

20
April 16, 1951.

City Hall,

April 16, 1951.

The Committee on Finance meets this day at 12:00 o'clock Noon. Present: Chairman Mariani and Messrs. Loughran and Lazarus. Budget Officer Moran and Assistant City Controller Hartigan are also present. (James J. Kelly, Assistant Clerk)

AN ORDINANCE AMENDING CHAPTER 423, SECTIONS 21 AND 26 OF THE ORDINANCES OF THE CITY OF PROVIDENCE APPROVED SEPTEMBER 22, 1950. (In Finance Committee April 2, 1951. Laid on the table)

AN ORDINANCE AMENDING SECTION 3 OF CHAPTER 1209 OF THE 1943 ORDINANCES BY ADDING AN UNCLASSIFIED GROUP. (In Finance Committee April 2, 1951. Laid on the table)

AN ORDINANCE AMENDING CHAPTER 298 OF THE ORDINANCES OF THE CITY OF PROVIDENCE APPROVED SEPTEMBER 2, 1949. (In Finance Committee, April 2, 1951. Laid on the table)

AN ORDINANCE AMENDING THE APPROPRIATION ORDINANCE, CHAPTER 422, BY ADDING THE SUM OF TWO THOUSAND SIX HUNDRED TWENTY-FIVE (\$2,625) DOLLARS TO THE APPROPRIATION CONTAINED THEREIN FOR POLICE DEPARTMENT, ITEM 2. (In Finance Committee, April 2, 1951. Laid on the table)

On motion of Mr. Loughran, seconded by Mr. Lazarus, it is voted to remove from the table, the four Ordinances enumerated above.

The Clerk reads the following Communication:

April 16, 1951.

Committee on Finance,
City Hall,
Providence, Rhode Island

Gentlemen:

The proposed Ordinance which would result in the addition of 25 policewomen as part-time school guards presents some legal questions which were raised and discussed at the last meeting of the Finance Committee.

It is my understanding you would like a formal statement of my opinion on those matters, and I shall attempt to do so briefly.

1. Chapter 489 of the 1923 Public Laws, which is the act providing for the retirement of City employees, provides that an employee within the meaning of the act means any regular and permanent employee or officer of the City whose business time is devoted exclusively to the service of the City. It is my conclusion that the definition of "employee" was intended to exclude any part-time employee such as the school guards contemplated, and they therefore would not be eligible for retirement benefits. Under any circumstances, it would be within the province of the Retirement Board to determine whether they were "employees" within the meaning of the act.

April 16, 1951.

2. Clause 4 of Section 9 of the Providence City Charter in effect prior to the adoption of our present Charter stipulated that the City Council shall have power to appoint such officers within the Police Department as may be needful or proper and to define their duties and fix their compensation. This power was transferred to the Bureau of Police and Fire by Chapter 2275 of the 1935 Public Laws, and was further continued there when the present City Charter was adopted. For that reason, I am of the opinion that the school guards in question would not be subject to the provisions of the so-called vacation and sick leave ordinances, adopted respectively July 11, 1949 and March 5, 1951, and applicable to all other City employees. I would further feel that the Bureau of Police and Fire or such other person or body as might succeed to its powers is the only body to determine the powers and duties of these school guards, their compensation and other matters in connection with their management and direction.

There may be other questions in connection with the proposed ordinance, and if they are presented, I shall be glad to attempt to answer them.

Very truly yours,

/s/ William E. McCabe

CITY SOLICITOR.

WEM:RAF

Mr. Loughran states that these Ordinances were discussed in detail at the last meeting and from the opinion received from the Law Department this day, believes that the Ordinances should be recommended to the City Council for adoption. However, the first Ordinance amending Chapter 423, Sections 21 and 26 concerns matters of the Police Department and Department of Traffic Engineer, and since Section 26 relative to the Department of Traffic Engineer was referred by the Committee for adoption at the last meeting, Mr. Loughran moves that a new Ordinance be presented to the City Council amending Chapter 423, Section 21, adding twenty-five School Crossing Guards, part-time, for the Police Department.

This motion is seconded by Mr. Lazarus.

Mr. Loughran moves that Ordinances 2, 3 and 4, as outlined above, be recommended for passage a first time and this motion is seconded by Mr. Lazarus.

RESOLUTION REQUESTING THE FINANCE COMMITTEE TO CONSIDER THE ADVISABILITY AND NECESSITY OF AMENDING THE SEVERAL ACTS RELATING TO THE OLD POLICE PENSION LIST AND THE FIREMENS' PENSION SYSTEM. (Continued from Finance Committee meeting April 2, 1951)

April 16, 1951.

The Clerk reads the following letter:

289 Dudley St.
Prov. 7, R.I.
Mar. 28, 51

Hon. Valentine Mariani,
593 Charles St.
Prov., R.I.

My dear Sir:

At the request of Pres. Thomas F. Dooley of the Retired Prov. Policemens' Association, I have written this letter.

As you well know a resolution has been introduced in the Common Council by Mr. Quigley to raise the pensions of the Retired Police & Firemen and was referred to your Finance Committee for study.

It is our desire and purpose to sit down with the Honorable Finance Committee, namely, Mariani, Chairman, Moakler, Loughran, Laudati & Lazarus and talk this matter over.

We would like to have you set a date & hour, preferrably some evening if possible and allow both the Police & Firemens' Association representatives go over their plans with you.

I know as an old friend of mine, you will be most patient and helpful to me in this matter.

You may send the letter of the meeting to Thomas F. Dooley, 111 Modena Ave. Prov. 8, R.I.

Awaiting an early reply.

I remain,

Respectfully yours,

/s/ Charles J. Devron
Vice Pres. & Treas.
Retired Prov. Policemens' Assoc.

On motion of Mr. Loughran, seconded by Mr. Lazarus, it is voted that the Clerk invite representatives of the old Police Pension System and Fire Pension System to appear for a hearing before this Committee on Monday, April 30th at 12:00 o'clock Noon.

Chairman Casey and Commissioner Scuncio of the Bureau of Police and Fire join the Committee at this time.

Chairman Casey states that Chief Higgins recommends that twenty-five (25) School Crossing Guards be added to the Police Department and the Bureau concurs in this recommendation. The Bureau has given this matter serious study and Chief Higgins outlined to this Committee at a previous meeting why these School

April 16, 1951.

Crossing Guards should be employed.

Chairman Mariani interjects that the Committee has just completed action on the Ordinance relative to School Crossing Guards and that favorable adoption by the Council is being recommended.

Chairman Casey and Commissioner Scuncio are excused at this time.

Budget Officer Moran outlines the following Ordinances:

AN ORDINANCE AMENDING THE APPROPRIATION ORDINANCE, CHAPTER 422, BY APPROPRIATING THE SUM OF FIVE HUNDRED (\$500.00) DOLLARS FOR DEPARTMENT OF AMERICAN LEGION. (In City Council April 5, 1951. Read and passed the first time)

The American Legion State Convention is to be held in the City of Providence in June and this appropriation is to help defray some of the expenses.

On motion of Mr. Loughran, seconded by Mr. Lazarus, it is voted to recommend to the City Council the passage of this Ordinance a second time.

AN ORDINANCE AMENDING CHAPTER 422 BY APPROPRIATING THE SUM OF FORTY THOUSAND (\$40,000) DOLLARS TO PUBLIC SCHOOLS SURVEY ACCOUNT. (In City Council April 5, 1951. Read and passed the first time)

\$40,000.00 is appropriated to the Public Schools Survey Account and is obtained from Increased Grants-In-Aid, State of Rhode Island, \$34,000.00; and Reserve for Extraordinary Expenditures Account, \$6,000.00.

AN ORDINANCE AMENDING THE APPROPRIATION ORDINANCE, CHAPTER 422, BY ADDING SEVENTEEN HUNDRED (\$1700) DOLLARS TO THE APPROPRIATION CONTAINED THEREIN FOR TRAFFIC ENGINEERING DEPARTMENT, ITEM 5. (In City Council April 5, 1951. Read and passed the first time)

The Traffic Department desires to purchase one compressor at an expected cost of about \$2,300.00. There is now \$600.00 in Item 5 that can be used to apply to this purchase and the balance of \$1,700.00 is obtained by a transfer from Traffic Engineering Department, Item 0 to Item 5.

AN ORDINANCE AMENDING THE APPROPRIATION ORDINANCE, CHAPTER 422, BY ADDING THE SUM OF TWELVE THOUSAND (\$12,000) DOLLARS TO THE APPROPRIATION CONTAINED THEREIN FOR HEALTH DEPARTMENT. (In City Council April 5, 1951. Read and passed the first time)

The appropriation of \$12,000.00 has been requested by the Health Department to allow the employment of laborers and equipment operators on rat control and other related work, for the balance of the fiscal year.

April 16, 1951.

AN ORDINANCE AMENDING CHAPTER 423, SECTION 56 OF THE ORDINANCES OF THE CITY OF PROVIDENCE AS APPROVED SEPTEMBER 22, 1950. (In City Council April 5, 1951. Read and passed the first time)

The Welfare Department requests a Social Worker III to be changed to a Social Worker II. There is only one Social Worker III in the Department and the Compensation Ordinance sets the salary at \$3,000.00. The Compensation Ordinance fixes the pay of Social Worker I and Social Worker II at the prevailing wages of the State of Rhode Island. Recently, the State put into effect a new State Pay Plan and under this new plan, a Social Worker II receives up to approximately \$3,300.00. By reducing the one Social Worker III to Social Worker II, the Social Worker is able to participate and receive the new pay schedule.

On motion of Mr. Loughran, seconded by Mr. Lazarus, it is voted to recommend the four Ordinances enumerated above to the City Council for passage a second time.

UNPAID BILLS OWED FOR SERVICES RENDERED PRIOR TO SEPTEMBER 30, 1950.

<u>DATE</u>	<u>VENDOR</u>	<u>AMOUNT</u>	<u>DEPARTMENT</u>
9/1/50	John J. Cashman, City Collector	\$38.52	City Sergeant
3/5/51	National Cylinder Gas Co. 205 Medford Street Malden, Mass.	4.00	Bureau of Police & Fire

On motion of Mr. Lazarus, seconded by Mr. Loughran, it is voted to authorize the City Controller to pay the above bills.

Adjournment is taken at 1:55 o'clock p.m.

Assistant Clerk.

Copied D.L.M.

Compared D.L.M.