

REGULAR MEETING – CITY COUNCIL

-FEBRUARY 24, 2003-

Regular meeting of the City Council of the City of Cranston was held on Monday, February 24, 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: 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; Carlo DelBonis, Tax Assessor; Marco Schiappa, Director of Public Works.

Council President Pastore stated that he was notified by a member of CUT (Cranston United Taxpayers) of a large attendance at this meeting and he made recommendation to have Cranston High School East Auditorium at our disposal and this meeting be recessed and reconvened at Cranston High School East Auditorium. Motion passed unanimously.

On motion by Councilman McDonough, seconded by Councilman Fung, it was voted to move the meeting to Cranston High School East Auditorium at 7:02 P.M. Motion passed unanimously.

On motion by Councilwoman McFarland, seconded by Councilman Fung, it was voted to reconvene the meeting at 7:15 P.M. at Cranston High School East Auditorium.

Council President Pastore gave Prayer for the victims of recent fire tragedy in West Warwick.

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

I. PUBLIC ACKNOWLEDGEMENTS AND COMMENDATIONS

“CONGRATULATORY CITATION STEVEN KOHM, EAGLE SCOUT”.

Mr. Grimes presented Citation to Steven Kohm.

Council President Pastore asked if there were any objections to taking the meeting out of order so we can have the public hearing regarding taxes first. No one objected.

On motion by Councilwoman McFarland, seconded by Councilman Lanni, it was voted to take this meeting out of order. Motion passed unanimously.

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A member of the audience asked where the Mayor is, since he is not present at this meeting. Council President Pastore asked that Mr. Grimes advise the members of the public of where the Mayor is. Mr. Grimes stated that the Mayor is out of town for a prior engagement.

VI. PUBLIC HEARINGS

Thomas Ricci, 75 Knight St., appeared to ask if the very large amount of police duty at this meeting are on pay. Council President Pastore stated that yes, they are on pay. Mr. Grimes stated that as procedure, they are on special detail. Mr. Ricci asked where the \$11 million in cuts will come from. Mr. Grimes stated that the Administration is in the process of negotiating for these. Mr. Ricci stated that it is time to look at the fire stations in the City and cut one back and look at consolidation.

Resident of 1295 Phenix Ave., appeared to speak and asked that the Council and Administration look at cutting non-critical services.

Michael Luciano, 26 Turner Ave., appeared to speak and reminded the Council of high tax raise and of people who have been living in the City for many years. He found out from a Council member that it costs \$9,000 a year to educate a student, while an average taxpayer pays \$5,000 in taxes. We have to take control of our spending. Why does State, Federal Government and Cities and Towns continue to spend money when they don't have it? We also need accountability of where our tax money has gone in the last 15-20 years.

Christopher Buonanno, 573 Laurel Hill Ave., appeared to speak and stated that the taxpayers have to bite the bullet and pay tax increase. The City should get state's help because we deserve help just like the other communities.

Damon DiPiro, 65 Traymore St., appeared to speak and stated that nothing has been done with the consolidation report done a few years ago and asked why not. Council President Pastore stated that one recommendation made in the report that has been implemented is we have established in January, a Financial Advisory Board, where every expense over \$25,000 would go before this board.

Manuel Lopes, 49 Westwood Ave., appeared to speak regarding the revaluation and asked why the Edgewood section of Cranston had a 10% more of an increase than the rest of the City. Mr. DelBonis addressed the demographic change in property value from one part of the City to another.

Jeffrey Kelly, 26 Mystery Farm Rd., appeared to speak and asked that the Mayor be given a message – “at the last meeting, the Mayor stated that there were only 200 people in attendance and challenged him and he has brought a few people here at this meeting”. Mr. Kelly asked what the cash flow position is and where we stand on the overall budget. Mr. Baron stated that he is not prepared to give this information at this time. Mr. Kelly asked if the Administration is sharing the intended cuts with the Council. Council President Pastore stated that he has had conversations with the Mayor on the objectives of intended cuts and he will update the Council soon on his intended cuts. Mr. Kelly asked for an explanation of process of appeal for assessments. Mr. DelBonis addressed this process. Mr. Kelly stated that CUT wants the Council to cut 25-30% of this budget. Two things to keep in mind is accountability and cuts.

Resident of 102 Tepee Trail, appeared to speak and stated to the Administration that when Governor Carcieri came into Office, he took away cell phones and credit cards from most of the state employees, but what this Administration is negotiating, everything is a secret. Why not just take action.

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Sharon Ventura, 50 Castleton Dr., appeared to speak and stated that the last three budgets are not true budgets, since audits were not prepared on time. How can you prepare budgets when you do not know what you have. She stated to the Council that they have the power to launch an investigation to have former Mayor O'Leary and members of the City Council who awarded raises and incentives when the City was bankrupt. She asked where the cuts are going to come from. She also stated that CUT is asking to cut \$30, \$40, or \$50 million for this budget.

David Gecawich, 88 Amy Dr., appeared to speak and stated that the timing of this tax increase could not be worse. The volume of this tax increase could not be worse. We need to work as a team, taxpayers, Unions, City Council and Administration. Two options are - we need to correct this situation urgently in cuts, and if this cannot be done in cuts, then the voter recall would be another venue.

Ron Galipeau, 41 West View Dr., appeared to speak and addressed Cranston GRIPE and stated that he has e-mailed the Deputy Director of Administration a few times and has not received any answer.

Aram Garabedian, 173 Belvedere Dr., appeared to speak and stated that he wants the Mayor to know the people packed the seats in this Auditorium. As to the union contracts, the unions are not at fault, the responsibility is on the backs of the officials elected. He also spoke regarding the supplemental tax and asked if there will be a procedure where multiple payments can be made in lieu of making a one-time payment. He asked that the Council please do not use the 12% for late interest and consider a number far more reasonable than that. Council President Pastore stated that he spoke with the Administration and asked if we could split the tax bill in half and we cannot, because of the software in City Hall. We also looked at extending the grace period and tonight there are three bills being introduced to see if we can extend the grace period on the fourth quarter, another to extend the grace period on supplemental tax and the third is Fixing the date on taxes are assessed as of December 31, 2001 will be due and payable. Mr. Garabedian stated that he requested at the last meeting that the Council request copies of transcript regarding Mr. Baron's testimony in a trial in the Connecticut Court. He did obtain copies of this transcript and he will provide copies to the Council and the Administration tomorrow.

Resident of Edgewood neighborhood appeared to speak and stated that he cannot afford a tax increase.

Resident of 49 Haywood Dr., appeared to speak and asked that the budget be cut to the level taxpayers can afford and come up with real cuts. He also asked if a reasonable level of taxation was ever considered.

Jack Roth, 67 Starline Rd., appeared to speak and stated that taxpayers have been talking about longevity and other issues to Councils after Councils for years and it is very discouraging.

Richard Adamo, 21 Buxton Dr., appeared to speak and stated that there are a lot of things that could be done to address the fiscal crisis. He suggested that Ernest Almonte, State Auditor General, appear before the Council and residents. Mr. Grimes stated that the Administration can speak to the Auditor General about this. Mr. Adamo stated that the residents want to see what the State's plan would be if they took over, so the people can compare it to the five-year plan the Council and Administration has put together, so the Council can be given the recognition they may deserve.

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Karl Schubert, 1599 Pippin Orchard Rd., appeared to speak and asked why we have a School Budget year after year that cannot be decreased. Council President Pastore stated that one vast problem is the increase in student population in the City, which would result in need for new school. Mr. Schubert also asked why we have contracts with terms stating no layoffs. Going forward in negotiations, this should be looked at. He also suggested placing cancellation clauses in the contracts - what he is referring to is the Avcoor contract. Mr. Schubert also spoke regarding change orders at the new school on Scituate Ave. He stated that building a building is not new to the City of Cranston and conducting a perk test should have been done earlier on. He asked how can you build a school without making sure there is sewer and water? He suggested that the City look at the following - does the vendor have the authority and permission to be digging the loom and trucking it away, because he has seen this.

City Resident appeared to speak and asked that Council President Pastore cease using the statement that he has been making that the easiest job was implementing supplemental tax. He sees the \$11 million in proposed cuts as a simple exercise and games. He asked if the Homestead Exemption will be removed. Council President Pastore stated that legislation was passed last month creating Property Tax Classification, which would replace the Homestead Exemption if approved by the General Assembly. If the General Assembly does not pass this legislation, then the Homestead will remain in place. The percentage of the Homestead Exemption is contingent upon the Mayor's presentation of the Budget and the Council's approval. Councilwoman McFarland explained the Property Tax Classification system, which would be elimination of need for Homestead Exemption. The resident if this Council ever looked at requiring all City employees to live in the City? Council President Pastore stated that he has thought about this and he does not have any objections to this either way.

Albert Benetti, 24 Concord Ave., appeared to speak and stated that he would like to know for the next meeting, the cost for the Police detail at this meeting. Mr. Benetti stated that he would like to see passed a Resolution to the General Assembly to see if there is any laws that can be passed to open up contracts and if this cannot be done, then the Charter gives the Council authority to reorganize City government. He spoke regarding the Financial Review Board. He asked that this Board be watched, since there are two previous School Committee members that served together, on this Board.

Mike Cardarelli, 53 Fairfield Rd., School Committee member, appeared to speak and addressed the issue of change orders at the new school on Scituate Ave. He stated that he does not want cuts that would jeopardize his safety or his family's safety or jeopardize a good education for his children.

Gary Vierra, 11 Applehill Dr., Republican Chairman, appeared to speak. He asked Councilwoman O'Hara that the public be given the opportunity to speak at the budget hearings before the Finance Committee like they were given last year.

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II. INTRODUCTION OF UNDOCKETED RESOLUTIONS

“RESOLUTION MEMORIALIZING THE GENERAL ASSEMBLY TO AMEND TITLE 44 TAXATION, SECTION 44-3 PROPERTY SUBJECT TO TAXATION AND URGE PASSAGE OF THE LEGISLATION FOR QUALIFY PERSONS ENTITLED TO TAX FREEZE EXEMPTIONS.”

Councilwoman McFarland motioned to suspend Council Rule 31. No one seconded this motion.

Council President Pastore asked as there are any objections to this Resolution. No one objected.

Mr. DelBonis asked if there is income guidelines in this Resolution. Councilwoman McFarland stated no, because she spoke to Jeff Gofton today and he said this should not have income limits. All communities in Rhode Island are submitting legislation at this time similar to this without income limits, which would give the community the authority to set income limits from time to time. Enabling legislation would be just the first step.

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

On motion by Councilwoman McFarland, seconded by Councilwoman O’Hara, the above Resolution was adopted on a vote of 5-4. The following being recorded as voting “aye”: Councilwomen O’Hara and McFarland, Councilmen Lanni, McDonough and Council President Pastore –5. The following being recorded as voting “nay”: Councilmen Fung, Jackvony, Council Member Fogarty and Councilman Ferolito –4.

III. EXECUTIVE COMMUNICATIONS

Mr. Grimes read an Executive Order from the Mayor addressing the issue of “places of gathering” to be filed in the City Clerk’s Office.

IV. COUNCIL PRESIDENT COMMUNICATIONS

No. Business.

V. COUNCIL MEMBER COMMUNICATIONS

Council Member Fogarty spoke regarding expired City contracts from November, 2002 up to date and asked whether they were renewed or rolled over and at what cost. Mr. Grimes will research and report back to the Council at the March meeting.

Council President Pastore asked that starting in March, Mr. Baron make comments to the Council Balance and Cash Flow Statements and comment on any substantive variances as well as any other issues the Council should be made aware of.

Councilman Lanni asked Mr. Baron if the RFP is done for the Council Internal Auditor. Mr. Baron stated that he has discussed the salary range with the Personnel Director, but he was not aware that he was to work on the RFP. He will jot down some thoughts and input and give them to the Council President.

Councilwoman McFarland asked Administration if the RFP has been drafted for the Performance Audit company and when will it be completed. Mr. Grimes stated that the RFP is being drafted now and going to be reviewed by the Auditor General and RFP will be going out sometime this week or next week. Part of the RFP for the Performance Audit will also include the Forensic Audit looking at Collections Department, Highway, Fleet and Building Maintenance and Purchasing. Councilwoman McFarland presented a letter from Cayer Prescott and asked that the City Clerk send a copy of this letter to the Financial Review Board. Council President Pastore asked if Forensic Audit would also be included because of improprieties be included. Mr. Grimes stated there could have been mismanagement. He also stated that at this time, the Administration would also like to include the School Department as part of the Performance Audit. He also stated that the Auditor General suggested that the following departments also be looked at in the Performance Audit: Police, Fire and Schools. Council Member Fogarty asked who is compiling the RFP. Mr. Grimes stated that the City staff with the help of the Auditor General is compiling the RFP. RFP will distinguish between Forensic and Performance Audit. Council Member Fogarty stated that she, as Chair of the Performance Audit, spoke to the Auditor General and has stated to her that he will be compiling the RFP and she as Chair, has not received any information as of yet. There seems to be a miscommunication of who will be doing the RFP. She remembers the Auditor General recommending the Police, Fire and Schools and Public Works as part of the Performance Audit. Council President Pastore asked that Council Member Fogarty contact the Auditor General to make sure we capture the areas that he suggested would be looked in this Performance Audit. Council Member Fogarty stated that the amount we appropriated with the approval of the Auditor General, was based solely on just doing the Performance Audit and had not included the Forensic Audit and just to look at those three departments. Council President Pastore stated that he wants all areas included in the RFP and Administration cannot make unilateral changes in areas to be covered.

Councilman Jackvony asked questions regarding trash pickup this past week, which was President’s Day. He asked Mr. Schiappa to address the issue that there was some confusion as to whether the trash was being picked up on regular schedule or not. Mr. Schiappa stated that President’s Day is not a recognized holiday by the landfill or trash haulers. They placed an ad in the paper the week before addressing the pickup schedule and there was some confusion of what day the trash was going to be picked up.

Councilman McDonough stated that Citizens Bank on Rolfe St. is setting up for the fire victims, “Station Victim’s Fund” for anyone who would like to make a donation.

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VII. UNDOCKETED RESOLUTIONS

“RESOLUTION MEMORIALIZING THE GENERAL ASSEMBLY TO AMEND TITLE 44 TAXATION, SECTION 44-3 PROPERTY SUBJECT TO TAXATION AND URGE PASSAGE OF THE LEGISLATION FOR QUALIFY PERSONS ENTITLED TO TAX FREEZE EXEMPTIONS.”

Public Hearing and vote was held under “Introduction of Undocketed Resolutions.”

VIII. DOCKETED RESOLUTIONS

“AMENDED RESOLUTION AUTHORIZING TAX ABATEMENTS AS SETTLEMENT OF EMINENT DOMAIN LITIGATION.” (Sponsored by Administration).

On motion by Councilman Fung, 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 REAFFIRMING THE ESTABLISHING OF A DIVERSITY COMMISSION”. (Sponsored by Councilwoman O’Hara).

Councilwoman O’Hara stated that this Resolution will be referred to next month’s meeting.

“RESOLUTION REQUESTING THE SCHOOL COMMITTEE TO NAME THE NEW ELEMENTARY SCHOOL ‘COLUMBIA MEMORIAL ELEMENTARY SCHOOL’ (Sponsored by Councilman McDonough).

Ms. Jametta suggested that this Resolution be tabled so she can review the laws surrounding this issue and maybe discuss it with Mr. Quinlan. Councilman McDonough requested to entertain motion to form a Special Committee.

Discussion took place on suspension of Council Rule 27, which addresses the issue that Council meetings cannot go beyond 12 AM.

On motion by Councilman Lanni, seconded by Councilwoman McFarland, it was voted to recess this meeting to tomorrow night, Tuesday, February 25, 2003 at 7:00 P.M. in the Council Chamber, City Hall. Motion passed on a vote of 8-1. The following being recorded as voting “aye”: Councilmen Fung, Jackvony, Councilwoman O’Hara, Council Member Fogarty, Councilwoman McFarland, Councilmen Ferolito, Lanni and Council President Pastore –8. The following being recorded as voting “nay”: Councilman McDonough –1.

The meeting recessed at 12:15 A.M.

The meeting reconvened at 7:00 P.M. on Tuesday, February 25, 2003 in the Council Chamber, City Hall. Roll Call showed the following Council members present: Councilmen Fung, who left at 9:00 P.M., Councilman Jackvony, who appeared at 8:00 P.M., Councilwoman O’Hara, who left at 9:00 P.M., Council Member Fogarty, Councilwoman McFarland, who appeared at 7:05 P.M., Councilmen Ferolito, Lanni, McDonough and Council President Pastore –9.

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Also Present were Mayor Stephen P. Laffey; Paul Grimes, Director of Administration; Robin Muksian-Schutt, Deputy Director of Administration; Jametta Alston, City Solicitor; Mike Igoe, City Controller; Carlo DelBonis, Tax Assessor; Randy Rossi, Tax Collector; Pat Quinlan, City Council Legal Counsel.

Councilman McDonough stated that at last night's meeting, based on Mr. Garabedian's concerns he put forth last night, he had asked Mr. Quinlan to research those concerns.

On motion by Councilman McDonough, seconded by Councilwoman O'Hara, it was voted to adopt this Resolution for discussion purposes.

Under Discussion

Councilman McDonough asked if passage of this Resolution would be appropriate or illegal. Mr. Quinlan stated that it would not necessarily be illegal, it would be a delegation of the City Council. Past practice has been that the School Committee creates a committee to name schools. Pursuant to Rule 17, it could be a function of the Public Works Committee and Section 45-2-16 provides city and town councils to select committees to name schools.

Councilman McDonough motioned to table this Resolution for the time being and bring this up in Public Works Committee next month. No one seconded this motion.

Councilman Lanni stated that we should conduct an investigation on when this procedure started and since the motion is to continue this, we should investigate this with due diligence.

Anthony Lupino, School Committee Member, appeared to speak and stated that there was a committee comprising of himself, parents, Councilman Lanni and others. This has been past practice in the last 15 years and they were following what they thought was proper procedure. A better venue would be the School Buildings Committee and not the Public Works Committee. The parents and students really do not want the school named after the Columbia. He is not questioning who is to name the school, but the name of the school. He will relay to the School Committee what the Council decides.

Ms. Alston stated that she is meeting with the attorney for the School Board to discuss the law and report back to the Council. She is suggesting that this be tabled until this can be reviewed further.

Council Member Fogarty asked what section of the Statute leaves the opening this issue. Ms. Alston stated that a concern she has with this, is that we do not have the legislative history.

Councilman McDonough stated that he agrees with Mr. Lupino to send this Resolution to the School Buildings Committee, since this has become such a fiasco. Seven people died to better our knowledge of space and what better way to do it then by naming a school after the Columbia.

Councilwoman McFarland stated that the School Buildings Committee should make a recommendation to the Council by Resolution on the name and the Council should vote by Ordinance reaffirming the naming of the school.

Mr. Lupino stated that three names have been submitted to the Superintendent and they will be voted on at the March 17 School Committee meeting. Those names are: Orchard Farm Elementary School, Western Acres Elementary School and Sunset Elementary School.

Council President Pastore suggested that the School Buildings Committee be a facilitator for naming school buildings. He suggested that Councilman McDonough work on an Ordinance with Ms. Alston with Mr. Quinlan's input. He would also like Mr. Quinlan to attend the meeting with Ms. Alston and the School Committee attorney.

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On motion by Councilman McDonough, seconded by Council Member Fogarty, it was voted to have the School Buildings Committee be the facilitator. Motion passed on a vote of 8-0. The following being recorded as voting "aye": Councilman Fung, Councilwoman O'Hara, Council Member Fogarty, Councilwoman McFarland, Councilmen Ferolito, Lanni, McDonough and Council President Pastore –8. Councilman Jackvony left the meeting.

On motion by Councilman McDonough, seconded by Councilwoman McFarland, it was voted to table this Resolution. Motion passed on a vote of 8-0. Councilmen Fung, Councilwoman O'Hara, Council Member Fogarty, Councilwoman McFarland, Councilmen Ferolito, Lanni, McDonough and Council President Pastore –8.

**“RESOLUTION URGING THE MEMBERS OF THE RHODE ISLAND GENERAL ASSEMBLY TO INTRODUCE AND PASS LEGISLATION INCREASING THE AMOUNT OF ALLOWABLE INCOME TO QUALIFY FOR TAX FREEZE BENEFITS AND EXTENDING THE FILING DEADLINE.”
(Sponsored by Administration and Cranston City Council).**

Mr. Grimes stated that this Resolution would be to adjust the income threshold under which homeowners would qualify for this tax freeze.

Mr. DelBonis stated that this tax freeze was initiated in 1972 with income level of \$4,000. Periodically, this income level was increased since 1972. Two reasons for increase in income guideline are: 1) help people who are not getting tax freeze; 2) help people whose income exceeds guidelines. The impact would additional \$112,000.

Councilwoman McFarland requested that this Resolution be forwarded to the Cranston Financial Review Board before any action is taken.

On motion by Councilwoman McFarland, seconded by Councilwoman O'Hara, the above Resolution was adopted on a vote of 8-0 **subject** to Financial Review Board approving this Resolution. The following being recorded as voting "aye": Councilman Fung, Councilwoman O'Hara, Council Member Fogarty, Councilwoman McFarland, Councilmen Ferolito, Lanni, McDonough and Council President Pastore –8.

“RESOLUTION ESTABLISHING A SEWER RATE FEE BASED ON WATER USAGE.” (Sponsored by Council President Pastore and Councilwoman McFarland; Co-sponsors: Council Members Fogarty, Lanni, McDonough).

Discussion took place on giving six months for this to be processed.

Councilwoman McFarland requested updates to the Public Works Committee during the six month period.

Councilman Lanni asked if this should be based on a yearly rate. Council President Pastore asked that the City Clerk highlight the Resolution when sent to the Public Works Director addressing Councilman Lanni's concern.

On motion by Councilman McDonough, seconded by Councilman Lanni, the above Resolution was adopted on a vote of 8-0 **subject** to periodic report to the Public Works Committee and addressing Councilman Lanni's concerns. The following being recorded as voting "aye": Councilman Fung, Councilwoman O'Hara, Council Member Fogarty, Councilwoman McFarland, Councilmen Ferolito, Lanni, McDonough and Council President Pastore –8.

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

1-03-1 "ORDINANCE IN AMENDMENT OF CHAPTER 2 OF THE CODE OF THE CITY OF CRANSTON, 1970, ENTITLED 'ADMINISTRATION' (Authorized use of Municipal Vehicles)."

Councilwoman McFarland stated that she would like by the March meeting, cell phones, radios in vehicles and list of vehicles and who they are attached to.

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

1-03-2 "ORDINANCE IN AMENDMENT OF CHAPTER 2 OF THE CODE OF THE CITY OF CRANSTON, 1970, ENTITLED 'ADMINISTRATION'. (Board of Contract and Purchase). (As amended by Ordinance Committee 2/13/2003).

Councilwoman McFarland stated that on February 13, 2003, the Ordinance Committee requested a written opinion stated by Councilman Fung at the Ordinance Committee and to this date the Council has not received anything.

Councilwoman O'Hara presented the Council copies of organizational chart of various committees, which she stated, that this chart clearly states the Board of Contract and Purchase is under the City Council.

Councilman Lanni stated that past practice has been that the Chair is appointed by the majority party. Councilman Jackvony stated that the Board members should elect the Chair.

Council President Pastore stated that the Solicitor did not sign the Ordinance as to form and legality. He asked that M. Quinlan advise the Council on this issue. Mr. Quinlan stated that Charter does require Solicitor to sign Ordinances as to form and legality. Charter does also state that if Solicitor does not sign the Ordinance, a report is to be filed with the City Clerk. No report has been filed with the Clerk.

Ms. Alston stated that no report was filed with the City Clerk. She stated that she was not aware of the request for a written legal opinion. She will speak with Assistant Solicitor Kirshenbaum regarding this, since he is the Solicitor for Ordinance Committee. Councilwoman McFarland stated that no one from the Administration was present at the Ordinance Committee meeting and it is not her job to inform the Solicitor of this request.

Ms. Alston suggested tabling this Ordinance for now and she can leave the meeting and prepare this written report and the Council can vote on this Ordinance later on in the meeting.

Councilman Jackvony addressed the issue of Council President of his designee being Chair of this Board. He noted that the Board of Contract and Purchase is part of the Department of Purchasing and Purchasing Department is part of the Finance Department and not part of the City Council.

Councilman Lanni stated that the organizational chart shows Board of Contract and Purchase to be under the City Council.

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Council President Pastore stated he was disappointed that requested opinion from the Solicitor was not provided. This matter needs to be referred back to the Council in March.

On motion by Councilwoman McFarland, seconded by Councilman Lanni, it was voted to refer this Ordinance to a Special Council Meeting on March 13, 2003 at 5:30 P.M. so the Solicitor can give a written opinion. Motion passed unanimously.

1-03-3 ‘ORDINANCE IN AMENDMENT OF CHAPTER 2 OF THE CODE OF THE CITY OF CRANSTON, 1970, ENTITLED ‘ADMINISTRATION’. (Audit Committee). (As Amended by Ordinance Committee 2/13/2003).

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

1-03-4 “ORDINANCE AMENDING THE BUDGET FOR THE FISCAL YEAR COMMENCING JULY 1, 2002 AND ENDING JUNE 30, 2003. (Economic Development Director).”

Councilman McDonough asked if these funds are from the programs account and if so, does this mean there won’t be a Harvest Festival? Mr. Grimes stated that the Harvest Festival has its own fund. This will not affect this fiscal year. If it would effect it, it would affect the next fiscal year depending on the outcome of the budget.

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

1-03-5 “ORDINANCE IN AMENDMENT OF CHAPTER 17 OF THE CODE OF THE CITY OF CRANSTON, 1970, ENTITLED ‘MOTOR VEHICLES AND TRAFFIC’, ‘STOP INTERSECTIONS-ENUMERATED’ BY DELETING IRVING ST., PORTION OF”.

On motion by Councilwoman McFarland, 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, Councilman 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).”

Councilman McDonough asked if the lists of abatements were mailed to the Council members, because he did not receive a copy. Mr. DelBonis stated that the lists are delivered to the Council’s home address by his deputy.

On motion by Councilwoman O’Hara, seconded by Council Member Fogarty, the above Resolution was adopted on a vote of 8-0. The following being recorded as voting “aye”: Councilmen Fung, Jackvony, Councilwomen O’Hara, Council Member Fogarty, Councilwoman McFarland, Councilmen Ferolito, Lanni and Council President Pastore – 8. Councilman McDonough abstained due to the fact that he has not seen this list of abatements.

“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 8-0. The following being recorded as voting “aye”: Councilmen Fung, Jackvony, Councilwomen O’Hara, Council Member Fogarty, Councilwoman McFarland, Councilmen Ferolito, Lanni and Council President Pastore – 8. Councilman McDonough abstained due to the fact that he has not seen this list of abatements.

“RESOLUTION AUTHORIZING HOMESTEAD ABATEMENTS– RECOMMENDED BY CITY ASSESSOR.”

On motion by Councilwoman O’Hara, seconded by Councilman Lanni, the above Resolution was adopted on a vote of 8-0. The following being recorded as voting “aye”: Councilmen Fung, Jackvony, Councilwomen O’Hara, Council Member Fogarty, Councilwoman McFarland, Councilmen Ferolito, Lanni and Council President Pastore – 8. Councilman McDonough abstained due to the fact that he has not seen this list of abatements.

Council Member Fogarty stated that at the Finance Committee meeting, she asked for an explanation regarding interest waiver for Anthony Rega. Mr. Rossi stated the reason he recommends approval of this waiver is because Mr. Rega had refinanced.

Council President Pastore stated that an Ordinance needs to be drafted stating that any interest waivers have to come before the Council for approval.

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X. ELECTION OF CITY OFFICIALS

On motion by Council Member Fogarty, seconded by Councilwoman O'Hara, it was voted to re-appoint **RORY BUDLONG** as a member of the **Board of Tax Assessment Board of Review**. Motion passed on a vote of 8-0 with one abstention. The following being recorded as voting "aye": Councilmen Fung, Jackvony, Councilwoman O'Hara, Council Member Fogarty, Councilmen Ferolito, Lanni and Council President Pastore –8. Councilwoman McFarland abstained, since Mr. Budlong is one of the certified appraiser for RIHMFC where she is employed.

Council President Pastore noted that the Finance Committee needs to make appointments to the Audit Committee at the next meeting.

XI. REPORT OF CITY OFFICERS

Council President Pastore asked that Mr. Baron provide on a monthly basis, overview of cash flow income statements on any items that would impact the budget and also account balances and fund balances.

XII. NEW BUSINESS

On motion by Councilwoman McFarland, seconded by Council Member Fogarty, the following introduced Ordinances be advertised for hearing before the Ordinance Committee on THURSDAY, MARCH 13 13, 2003 at 7 PM pursuant to Sec. 3.12 of the Charter on a vote of 7-0. The following being recorded as voting "aye": Councilman Jackvony, Council Member Fogarty, Councilwoman McFarland, Councilmen Ferolito, Lanni and Council President Pastore –7. Councilman Fung and Councilwoman O'Hara were not present for roll call.

- 2-03-1 Ordinance amending the Budget for the fiscal year commencing July 1, 2002 and ending June 30, 2003. FINANCE COMMITTEE 3/13/2003 and ORDINANCE COMMITTEE 3/13/2003.
- 2-03-2 Ordinance fixing the date when taxes are assessed, as of December 31, 2001 will be due and payable and the date when unpaid taxes will carry a penalty for the supplemental 2002 roll. FINANCE COMMITTEE 3/13/2003 and ORDINANCE COMMITTEE 3/13/2003.
- 2-03-3 Ordinance in amendment of Chapter 17 of the Code of the City of Cranston, 1970, entitled "Motor Vehicles and Traffic", "Stop Intersections-Enumerated" by adding Beechwood Dr., portion of. ORDINANCE COMMITTEE 3/13/2003.
- 2-03-4 Ordinance thirty day grace period on the 4th Quarter taxes due April 15, 2003. FINANCE COMMITTEE 3/13/2003 and ORDINANCE COMMITTEE 3/13/2003.
- 2-03-5 Ordinance in forty-five day grace period on the supplemental tax due April 17, 2003. FINANCE COMMITTEE 3/13/2003 and ORDINANCE COMMITTEE 3/13/2003.
- 2-03-6 Ordinance amendment of Chapter 27 of the Code of the City of Cranston, 1970, entitled "Streets and Sidewalks", "Removal of Snow Penalties". PUBLIC WORKS COMMITTEE 3/13/2003 and ORDINANCE COMMITTEE 3/13/2003.
- 2-03-7 Ordinance amending Ordinance No. 2003-8 amending the Budget for the fiscal year commencing July 1, 2002 and ending June 30, 2003. (School State Aid). FINANCE COMMITTEE 3/13/2003 and ORDINANCE COMMITTEE 3/13/2003.

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Council President spoke regarding the interest rate on the supplemental tax. He stated that the Council needs to agree on an interest rate charge or leave it at 12%. Councilwoman McFarland suggested 6%. Councilman Ferolito questioned if the collection rate would go down by decreasing the interest rate to 6%. Council President Pastore asked Mr. DelBonis what his thoughts are on this. Mr. DelBonis stated that historically and legally, the city has always charged 12% interest. Most other cities and towns have had the right to charge up to 18%. He stated that we are going to have a problem forwarding tax bills to new owners, which would take some time. Maybe we could have some kind of debate and compromise on what is best for the City and for the taxpayer. If the Council wishes to change the interest rate, you may want to have a special Council meeting so we can get the bills out on March 17, 2003.

Mr. Grimes stated that the Ordinance being introduced by the Administration is with due date payable April 17 with 12% interest rate. Councilman McDonough stated that two other Ordinances being proposed are: 1) 30-day grace period on 4th quarter taxes; and 2) 45-day grace period on supplemental tax bill.

Petition of Abandonment of a portion of E. Josephine St. REFERRED TO PUBLIC WORKS COMMITTEE 3/13/2003.

Councilwoman McFarland addressed the issue of letters sent out by the Administration to the retired Police and Fire. She stated that there are a number of widows in the City who received these letters and are very confused about information that they are requested to obtain and pay for and present it to the Administration. She stated that this information is readily available to the Administration. She asked why this letter went out and why these people are requested to provide this information to the Administration. Mr. Grimes stated that documentation and characterization made by the pensioners needs to be obtained so the Administration can get a clear understanding of what the pensioners COLA benefits and other fringe benefits they are receiving. The letters sent out were very clear that the pension is not at risk. There was reference in the letters that their pension could be at risk if documentation was not provided by the pensioners. We did make it known that their bargaining units would also have this information. Councilman McDonough asked City Clerk if Administration had requested copies of these records before the letters were sent. Ms. Wall stated, they had not.

Ms. Alston stated that we have found the record keeping has been poor in the City and under the freedom of Public Records Act, the individuals can request these records at a fee. The reason for this is that we do not have all the records. Ms. Alston also stated that attempts were made to find contracts through the building, such as Personnel Director, and we also went to the Unions.

XIII. MISCELLANEOUS BUSINESS ON CLERK'S DESK

No Business.

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XIV. PUBLIC HEARINGS ON UNDOCKETED ITEMS

Anthony Lupino, School Committee Member, appeared to speak. He stated that the School Committee negotiated for retired teachers' paid Blue Cross up to age 65, where firefighters receive family coverage for life and suggested the Council look at this because there might be some savings here.

Michael Cardarelli, School Committee Member, appeared to speak. He stated that he is glad the Council is looking at a sewer rate Resolution. He also stated that there may be other communities or the Narragansett Bay Commission could help in drafting this legislation.

Councilwoman McFarland stated that after last night's meeting, she thought about the idea of a performance audit on every department and she believes the best thing is to spend money on a six month audit. She asked that we seriously take a look at spending taxpayers' money in a frugal manner. Forensic Audit is just a fishing expedition.

The meeting adjourned at 9:30 P.M.

Maria Medeiros Wall
City Clerk

Rosalba Zanni
Assistant City Clerk/Clerk of Committees

(See Stenographic Notes of Ron Ronzio and Paula Campania Stenotypists)