. BROWN, CRANSTON FIRE DEPARTMENT.”

On motion by Councilman McDonough, seconded by Councilman Fung, it was voted to approve the above request. 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.

**-OCTOBER 25, 2004-**

### **III. EXECUTIVE COMMUNICATIONS (Cont.)**

Mr. Grimes appeared to speak and provided copies of "Memorandum of Agreement" regarding the IOD for firefighters. Councilwoman McFarland stated that in 2000, there was a change in the Ordinance that a third party would handle IOD claims, which was Beacon Mutual, and the Council's Insurance Risk Commission would approve these claims. She quoted Section 35-1B, which states that all claims come before the Insurance Risk Commission and questioned why the Administration would enter into a memorandum of agreement. She asked that legal counsel review this. Council President Pastore referred to the copy of the Memorandum of Agreement presented by Mr. Grimes and asked if there should be another word before the word "understand" in #4. Mr. Grimes stated, yes, there should be the word "I" and this will be corrected.

### **IV. COUNCIL PRESIDENT COMMUNICATIONS**

Council President Pastore stated that a meeting has been scheduled for Thursday at 1:00 P.M. to go over the issues of reconciliation with the Auditor General, the Council President, Administration and Mr. Prescott. He stated that he will advise the Council on how to bring closure on this issue.

Council President Pastore stated that he had asked Kevin Flynn, City Planner, to appear at this meeting to discuss with the Council Impact Fees and when his analysis will be completed and also the issue of the new Police Station. Mr. Flynn stated that his staff has been working on this since they were asked to do so last year and but he has no report at this time. He stated that Impact Fees are for capital facilities necessitated by growth, they are not for equipment, salaries or maintenance. In order to have an up to date analysis, the following would be needed: 1) an update on build out analysis; 2) population projections; 3) analysis of all facilities and services offered; and 4) a determination of what standards are going to be used in going forward; deficiencies and excess capacity cannot be counted in the impact fees. We also have an impact fees for water services in the western part of the City. Right now, we have fees for Police, Recreation and for western Cranston, we have fees for urban improvement of libraries. We are in the process of updating the City's Comprehensive Plan and the next meeting is scheduled for November 15, 2004, location undetermined at this point.

Council President Pastore suggested that when the new Council comes in January, they should hold a legislative round meeting in City Hall with the Cranston Delegation and discuss the items stated by Mr. Flynn and stating what priorities they deem critical. Council President Pastore strongly suggested to the Council to revisit the impact fees structure.

Council President Pastore stated that he received correspondence from Michael Antonelli, a Providence resident, who is handicapped and uses a motor scooter, mostly to and from St. Ann Cemetery and was recently questioned by a Cranston Police Officer of whether the scooter was registered and insured. Council President Pastore asked that the Solicitor look into this and review the Code, since this is not a legal vehicle with license plates.

Council President Pastore asked Mr. Grimes if he has scheduled a meeting for the Public Facilities Management Commission. Mr. Grimes stated that the meeting is scheduled for Friday, October 29 at 10:00 A.M. Council President Pastore stated that he cannot attend the meeting at this time and since he is the only Council Member on this Commission, he asked if this meeting could be rescheduled to an earlier time, even 7:00 A.M. Mr. Grimes stated that he will check to see if he can reschedule the meeting to an earlier time.

**-OCTOBER 25, 2004-**

## **V. COUNCIL MEMBER COMMUNICATIONS**

No business.

## **VI. PUBLIC HEARINGS**

**Steven Drager**, School Committee Member, appeared to speak regarding Impact Fees and regarding proposed Ordinance 8-04-2. Councilman Fung asked Mr. Drager if these funds will be committed to middle school sports. Mr. Drager stated that he cannot commit to this. This would have to be discussed at a work session of the members of the School Committee. Councilman Fung asked Mr. Drager if he will be committing to put these funds towards middle school sports. Mr. Drager stated that, again, he cannot commit to anything until the members of the School Committee meet. Council Member Fogarty stated that she has been compiling a survey from parents and she will have these results at the next School Committee meeting. Council President Pastore thanked Mr. Drager for speaking at this meeting, this means a lot and both parties should work together. This Council spent a lot of hours on this issue and all he is asking is if the issue of committing this money to school sports. Councilwoman McFarland asked if there is going to be a public hearing before the School Committee, she asked that the Council be notified because she would like to attend. Mr. Drager stated that he will speak to the School Committee Chair and make sure that when this meeting is held the Council will be notified.

**Alisa Goding**, eighth grader at Hugh B. Bain Middle School, appeared to speak and asked that middle school sports be funded.

**Julia Monticelli**, 51 Uxbridge St., appeared to speak and stated that in 1977, her husband purchased their home. In 1983, the house was deemed as a two-family without her knowledge. She has been paying taxes on this house for twenty-one years as a two-family. Council President Pastore stated that he received a letter from Ms. Monticelli last month regarding this issue and he forwarded it to the Administration. Last Friday, he spoke with Mr. DelBonis, Tax Assessor, and he suggested to Mr. DelBonis a few solutions: remove kitchen sink on the second floor or Ms. Monticelli sign an agreement that the house will stay as a one-family, which would give her the tax relief. Mr. DelBonis will speak to the Building Official and will report back to the Administration regarding this.

**Aram Garabedian**, 173 Belvedere Dr., appeared to speak regarding middle school sports. He suggested that people speaking tonight on this issue follow up on this by attending the School Committee meeting because the Council has appropriated the money. He also spoke regarding Police and Fire contracts and stated that the contracts exists between the Police and Fire and the City and the City is the Council, not the Mayor. If the Mayor feels there is a need of a change in a contract, he should bring it before the Council.

**-OCTOBER 25, 2004-**

**VI. PUBLIC HEARINGS (Cont.)**

**Paul Valetta**, President of Local 1363 Firefighters Union, appeared to speak regarding “Resolution Requesting Administration Temporarily Reinstitute Use of the Medical Release Authorization Form Previously in Use for Injured on Duty Police and Firefighters” and stated that the firefighters are still paying out of pocket on bills and medical treatments are still being denied. He commended Ms. Rachel Edwards for her help in trying to handle all of the problems that the firefighters call in. Mr. Valetta also stated that the Fire Department does have a medical release form. The firefighters sign off with Beacon and Blue Cross. He stated that they have had a medical release forms in the 25 years he has been on the Fire Department and have never had a waiver as part of the IOD procedure. This would be a change to their contract. Firefighters Union will not be in favor of signing the waiver that the Police Department is using. What this Resolution does is it tells the 200 firefighters who report to work every day, that even though Mayor Laffey and his Administration does not care if the firefighters get hurt on the job, this Council does. Mr. Valetta stated that the arbitration is set for next week. Councilman Fung asked why the Union did not obtain a restraining order against the City instead of having this go on for months. Mr. Valetta stated that they were trying to save the City money by filing a grievance, not knowing the firefighters were going to be denied treatment. Councilwoman McFarland asked that the Claims Committee find out why Beacon is not issuing numbers for United Health Care members who are injured on duty. Councilwoman McFarland stated that jurisdiction over claims if they’re not being administered by Beacon Mutual is the Insurance Risk Commission and asked that the Council President call a meeting for Insurance Risk Pastore. Councilman Lanni stated that by filing grievances, it does save money. This has been going on for six months. He suggested using past practice and get this worked out.

**Jordan Bruno** appeared to speak regarding proposed Ordinance 8-04-2 and asked the Council and Administration to be fair and before anything is done regarding sports, think about teachers and teachers aides and the classrooms, because there were other items that were cut, such as theater and sports should never have been cut.

**VII. UNDOCKETED RESOLUTIONS**

No business.

**-OCTOBER 25, 2004-**

## **VIII. DOCKETED RESOLUTIONS**

### **“RESOLUTION REQUESTING ADMINISTRATION TEMPORARILY REINSTITUTE USE OF THE MEDICAL RELEASE AUTHORIZATION FORM PREVIOUSLY IN USE FOR INJURED ON DUTY POLICE AND FIREFIGHTERS”**

On motion by Councilman McDonough, seconded by Councilman Lanni, it was voted to approve the above Resolution.

On motion by Councilman McDonough, seconded by Council Member Fogarty, it was voted to amend this Resolution by striking the words “police” throughout the Resolution.

#### Under Discussion:

Councilman Fung spoke regarding the memorandum of agreement, which may be illegal. Council President Pastore stated that Mr. Quinlan and Mr. Kirshenbaum are in agreement on this item. Mr. Quinlan addressed Chapter 35 of the Code regarding Insurance Risk and stated that the Claims Committee does have power to administer procedures, but it is within the jurisdiction of the Administration to adopt those procedures. Council Member Fogarty questioned why the old forms can't be used until a decision is received. She used Mr. Casale, injured firefighter, as an example. She stated that he is paying money out of his pocket and using sick time, which would not be happening if he was placed on IOD. There is no question that he was injured on duty. She stated that the Council and Administration have to think of the City's employees and the impact this is causing them. Mr. Grimes stated that if we were to follow this Resolution, we would be in violation of Federal and State Law. He stated that this Administration did not effect the IOD process, this is set in the collective bargaining contract. This is an administrative protocol. Councilman Lanni asked if the City has been in violation of Federal and State Law for the past ten or twenty years. Mr. Grimes stated that the HIPPA Law was not in effect twenty years ago, it was passed a year or two ago. This would give us better management control procedures and there was no medical release form before. Councilman Lanni asked why the form used by other cities and towns cannot be used by Cranston. To deny healthcare to anyone is unethical, immoral and just plain wrong. Councilwoman McFarland questioned the possibility of drafting an Ordinance for new business giving the Claims Committee authority regarding third party procedures. Council President Pastore stated that Mr. Quinlan will work on this if she will speak to him on the side. Councilman Jackvony asked why the City would not use the form provided by Beacon as the waiver form. Mr. Grimes stated that the Beacon form is releasing to Beacon and they are not the employer. Councilwoman McFarland asked that the City Clerk schedule a special Insurance Risk Commission meeting for Thursday, October 28, 2004 at 5:00 P.M. along with representative of Beacon, along with template letters and under Section 3-4 of the Code, the Commission meet to come up with a form to be used for IOD.

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

Roll call was taken on main motion to approve as amended. Motion passed on a vote of 7-2. The following being recorded as voting “aye”:  
Councilman Jackvony, Councilwoman O'Hara, Council Member Fogarty, Councilwoman McFarland,  
Councilmen Lanni, McDonough and Council President Pastore -7. The following being recorded as voting “nay”:  
Councilmen Fung and Ferolito -2.

**-OCTOBER 25, 2004-**

**VIII. DOCKETED RESOLUTIONS (Cont.)**

**“RESOLUTION IN SUPPORT OF 2004 OPEN SPACE, RECREATION, BAY AND WATERSHED PROTECTION BOND”**

On motion by Councilman McDonough seconded by Councilman Lanni, 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.

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

**7-04-1 “ORDINANCE AMENDING THE CAPITAL BUDGET FOR THE FISCAL YEAR COMMENCING JULY 1, 2004 AND ENDING JUNE 30, 2005 (IMPACT FEES-POLICE STATION)”**

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

**8-04-2 “ORDINANCE AMENDING THE BUDGET FOR THE FISCAL YEAR COMMENCING JULY 1, 2004 AND ENDING JUNE 30, 2005 (ADDITIONAL STATE AID)”**

On motion by Councilwoman McFarland, seconded by Councilman Ferolito, the above Ordinance was adopted on a vote of 9-0 with 1 abstention. 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.

**IX. REPORT OF COMMITTEES (Cont.)  
COMMITTEE ON ORDINANCE**

**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)”**

On motion by Councilwoman McFarland, seconded by Councilman McDonough, it was voted to approve the above Ordinance.

Under Discussion:

Councilwoman McFarland stated that she has a problem with the term for this position. This position should be at the pleasure. Councilman Fung questioned Section (d) and asked that this be researched prior to the Ordinance being passed. Mr. Quinlan stated that he will review the Statute.

On motion by Councilman Fung, seconded by Councilman Ferolito, it was voted to table this Ordinance. Motion failed on a vote of 2-7. 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, McDonough and Council President Pastore -7.

On motion by Councilman McDonough, seconded by Councilman Jackvony, it was voted to amend the above Ordinance by deleting the last sentence of Section (c)(1). Motion passed on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Fung, Jackvony, Councilwoman O’Hara, Council Member Fogarty, Councilwoman McFarland, Councilmen Ferolito, Lanni, McDonough and Council President Pastore -9.

Council President stated this amendment would need to be re-advertised and asked for a motion to table.

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

**9-04-4 “ORDINANCE IN AMENDMENT OF CHAPTER 17 OF THE CODE OF THE CITY OF CRANSTON, 1970, ENTITLED ‘MOTOR VEHICLES AND TRAFFIC’ (Norwood Ave.)”**

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

**-OCTOBER 25, 2004-**

**COMMITTEE ON FINANCE**

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

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

**“RESOLUTION AUTHORIZING REAL ESTATE ABATEMENTS DUE TO BOARD OF REVIEW ADJUSTMENTS FOR 2004”**

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

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

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

**“TAX INCENTIVE APPLICATION FOR DR. STEPHEN PUERINI FOR PROPERTY LOCATED AT 115 BUDLONG RD.”**

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, Council Member Fogarty, Councilwoman McFarland, Councilmen Ferolito, Lanni, McDonough and Council President Pastore –9.

**“TAX INCENTIVE APPLICATION FOR DREW EASTON A/K/A DEMC REALTY, LLC FOR PROPERTY LOCATED AT 1725 PONTIAC AVE.”**

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, Council Member Fogarty, Councilwoman McFarland, Councilmen Ferolito, Lanni, McDonough and Council President Pastore –9.

**X. ELECTION OF CITY OFFICIALS**

No business.

**XI. REPORT OF CITY OFFICERS**

No Business.

**-OCTOBER 25, 2004-**

**XIA. OLD BUSINESS**

**“RESOLUTION AUTHORIZING THE ABANDONMENT OF A PORTION OF THOMAS ST.” (Tabled 9/27/2004 for revised appraisal).**

Ms. Wall stated that revised appraisal has not been received yet. No action was taken.

**XII. NEW BUSINESS**

Abandonment of Pine Ridge Dr. REFERRED TO PUBLIC WORKS COMMITTEE 11/10/2004.

Councilwoman McFarland announced that the Committee meetings in November will be held on WEDNESDAY, NOVEMBER 10 due to the holiday.

**XIII. MISCELLANEOUS BUSINESS ON CLERK’S DESK**

No Business.

**XIV. PUBLIC HEARINGS ON UNDOCKETED ITEMS**

**Jordan Bruno** appeared to speak and stated that at the Primary Election, State and local police took ballots back to City Hall and asked who paid for this. Councilwoman McFarland stated that the taxpayers did. Mr. Bruno stated that this has never been done in the past and questioned why this was done this year. Mr. Quinlan stated that this was done for several reasons: there were some threats of violence and also the State has implemented a new system where the ballots are placed in metal boxes, which are quite heavy and due to the age of some of the moderators, this is why this system was implemented. This system will also be used in the General Election.

**Thomas Ricci**, 75 Knight St., appeared to speak and stated that last month, he asked a question regarding the City Charter and has not been given an answer to this question. Mr. Kirshenbaum stated that he does not have anything to report since the Solicitor is out ill tonight and he would normally meet with her prior to the meeting.

**John DeGenova**, Vice-President of Firefighters Union, appeared to speak and asked when the City Administration violates an Ordinance passed by the Council, what is the recourse. He stated that he has attended the Finance Committee meeting to question the withholding of COLA for retirees issue and was told it was not the appropriate time and also attended numerous Council meetings. The Union’s attorney attended the last Finance Committee meeting and was not allowed to answer any questions. He asked that this question be answered for him for next month’s meeting.

The meeting adjourned at 9:05 P.M.

Maria Medeiros Wall  
City Clerk

Rosalba Zanni  
Assistant City Clerk/Clerk of Committees

(See Stenographic Notes of Ron Ronzio, Stenotypist).