

DEPARTMENT OF CITY CLERK

CITY HALL

APRIL 18, 1983

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

Present: Chairwoman Brassil and Councilman Dillon, Councilman Easton, Councilwoman Fargnoli and Councilman Farmer.

Also present are Finance Director Baron and City Internal Auditor Woerner. (Rose M. Mendonca, Clerk)

REQUEST FOR LEAVE OF ABSENCE FOR WILLIAM CORRY, EMPLOYED BY THE WATER SUPPLY BOARD FOR SIX MONTHS, FOR PERSONAL REASONS, DUE TO FAMILY SITUATIONS.

A request for a Leave of Absence for William R. Corry, employed as a Meter Reader I for the Water Supply Board is submitted.

It is for six months commencing April 18, 1983 for personal reasons for a family situation.

A communication from Wiley J. Archer, Chief Engineer of the Water Supply Board is submitted recommending the Leave be Granted.

On motion of Councilwoman Fargnoli, seconded by Councilman Easton, the Leave of Absence for William R. Corry is approved.

AN ORDINANCE IN AMENDMENT OF ARTICLE II SECTION 15-18 (b) 15-22 (a) AND 15-23 (a) OF THE CODE OF ORDINANCES OF THE CITY OF PROVIDENCE RELATIVE TO VEHICLE TOWING AND STORAGE CHARGES, AS AMENDED.

Chairwoman Brassil states this Ordinance has been pending for some time, has recently been redrafted by the Law Department and everyone concerned has approved it.

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

AN ORDINANCE IN AMENDMENT OF AND IN ADDITION TO CHAPTER 21 OF THE CODE OF ORDINANCES OF THE CITY OF PROVIDENCE ENTITLED "TAX STABILIZATION FOR INDUSTRIAL PROPERTY".

Councilwoman Fargnoli asks if it is possible to extend the abatement to Commercial establishments as well as industrial.

Councilman Farmer states the State Statute allows it, the City has the power to do both. When a procedure is set up they

APRIL 18, 1983

can then expand it to include Commercial. An Ordinance can be presented to amend the foregoing Ordinance to include Commercial establishments.

He suggests Councilwoman Fagnoli request the Law Department draft the necessary Ordinance.

Betsy Morris and Henry Gould of WAGE are present and distribute literature to the Members of the Committee.

Ms. Morris reads portions of the information which refers to factors affecting business tax levels in Providence from Public Research for Rhode Island as prepared for WAGE which is on file in Committee folder dated April 18, 1983.

Ms. Morris speaks at length and suggests the City put together a broad base study group to find out what really works for tax incentives.

Councilman Easton is of the opinion the City is heading in the wrong direction in doing this as they are sending signals to the taxpayer.

They ought to be trying to improve the image of the City and investing whatever money they have to say this is a good community. If the PICD wants to do a good service, they should find out how this City can be made more worthwhile, such as paving city streets, develop the Port of Providence and sell the atmosphere of the City of Providence. Businesses can be attracted with clean streets and sidewalks and paved streets and sidewalks and garbage collection.

Henry Gould speaks relative to alternative types of incentives.

On motion of Councilman Farmer, seconded by Councilwoman Fagnoli, it is voted to approve the foregoing Ordinance and transmit same to the City Council with recommendation of Adoption.

Councilman Easton and Councilman Dillon desire to be recorded as voting "No."

Councilwoman Brassil desires to be recorded as voting "Aye".

APRIL 18, 1983

RESOLUTION AUTHORIZING AND DIRECTING THE CITY TREASURER ACTING UNDER THE DIRECTION OF THE COMMITTEE ON FINANCE, TO BORROW FROM TIME TO TIME, IN SUCH SUMS AS MAY BE NECESSARY NOT EXCEEDING ONE MILLION, TWO HUNDRED SIXTY-NINE THOUSAND DOLLARS (\$1,269,000.00) TO BE USED EXCLUSIVELY FOR CARRYING OUT THE OFFICIAL REDEVELOPMENT PLAN FOR THE OLNEYVILLE SQUARE REVITALIZATION PROJECT.

On motion of Councilman Dillon, seconded by Councilman Easton, it is voted to Continue the foregoing Resolution until the Ordinance outlining the project has been approved by the City Council.

RESOLUTION ENDORSING THE SENATE BILL ENTITLED:
"AN ACT RELATING TO NON-PAYMENT OF PARKING VIOLATIONS IN PROVIDENCE".

Mr. Woerner, having contacted Judge Malloy by telephone, states the Judge is in favor of the Resolution, but is of the opinion the amount of tickets should be raised to five.

On motion of Councilman Farmer, seconded by Councilman Dillon, the Resolution is amended to read "five" in lieu of "three" wherever the figure is typed in the Resolution and accompanying Act.

On motion of Councilman Farmer, seconded by Councilman Dillon, it is voted to approve the foregoing Resolution and transmit same to the City Council as amended.

Councilman Easton is against approval as he is of the opinion everyone will be standing in long lines at the Registry of Motor Vehicles.

Chairwoman Brassil states the Registry can put the tickets owed on the bill.

RESOLUTION REQUESTING THE GENERAL ASSEMBLY TO URGE PASSAGE OF AN ACT ENTITLED: "AN ACT IN AMENDMENT OF SECTION 9 OF CHAPTER 489 OF THE PUBLIC LAWS OF 1923, AS AMENDED, ENTITLED 'AN ACT TO PROVIDE FOR THE RETIREMENT OF THE EMPLOYEES OF THE CITY OF PROVIDENCE', RELATIVE TO MANDATORY AGE OF RETIREMENT".

This matter has been referred to the Law Department requesting a legal opinion as to whether the mandatory retirement age is legal. An opinion has not been received as of this date.

On motion of Councilman Easton, seconded by Councilman Dillon, the foregoing Resolution is Continued.

APRIL 18, 1983

RESOLUTION REQUESTING THE GENERAL ASSEMBLY TO URGE PASSAGE OF AN ACT ENTITLED: "AN ACT IN AMENDMENT OF PARAGRAPH 7, SECTION 8 OF CHAPTER 489 OF THE PUBLIC LAWS OF 1923, ENTITLED: 'AN ACT TO PROVIDE FOR THE RETIREMENT OF THE EMPLOYEES OF THE CITY OF PROVIDENCE', AS AMENDED, RELATIVE TO CREDITABLE SERVICE".

Chairwoman Brassil states Dolores Spratt of the Retirement Office recommends it be amended to allow purchase of up to ten years of service.

Councilman Farmer is of the opinion the reason people are interested in that they get much more than they are entitled to. The City has to pay its share also.

On motion of Councilman Farmer, seconded by Councilman Easton, it is voted to approve the foregoing Resolution.

RESOLUTION REQUESTING THE GENERAL ASSEMBLY TO URGE PASSAGE OF AN ACT ENTITLED: "AN ACT IN AMENDMENT OF SECTION 9 OF CHAPTER 489 OF THE PUBLIC LAWS OF 1923, AS AMENDED, ENTITLED: 'AN ACT TO PROVIDE FOR THE RETIREMENT OF THE EMPLOYEES OF THE CITY OF PROVIDENCE': RELATIVE TO PRESUMPTIONS IN THE EVENT OF THE DECEASE OF PROVIDENCE POLICE OFFICERS WHO ARE MEMBERS OF THE BARGAINING UNIT FROM HEART ATTACK OR HYPERTENSION".

Discussion ensues relative to the Union Contract.

Councilman Easton moves the Resolution be Denied.

There is no second to the motion.

The following opinion from City Solicitor Pisaturo is read by Chairwoman Brassil.

CHARLES A. PISATURO, ESQ.
CITY SOLICITOR



VINCENT A. CIANCI, JR.
MAYOR

DEPARTMENT OF LAW

April 4, 1983

The Honorable Carolyn F. Brassil,
Chairwoman
Committee on Finance
c/o City Clerk's Office
City Hall
Providence, Rhode Island 02903

Dear Chairwoman Brassil:

This opinion is in response to your request for the same dated March 29, 1983. The issue presented is whether or not the Committee on Finance and/or the City Council must act on a resolution which manifests this municipality's support of a recent General Assembly proposal. That proposal, as initially drafted, would amend the existing Retirement Act, so as to raise a presumption that any police personnel suffering from heart attack or hypertension developed those illnesses in the line of duty. This amendment would facilitate the receipt of a disability pension by police personnel suffering from such

illnesses. The inference which this Department has drawn from this proposed enactment is that it is very difficult to prove to the Board that these diseases are job related. It appears that the amendment, as originally sponsored, would diminish the proof required to show this causal connection (that is a police person suffering from heart attack or hypertension would be presumed to have developed those illnesses in the line of duty, unless it is otherwise proven).

The circumstances surrounding this amendment are complicated by language contained in Article X Section 6 of the existing Bargaining Agreement between the Fraternal Order of Police and the City.

That Section states:

"Whenever a member of the bargaining unit suffers a heart attack or is suffering from hypertension, it shall be presumed that either of said conditions were caused as a result of the member's duties as a police officer and he shall be entitled

to all of the foregoing benefits set forth in this article.

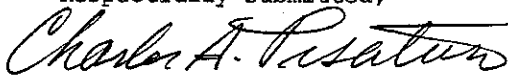
This sections shall apply to any member of the bargaining unit who suffers a heart attack or is suffering from hypertension whether or not said condition occurred while the member was actually on a tour of duty."

Thus it appears by virtue of the above section, that the City may be liable to any such afflicted police person under the contract whether or not this amendment to the Retirement Act is effectuated.

Hence, neither the Committee on Finance nor the City Council is mandated by rule, statute, or ordinance to take any action on the proposed resolution. However, the City may be deemed liable to provide comparable benefits to police persons afflicted with heart attack or hypertension whether or not the Retirement Act is amended. Such payments may be made from funds other than those controlled by the Retirement Board, since they would be owed under the contract and not by virtue of the City's Retirement Plan.

Should you have any further questions please do not hesitate to contact this office.

Respectfully Submitted,



Charles A. Pisaturo,
City Solicitor

Councilman Farmer states the Resolution states it is retroactive to July 1, 1979.

On motion of Councilman Dillon, seconded by Councilman Farmer, the foregoing Resolution is Continued.

RESOLUTION REQUESTING THE CITY ASSESSOR TO ABATE TAXES ON LOT 597 ON CITY ASSESSOR'S PLAT 44, LOCATED ALONG 20 BUCKLIN STREET.

Chairwoman Brassil states the City Collector met with Don Young, the Real Estate Dealer requesting the abatement.

He is of the opinion Mr. Young is the in-between person and the request should be Denied.

On motion of Councilman Easton, seconded by Councilman Farmer, the Resolution is Postponed Indefinitely in Committee.

APRIL 18, 1983

ADJOURNMENT: On motion of Councilman Farmer, seconded
by Councilwoman Fagnoli, the Committee adjourns at 4:50
o'clock P.M.

Rose M. Mendonca
Clerk

Copied

Compared

JMA

WJF