

DEPARTMENT OF CITY CLERK

CITY HALL

NOVEMBER 21, 1983

The Committee on Ordinances meets this day at 7:00 o'clock P.M. (EST) in Committee Room "A", City Hall.

Present: Chairman Glavin, Councilwoman Fagnoli, Councilman Farmer and Councilman Annaldo - 4.

Absent: Councilwoman Brassil - 1.

Also present is Director of Communications Mello, Finance Director Baron and Assistant City Solicitor DeCelles, and Lois Graboys of Volunteer Services of Animals is also present, together with Sgt. Henry Sharpe of the City Dog Pound.)  
(Helen G. Gibbons, Assistant Clerk).

COUNCILMAN GLAVIN IN THE CHAIR.

Chairman Glavin informs that there is a quorum present.

RELATIVE TO AN ORDINANCE IN AMENDMENT OF AND IN ADDITION TO CHAPTER 16 OF THE CODE OF ORDINANCES OF THE CITY OF PROVIDENCE, ENTITLED: "OFFENSES AND MISCELLANEOUS PROVISIONS".

Chairman Glavin informs that the Ordinance has been presented before the Committee at previous meetings whereby legal opinions were requested. He further informs that as of this date there is no response from the Law Department and recommends same be continued.

On motion of Councilman Farmer, seconded by Councilman Annaldo, it is voted that the Ordinance be Continued.

RELATIVE TO AN ORDINANCE IN AMENDMENT OF ARTICLE III OF THE CODE OF ORDINANCES OF THE CITY OF PROVIDENCE, ENTITLED: "CONSTRUCTION AND REPAIR OF SIDEWALKS" BY ADDING "SEC. 23-69, DEFINITION OF PUBLIC HIGHWAY".

Chairman Glavin informs that the Ordinance deals with removal of liability for injuries suffered by a third party on sidewalks, taking it away from the City and holding the individual property<sup>owner</sup> liable.

The following legal opinion is submitted from City Solicitor Pisaturo dated November 18, 1983:

"This office is in receipt of your request for a legal opinion dated November 8, 1983. That communication requests that this department review a proposed ordinance which, in essence, would delegate to abutting property owners liability for damages sustained by third parties on sidewalks.

Case law suggests, in fact is quite explicit, that a municipality is under a duty to maintain sidewalks in a condition safe for the passage of pedestrians. This duty is a non-delegable duty which means, that the city cannot by ordinance or regulation transfer it to abutting property owners.

Certainly, the proposed ordinance may be passed, however, it

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would not have any legal effect.

Should you have any further questions, please feel free to contact this department".

Chairman Glavin questions Assistant City Solicitor DeCelles as to whether or not a Resolution of the City Council could be drafted requesting the City Solicitor create the proper legislation and urge passage of same at the next session of the General Assembly.

Assistant City Solicitor DeCelles informs that State Statute supercedes this.

Accordingly, on motion of Councilman Annaldo, seconded by Councilman Farmer, it is voted that the Ordinance be Continued Indefinitely in Committee.

RELATIVE TO AN ORDINANCE REGULATING SECURITY ALARM SYSTEMS WITHIN THE CITY OF PROVIDENCE.

Mr. Al Mello, Director of Communications is present this evening for discussion and states that basically the problem is that many individuals install security alarm systems and in some cases they are faulty or are not a sufficient system and as a result there is a great deal of unnecessary response by the Police Department which is a great cost to the taxpayers and this Ordinance is needed to regulate the installation and maintenance of said alarm systems.

He further informs that he also sees some problems with the Ordinance and is of the opinion that the Police Department and Communications Department should review the Ordinance before it passes and informs that he is in receipt of a similar Ordinance passed by the City of Stamford, CT which should also be reviewed. He further states that he would like to see the City and the Council be on firm ground on this matter and requests a review of a few months.

Councilman Annaldo requests that Chief Mancuso and Mr. Mello get together and study the Ordinance and make a report to the Committee as soon as practical.

Accordingly, on motion of Councilman Annaldo, seconded by Councilwoman Fagnoli and Councilman Farmer, it is voted to Continue the Ordinance.

RELATIVE TO AN ORDINANCE IN AMENDMENT OF AND IN ADDITION TO SEC. 21-30 OF THE CODE OF ORDINANCES OF THE CITY OF PROVIDENCE ENTITLED: DUTY TO FURNISH PLANS AND SPECIFICATIONS FOR WORK, MATERIALS.

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Chairman Glavin informs that he has spoken to the Director of Public Property who expressed a concern relative to the Ordinance and requests that he be invited to the next meeting of the Committee for discussion.

Mr. Baron, Finance Director, is present this evening and informs that the entire area of purchasing is going to be addressed in the new management study and informs that any action at this time by the committee would be premature and states that they are attempting to standardize the specifications.

Councilman Glavin informs that this is something that he has been concerned about for a long time and states that once the Committee receives the recommendation of the management study, it will help with the drafting of the Ordinance.

Accordingly, on motion of Councilman Farmer, seconded by Councilman Annaldo, it is voted that the Ordinance be Continued.

RELATIVE TO AN ORDINANCE IN AMENDMENT OF AND IN ADDITION TO "AN ORDINANCE ZONING THE CITY OF PROVIDENCE AND ESTABLISHING USE, HEIGHT AND AREA REGULATIONS", BEING CHAPTER 544 OF THE CODE OF ORDINANCES OF THE CITY OF PROVIDENCE APPROVED SEPTEMBER 21, 1951, AS AMENDED.

Councilman Farmer moves the Ordinance be Continued.

This motion being seconded by Councilman Annaldo is Put to Vote and Passed.

RELATIVE TO THE FOLLOWING:

AN ORDINANCE PROVIDING FOR THE TEMPORARY SUSPENSION OF ELECTED OFFICIALS UNDER CERTAIN CIRCUMSTANCES IN CONFORMANCE WITH SECTION 206 (a) OF THE PROVIDENCE HOME RULE CHARTER OF 1980, THE FOLLOWING ORDINANCE IS HEREBY ENACTED.

AN ORDINANCE PROVIDING FOR THE FILLING OF THE OFFICE OF MAYOR IN THE CASE OF DISABILITY, SUSPENSION OR REMOVAL, AND PROVIDING DEFINITIONS AND PROCEDURES THEREFOR. (TRANSMITTED BY THE CHARTER ADVISORY COMMITTEE).

Chairman Glavin requests the several Ordinances be Continued until the next meeting of the Committee when the members of the Charter Advisory Committee will be present.

Councilman Farmer informs that he has made several amendments on the Ordinance regarding the filling of the office of Mayor in case of disability, suspension, etc. for review.

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Chairman Glavin requests that each member of the Committee receive by mail the original Ordinance and also the Ordinance with the Amendments.

Accordingly, on motion of Councilman Farmer, seconded by Councilman Annaldo, it is voted to Continue the Several Ordinances, until the next meeting of the Committee.

RELATIVE TO RESOLUTION AUTHORIZING THE CHIEF OF THE PROVIDENCE POLICE DEPARTMENT TO NEGOTIATE AND ENTER INTO CONTRACT WITH VOLUNTEER SERVICES FOR ANIMALS TO PROVIDE ANIMAL CONTROL SERVICES FOR THE MUNICIPALITY.

Chairman Glavin informs that the City of Providence has received a solicitation from Volunteer Services for Animals to subcontract to provide services for animal control within the City of Providence and states that Ms. Lois Graboys, President of VSA is present this evening together with Sgt. Henry Sharpe of the City Dog Pound.

Ms. Graboys, presents the following communication dated October 19, 1983:

"I am pleased to report to you that as a result of a number of meetings with Col. Mancuso and Major Clark, a compromise plan for the City Animal Shelter appears feasible. It is a plan which we feel would be of benefit to the City and its residents, as well as to the animals.

The Providence Police Department would continue to be in command of the Animal Control Department. Officer Creighton on the K-9 Division would become Inspector and Chief Animal Control Officer. He would continue to be in charge of the K-9 Division, which would maintain their presence at the shelter, as well as assuming overall responsibility for the licensing and enforcement aspects of the Department.

VOLUNTEER SERVICES FOR ANIMALS would be under contract to the Police Department for the day-to-day running of the shelter facility and for the pick up of stray animals in the City.

The Police Department would absorb the 2 civilians currently employed by the City as Animal Control Officers, creating the positions of enforcement and licensing wardens for them. These positions would indeed be necessary with the proposed hiring of 5 Animal Control Officers by VSA and the subsequent need to issue a greater number of citations.

Not only would Officer Creighton be in charge of the Animal Control Division and oversee all aspects of it, but he would function as a liason between VOLUNTEER SERVICES FOR ANIMALS and the Police Department. The continued presence of the K-9 in the shelter would greatly facilitate close co-operation.

Although the City would not realize any financial savings as a result of this arrangement, it will see - because of the employment of 5 Animal Control Officers, one Chief Inspector and Animal Control Officer and 2 enforcement and licensing wardens - fewer loose and dangerous animals on the streets. There will be far fewer complaints from city residents regarding annoying animals. And ultimately, there will be more animals licensed, and more animals cited and fined, resulting in increased revenues for the City.

We feel confident that this arrangement would be in the best

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interests of the City, its residents and the animals entrusted to the City's care.

If you have any questions, I would be happy to meet with you".

Ms. Graboys states that what they would basically like to do is increase the animal control for the City by hiring 5 additional animal control officers; the 2 existing animal control officers would be transferred to the Police Department but their main function would be issuing citations and enforcing the Law which they have not had time to do up until now. She further states that the Animal Control Officers hired by the VSA would be functioning directly under the Police Department, under the head of Officer Creighton of the Canine Department, who will be appointed Chief Canine Animal Control Officer and that would mean that the Police Department would remain in charge and would maintain more autonomy. Further, the additional services provided varies from what it is now the difference being an increase in the number of Animal Control Officers with the City and informs that VSA would be able to staff the shelter and maintain operating hours of 7 days a week, right now 4 or 5 days, that would allow for a larger number of return to owners of dogs, adoptions, faster turnover of animals in the shelter, the more hours open the bigger the turnover is.

At this time, Councilman Easton questions whether VSA felt that they had the capacity to handle the licensing and Mrs. Graboys informs that is no problem if the City wanted them to do this but assumes that the City would prefer to keep it in City Hall. She informs that the initial proposal submitted in May included this option, primarily because of bookkeeping assumes this way they would not be handling any City Revenues and informs that VSA performs work assigned to them by each City or Town, they all being different.

Councilwoman Fagnoli questions the picking up of stray dogs, what fines are included for the First, Second or Third time a dog is picked up and what happens if a dog is running in a neighborhood and picked up by the dog officers.

Ms. Graboys informs that the fine when the person comes to claim the animal would be whatever the City laws are at that time.

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Councilwoman Fagnoli further questions as to whether or not someone will be on seven day call who <sup>will</sup> be able to pick up these animals and Ms. Graboys informs that there will be a rotation, 5 dog officers, 5 days a week during normal hours, 2 officers on duty at all times and one for 24 hours a day in the Police Department and Cranston Police Department.

Chairman Glavin questions if this agreement is with the City of Cranston also and Ms. Graboys informs that the City of Cranston has 5 dog officers already, they run their own shelter and further states that VSA will have an office located in Cranston when the new shelter is built.

Chairman Glavin further questions as to how many stalls the City of Cranston has and Ms. Graboys informs they have about 12 to 16.

Councilman Farmer questions whether or not any consideration has been given to VSA getting liability insurance arising out of accidents to the volunteers and Ms. Graboys responds by stating that they have insurance and would want the City to maintain whatever they have now.

Councilman Easton informs that a lot of people are concerned about this and informs that one of the criticisms of VSA is that there would be a reluctance to putting an animal to sleep.

Ms. Graboys informs that there are 2 answers to that, number 1, when VSA has full capacity, the adoption and return to owner rate is 80 to 90% which means that the only animals that were being put down were ones that were ill, dangerous, unadoptable for one reason or another and assumes that with the shelter being open longer, 7 days a week with longer hours, the adoption rate will be even greater. She further informs that there will be veterinarian services which means that there will be fewer animals becoming ill at the shelter and the other answer being that VSA recognizes that every animal cannot be saved and there may be reasons that we do not want to save an animal and the other thing is that VSA is of the opinion that a bad home is worse than no home at all. She further states that VSA would rather see an animal destroyed today, than reproducing on the streets tomorrow and turning into 3,000.

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Councilman Easton questions whether the pound capacity is adequate for a City the size of Providence.

Ms. Graboys informs it is not and that the original plans included 40 on each side with 2 wings and because of funding, restrictions allow only 1 side to be used, the isolation area has been used for canine and that is another problem.

Chairman Glavin refers to the sheet requested by him of Sgt. Sharpe referring to some questions and answers regarding the actual cost and comparisons.

Sergeant Henry Sharpe is present also and states that <sup>for</sup> the past 11 months he has been working at the Dog Pound. He informs that at the present there are 3 dog officers assigned to him one man is out of work due to injury. He states that the hiring of more personnel will not solve the problem, the problem lies with the population of the dogs and the incapacity of size of the shelter to house them.

Sgt. Sharpe informs that as far as personnel, there are policemen out on the street who will report any dog problems to us.

Chairman Glavin states that when he visited the pound there was a mention of increasing the fines which would help tremendously, there being many people picking up their dogs two or three times at a maximum charge of Ten Dollars.

Sgt. Sharpe informs that with pit bulls it is \$25,000 insurance policy before they can register the dog, \$20.00 to register and an inoculation certificate. He states that a dog other than a pit bull the license would be \$3.00 and inoculation certificate before registration. However, if the dog is owned by an individual who owns his own home and bites somebody away from the property that person has a right to come back and sue.

He further informs of the Fines now proposed: an uninoculated dog is \$15.00; \$10.00 for an unleashed dog. Sgt. Sharpe states that he would like to see this fine stricter due to the number of dogs increasing,

Chairman Glavin questions what happens if there is a stray dog, picked up and brought to the pound, the person

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(owner) comes to retrieve their dog, how much would the fine be.

Sgt. Sharpe responds by stating that there is a \$10.00 impoundment fee, automatic - \$4.00 per day after the first day. The dog must be licensed and the owner must show proof of rabies vaccination before he can be returned to the owner and informs that there are no provisions for repeaters.

Councilwoman Fargnoli questions how much time does it take for the officer to go to the scene after the complaint is called in.

Sgt. Sharpe informs that he cannot place a time on this because he only has 2 dog officers if he had the third person, he would be able to specify an appropriate time and informs that he has 2 men on days so they can help each other and states that many dogs are dead weight and the manpower is needed, thus accounting for the problem in overtime.

Further discussion ensues and members being of the opinion the savings to the City would be minimal financially.

Councilman Farmer informs that on the original proposal it appears that there was a \$26,000 annual savings....

Ms. Graboys informs at that time VSA did not know that the 2 existing animal control officers would remain as part of the animal control division thinking that they would be transferred and that now there would not be a financial savings to the City but instead of 2 dog officers there would be 5 animal control officers plus 2 animal control wardens, plus open 7 days a week with a shelter director and an assistant director - no savings in dollars and cents but better coverage is provided.

Councilman Farmer informs that in terms of implementing at this time, it would then require that some other area of the existing budget, that funds be transferred out of it to this area of the Police Department budget.

Ms. Graboys informs that there should be a break even... and one thing that has not been figured into this is that there will be an increase in revenues for Providence in the form of increased fines, etc.

Councilman Farmer questions as to whether or not this means that the Department has no objection....

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Ms. Graboys informs that the second letter was worked out with Colonel Mancuso in his office and he does have an official interest and she informs that he would have been in attendance this evening but is out of town.

Councilwoman Fargnoli questions as to lay offs and Chairman Glavin informs that Mr. Virgilio is here representing Local Union 1033 and further states that there is a provision to be considered by the Committee in the most recently negotiated contract between the City of Providence and Local 1033 and same being Section 6 under Article I: "The employer which is the City of Providence retains the authority to subcontract any work performed by the bargaining unit, employees, provided however the subcontract must first execute a collective bargaining agreement with the union prior to commencement of the work".

Chairman Glavin further informs that if the Council agrees to go along with the proposal, then the sub-contractor would have to enter into successful collective bargaining with Local 1033.

Councilman Farmer questions as to whether that contract covers the Police Department.

Mr. Joseph Virgilio, President of Local Union 1033 is present this evening for discussion and informs that the proposal violates not only the existing collective bargaining agreement but also other agreements as well and informs that the agreement does cover police, all non-uniform and all civilian employees within the Police Department and within the Department of Public Safety as well. He informs that there is an outstanding court order restricting the Police Department from engaging non-bargaining union employees performing bargaining union work. He states he is all for the idea of hiring 5 new employees as long as they are the <sup>from</sup> recall list and he states that everytime someone hires outside of the Union it ends up costing more money and informs that according to the State Labor Relations Board this work has already been certified and shall be provided by Local 1033 City employees and informs that if the City were to act on this, there would be a labor dispute.

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He further informs that the Union would be obligated to take action and protect their jurisdiction if this Resolution was passed and states that the first proposal dealt with the displacing of 2 or 3 employees and the second proposal deals with jurisdiction.

At this time Mr. Virgilio requests the Committee to rule that the Resolution is illegal, and improper and questions whether or not a legislative body has the power to interfere with this.

Accordingly, after further discussion, on motion of Councilman Easton, seconded by Councilwoman Fagnoli, it is voted to Continue the subject Resolution.

RELATIVE TO RESOLUTION REQUESTING THE CHIEF OF THE PROVIDENCE POLICE DEPARTMENT TO REVIEW AND STUDY A RE-ORGANIZATION OF THE DOG SQUAD TO PROVIDE STRICT ENFORCEMENT OF THE CITY'S LEASH LAWS IN ACCORDANCE WITH THE CODE OF ORDINANCES OF THE CITY OF PROVIDENCE.

Mr. Charles R. Mansolillo, Chief of Staff of the Mayor's Office is present this evening and informs that the administration has no objection to this Resolution and requests that the Chief of Police come back with some type of plan regarding the animal control services for the municipality. He further informs that the Commissioner of Public Safety was requested to submit a report and recommendation regarding same but there has not been a response as of this date.

Accordingly, on motion of Councilman Farmer, seconded by Councilwoman Fagnoli it is voted that the Resolution be transmitted to City Council with recommendation of adoption.

RELATIVE TO RESOLUTION REQUESTING THAT THE ADMINISTRATION RESOLVE THE INCONSISTENCIES IN THEIR PERSONNEL POLICY TOWARDS CITY EMPLOYEES UNDER INVESTIGATION.

Discussion ensues regarding the wording Chairman Glavin is of the opinion that the word demands could be changed to requests.

Councilwoman Fagnoli states that the committee should contact the Personnel Director to come up with a procedure for this and further informs that the management study that is proposed will also be looking into this and suggests continuance until that time.

Accordingly, on motion of Councilman Farmer, seconded by Councilwoman Fagnoli, it is voted to Continue the Resolution Indefinitely in Committee.

RELATIVE TO:

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RESOLUTION MANDATING AN IMMEDIATE REVIEW OF CITY DEPARTMENTS BY THE COMMITTEE OF INTERNAL REVIEW.

RESOLUTION ESTABLISHING A STANDING COMMITTEE OF INTERNAL REVIEW.

RESOLUTION APPROPRIATING FUNDS AND PROVIDING FOR THE HIRING OF OUTSIDE EXPERTS TO FACILITATE AN INVESTIGATION OF CITY DEPARTMENTS.

RESOLUTION PROVIDING SUBPOENA POWERS TO THE STANDING COMMITTEE OF INTERNAL REVIEW FOR THE PURPOSE OF ACCOMPLISHING AN INTERNAL INVESTIGATION.

Councilman Farmer recommends approval there being a lot of money involved and informs that any investigation should go with the flow of circumstances and and further informs that on the basis of an investigation then the Committee might want want to examine the situation.

Chairman Glavin informs that the average citizen has his own way of thinking when it comes to the City Council, and there are many people that feel that the City Council has a certain obligation when it comes to investigations and we should have some input into some of the allegations that occur and further informs that there are many existing standing committees and feels very strong that the City Council and/or Committees should get involved.

Councilwoman Fagnoli informs that Committee on top of Committee has investigations and feels that there has to be some strong allegations to give a Committee the power to subpoena and informs that procedures regarding same should be looked at more closely and is of the opinion the City Council should not just be holding public hearings on these matters.

Accordingly, on motion Councilman Farmer, seconded by Councilwoman Fagnoli, it is voted to Continue the Several Matters Indefinitely in Committee.

RELATIVE TO RESOLUTION REQUESTING THE COMMITTEE ON FINANCE TO INVESTIGATE ALLEGATIONS OF CORRUPTION IN VARIOUS DEPARTMENTS OF THE CITY OF PROVIDENCE AND AUTHORIZING SUBPOENA POWERS AND THE HIRING OF THE NECESSARY EXPERTS FOR SAID INVESTIGATION.

Councilwoman Fagnoli questions if the Resolution would give the Committee subpoena power at their discretion.

Chairman Glavin requests that Councilman Easton, the

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sponsor of the Resolution to look at this more carefully and try to be more specific.

Councilman Farmer informs that there could be problems with this and gives several legal points of view and informs that corruption when it is investigation, is very long and dragged out and there are many problems.

Chairman Glavin is of the opinion that the City Council has the right to investigate.

Councilman Easton informs that at this stage of the game the City Council should show at least some interest in being willing to investigate and cannot see sitting back and doing nothing.

Councilwoman Fagnoli is of the opinion that when the proof of an investigation is put to the Council then action would be warranted, and would like to see the management study investigate allegations, corruption, etc.

After further discussion, on motion of Councilman Farmer, seconded by Councilwoman Fagnoli, it is voted to Continue the subject Resolution.

ADJOURNMENT. On motion of Councilwoman Fagnoli, seconded by Councilman Farmer, it is voted to adjourn at 8:45 o'clock P.M.

*Aelen S. Gibbons*  
ASSISTANT CLERK

*Richard R. Clement*  
CLERK