

DEPARTMENT OF CITY CLERK

CITY HALL

OCTOBER 31, 1983

The Committee on Finance meets this day at 3:30 o'clock P.M. in Committee Room "A", City Hall.

PRESENT: Chairwoman Brassil and Councilwoman Fagnoli and Councilmen Farmer, Easton and Dillon. (Joanne DeFusco, Asst. Clerk)

Also present are City Solicitor Pisaturo, and City Treasurer Napolitano, Stephen Woerner, Internal Auditor and Mark Dunham of the Finance Department.

CITY TREASURER NAPOLITANO REQUESTED TO BE PRESENT TO DISCUSS DISTRIBUTION OF FUNDS BY THE COMMISSION OF DEXTER DONATION.

Chairwoman Brassil questions Mr. Napolitano as to his feelings on this matter.

Mr. Napolitano states that he became upset when he received a vote in the amount of \$5,000 for Challenge House to pay some back bills.

He states that he called Commissioner Snowden, Chairman of the Commissioners of Dexter Donation, and asked him if he knew what specific back bills were being paid.

Commissioner Snowden responded that he did not know specifically.

City Treasurer Napolitano requested Mr. Snowden to ask the Director of Chairman of Challenge House to meet with the Commissioners and bring in the exact back bills he was paying.

Mr. Napolitano states that nothing ever came of this.

Chairwoman Brassil reads through several proposals as they appear in the Dexter Donation record book.

Mr. Napolitano states that he indicated to Mr. Snowden that the Commissioner's guidelines have not yet been met.

Mr. Snowden feels that Mr. Napolitano is wrong and that the guidelines have been met.

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Mr. Napolitano states that City Solicitor Pisaturo is the attorney for the Dexter Donation Trust Fund, by Ordinance, and he has met with the Commissioners regarding this matter.

Chairwoman Brassil questions Mr. Pisaturo as to whether or not he has looked into this matter and if so, what his opinion is.

Mr. Pisaturo: I have done some research, it is very involved. Paragraphs 16, 17 and 18 of the will are pertinent. I have looked at the language used to establish some kind of guidelines. Paragraph 16 gives us what is now the Dexter Training Ground. I want to see what he meant by helping the poor, to establish some kind of guidelines, but there are none. Paragraph 17 reads "feeling a strong attachment to my native town, and an ardent desire to ameliorate the condition of the poor, and to contribute to their comfort and relief, I give, grant and devise, etc." He goes on to say "to be appropriated to the accomodation and support of the poor of said town."

Mr. Pisaturo continues to read from the will, Paragraphs 17 and 18, quoting "profits and income of all the property and estate herein given and devised to said town, including the rents, profits and income of said Neck Farm to be applied by said town to the support and maintenance of the poor of said town, in such a way and manner as said town from time to time, at meeting legally holden, shall in their discretion direct, and for no other use or purpose whatever; etc."

Chairwoman Brassil states that this brings us back to the guidelines, which were set up by the previous board of commissioners, but which the present board of commissioners has not seen fit to change.

Mr. Pisaturo agrees and states that the Will does give discretion to the Commissioners of Dexter Donation.

Chairwoman Brassil reads the guidelines of the Commissioners of Dexter Donation. She questions that of all the proposals that have been approved, have they all proved to be tax exempt.

Mr. Pisaturo states that he asked this question of Chairman Snowden and he stated that they have proved to be tax exempt.

Chairwoman Brassil reads from the record book of Dexter Donation meetings and states that she is sure that the organizations that she sees mentioned in this book are all tax exempt.

Councilman Farmer states that a lobbying group such as the Coalition for Consumer Justice may not be.

Councilman Easton is of the opinion that what they are looking for is to insure that all the organizations making proposals to the Commissioners have 501C3 number. He believes that C.C.J. does have one.

Chairwoman Brassil states she feels at this time the Committee is trying to straighten out the controversy between the City Treasurer and the Commissioners.

She questions Mr. Napolitano as to what he can suggest that can be done.

He states that he will go over the grants that have been voted upon so far, and see if they do conform with the guidelines.

Councilman Easton questions as to whether those grants that clearly are in line with the guidelines would be approved for funding.

Mr. Napolitano states that is correct.

Chairwoman Brassil reads through the votes from June 9, July 18 and August meetings of the Commissioners of Dexter Donation.

Chairman Easton states they are aware of the matters that are pending and questions whether or not Mr. Napolitano can expedite those grants for which he has no doubts.

Councilman Farmer agrees with Councilman Easton in that an organization could be dropped on the basis of not having a tax exempt number.

Councilman Easton states that the City Treasurer may feel that the Commissioners may have denied some proposals which met Guideline No. 1 and then approve proposals meeting Guideline No. 4. Any organization that had a tax exempt status and clearly fit the Guideline No. 1 criteria, those funds could be released while the others can be argued on.

City Solicitor Pisaturo reads from Section 1105 of the Providence Home Rule Charter which reads "The expenditures

of income shall be determined by the Board of Commissioners."

He states that since the Will is little broad, his interpretation is that if the Commissioners determine that an application is meritorious it should stand unless there is an abuse of discretion and unless it clearly does not coincide with the guidelines, it should stand.

Chairwoman Brassil questions if that means it is arbitrary, whatever the board decides, that's it?

Mr. Pisaturo states it is not arbitrary, but it can be arbitrary.

Chairwoman Brassil states that it is her contention that it is arbitrary.

Mr. Pisaturo states that somebody has to pick and choose, somebody has to exercise judgment and discretion to select.

Chairwoman Brassil/<sup>questions</sup> City Treasurer Napolitano as to what his contention is.

Mr. Napolitano states he feels that the Commissioners are not keeping within their own guidelines and that they have abused discretion. He states he will review the votes from the July 18, 1983 meeting forward and apply these rules.

Mr. Pisaturo states that this would mean the City Treasurer is taking over. If there is a question of abuse, the courts will not superimpose judgement over the Commissioners if there is only a question of abuse. There has to be proof. Even where reasonable men may differ the courts will not superimpose their judgement on the judgement of the Commissioners.

Mr. Napolitano states he feels the guidelines have been abused.

Councilman Easton states that Mr. Napolitano feels the guidelines have been abused. He took action as the Guardian of funds to hold up the money. What he is saying at this point is, in those cases where there was no abuse, he is willing to release those funds. The only reason the Council is involved, is that one Councilman asked this Committee to investigate the situation. The only power this Committee has is to make a recommendation to Mr. Napolitano. It is only a recommendation. He thinks progress has been made today just by the City

Treasurer stating he would agree to release a portion of the funds at least. The question is whether or not they should continue our investigation.

Chairwoman Brassil states that they have to sit down with Chairman Ken Snowden and City Treasurer Napolitano and come to some kind of an agreement.

Mr. Pisaturo feels that they have to be careful so that the Commissioners are not given the feeling that there is a group looking over their shoulders, that is a danger. This should be avoided.

Chairwoman Brassil states the Commissioners will not be told what to do, but they will try to resolve the present situation.

Councilman Easton moves that this matter be Continued until the next meeting of this Committee, at which time Kenneth Snowden, Chairman of the Commissioners of Dexter Donation and City Treasurer Napolitano will be invited to pursue their efforts to resolve this matter.

This motion is seconded by Councilman Dillon.

Mr. Pisaturo states at that time he will have a more formalized opinion in writing for the Commissioners.

REQUEST FOR LEAVE OF ABSENCE FOR FRANK REGINE,  
EMPLOYED IN THE DEPARTMENT OF INSPECTION AND STANDARDS  
FOR LEAVE OF ABSENCE FOR SIX (6) WEEKS DUE TO A  
FAMILY EMERGENCY OUT OF STATE. (MR. DECONTI RECOMMENDS  
APPROVAL).

On motion of Councilman Dillon, seconded by Councilman Easton, it is voted to approve the foregoing request for leave of absence.

Councilman Dillon questions as to whether or not the employee will be covered by Blue Cross while on a leave of absence.

Mr. Baron responds that that is optional and usually left to the Department Head.

AN ORDINANCE IN AMENDMENT OF AND IN ADDITION TO ARTICLE II OF CHAPTER 15 OF THE CODE ON ORDINANCES OF THE CITY OF PROVIDENCE, ENTITLED, "IMPOUNDMENT OF VEHICLES".

Several individuals are present to speak on this matter; they being Anthony DePettrillo of Federal Auto Body Works, Inc., Richard DiCarlo of Chase Auto Body, George F. McDonald, attorney representing Federal Auto Body Works, and Attorney Michael B. Mellion, and Daniel Ziobrowski.

Mr. Mellion questions the Committee as to who sponsored this Ordinance.

Councilman Easton states that the Police Department - Traffic Division may have precipitated this Ordinance.

Mr. Mellion states that he is very much against the passage of this Ordinance and that an entire trade of business would be outlawed if it did pass.

Mr. DePetrillo of Federal Auto Body Works, Inc. states that there would be no problem if all towing concerns could get into the "rotation", which is a list of about ten companies city police regularly call to haul away damaged cars.

He states that he has tried to get on that list but has repeatedly failed. He feels this is discriminatory.

Councilman Easton questions as to who decides who's name gets on the list.

Mr. Pisaturo states that he believes it is the Commissioner of Public Safety.

Mr. DePetrillo states that he has spoken to the Commissioner of Public Safety and was informed that he did not make up the list.

Mr. Zabrowski of Chase Auto Body Works states that those companies that are not on the list do not have the luxury of regular towing calls, forcing them to chase after businesses.

Mr. DiCarlo, who works for Chase Auto Body, points out that towing companies on the police rotation list have the advantage of once they tow a car to their yard, they have the first shot at persuading the owner of the car to leave it at their garage to have it repaired.

Mr. George McDonald states that the accident "chasers" have their own set of guidelines, the first chaser to arrive gets to approach the drivers. If the motorists turn down his offer, the second chaser at the scene can step in and try to sell his services.

He states that this Ordinance would violate the towers' First Amendment right to free speech. He adds that if the police feel that the towers' presence is adding to the confusion, they already have the authority to order them aside.

Councilman Dillon states that if this Ordinance is unconstitutional, there must be other cities and towns with similar

ordinances. He requests the clerk to correspond with other city and town clerks to see how they handle this situation.

Following further discussion, it is voted, on motion of Councilman Easton and seconded by Councilman Dillon, it is voted to continue this Ordinance until the next meeting of the next meeting of the Committee on Finance, at which time the Commissioner of Public Safety and/or members of the police department are requested to be present to express their feelings on this matter.

Messers McDonald and Mellion also request to be invited to speak at the next finance meeting.

AN ORDINANCE ON AMENDING THE APPROPRIATION ORDINANCE CHAPTER 1983-30, APPROVED JULY 10, 1983, BY TRANSFERRING THE SUM OF FIFTY THOUSAND DOLLARS (\$50,000.00) FROM LAW DEPARTMENT, ITEM 3 TO CAPITAL CENTER COMMISSION, ITEM 3.

Councilman Easton states that in negotiations to get the budget passed, the funding for the Capital Center Commission was omitted.

He states that the Mayor and the Governor both promised \$50,000 each, and that money cannot come from bonds. It was left out of the budget due to the rushing to get the budget passed.

He states that he asked Finance Director Baron where they could get the \$50,000 and he suggested Unemployment Compensation.

Councilman Dillon does not recall any big deal about this.

Councilman Easton states that it was in the original budget.

City Internal Auditor Woerner states that he does not think it was in the original budget.

Councilman Easton states that the City is obligated in this matter.

Councilman Dillon states that he does not recall Mr. Bernstein ever stating this and if the Mayor said this, he should carry it through.

Mr. Pisaturo states that he has no strong objection

to this transaction, but that if it should fall short, he wants everyone to know where the money went.

On motion of Councilman Farmer, seconded by Councilman Easton, it is voted to approve the foregoing Ordinance, and the clerk is directed to transmit same to the City Council with recommendation of adoption.

Dillon requests to be recorded as voting "NO".

RESOLUTION REQUESTING THE DIRECTOR OF THE DEPARTMENT OF INSPECTION AND STANDARDS TO RELEASE THE DEMOLITION LIEN IN THE AMOUNT OF TWO THOUSAND, FOUR HUNDRED AND SIXTY DOLLARS (\$2,460.00) ON THIS PROPERTY LOCATED AT 81-83 AYRAULT STREET. (REPORT FROM MR. DECONTI)

Councilwoman Fargnoli states that Mr. Topalian has no future plans for use of this property and that his mother owned it, the house was burned down and Mr. DeConti demolished it and he keeps sending her the bill.

Chairwoman Brassil reads the letter from Mr. DeConti which reads as follows; same being dated October 26, 1983:

To: Councilwoman Carolyn F. Brassil,  
Chairwoman/Committee on Finance

From: Merlin A. DeConti, Jr., Director  
Department of Inspection and Standards

Subject: Lien on 81-83 Ayrault Street

I have reviewed the records of this Department to determine the circumstances involved with the demolition of this property. This building was ordered extensively repaired or demolished by the previous Director of Building Inspection, Vincent DiMase, on February 25, 1974. The owners of the property, Garabed Topalian and wife, Tarviz, were unable to pay for the demolition and signed a release on June 19, 1974, allowing the City to demolish the building and place a lien on the property for the cost of demolition. There has been no further correspondence with this office since that time.

A recent inspection of this lot by this Department revealed that the lot is fairly well graded and has very little debris on it. It appears to be used for parking by some neighborhood cars. The lots on either sides of this lot are fenced and the back of the lot adjoins a block garage wall.

If this lot is to be used for parking, I would recommend that the owners comply with the City Ordinances prior to the release of any lien. If the lot is not to be used for parking, perhaps some effort can be made to eliminate the use of the lot by neighbors and to maintain the lot in a manner that would not be detrimental to surrounding properties.

Councilwoman Fargnoli states that the old woman keeps getting billed.

Councilman Easton questions as to whether or not people lived in the house prior to this.

Councilwoman Fargnoli responds that it is in a residential area.

Councilman Dillon questions as to whether or not the woman has collected insurance.

Councilwoman Fargnoli states that she does not know.

Councilman Dillon states that if she pays her taxes, she will be alright.

Councilman Easton states that the woman keeps getting a bill and she cannot afford to pay it or she wants to sell the lot



and try to get away with not paying the lien.

On motion of Councilman Easton, seconded by Councilman Dillon, it is voted to Continue this Resolution until the next meeting of the Committee on Finance.

The Clerk is directed to invite Mr. Topalian to the meeting so that the members may question him as to his future intentions with this lot.

The Clerk is also directed to contact the City Assessor to see if there are any outstanding taxes on this property which is located on Plat 66, Lot 273.

RESOLUTION REQUESTING THE PAYROLL DIVISION OF THE CITY CONTROLLER'S OFFICE TO INSTITUTE A PAYROLL DEDUCTION PLAN FOR CITY EMPLOYEES FOR THE NEW FUND FOR COMMUNITY PROGRESS.

Councilman Easton states that this Community Program wants the same rights that the United Way has, that being payroll deduction.

He states that to set it up might be expensive,

On motion of Councilman Easton, seconded by Councilman Dillon, it is voted to Continue this Resolution until the next meeting of the Committee on Finance, at which time an employee of the Payroll Department shall be requested to be present to answer any questions as to what would be involved to implement this.

PETITION OF PATRICK T. CONLEY IN AND PAUL R. CAMPBELL, REQUESTING RELIEF IN WHOLE OR PART OF CITY LIENS TOTALLING THREE THOUSAND, FORTY-NINE DOLLARS (\$3,049.00) FOR PARCEL OF REAL ESTATE LOCATED AT 206 DUDLEY STREET, LOT 40, ON CITY ASSESSOR'S PLAT 45.

Councilman Dillon questions as to how much they paid for the lot.

Chairwoman Brassil states that it is valued at \$1,910.00 and that they probably bought it on a tax sale.

On motion of Councilman Easton, seconded by Councilman Dillon, it is voted to Continue this Petition and invite Mr. Conley and/or Mr. Campbell to the next Finance Committee meeting.

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AN ORDINANCE IN AMENDMENT OF AND IN ADDITION TO ARTICLE 111, SECTION 17-59 OF THE CODE OF ORDINANCES OF THE CITY OF PROVIDENCE BY ADDING SUB-SECTION (c) TO BE ENTITLED: "SUPERVISORY PERSONNEL," AS AMENDED.

On motion of Councilman Easton, seconded by Councilman Dillon, it is voted to approve the foregoing Ordinance, and the Clerk is directed to transmit same to the City Council with recommendation of adoption.

Councilwoman DiRuzzo is present at this time and wishes to speak on this Ordinance. She states that she has always felt that Supervisory Personnel should not receive overtime. They realize what their hours are going to be when they take the job. Their salary should coincide with the job.

She states that when it snows or something happens, such as a water pipe bursts, this is something different. They have to clarify the language and strengthen the Amendment.

Councilwoman Fargnoli is excused at this time.

AN ORDINANCE IN AMENDMENT OF CHAPTER 1983-32 ENTITLED: "AN ORDINANCE ESTABLISHING A COMPENSATION PLAN FOR THE CITY OF PROVIDENCE AND REPEALING CHAPTER 1982-60" AS APPROVED JULY 10, 1983.

Councilwoman Brassil reads through this Ordinance and states she wishes to take these up separately.

Chairman Dillon states that the City Treasurer is given new duties and he only receives a \$99.00 raise per year but the Deputy Personnel Director (John Mancone), his duties have been reduced, due to the fact that there is now someone over him, he does not receive a decrease in pay, why is that?

Councilman Easton states that the Salary Review Commission is supposed to recommend to the Mayor. The Mayor then approves, rejects or reduces what the Salary Review Commission submits him.

Councilwoman Brassil states that the Salary Review Commission recommended a raise for Rose Mendonca, but the administration gave her a lower case.

She would like this Ordinance to be passed, but with an Amendment that The City Clerk's Salary increase retroactive to July 1, 1983, and that the other salary increases be written up on separate Ordinances.

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On motion of Councilman Easton, seconded by Councilman Dillon, it is voted to approve the foregoing Ordinance, as Amended, and the Clerk is directed to transmit same to the City Council, with recommendation of adoption.

Councilman Dillon states that the City Clerk's should be passed as Amended, and all the remaining increases should be continued as Amended.

Councilwoman Brassil directs the Clerk to correspond with Chief of Staff, Charles Mansolillo to reintroduce the salary increases seperately.

AN ORDINANCE IN AMENDEMENT OF SECTION 14 OF CHAPTER 1983-31, APPROVED JULY 10, 1983, ENTITLED: "AN ORDINANCE ESTABLISHING THE CLASSES OF POSITIONS THE MAXIMUM NUMBER OF EMPLOYEES AND THE NUMBER OF EMPLOYEES IN CERTAIN CLASSES IN THE CITY DEPARTMENTS AND REPEALING ORDINANCE CHAPTER 1982-44 APPROVED JULY 7, 1982, AS AMENDED.

On motion of Councilman Dillon, seconded by Councilman Easton, it is voted to Continue indefinitely the foregoing Ordinance.

AN ORDINANCE SPECIFYING PROHIBITED PERSONNEL PRACTICES.

On motion of Councilman Easton, seconded by Councilman Dillon it is voted to Continue the foregoing Ordinance.

ADJOURNMENT: On motion of Councilman Easton, seconded by Councilman Dillon, it is voted to adjourn this meeting at 5:20 o'clock P.M.

*Joanne L. De Fusco*  
Assistant Clerk

*Rose M. Mendonca*  
Clerk

Copied *SAV*  
Compared *JMA*