

(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, June 16, 2022 in the Council Chambers, City Hall, Cranston, Rhode Island.

CALL MEETING TO ORDER:

The meeting was called to order at 7:50 p.m. by the Chair.

Present: Councilman Richard D. Campopiano
Councilwoman Aniece Germain
Council Vice-President Robert J. Ferri
Councilwoman Nicole Renzulli, Vice-Chair
Councilman Matthew R. Reilly, Chair
Council President Christopher G. Paplauskas

Absent: Councilwoman Lammis J. Vargas

Also Present: Councilwoman Jessica M. Marino
Councilman John P. Donegan
Anthony Moretti, Chief of Staff
John Verdecchia, Assistant City Solicitor
Stephen Angell, City Council Legal Counsel
Rosalba Zanni, Acting City Clerk
Heather Finger, Stenographer

MINUTES OF THE LAST MEETING:

On motion by Council President Paplauskas, seconded by Councilwoman Germain, it was voted to dispense with the reading of the minutes last meeting and they stand approved as recorded. Motion passed unanimously.

I. COMMITTEE BUSINESS MATTERS CARRIED OVER

10-21-03 *Ordinance in amendment of Chapter 3.08 of the Code of the City of Cranston, 2005, entitled "Revenue and Finance – Contracts and Purchases". Sponsored by Councilwomen Vargas, Marino, Councilman Donegan and Council Vice-President Ferri. (Cont. from 11/9/2021, 12/9/2021, 2/17/2022, Cont. as amended 3/17/2022 & Cont. 4/14/2022).*

On motion by Council Vice-President Ferri, seconded by Councilwoman Germain, it was voted to continue this Ordinance. Motion passed unanimously.

2-22-02 *Ordinance in amendment of Title 15 of the Code of the City of Cranston, 2005, entitled “Buildings and Construction”. Sponsored by Councilman Donegan and Councilwoman Marino. Co-sponsored by Councilwomen Germain and Vargas. (Cont. 3/17/2022 & 4/14/2022).*

On motion by Councilwoman Germain, seconded by Council Vice-President Ferri, it was voted to approve this Ordinance.

Under Discussion:

Councilman Campopiano recused.

Councilman Donegan stated that this Ordinance was continued for a fiscal note. He asked if there is a fiscal note. Director Moretti stated that he thought there would be meetings set up with councilman Donegan and former Finance Director Strom and Mr. Igoe to work with them to go over all the specifics. He stated that if everyone meets to go over all the details, one can be developed. We did not anticipate having one.

Councilman Donegan stated that he would be more than happy to collaborate on this with anyone including the Administration.

Council Vice-President Ferri suggested that the Inspections Department be part of this meeting.

On motion by Councilwoman Germain, seconded by Councilwoman Renzulli, it was voted to continue this Ordinance to next month’s meeting. Motion passed unanimously.

4-22-01 *Ordinance in amendment of Chapter 10.12.250 of the Code of the City of Cranston, 2005, entitled “Motor Vehicles and Traffic – Traffic Regulations for Specific Streets – Crosswalks-Enumerated” (Poplar Dr.). Sponsored by Councilman Reilly. (Cont. 5/12/2022).*

Chair stated that prior to this evening, he had discussions with the Administration. There were financial issues in doing this project. The Traffic Engineer made some suggestions on things the Administration could do to help in that area and as a result of them working with him, he will be withdrawing this Ordinance at this time.

Ordinance was withdrawn.

4-22-02 *Ordinance in amendment of Chapter 10.32.020 of the Code of the City of Cranston, 2005, entitled “Motor Vehicles and Traffic – Stop Intersections-Enumerated” (West Blue Ridge Rd./Summit Dr./Freehold Ave./Belvedere Dr.). Sponsored by Councilman Reilly. (Cont. 5/12/2022).*

On motion by Councilwoman Germain, seconded by Council Vice-President Ferri, it was voted to recommend approval of this Ordinance.

Under Discussion:

Chair stated that this Ordinance and the next Ordinance came at the request of numerous neighbors at this intersection. This neighborhood is also used as a cut through as well from Sockanosset

area down to Oaklawn Ave. This Ordinance removes stop signs that are there and proposed Ordinance 4-22-03 makes it a four-way stop.

Roll call was taken on motion to recommend approval of this Ordinance and motion passed unanimously.

4-22-03 *Ordinance in amendment of Chapter 10.32.030 of the Code of the City of Cranston, 2005, entitled “Motor Vehicles and Traffic – Multi-Way Stop Intersections-Enumerated” (Freehold/Summit/West Blue Ridge/Belvedere). Sponsored by Councilman Reilly. (Cont. 5/12/2022).*

On motion by Councilwoman Germain, seconded by Council Vice-President Ferri, it was voted to approve this Ordinance. Motion passed unanimously.

4-22-06 *Ordinance in amendment of Chapter 10.12.250 of the Code of the City of Cranston, 2005, entitled “Motor Vehicles and Traffic – Crosswalks Enumerated”. Sponsored by Councilwoman Germain. (Cont. 5/12/2022).*

On motion by Councilwoman Germain, seconded by Council Vice-President Ferri, it was voted to recommend approval of this Ordinance.

Under Discussion:

Sam Brusco, 11 Alhambra Circle, appeared to speak and stated that he is generally not a fan of four-way stop signs and they are also frowned upon in the traffic community. They will slow down traffic for most people, but they are not going to make a complete stop on Aqueduct. They will make a complete stop on the side street.

Chair stated that this is a crosswalk and not a four-way stop sign. Mr. Brusco stated that in that case, there are things called a hawk signal and basically it is only on demand. A pedestrian will push the button, it flashes yellow for a few seconds and then it turns red.

Councilwoman Germain stated that this Ordinance is the result of the woman who was walking her dog and was struck by a truck and died and that should never have happened. One death is already too many, that is her position. She has met many residents that live in the Aqueduct area and they request that we have the crosswalk in the intersection of Aqueduct and Intervale and we have many complaints of how people are speeding from Colonial to Aqueduct and right a few feet from the Budlong Pool. She thinks that, in the name of this woman that should not have died, to pass away too early, she really urged the Council to pass this to make it safer for our children, our elderly that live in the area. For those reasons, she urged everyone to pass this Ordinance to make sure we make our Ward safer and our neighborhood safer for our residents.

Director Moretti stated that, certainly, the Administration took this one very seriously and have consulted with the Traffic Engineer and the Police Department and reported on their findings. He stated that the Administration understands, but the cost projected was approximately \$35,000 to install a crosswalk, but the substance of the matter is basically stated in the Traffic Engineer’s report. In that report, there is a particular paragraph that sums it up pretty well that basically says “in the most recent five year-period, there was one reported vehicle versus pedestrian crash that occurred. There were no other accidents reported. Since the crash resulted in a pedestrian fatality, it was important to establish

the presence of a mock pedestrian crossing to see if it would have corrected or improved the conditions. An extensive investigation was undertaken by the Cranston Police Department”. In this case, it clearly suggests that the crash would not have been correctable had there been a mocked crosswalk or altered the unfortunate outcome by any way. It was purely an accident and speaking with the Command Staff, as recent as today, they had not had any problems there before. The vehicle hit the woman, came to a complete stop and the woman was pulled into the street by her pet and she fell. Crosswalk or no crosswalk, would not have had an impact. Given that there were no other incidents in a five-year period, both the Police and the Traffic Engineer does not recommend a crosswalk that would have any significant difference between that intersection as a four-way stop sign.

Roll call was taken on motion to recommend approval and motion passed on a vote of 4-2. The following being recorded as voting “aye”: Councilwomen Renzulli, Germain, Councilman Campopiano and Council Vice-President Ferri -4. The following being recorded as voting “nay”: Councilman Reilly and Council President Paplauskas -2.

4-22-09 *Ordinance in amendment of Chapter 8.16 of the Code of the City of Cranston, 2005, entitled “Littering”. Sponsored by Councilwoman Germain. (Cont. 5/12/2022).*

Sam Brusco, 11 Alhambra Circle, appeared to speak and stated that if the City put out a regular trash bin like everyone has in their homes, one every 300’ along major roads, that could be picked up with the regular trash pickup, he does not think we would have a litter problem at all.

On motion by Council Vice-President Ferri, seconded by Councilwoman Renzulli, it was voted to recommend approval of this Ordinance.

Under Discussion:

Councilwoman Germain stated that she received a memo from Mr. Berry in the Planning Department and they spoke on the phone as well and she put this Ordinance forth, she thinks there was a change in the Code and that is in contradiction with the Zoning Code, so this is not an intention to amend the Zoning Code. Also, Mr. Berry indicated to her that we need to put in a sign, we do not need an Ordinance for that. We can request it directly to DPW. For that reason, she is withdrawing this Ordinance this evening.

Ordinance was withdrawn.

4-22-10 *Ordinance in amendment of Chapter 10.32.030 of the Code of the City of Cranston, 2005, entitled “Motor Vehicles and Traffic – Multi-Way Stop Intersections-Enumerated” (Frankfort St. and Pleasant St.). Sponsored by Councilwoman Germain. (Cont. 5/12/2022).*

On motion by Council Vice-President Ferri, seconded by Council President Paplauskas, it was voted to recommend approval of this Ordinance.

Under Discussion:

Councilwoman Germain stated that she received a request for a three-way Stop and people are confused and used it as a four-way and that is creating safety issues. This is why she put this Ordinance forth.

Councilwoman Renzulli asked if this is similar to the Ordinance earlier where there is a sister Ordinance to it. Attorney Angell stated that if there are signage there presently that controls the intersection and we are converting from a two-way to a three-way or a three-way to a four-way, yes. In addition, he would caution the Council Members that when they draft their own materials, it is not enough to just site the Chapter. You have to site the intersection that is being amended. The question can be corrected afterwards, but it makes the Clerk's job so much more difficult later to correct with Municode. In this particular case, there is a companion Ordinance needed to go with this one.

Chair asked Councilwoman Germain if she would like to continue this Ordinance for a month or two to make those changes and add the second Ordinance. Councilwoman Germain stated, sure.

Motion and second were withdrawn.

On motion by Councilwoman Renzulli, seconded by Council President Paplauskas, it was voted to continue this Ordinance for one month. Motion passed unanimously.

4-22-11 *Ordinance in amendment of Chapter 17.72.010 of the Code of the City of Cranston, 2005, entitled "Zoning – Signs". Sponsored by Councilwoman Germain. (Cont. 5/12/2022).*

Councilwoman Germain withdrew this Ordinance.

Resolution proposing amendment to Section 2.03 of the Cranston Home Rule Charter and directing the Secretary of State to place on the ballot the following question as a Referendum Question (Ward Redistricting). Sponsored by Councilman Donegan. (Cont. 5/12/2022).

Nick Lima, Registrar and Director of Elections for the Canvassing Authority, appeared to speak and stated that as he stated earlier this evening at the Special Finance Committee meeting, there are potential for several Bond questions on the ballot, the Charter questions appear thereafter. There are currently two Charter questions on the ballot already. Any additional Charter questions would appear after those as those were the two that are pending. Those were kept off the 2020 ballot because of the reasons of the ballot's length that year, but as he testified in the earlier meeting, there is sufficient length for plenty of questions if it so pleases the Council. This would be the third Charter question in the order on the ballot and he has a few comments for the Council. The first comment is the correction of a scrivener's error on line #21 states "and shall request that such a plan be enacted into law". The actual current Charter language states "and shall request that such plan be enacted into law". The second comment is just a mere suggestion for the sponsors as well as for the Council, which is in regards to that phrase, "and shall request that such plan be enacted into law". It is his understanding that that actual phrase may not be necessary at all. Under the RI Constitution and some court precedent that he is not qualified to get into or speak to, he can state that under authority that the vast majority of cities and towns in the State are not required to go to the General Assembly to have their Redistricting process validated or certified and it is questionable even whether the City of Cranston is required to do so. We have done it because the Charter says it, but if the City is going to go through the effort of putting a question on the ballot, it may be a good opportunity to actually strike that language. This is just a suggestion. If this were to be approved by the voters, there would need to be some sort of State enabling legislation to go along with it. We, as a City, do not have the direct authority to compel, for example, the ACI to give us the actual data that would be required to enforce this.

Steve Frias, 107 Garden Hills Dr., appeared to speak and stated that he has spoken before the Council regarding this many times. He does not see why prisoners should be treated differently than anybody else in the Census. There are other people who do not vote that are counted in the Census. There are other people who are mainly transient that are counted in the Census. We have heard arguments that it was gerrymandering. You have heard that before and yet we do not have evidence of gerrymandering here because the districts that have prison population, they vote Republican, they vote Democrat. Also, the argument that it is somehow racial in some respect has been rejected by the First Circuit in Boston and the First Circuit in Boston is not a Conservative Court and also the argument that this is violating one person one vote is incorrect because in Ward 6, which has the prison population, actually has more voters than Ward 3. As to the substance of this Resolution, he thinks you are going further than that the State did. The State, when it did the Redistricting change, only did for people up to two years in the prison. You are going beyond the State and actually here you are going to exclude people who are going to be in prison for life. Those people are Cranston residents for the rest of their life. It does not matter where they once lived before they went to prison, they are Cranston residents forever and you are not going to count them if this Resolution were passed and go to the voters. Also, if you pass this Resolution, it will cause the General Assembly in a few years to say “well if Cranston doesn’t want to count the prison inmates, then we should not count prison inmates for purposes of General Assembly representation and this will cause our representation in the General Assembly to decrease and less representation in the General Assembly for Cranston is a generally bad thing for the City. Also, we are paying services in our taxes for people who are in the prison so if we are paying for these people to reside here in some capacity, we are entitled to the representation. This is an impractical Resolution to put forward at this time. You have to rely on information that is not in our possession that we have requested to get in our possession, which is confidential information where people lived before. So you are going to put forward a Resolution, get the voters to approve it and who knows if we are going to get it and to get it, Providence got it, but they had to pay for it, they had to pay consultants \$80,000 for a consultant to implement this thing so we have to pay \$80,000 for a consultant so we can get this information. It does not make any sense to him economically, illogically and for those reasons, he urged the Council to not vote in favor of this and remember in ten years, this will all come back again with the Charter Review Commission and the Council.

On motion by Council President Paplauskas, seconded by Councilman Campopiano, it was voted to deny this Resolution.

Under Discussion:

Council President Paplauskas stated that he served on the Council back when it went to that First Circuit Court and we started a Redistricting process because of a Court opinion and it ended up not being needed. The City spent money defending itself and won the case so he does not think we need to do that at this time. Even if we did something now, it would not change until 2032. Another Charter Review Commission will meet and also the State needs to enact legislation to do this.

Councilman Donegan stated that he does feel that this violates the inclusion of non-resident incarcerated persons within our Redistricting processes. He feels that it does violate the principle of one person one vote regardless of actual voter turnout in each Ward because it inflates the population for Redistricting purposes in Ward 6. He feels that voters should have a choice in this matter and if they feel that it should not be approved, then it won’t be approved, but he does feel that we should have the opportunity to put it before them.

Roll call was taken on motion to deny this Resolution and motion passed on a vote of 4-2. The following being recorded as voting “aye”: Councilmen Reilly, Campopiano, Councilwoman Renzulli and Council President Paplauskas -4. The following being recorded as voting “nay”: Councilwoman Germain and Council Vice-President Ferri -2.

II. PUBLIC HEARINGS* and/ or NEW MATTERS BEFORE THE COMMITTEE

A. PUBLIC HEARINGS

B. NEW MATTERS BEFORE THE COMMITTEE

4-22-04 *Ordinance in amendment of the 2010 Comprehensive Plan of the City of Cranston, as amended 2012 (641 Park Project - Legion Bowl). Sponsored by Mayor Hopkins. TO BE CONTINUED PER PLANNING COMMISSION .*

4-22-05 *Ordinance in amendment of Chapter 17.84 of the Code of the City of Cranston, 2005, entitled “Zoning” (Change of Zone – 661 Park Project - Legion Bowl). Sponsored by Mayor Hopkins. TO BE CONTINUED PER PLANNING COMMISSION.*

4-22-08 *Ordinance in amendment of Chapter 17 of the Code of the City of Cranston, 2005, entitled “Zoning” (Change of Zone – 870 Oaklawn Ave.). Sponsored by Council President Paplauskas. TO BE CONTINUED PER PLANNING COMMISSION.*

On motion by Council Vice-President Ferri, seconded by Councilwoman Germain, it was voted to vote on the above three Ordinances as a block. Motion passed unanimously.

On motion by Council President Paplauskas, seconded by Councilwoman Germain, it was voted to vote to continue the above three Ordinances to next month’s meeting as a block with the consent of the applicants. Motion passed unanimously.

5-22-01 *Ordinance in amendment of Title 6 of the Code of the City of Cranston, 2005, entitled “Animals”. Sponsored by Councilman Campopiano.*

Marie Monti, 25 Fountain Ave., appeared to speak in favor of this Ordinance and stated that there are roosters in her neighborhood and they are terribly annoying at all hours of the morning and at night. It is unbearable and they are filthy. There are rats again in the area and she would like this Council to support this Ordinance and she has also obtained some signatures of people in her area that also agree that this should be passed.

On motion by Council President Paplauskas, seconded by Councilman Campopiano, it was voted to accept the petition presented by Ms. Monti and made part of the record. Motion passed unanimously.

Richard Naraki, 59 Bryant Rd., appeared to speak and stated that he reached out to a few Council Members and some returned his calls and some did not. he has been in this Chambers a few

times on the same issue, roosters, and stating how annoying they are. He really believes that this is already covered in other noise Ordinances in the City already. This roosters situation is akin to any of those problems and it should be already addressed. There is a disturbance, there is a noise disturbance. The fact that this is his fourth time here and once on Zoom and it is not being addressed and we are getting people that quote right to farm. This has nothing to do with farming. This has to do with their right to own a rooster. There are ways also to keep that rooster quiet. There are little collars that could be put on them. He has a right to own a dog, but he does not have a right to have that dog barking all night and that person who has a rooster does not have that right. So, if you are getting complaints from your neighbors, you have to do something about it, it falls on you. This falls under health and safety, mental health sleeping. Not everyone wakes up at crack of dawn. People work odd hours. The people are coming here asking that the Council do something about this issue or at least enforce the current laws because he does not see that happening either.

On motion by Councilwoman Renzulli, seconded by Council President Paplauskas, it was voted to recommend approval of this Ordinance.

Under Discussion:

Councilman Campopiano stated that he wishes he could change this Ordinance to respect your neighbors Ordinance because that is exactly what it is. Recently, he was called out on social media that he was doing this for one person. that could be no further from the truth. He has received calls from everybody, from every Ward with the exception of Ward 6 with people being disturbed by roosters. He also got called out because he did not come up with nowhere for them to go for the roosters. There are rooster sanctuaries. There is one in Harrisville, Rhode Island, Seven Acre Woods, that accepts roosters and there are also several in Connecticut and Massachusetts. This has been an ongoing problem since he came to the Council nine months ago and he has given it much thought and has kept him up at night thinking about people being disturbed in the middle of a densely populated part of the City. He thinks this is the best solution. One hundred and fifty feet from the neighboring house gives the people a right to have the right amount of space to have one. He knows from experience that roosters are not only noisy but also dangerous. He urged passage of this Ordinance this evening.

Council President Paplauskas thanked Councilman Campopiano for taking another shot at this Ordinance. He stated that there have been other versions of Ordinances that were more expansive. This just deals with roosters. He has also received numerous calls from many Wards across the City and in different neighborhoods begging and pleading asking for help because of the rooster problem. He will be in full support of this Ordinance this evening.

Councilwoman Renzulli echoed the sentiments of her colleagues who have spoken so far. She did try to bring up this Ordinance in a couple of different versions so far this year without much success. Councilman Campopiano has simplified it to be 150' away from a home. 150' is not too much to ask. She thinks this goes across all boundaries as far as peoples' lot size or what they are doing in their yards. Unfortunately, she is told that roosters do not count under the sound nuisance Ordinance because they are not domesticated animals and the Police can't do anything about it. That is why we need to have this Ordinance and urged passage today and asked to be added as co-sponsor.

Councilman Donegan thanked Councilman Campopiano for his work on this this evening. He fully agrees that roosters to do not belong in densely populated areas such as Ward 2, 3 or 1, most parts of Ward 5 and 6. He agrees with the sentiments and is leaning towards supporting how it is written

tonight. He asked where the 150' came from and is that not far enough? He also asked how enforcement will work on an Ordinance such as this and are our Animal Control Officers licensed to deal with fowl and, if not, how they go about to go out and become certified and if they are not able to get certified, how do we go about enforcing this? Director Moretti stated that he would have to get back to Councilman Donegan regarding this. He would have to inquire.

Councilman Campopiano stated that most of the lots in Ward 5 are approximately 80' wide and he wanted to be sure that if it was not in one house it would not be near another house and that is the reason for the 150'. He wanted to be fair to the people who did have the right to have one. He did not want to go too far to exclude everyone, but he wanted to be far enough where he felt it would be not as much as a nuisance and keep it more out of the inner-City portion. That is the reason he picked the 150'.

Roll call was taken on motion to recommend approval of this Ordinance and motion passed on a vote of 5-1. The following being recorded as voting "aye": Councilmen Reilly, Campopiano, Councilwoman Renzulli, Council Vice-President Ferri and Council President Paplauskas -5. The following being recorded as voting "nay": Councilwoman Germain -1.

5-22-2 *Ordinance in amendment of Title 10, Chapter 12 of the Code of the City of Cranston, 2005 entitled "Motor Vehicles and Traffic – Traffic Regulations for Specific Streets" (Milton Ave.). Sponsored by Councilwoman Vargas.*

On motion by Councilwoman Renzulli, seconded by Council President Paplauskas, it was voted to recommend approval of this Ordinance.

Under Discussion:

Marcia Fowler, 35 Milton Ave., appeared to speak in favor of this Ordinance and stated that this location is a very tight intersection. This Ordinance would increase safety for drivers and pedestrians at that intersection. She thanked Councilwoman Vargas for sponsoring this Ordinance.

No one appeared to oppose.

- **Adjournment**

The meeting adjourned at 8:30 p.m.

Respectfully submitted,

/s/ Rosalba Zanni
Acting City Clerk