

*(The following is not a verbatim transcript of comments or discussion that occurred during the meeting, but rather a summarization intended for general informational purposes. All motions and votes are the official records).*

## **ORDINANCE COMMITTEE**

Regular meeting of the Ordinance Committee was held on Thursday, November 12, 2020 via Zoom webinar.

### **CALL MEETING TO ORDER:**

The meeting was called to order at 6:43 P.M. by the Chair.

Present: Councilmember Kenneth J. Hopkins  
Councilmember Aniece Germain  
Councilmember Edward J. Brady  
Councilmember Christopher G. Paplauskas, Vice-Chair  
Council Vice-President Michael W. Favicchio, Chair

Absent: Councilmember Lammis J. Vargas

Also Present: Councilmember Steven A. Stycos  
Councilmember John P. Donegan  
Daniel Parrillo, Director of Administration  
John Verdecchia, Assistant City Solicitor  
Leanne Zarrella, City Clerk  
Rosalba Zanni, Assistant City Clerk/Clerk of Committees  
Heather Finger, Stenographer

### **MINUTES OF THE LAST MEETING:**

On motion by Councilmember Hopkins, seconded by Councilmember Germain, it was voted to dispense with the reading of the last meeting and they stand approved as recorded. Motion passed unanimously.

### **CORRESPONDENCE/COMMUNICATIONS**

**Chair** stated that testimonies were forwarded to the City Council by the Clerk.

**OLD BUSINESS:**

**7-20-04 Ordinance in amendment of Ch.17 of the Code of the City of Cranston, 2005, entitled “Zoning” (Change of Zone – New London Ave.). Petition filed by Coastal Partners LLC, Mulligan’s Island LLC, and State of Rhode Island. *TO BE CONTINUED TO DECEMBER 10, 2020.***

**Chair** stated that Planning has a modified plan to be heard at the December 1<sup>st</sup> Planning Commission meeting and this will be continued this evening because of that.

**8-20-04 Ordinance in amendment of Title 9, of the Code of the City of Cranston, 2005, entitled “Public Peace, Morals and Welfare” (Social Security No. Police Complaint.). Sponsored by Councilmember Stycos. CONT. FROM 10/15/2020.**

**Director Parrillo** stated that he spoke to the Colonel again regarding the possibility of modifying the online form and there is no way to modify it. He pointed out that the Ordinance itself is not necessary because there is no requirement for a social security number in order to file a report. They do ask for social security number, but it is not required to file a report.

**Councilmember Stycos** stated that he does not think they should even be asking for a social security number. The social security number is a private piece of information. He stated that he would like to amend this Ordinance when discussion starts.

Councilmember Germain motioned to recommend approval of this Ordinance. Councilmember Hopkins seconded the motion for discussion.

Under Discussion:

**Councilmember Germain** stated that based on what Director Parrillo stated, she would like to know how the Police Department identifies someone who files a complaint who does not have a social security number. Director Parrillo stated that that is not the only way, it is just an additional way. They will use a Rhode Island license, a Rhode Island ID card or any form of ID that identifies who they are. The social security number just helps with the identification process.

**Councilmember Stycos** suggested deleting lines #23 & 24 and adding “No person who is filing a police report or complaint shall be asked for his or her social security number”.

**Councilmember Paplauskas** questioned if this amendment would change the procedure done at the Police Department. Councilmember Stycos stated that he does not know what the policy is, but it would eliminate the question if asked.

**Director Parrillo** questioned why we are telling the Police what they can and cannot ask for. Councilmember Stycos stated because if someone is in the Country illegally and they need to file a complaint on a crime, they will not report it because they have no social security number and them being afraid of being deported. This encourages people to report crimes and also, asking for social security number is an invasion of privacy.

**Councilmember Paplauskas** stated that by passing this, it would be changing the department policy. He does not feel comfortable voting on a something like this without speaking to the Colonel or someone from the Police Department.

**Councilmember Hopkins** stated that he would like to see some information from the Colonel to see what their opinions are on this before voting on it.

**Councilmember Brady** stated that he agrees with Councilmember Brady that if someone is in the Country illegally and does not have a social security number, they would reluctant to report a crime based on their fear of being deported. He stated that he has two questions from two Council Members-Elect. Councilmember-Elect Marino asked if the Police website can state that no social security number is required before clicking on the link to access the online complaint form? The second question is from Councilmember-Elect Renzulli, who asked if the social security number is redacted from the reports that can be purchased? Councilmember Brady stated that until we have a Police person on the line, maybe we should not vote on this and could be further discussed. Director Parrillo stated that, per the Colonel, we cannot change the form and the social security number and date of birth are redacted when given to the public.

**Council Vice-President Favicchio** stated that he feels more input is needed from the Colonel regarding this.

On motion by Councilmember Brady, seconded by Councilmember Hopkins, it was voted to continue this Ordinance.

Under Discussion:

**Councilmember Hopkins** asked Administration to check with other cities and towns to see if they have a similar Ordinance in place and maybe we can compare it to theirs as well.

Roll call was taken on motion to amend the above Ordinance as follows: delete line #23 and add “No person who is filing a Police report or complaint shall be asked for his or her Social Security number.” Motion passed unanimously.

On motion by Councilmember Brady, seconded by Councilmember Germain, it was voted to continue this Ordinance to next month’s meeting and have the Police Department present for their input and opinions and have Administration obtain information requested by Councilmember Hopkins. Motion passed unanimously.

**9-20-05 Ordinance in amendment of Title 6 of the Code of the City of Cranston, 2005. Entitled “Health and Safety” (Fair Housing Practices) Sponsored by Councilmembers Donegan, Germain, Stycos and Vargas. CONT. FROM 10/15/2020.**

Councilmember Donegan asked that this Ordinance be continued.

On motion by Councilmember Brady, seconded by Councilmember Germain, it was voted to continue this Ordinance to next month's meeting.

Under Discussion:

**Councilmember Donegan** asked that this Ordinance and Ordinance 9-20-06 be continued to next month's meeting. He is trying to connect with a member from a non-profit to obtain more information.

Roll call was taken on motion to continue this Ordinance to next month's meeting motion passed unanimously.

**9-20-06 Ordinance in amendment of Title 2 of the Code of the City of Cranston, 2005, entitled "Committees, Commissions and Councils" (Affordable Housing Commission). Sponsored by Councilmember Donegan. Co-sponsored by Councilmembers Germain and Vargas. CONT. FROM 10/15/2020.**

On motion by Councilmember Brady, seconded by Councilmember Germain, it was voted to continue this Ordinance to next month's meeting. Motion passed unanimously.

**PUBLIC HEARINGS/NEW BUSINESS:**

**10-20-01 Ordinance in amendment of Chapter 2.40.020 of the Code of the City of Cranston, 2005, entitled "Municipal Court" (Municipal Court Judges). Sponsored by Councilmember Stycos.**

Councilmember Germain motioned to recommend approval of this Ordinance. Council Vice-President Favicchio seconded the motion for discussion.

Under Discussion:

**Councilmember Stycos** clarified that the language in parenthesis is being removed and the language underlined is to be added. His concern is that Municipal Court Judges are important positions and they get less scrutiny than someone that gets appointed to the Zoning Board of Review, Conservation Commission or Housing Commission if this Board is approved. We ought to have a system where they have a resume and there is a hearing of each nominee as we do for department directors.

**Director Parrillo** questioned would that month or month and a half interim, would those positions be held by the current Judges and how will that gap be covered? Councilmember Stycos stated that the term of office would be two years and term would start on the first day of February. He also stated that language can be added to this Ordinance for the coming year to address the gap.

**Councilmember Paplauskas** stated that even though he disagrees with this, he does not want the revenue stream down. Also, the Judges that get appointed now have to be in good standing. They have to be admitted to the Bar, they have to be admitted to practice before the Supreme Court in the State of Rhode Island the way the current Ordinance reads. We have not had any issues with the current Judges that have been appointed over the years and he thinks the Inauguration is a great place to swear the Judges in because it is kind of an achievement to be a Judge. He will be voting no on this the way it stands now.

**Councilmember Donegan** urged the Committee to move this to the full City Council. He thinks the Municipal Court appointees and the residents of Cranston deserve that people serving Municipal Court have the same scrutiny and thorough review. He understands what Councilmember Paplauskas stated that it is ceremonial, but he thinks procedurally, they should be reviewed and every nominee should go through that review.

**Councilmember Germain** stated that she thinks it is a good idea to hold same standards.

**Chair** asked Solicitor, with the current Judges, will their terms expire January 5, 2021 and how do we keep them on in order to do this. Also, the Ordinance states “shall be for two years” and asked if that is problematic. He stated that these two issues need to be looked at before this is voted on. He asked Solicitor to look into that.

**Councilmember Stycos** addressed Council Vice-President Favicchio’s first question and stated that the Ordinance could be amended with an amendment that states that Judges appointed in January 2019, shall serve until February 1, 2021 or until a successor is chosen. Chair asked Solicitor to come up with language to address this.

**Councilmember Germain** asked how we would evaluate the Judges. Chair stated that we get feedback every year during the budget process of how well the Court is doing. We rely on the Chief Judge to keep an eye on what everyone else is doing. We also get feedback from public and attorneys and the Police.

**Councilmember Stycos** suggested amending the Ordinance by adding the following language to line #32: “Judges appointed in January 2019 shall serve until a successor is confirmed”. Chair asked Solicitor’s opinion regarding this amendment. Solicitor stated that the amendment only applies to 2019. It is not ever going to apply any time after that. He does not see a problem with making this retroactive.

Councilmember Germain motioned to amend the above Ordinance as stated by Councilmember Stycos. Councilmember Hopkins seconded the motion for discussion.

Under Discussion:

**Councilmember Germain** stated that instead of “confirmed”, she suggested “sworn in”.

**Councilmember Stycos** repeated the amendment as follows: “Judges appointed in January 2019 shall serve until a successor is sworn into Office”.

On motion by Councilmember Germain, seconded by Councilmember Hopkins, it was voted to amend the above Ordinance as follows: add the following language to line #32: “Judges appointed in January 2019 shall serve until a successor is sworn into Office”. Motion passed unanimously.

**Assistant City Clerk** stated that the Ordinance states “nominations shall be referred to Ordinance Committee”. She indicated that procedurally, appointments of department directors have gone before the Finance Committee. She questioned if the Committee would like to amend this also.

On motion by Councilmember Paplauskas, seconded by Councilmember Brady, it was voted to amend the above Ordinance as follows: line #31, change “Ordinance” to “Finance”. Motion passed unanimously.

On motion by Councilmember Paplauskas, seconded by Councilmember Brady, it was voted to recommend approval of this Ordinance as amended. Motion passed unanimously.

The meeting adjourned at 8:00 P.M.

Respectfully submitted,

/s/ Rosalba Zanni  
Assistant City Clerk/Clerk of Committees