

**SPECIAL MEETING**

**CRANSTON SCHOOL COMMITTEE**

**TUESDAY, DECEMBER 20, 2005**

**WILLIAM A. BRIGGS BUILDING (REED CONFERENCE ROOM)**

**845 PARK AVENUE**

**EXECUTIVE SESSION: 5:00 P.M.**

**PUBLIC SESSION: IMMEDIATELY FOLLOWING EXECUTIVE SESSION**

**EXECUTIVE SESSION: IMMEDIATELY FOLLOWING PUBLIC SESSION**

**MINUTES**

**A special meeting of the Cranston School Committee was held on the evening of the above date at the William A. Briggs Building in the Reed Conference Room with the following members present: Mr. Archetto, Mrs. Greifer, Ms. Iannazzi (present for Executive Session only) Mr. Lupino, Mr. Palumbo, Mr. Stycos, and Mr. Traficante. Mr. Votto, Mr. Balducci, and Attorney Gregory Piccirilli were also present.**

**I. Call to Order**

**The meeting was called to order at 5:12 p.m. The roll was called.**

**It was moved by Mr. Palumbo, seconded by Mrs. Greifer and carried with Ms. Iannazzi opposed that the members adjourn to Executive Session pursuant to RI State Law 42-46-5(a)(1) personnel and**

**contract and litigation pursuant to RI State Law 42-46-5(a)(2).**

## **II. Executive Session Minutes Sealed – December 20, 2005**

**Moved by Mr. Palumbo, seconded by Mrs. Greifer and unanimously carried that the December 20, 2005 Executive Session minutes remain confidential.**

## **III. Public Hearing**

**a. Students (Agenda/Non-agenda Items)**

**b. Members of the Public (Agenda Matters Only)**

**There were no students who spoke on agenda or non-agenda items.**

**No members of the public spoke on agenda items.**

## **IV. Consent Calendar/Consent Agenda**

**There was no consent agenda.**

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## **RESOLUTIONS**

### **SPONSORED BY THE COMMITTEE**

**NO. 05-12-27 – Whereas, the City of Cranston FY '06 Budget is**

**inconsistent with the needs of the Cranston Public Schools;**

**Whereas, the Municipal Executive has suggested litigation as the means of resolving differences between the Cranston Public Schools and the City relating to the FY '06 Budget;**

**Whereas, litigation only promises the expenditure of unnecessary funds that can be utilized in support of Cranston Schools;**

**Be it RESOLVED that the School Committee assigns the Superintendent, with the assistance of any and all internal staff, with the following tasks:**

- 1. To adopt a hiring freeze for all new personnel and non-essential replacements;**
- 2. To adopt a spending freeze for all non-essential materials;**
- 3. To confer with representatives of the Executive and Legislative branches of the Municipal Government to recommend solutions to the existing differences between the Cranston School Committee and the City relating to the FY '06 budget;**
- 4. To recommend suggested courses of action to the Cranston School Committee in order to resolve said differences;**

**5. To report achieved progress and status of the above to the School Committee by January 5, 2006.**

**Moved by Mr. Stycos and seconded by Mr. Palumbo that this Resolution be adopted.**

**Mrs. Ciarlo stated that given the items on the Resolution, administration is already doing them. The fact that they are already engaged in working with the City in attempting to resolve the \$1 million shortfall that administration knows it will have, she felt it would be unwise at this time to take action other than to table this Resolution. She would expect that administration will be able to inform the committee and the public with much more after the middle of January as to where they stand. But given the fact that administration is working on all aspects of this; there is a spending freeze anyway; there is a hiring freeze, and if there are any exceptions they come before the School Committee anyway. She further commented that she felt that they were already doing**

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**this, and it would be inappropriate at this time to pass this Resolution. She recommended that the committee consider tabling this Resolution.**

**Mrs. Greifer stated that she couldn't support this Resolution. The committee has to trust its Superintendent and her staff to do the job they were hired to do, and she didn't think it was the committee's business to knit-pick and tell them in detail how to do it. They know it needs doing.**

**Mr. Traficante stated that based on the information the committee received and the communications existing between administration here and City administration and due to the fact that the Superintendent and her staff are carrying out these proposals at the present time, he would support the tabling of this Resolution.**

**Mr. Archetto stated that this is the Resolution the committee signed at Western Hills. Mr. Lupino explained that it was not the Resolution; it was the action to go ahead with this Resolution. Mr. Archetto commented that it sends a positive message to the public that the School Committee is trying to address the financial concerns and the deficit. He felt it was a good idea that they go in this direction. He was sure that the Superintendent was addressing these concerns. There was no question in his mind. He stated that he is in favor of these ideas.**

**Mr. Stycos thanked Mrs. Ciarlo for meeting with the Mayor last week and for initiating the meeting. That probably was a little difficult to do, and that was a sign of strength of her part. He urged the committee to pass this Resolution. The district has a \$1 million hole**

**in the budget, and the committee needs to address that as firmly as they can as a committee. The Superintendent is doing these things. There is no problem with the committee reinforcing them by passing a Resolution. He indicated that he would offer an amendment after members were finished speaking.**

**Mrs. Greifer stated that one of the reasons she opposed it, other than what she said before, is she wouldn't want to see anyone come back and accuse the administration of not following this to the letter. For instance No. 1 states, "To adopt a hiring freeze for all new personnel.." She asked what would happen if there is a child with special needs who moves into the district who requires new personnel such as a teaching assistant or perhaps some other needed service. By law, that person may have to be hired, and someone will come back and say the committee hired new personnel.**

**That is one of the reasons she mentioned knit-picking. She believed that administration is doing these things. She is all in favor of making any press releases or any other statements out to the public addressing how the committee is addressing the budget problems, but she doesn't like to have something like this out there as a Resolution passed by the School Committee that could come back to haunt the administration.**

**Mr. Lupino agreed with Mrs. Greifer's assessment. New personnel was one of his main concerns because many times the committee runs into situations during the year. They never know what the special needs population might be day to day, and he would hate to have the committee dragged into some litigation because they had passed a resolution saying that they could not hire this person yet the committee would be going in the face of federal and state law that says that this person should be serviced.**

**Mr. Traficante remarked that he was going to follow the recommendation of the Superintendent. He was cautiously optimistic that the committee has to give the process time to work. The committee will know by the end of January what that process is.**

**It was moved by Mr. Traficante and seconded by Mr. Palumbo to table this Resolution.**

**This Resolution was tabled with Mr. Archetto and Mr. Stycos opposed.**

## **ADMINISTRATION**

**NO. 05-12-28 – RESOLVED, that the Meet and Confer Agreement between the Cranston Administrative Management Staff and the Cranston School Committee, as recommended by the Superintendent, be approved.**

**Moved by Mrs. Greifer and seconded by Mr. Palumbo that this Resolution be adopted.**

**Mr. Stycos stated that he thought the committee had an agreement that they would not be voting on this Resolution this evening. Mr. Lupino interjected that he did not know where this agreement came from. He did not remember any agreement that this committee made to not entertain this particular Resolution. There was some discussion regarding when the discussion of this would occur. The committee had an opportunity to listen to the minutes, and the minutes do not reflect that. Mr. Stycos responded that there are four people who remember it, one of whom is not here, which is another reason to abide by that agreement. At this point, it is a trust issue with him. He brought it up because of that. The committee had an agreement, and that agreement, if it is voted on tonight, is being violated as far as he was concerned. He noted further that at some point he would move to table this Resolution.**

**Mrs. Greifer stated that she had no recollection of the committee agreeing. She indicated that she was neutral; it doesn't mean that it didn't happen; she honestly doesn't remember a discussion like that. Based on her personal memory, she doesn't know if there was an agreement. It is not because she is going against an agreement that she made; she doesn't remember making an agreement.**

**Mr. Traficante commented that he was advised by counsel for the School Committee that he has to abstain from voting on this so his opinion is mute, so to speak.**

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**Mr. Palumbo commented that whether there was an agreement or not the two things are almost separate. He asked what the agreement was going to prove. He asked if there was something here that would become better by waiting or not. If Mr. Stycos is talking about the agreement in terms of trust, that is one thing. If he is saying what is going to be gained by this, are you going to go back to these people and take more away from them. He asked if he could do that. Whether there is an agreement or not, it doesn't amount to anything in terms of what the committee is talking about. Mr. Palumbo further commented that he is in agreement with it, and he will be in agreement with it next week. But the committee does have to get things in order in terms of the medical payments and a couple of other things before the first of the year. He didn't see what the committee would be gaining by tabling it.**

**Mr. Archetto stated that Mr. Votto worked hard on this. It is a major improvement from when the committee started. The CAMS people came to the plate and gave in to a year's contract which was what the committee asked for. Both organizations met half way, and it is a**

pretty decent contract the way he sees it.

Mrs. Greifer echoed what Mr. Archetto said. She doesn't see any point in waiting on it any longer. It is an improvement over the original proposal. She would like to see these people get back to giving 100% of their attention to the Cranston Public Schools instead of ongoing meetings as to how the committee could tweak this even further. She is in favor of this agreement and will vote for it. She is opposed to tabling it at this point.

Mr. Lupino stated that he was in favor of this agreement. He has not negotiated a lot of contracts in his time, however, someone once told him that he has a tendency to sign on to it that if you think you could have done better on your end and they think they could have done better on their end, then you probably had a good agreement because there was a compromise. He felt that the tiered cost on the health care was important. It is a one-year agreement which gives them both some time to mature over the next year to see where this financial situation will take them.

Mrs. Ciarlo commented that this group doesn't give 100% but they give 150%. There is a successful school system because they teach kids well in the classroom but to have the classroom ready to be used, to have the business, the sports, the foods, and all of those things that support a school system represented by the people in this organization, and without them, the district would not be successful.

**They work extremely hard, and they are dedicated. It would be a disservice by not coming to grips with an agreement for them at this particular time especially when they are being asked for things to turn around and not give them an agreement. She asked what one says to people that are here. She asked them sometimes if they have brought their bed and if**

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**they were staying over night because it is late in the evening, and they are still working. The School Committee needs to take some action. She supported this Resolution.**

**Mr. Stycos moved to table this Resolution.**

**There was no second to the motion.**

**Mr. Stycos remarked that he would be voting against this agreement. He will be voting against it although it is much better than the previous agreement. The previous agreement was so excessive in cost that this had to be better. He didn't think people should be paid for not using their sick days. Sick days are for when one is sick, and one should not be rewarded for not being sick. People get help from the School Committee when they are sick, and that is the way it should be. This will be an accumulated benefit, and it is going to be a**

cost that the committee will have to pay in the future. It is money that could be better spent on the children's education. Also, he didn't feel the committee should be granting more vacation to CAMS. Six weeks is excessive especially since the committee just finished an agreement with the newly hired Superintendent for five weeks. He also felt that this group shouldn't be allowed to buy back their vacation for the same reason buying back the sick time. People need a vacation; they need a break; they shouldn't be getting bonuses through the back door through the vacation. He also felt that this agreement's cost is excessive at a time when the committee doesn't have any money. They are in a \$1 million hole and keep charging ahead spending money. The committee doesn't have it to spend. It is nice to give raises, and he was sure that they were deserved; but the committee doesn't have the money at this point to give. So, they are giving money they don't have. It is a violation of state law. He thought it was a violation of their oath of office that where the committee is supposed to come up with a balanced budget which is in state law. Their oath of office states they are to obey the law, and by doing this and continuing to negotiate with other groups at pay rates where the committee doesn't have the money, is a violation of the law. He stated further that he would be voting no.

Mr. Archetto remarked that there is no doubt that there is a deficit, however, why does one group have to suffer because there is a deficit. Unlike his colleague, Mr. Stycos has the same tune about money, and with the deficit there is not enough money. At the last

meeting, he appropriated \$53,000 for new trucks so he picks and chooses his issues. He thought it was a good agreement, and both sides came to the table and had a compromise.

Mr. Palumbo thought it was not against the law to negotiate with people to come up with a contract even though there is a deficit. Mrs. Ciarlo noted that there were minutes in their agenda packets from a decision in Johnston where the judge stated it was the responsibility of the School Committee to enter into agreements. Mr. Palumbo added that he thought this was what he had heard. He doesn't think someone can say they

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are going to stop the system and not pay anyone because there is no money. The committee has to keep running the system. He didn't think the raises the committee is talking about in CAMS are not off the chart raises they are being given. As said before, it was budgeted for. The committee is not going outside the budget area. Everything the committee is doing seems to be right except that if they don't get that \$1 million the district will be in trouble. With the way they are going right now and the way they are working on things, he felt it would be solved. He doesn't think it will be solved by destroying the morale of one particular group just because they don't have the rights that union people have. Mr. Palumbo stated that he will be voting for it.

**Mrs. Greifer stated that she didn't have the fiscal impact sheet that was distributed for this group. Mr. Balducci responded that the latest proposal contract will have a positive impact on the budget of approximately \$20,000.**

**Mrs. Greifer mentioned that in the Johnston ruling Mrs. Ciarlo alluded to part of the judge's ruling was contracting for higher salaries or greater benefits are not illegal in light of the broad authority of School Committees.**

**Mr. Stycos stated that the contract does not save money. There is a vacancy that has been filled, and there is a person whose salary has been moved into another fund, and that has nothing to do with the contract. He really felt that the statement that the contract saves money is false. He thought that the committee had gone over that.**

**This Resolution was adopted with Mr. Stycos opposed and Mr. Traficante abstaining.**

## **TABLED RESOLUTION**

**Mr. Lupino indicated that in response to a tabled resolution, Ms. Iannazzi asked that the following statement be read: I have another meeting scheduled for six o'clock on the other end of the city and,**

unfortunately, cannot stay for the conclusion of this meeting. I wish to voice my opposition to the so called tabled resolution. Pursuant to 9300(f) section (o), the only tie votes that are tabled are those that involve management and policy, neither of which are involved here. No action should be taken on this resolution. Andrea Iannazzi, Ward 6.

Mrs. Greifer stated that, unfortunately, she agreed with Ms. Iannazzi on this. When the sub-committee was formulating policies, there was discussion of ties; and they felt there were some issues that were too important to just let die on a tie vote such as contracts and policies. So, they wanted them to be able to be brought forward again when there could be a full committee. This resolution, unfortunately, does not fall in that category. She feels strongly that this should not have been disapproved at the last meeting

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because this reimbursement is legal under state law, City Charter, and under School Committee policy. She feels that voting against this resolution the first time subjected the School Committee to the possibility for litigation if someone decided to sue for the reimbursement to which they are entitled under state law, the City Charter, and School Committee policy. She agreed with Ms. Iannazzi that this Resolution should not have been tabled to this meeting.

**Mr. Stycos stated that the committee did not have anything on the table at this point that they were discussing. There is a resolution that has been tabled to this meeting, but there is no matter before them at this point parliamentary wise. If it comes off the table, it would be fine.**

**Mr. Traficante stated that he helped write the policy, and until it was brought to his attention, he didn't realize it. Mrs. Greifer stated that the point is that this resolution was improperly tabled because new policies were adopted one of which states that on a tie vote the vote fails. However, when Ms. Iannazzi, Mr. Traficante and she were formulating these policies, there were certain items that were too important to let die on a tie vote such as certain School Committee policies, contracts, and larger management issues that should be allowed to be tabled until there was a full committee to do it; but this would not fall under those categories. Mr. Archetto asked what category this would fall under, and Mrs. Greifer responded that it was stated in Ms. Iannazzi's statement which is 9300(f)(o).**

**Mr. Lupino remarked that he understood Mr. Stycos's point, however, he just read a statement from Ms. Iannazzi which became a part of the agenda, and under that agenda he asked Mr. Piccirilli to respond to some questions.**

**Mr. Piccirilli asked if a motion was made at the last meeting to table this Resolution. The secretary indicated that it was tabled because it**

died by the vote. It was a three-three tie. Mr. Lupino stated that this Resolution comes out of, although it is not required, a policy. The way he interpreted the rules which Ms. Iannazzi mentioned, No. 9300(f) is that matters of policy or management go to the next meeting. They are automatically tabled when there is a tie as opposed to Roberts Rules of Order which state that a tie goes down because of a tie. Mr. Archetto added that for any resolution that dies, if a member is on the prevailing side, he or she can resurrect that resolution. The question that presents itself is which side is the prevailing side in a tie. Mr. Piccirilli responded that if a tie results in a negative vote, whoever voted no would be the prevailing side.

Mr. Archetto moved to reconsider this resolution because he voted no on this resolution.

Mr. Piccirilli stated that the motion did not require a second according to Robert's Rules of Order.

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Mr. Traficante asked how it was determined that the prevailing side was the no vote. Mr. Piccirilli responded that whatever was the ultimate outcome of the vote, would be the prevailing side.

Mrs. Greifer seconded the motion.

**The motion to reconsider was adopted with Mr. Lupino abstaining.**

**Mr. Lupino stated that the reason this is on the agenda as a resolution is a matter of courtesy to the committee. It was suggested to him by Mrs. White when he first came on this committee seven years. Everyone who has been on the committee since then has received reimbursement forms, and there is a policy that says the members are entitled to reimbursement. State law says that it is, and the City Charter says that it is. It is only a courtesy to the School Committee. Whether they agree with it or not, it is his contention that when someone puts something on as a courtesy to the other members of his committee that is entitled to him by state law, that basically the only thing one can do is vote yes or abstain because they cannot vote no and deny him something that he is entitled to by state law. That being said, whether the committee members agree with it or not, this is done as a courtesy to the committee.**

**Mr. Traficante stated that it was researched by the committee secretary and proved to be part of state law, school policy, and Charter. He told Mr. Lupino that there is no doubt that he is entitled to the expenditure. In his opinion, he slightly differs from what Mr. Lupino said. It is an expenditure, and it should go before the committee for approval. Because it is an expenditure, it should be a resolution.**

**Mr. Stycos indicated to Mr. Lupino that he didn't think he could tell**

**people on a resolution that they can't vote no. He might have a very good case for yes, but he can't tell people that they can't vote no.**

**NO. 05-12-20 – RESOLVED, that Anthony J. Lupino be reimbursed for travel and miscellaneous expenses in the amount of \$453.76 for the period June 9, 2005 to December 1, 2005.**

**Mr. Lupino turned the Chair over to Mr. Palumbo.**

**Moved by Mrs. Greifer, seconded by Mr. Traficante and carried with Mr. Lupino abstaining that this Resolution be adopted.**

## **V. Public Hearing on Non-agenda Items**

**There were no speakers on non-agenda items.**

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**VI. Adjourn to Executive Session pursuant to RI State Law 42-46-5(a)(1) personnel and RI State Law 42-46-5(a)(2) contract and litigation.**

**Let it be duly noted that this Executive Session was not held.**

**Moved by Mrs. Greifer, seconded by Mr. Traficante and unanimously**

**carried that the meeting be adjourned.**

**There being no further business to come before the meeting, it was adjourned at**

**7:20 p.m.**

**Respectfully submitted,**

**Anthony J. Lupino**

**Clerk**