

(The following is not a verbatim transcript of comments or discussion that occurred during the meeting, but rather a summarization intended for general informational purposes. All motions and votes are the official records).

FINANCE COMMITTEE

Regular meeting of the Finance Committee was held on Monday, June 1, 2020 via Zoom.

CALL MEETING TO ORDER:

The meeting was called to order at 7:00 P.M. by the Chair.

Present Councilmember Paul J. McAuley
 Councilmember John P. Donegan
 Councilmember Edward J. Brady
 Councilmember Christopher G. Paplauskas
 Councilmember Kenneth J. Hopkins, Vice-Chair
 Council Vice-President Michael W. Favicchio, Chair
 Council President Michael J Farina

Also Present: Councilmember Steven A. Stycos
 Councilmember Lammis J. Vargas
 Daniel Parrillo, Director of Administration
 John Psilopoulos, Deputy Director of Administration
 Robert Strom, Finance Director
 John Verdecchia, Assistant City Solicitor
 Evan Kirshenbaum, City Council Legal Counsel
 David Dimaio, City Council Budget Analyst
 Leanne Zarrella, City Clerk
 Rosalba Zanni, Assistant City Clerk/Clerk of Committees
 Heather Finger, Stenographer

MINUTES OF THE LAST MEETING:

On motion by Councilmember Brady, seconded by Councilmember Paplauskas, it was voted to dispense with the reading of the minutes of the last meeting and they stand approved as recorded. Motion passed unanimously.

Chair indicated that some of the links on this evening's agenda are not opening up the document. He questioned the Solicitor and Attorney Kirshenbaum if those items are properly before this Committee this evening.

Clerk indicated that the Ordinances on the agenda were advertised in the Cranston Herald.

Attorney Kirshenbaum stated that he did not have a problem accessing the Ordinances through the links.

Solicitor Verdecchia stated that it seems like it was five to six days that this agenda was posted and also posted on some form of platform, whether internet, social media or newspaper and he is comfortable that they were properly noticed.

CORRESPONDENCE/COMMUNICATIONS

None.

OLD BUSINESS:

- ***Review of Online Records Project (Council Vice-President Favicchio)***

Chair stated that the new City Clerk has worked with him the last few days and did get some preliminary findings. He asked her to speak regarding this.

Leanne Zarrella, City Clerk, stated that she was in a phone conference with Maria Giarrusso, GIS Director and representative from Granicus and was told that upgrade testing is scheduled for this summer and would be a two month testing process and, hopefully, the e-recording would be up and running in the fall if everything went well.

Chair stated that this has taken far too long and with the pandemic, the e-recording would have been handy. He asked that Ms. Zarrella keep close eye on this and they take the best of the companies for IT support when it comes to e-recordings. He does want to press them to get this moving.

Chair asked that this item be continued to the August meeting for update.

4-20-04 Ordinance authorizing loan order for the City of Cranston to finance the renewable energy systems and energy conservation measures in the City of Cranston by the issuance of not more than \$5,000,000 bonds and notes therefor. Sponsored by Councilmembers Stycos and Donegan. CONT. from 5/4/2020.

On motion by Councilmember Brady, seconded by Councilmember Stycos, it was voted to recommend approval of this Ordinance.

Under Discussion:

Councilmember Stycos stated that at the last meeting, there were a lot of questions of what projects this bond would be used for. He asked this to Ed Garcia, Library Director, and he indicated solar panels at Knightsville Library and LED lights and temperature controls at all the libraries and electric vehicle charging station. Councilmember Stycos asked Director Mason the same question and he stated that it would be for LED lights at City Hall and electric heat. He also forwarded the same question to Ed Collins at the School Department and was told that any projects that they do now are energy efficient, but biggest problem is windows, doors and insulation and those are some areas that it could be used for. Councilmember Stycos urged the City Council to approve this so voters could weigh in on this issue.

Councilmember Brady stated that every resident he has spoken to wants to support this in his Ward.

Council President Farina stated that we are in a pandemic and financial hardship, but this would be a mechanism for future Mayors to go out to borrow and place it on the ballot and let the people decide. He asked to be added as co-sponsor.

Chair asked Director Strom if this was passed, would there be any costs and how much. Director Strom stated that you are going being the voters for authority and that authority could sit there for ten years.

Director Strom asked Councilmember Stycos where he came up with the \$5 million. Councilmember Stycos stated that he believes that the last Recreation Bond was single digit and \$5 million did not seem too high or too low for him.

Councilmember Donegan stated that, to him, this is incredibly important. This will not solve climate change, but this is a real important first step in taking climate action.

Director Strom stated that this would fall under Public Buildings Bond Fund. IF you are going to do any energy or solar, he asked if anyone has checked with the State for any type of plans or credits that would be available to do this type of work.

Chair stated that we have a Grant Writer and we could have Grants checked into.

Councilmember Stycos stated that if there are Grants that could be used, you would be crazy to use Bond money for that. Certainly, any Grant would be better than bonding. Those decisions would have to be made by the Mayor and City Council in the future.

Chair asked if we have money in the Capital Budget for bonding authority in the Public Buildings that would cover this. Director Strom stated, no, we do not.

Director Strom stated that he is not opposed to the intent, but he does not think \$5 million is necessary at this point. We have to be careful how much we bond for. Maybe we could bond for \$1 million or \$2 million rather than \$5 million.

Councilmember Vargas stated that she received e-mails from Ward 1 residents as well as other areas of the City. She thinks giving voters the opportunity to vote on this would be a great thing. She asked to be added as co-sponsor. She also stated that if this is passed in November, she questioned if we are allowed to use this for school spending such as windows. Director Strom stated that of the \$147 million, \$14 million is there in addition for other Capital projects.

Councilmember Hopkins stated that he agrees with Director Strom that we have to be careful of what we bond for in light of the economy and what we will be facing down the road. He credited Councilmembers Stycos and Donegan on drafting this and putting it out to the voters. He may have a little concern of the \$5 million. He also questioned if this money can be used for Rolfe St. revitalization. He asked to be added as co-sponsor.

Director Strom stated that that money could be used for Rolfe St. revitalization.

Councilmember Paplauskas asked to be added as co-sponsor.

Councilmember McAuley stated that he also received a few calls from constituents in favor of this and asked to be added as co-sponsor.

Councilmember Vargas asked if the Planning Director had any comments regarding this. Jason Pezzullo, City Planner, stated that he does not have any specific opinions on this. There are quite a few options that we could use this money for.

Chair stated that he does not have any opinion on this, but has concern that we are going to be putting too much bonding before the voters.

Wenley Ferguson, 48 Bartlett Ave., appeared to speak and thanked Councilmembers Stycos and Donegan for bringing this before the Committee. She stated that, at this point, she does not think there are any Grant programs to do these types of retrofit on public buildings.

Council Vice-President Favicchio asked to be added as co-sponsor.

Roll call was taken on motion to recommend approval of this Ordinance and motion passed unanimously.

4-20-06 Ordinance in amendment of Section 2.80.010 of the Code of the City of Cranston, 2005, entitled “Administration and Personnel – Salaries” (Sick Leave). Sponsored by Councilmembers Stycos and Donegan. CONT. from 5/4/2020.

On motion by Councilmember Donegan, seconded by Councilmember McAuley, it was voted to recommend approval of this Ordinance.

Under Discussion:

Councilmember Donegan stated that at the last meeting, there were some questions of who exactly this would impact and what the impact would be on the workforce.

Councilmember Hopkins stated that a concern he has is paying part-timers and cost of paying for their replacement. He would like to hear from Director Strom.

Director Strom stated that he did a quick analysis and there would be approximately 48 part-timers that would pertain to this, excluding Libraries and School Department. It would cost the City approximately \$33,180. He does not think the City is in a position to do this and does not know of any other city or town that does this and he is strongly opposed to this.

Councilmember McAuley asked Councilmember Donegan if he would be opposed to excluding the seasonal workers from the Ordinance. He also asked if the amount stated by Director Strom excludes seasonal workers. Director Strom stated, yes.

On motion by Councilmember McAuley, seconded by Councilmember Donegan, it was voted to amend this Ordinance to exclude seasonal part-timers.

Under Discussion:

Chair asked how this would affect other employees and the Unions. Director Parrillo stated that the Administration is opposed to this. He also stated that to give these benefits to a part-timer is too much. Part-timers are hired with the understanding of no benefits. This would be fiscal burden and employees' burden.

Councilmember McAuley stated that the intent is good, but the timing is bad because of the pandemic situation.

Councilmember Donegan stated that he thinks this is the right time. He thinks everyone deserves this benefit.

Councilmember Hopkins stated that he does not think there is a municipality in the Country that pays part-timers for not showing up to work because they were sick.

Chair stated that he does not see where we can afford to pay part-timers for sick time.

Council President Farina stated that he would advocate for an accrual base program. He does agree that part-timers should get some sort of sick benefit, but five days would be a little strong off the bat.

Councilmember Stycos stated that he would agree to some sort of accrual system. He urged passage of this and pass it onto the Personnel Director to come up with a sensible plan on how to make it work.

Councilmember Donegan stated that there is an accrual system in this Ordinance and it gives ten hours in a year of sick time. He does not think it is an excessive amount of time.

Motion and second to amend this Ordinance were withdrawn.

On motion by Councilmember McAuley, seconded by Councilmember Brady, it was voted to continue this Ordinance and have it re-drafted.

Under Discussion:

Director Strom asked that the Council keep in mind that we have various part-timers, such as seasonal, that do not work a full year and would not get a chance to accrue much time.

Councilmember Hopkins stated that philosophically, a continuance does not change the concerns we are talking about. We would be paying people not to come to work and using City funds. It is not done anywhere else in the Country and why do this in Cranston?

Roll call was taken on motion to continue this Ordinance to next month's meeting and motion passed on a vote of 6-1. The following being recorded as voting "aye": Councilmembers McAuley, Donegan, Brady, Paplauskas, Council Vice-President Favicchio and Council President Farina -6. The following being recorded as voting "nay": Councilmember Hopkins -1.

PUBLIC HEARINGS/NEW BUSINESS:

- **Motor Vehicle Tax Abatements**

No one appeared to speak in favor or to oppose.

On motion by Councilmember McAuley, seconded by Councilmember Brady, it was voted to recommend approval of this list of Tax Abatements as recommended by City Assessor. Motion passed unanimously.

- **Tax Interest Waiver Approvals**

No one appeared to speak in favor or to oppose.

On motion by Councilmember McAuley, seconded by Councilmember Brady, it was voted to recommend approval of this list of Tax Interest Waiver Approvals as recommended by City Treasurer. Motion passed unanimously.

5-20-01 Ordinance in amendment of Chapter 2.40.040 of the Code of the City of Cranston, 2005, entitled “Administration and Personnel” (Salary of Council Members Repeal). Sponsored by Councilmember McAuley.

5-20-02 Ordinance in amendment of Chapter 2.40.030 of the Code of the City of Cranston, 2005, entitled “Administration and Personnel” (Salary of the Mayor Repeal). Sponsored by Councilmember McAuley.

Chair stated that there was some research done by the Solicitor regarding the above two Ordinances and the Solicitor forwarded his findings to the Council. He asked that the Solicitor address his findings.

Solicitor Verdecchia stated that the issue is a two issue problem, one being procedural and the second is substantive. He has concerns about placing this on the calendar from a procedural aspect. The Reason is that he does not believe that this is the type of motion that should probably be scheduled after we had a vote, a debate and a valid enactment last September. Clearly this is a symbolic gesture, but legally, he just does not see how we can proceed on this without opening up a pandora box in the future. He realizes that there is a pandemic, but these Ordinances will not be effective until January of 2021. The State is beginning to re-open now as we speak and he really feels that by the fall or winter, it will pretty much be business as usual. He thinks this is not going to have an impact or immediate effect on the City. The other aspect of his concern is the Ethics Commission aspect. He indicated to the Council that if a member has an intention to run for office and votes on this, that is a violation. The timing of this is extremely problematic from an ethical standpoint. If this is forwarded to the June City Council meeting, you will be voting on this on last day of filing deadline. The risk you are taking if you vote on this and you are levied an ethics complaint, you are going to have to explain yourself and justify your vote to the Ethics Commission.

Attorney Kirshenbaum stated that in reading the information from Solicitor Verdecchia, he immediately called the Ethics Commission and spoke to a senior staff attorney and she stated to him that she would not touch this with a ten foot pole. Attorney Kirshenbaum stated that, in his opinion, this motion should not be taken up and should not be debated any further. It should be removed from the docket, period.

Councilmember McAuley stated that he never received the information from Solicitor Verdecchia. Solicitor Verdecchia stated that he forwarded it to all the Council Members. Councilmember McAuley addressed Attorney Kirshenbaum and stated that he asked at the budget hearing to discuss this and he was told to bring it up now. He is really not accepting these explanations.

Councilmember McAuley stated that the Council could vote on these and the City Council Members running for City Council would not be voting on the City Council salary Ordinance and the Council Members running for Mayor would not be voting on the Mayor's salary Ordinance and we would still have a quorum. Solicitor Verdecchia stated that the only problem with that is it is based on assumptions and does not think that would work. Councilmember McAuley stated that this is not just a feel good amendment, it would be saving \$41,000. Solicitor Verdecchia stated that he did not mean to suggest that this was a feel good thing, he meant it from a legal perspective.

Attorney Kirshenbaum cautioned anyone running for Office, do not vote on this.

Councilmember Hopkins stated that he feels that Solicitor Verdecchia's opinion was more like political advice and not legal advice. This is not an issue for Roberts Rules, it was a passed Ordinance.

On motion by Councilmember McAuley, seconded by Councilmember Hopkins, it was voted to recommend approval of this Ordinance.

Under Discussion:

Councilmember Paplauskas stated that he has problem voting on these Ordinances because of the legal opinions and for the timing on this.

Councilmember Vargas stated that she also did not receive the e-mail from Solicitor Verdecchia. She also stated that at the budget hearing, Councilmember McAuley asked Attorney Kirshenbaum what the best way to move forward on this would be and the response at the time was the best action was to move forward with this was with an Ordinance. She also stated that since she did not receive the e-mail from Solicitor Verdecchia, she would move to continue this conversation until she can contact the Ethics Commission herself.

Councilmember Brady stated that he also did not receive any e-mail from Solicitor Verdecchia and would move to continue.

Councilmembers Stycos and Hopkins both stated that they did not receive the e-mail also.

Councilmember Hopkins stated that he would be in favor to continue this to a specific date for more definite legal opinion.

On motion by Councilmember Brady, seconded by Councilmember Hopkins, it was voted to continue the above two Ordinances.

Under Discussion:

Councilmember Donegan stated that he was against raising the salary initially. His vote would stay the same if it comes to a vote, so he does not see an Ethics issue. He also did not receive any e-mail from Solicitor Verdecchia. He agrees that when Councilmember McAuley asked Attorney Kirshenbaum how to go about this, he interpreted that the legal way to go about this would be through an Ordinance.

Chair stated that he agrees to the continuance since no one got to read the Solicitor's opinion.

Council President Farina stated that he is running for Mayor and he asked attorneys if we were to vote on this, whether to continue or to approve, and he votes, what is best way for him to avoid an Ethics violation. Attorney Kirshenbaum and Solicitor Verdecchia both stated, do not vote and abstain.

Councilmember Brady removed his motion to continue and Councilmember Hopkins removed his second.

Councilmember Stycos asked attorneys when it would be ok, ethically, to vote on something like this. Solicitor Verdecchia stated that it was ok as it was last September. That was at least nine months removed from the filing deadline.

On motion by Council President Farina, seconded by Councilmember Brady, it was voted to remove Ordinance 5-20-01 from consideration because of ethical issues. Motion passed on a vote of 5-2. The following being recorded as voting "aye": Councilmembers Donegan, Brady, Paplauskas, Council Vice-President Favicchio and Council President Farina -5. The following being recorded as voting "nay": Councilmembers McAuley and Hopkins -2.

On motion by Council President Farina, seconded by Councilmember Brady, it was voted to remove Ordinance 5-20-02 from consideration because of ethical issues. Motion passed on a vote of 5-2. The following being recorded as voting "aye": Councilmembers Donegan, Brady, Paplauskas, Council Vice-President Favicchio and Council President Farina -5. The following being recorded as voting "nay": Councilmembers McAuley and Hopkins -2.

5-20-03 Ordinance in amendment of Title 3 of the Code of the City of Cranston, 2005, entitled "Revenue and Finance" (Bid Discounts for Local Businesses, Minority Business Enterprises and Women Business Enterprises). Sponsored by Councilmember Donegan.

On motion by Councilmember Brady, seconded by Councilmember McAuley, it was voted to recommend approval of this Ordinance.

Under Discussion:

Councilmember Donegan stated that the intent of this Ordinance came about recognizing a lot of businesses are struggling right now and intent would be to direct some of the money the City would be spending towards contracts to the businesses and minority business enterprises.

Council President Farina stated that he supports this and this would help the small businesses and minority community. Only concern he has is this directed not just to Cranston businesses or any businesses. Councilmember Donegan stated that it is meant to be for Cranston businesses, but the Ordinance may have to be clarified.

Chair questioned if impact fiscal note is needed. He stated that he does not understand how this is going to work. Councilmember Donegan stated that the intent is give discounts to local- owned businesses.

Chair questioned if anyone knows how many businesses this would involve. Councilmember Donegan stated that he does not have an estimate.

Councilmember Brady asked Councilmember Donegan if he would oppose to a continuance for more information. Councilmember Donegan stated, no.

Chair stated that he would like to know if this is used anywhere else, how you would implement this and get Director Strom's and Director Parrillo's input.

Director Strom stated that we would also need the advice of the Purchasing Agent and how this is going to work.

Councilmember Vargas stated that for the next meeting, we may want to reach out to other municipalities, in particular Pawtucket and the State of Rhode Island.

Councilmember Hopkins stated that the question he has is definition of a business and asked that Councilmember Donegan look into this.

Roll call was taken on motion to continue this Ordinance to next month's meeting and motion passed unanimously.

The meeting adjourned at 9:30 p.m.

Respectfully submitted,

/s/ Rosalba Zanni
Acting City Clerk