

(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, March 16, 2023 in the Council Chambers, City Hall, Cranston, Rhode Island.

CALL MEETING TO ORDER:

The meeting was called to order at 7:05 p.m. by the Chair.

Present: Councilwoman Nicole Renzulli (appeared at 7:15 p.m.)
Councilman John P. Donegan
Councilman Matthew R. Reilly
Councilwoman Aniece Germain, Vice-Chair
Council Vice-President Lammis J. Vargas, Chair
Council President Jessica M. Marino

Absent: Councilman Robert J. Ferri

Also Present: Daniel Parrillo, Director of Personnel
John Verdecchia, Assistant City Solicitor
Justin Mateus, Chief Engineer
Tracy Nelson, City Clerk
Rosalba Zanni, Assistant City Clerk/Clerk of Committees
Heather Finger, Stenographer

MINUTES OF THE LAST MEETING:

On motion by Councilwoman Germain, seconded by Councilman Donegan, 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

None.

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

A. PUBLIC HEARINGS

Robert Murray, Esq., 21 Garden City Dr., appeared to speak regarding proposed Ordinance 1-23-04 and asked that it be continued to the April 13th meeting since there was a slight notice issue and out of abundance of caution, they would like that continued. He also spoke regarding proposed Ordinance 2-23-04 and stated that he is speaking on behalf of a number of clients who own residential and commercial properties and have some concerns. This Ordinance, in his opinion, still places a tremendous administrative burden on the Department of Inspections that is already overworked with limited staffing to meet all their other duties. His concern about the Ordinance is it assigns enforcement and adjudication duties without really any clear guidelines or requirements, there is no pre-notification. This Ordinance takes effect upon adoption and as opposed to, for example, takes effect on a certain date, so immediately upon adoption, if it is adopted this month, property owners all over the City would have to start filing lead safe certificates otherwise they face a \$250 fine that gets reviewed every sixty days. That is a concern. The property owner gets no hearing or tribunal to even determine whether or not they are in compliance with the Ordinance, their only remedy is to repeal the violation or fine to Municipal Court. Line #36 of the Ordinance states that it applies to any residential property. He questioned what about commercial properties that have dwelling units in it? It may fall under the State Law. Line #40 does state that you are subject to RI General Law 42.128.1. It is not clear to him that this Ordinance only applies to just pre 1978 built rental properties or it applies to all residential properties. This Ordinance does not state that owner-occupied houses are exempt and he knows there is language in the State Statute. He thinks the timing of the implementation is awkward and he is really concerned that there is no period of education or notice to anyone and it does not even begin to address the ability of someone to get a Lead Inspector to do an inspection. There is only a limited number of them available and if we just swarm the market with all these properties, some who are in compliance, that is a concern.

Steven Litwin, Esq., appeared to represent application for proposed Ordinance 1-23-03 and stated that applicant is looking to convert the Zoning for this lot to Industrial Zone and the proposal is for a Milton cat Distribution Center.

Thomas Moses, Esq., appeared to represent applicant for proposed Ordinances 1-23-01 and 1-23-02 and stated that also present is Kelly Coates, CEO and Vice-President of Carpionato Group and asked that he be allowed to address the Committee regarding the proposal.

Kelly Coates, CEO and Vice-President of Carpionato Group, appeared to speak and stated that his business address is 1414 Atwood Ave., Johnston, soon to be 100 Sockanosset Crossroad, Cranston. He stated that this property has been vacant for a very long time and proposal is for a first class tiny apartment complex of twelve units and it abuts the bike path on one side, apartment complex on the other side and a historical cemetery and a single-family residence, whose garage is near this property. He also stated that they met with those neighbors and Carpionato has agreed to put up a solid fence on their side of the property and landscaping and they will be meeting with the landscape architect and will allow the neighbors to pick whatever landscaping they want on their side. The apartments will be targeted primarily to young professionals, they will be one and two bedrooms and garage parking inclusive inside the building on the first floor.

B. NEW MATTERS BEFORE THE COMMITTEE

1-23-01 *Ordinance in amendment of the 2010 Comprehensive Plan for the City of Cranston (Oaklawn Ave.). Sponsored by Council President Marino and Councilman Paplauskas.*

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

Under Discussion:

Councilwoman Germain applauded and commended the applicant because when she heard about housing, it made her so happy and when she heard also about affordable housing, she is happier. This is great for Cranston and she is in full support of this project.

Councilwoman Renzulli concurred with Councilwoman Germain and stated that she was present at the Planning Commission meeting and was very impressed by how this group responded to the neighbors of having different landscaping done, fencing, they are being very accommodating and she thanked the applicant for that.

Council President Marino stated that she is happy to co-sponsor this Ordinance and the following Ordinance this evening. She thanked Carpionato for being a good community partner. She stated that there is a need throughout the State, there is a need in very City and she is glad that they have stepped up in providing housing and including an affordable component to this project so that Cranston can contribute to the needs Statewide and Citywide.

Council Vice-President Vargas thanked Carpionato Group and everyone that has been involved in this project making sure that not only we have affordable housing, but that we also have accountability of the location where everyone is taking care of being good neighbors of the landscape.

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

1-23-02 *Ordinance in amendment of Chapter 17 of the Code of the City of Cranston, 2005, entitled "Zoning" (Change of Zone – Oaklawn Ave. Plat 17 Lot 670). Sponsored by Council President Marino and Councilman Paplauskas.*

On motion by Councilman Donegan, seconded by Councilwoman Renzulli, it was voted to recommend approval of this Ordinance.

Under Discussion:

Councilman Donegan stated that this is a smart Zone Change on a main road, use and allow for denser and more homes and it is a good planning and he appreciates the affordability component and will be supporting this.

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

1-23-03 ***Ordinance in amendment of Chapter 17 of the Code of the City of Cranston, 2005, entitled “Zoning” (Change of Zone – 2110 Plainfield Pike; Plat 35 Lot 9). Sponsored by Councilman Campopiano.***

On motion by Councilwoman Renzulli, seconded by Councilman Donegan, it was voted to recommend approval of this Ordinance.

Under Discussion:

Councilman Campopiano stated that he is very excited about this project in Western Cranston and Milton Cat is a world class company and that area of Plainfield Pike is mostly Industrial so he is glad the Planning Commission approved it unanimously and he is looking forward to have Cat come to Western Cranston.

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

1-23-04 ***Ordinance in amendment of Chapter 17 of the Code of the City of Cranston, 2005, Entitled “Zoning” (Change of Zone – 1381 Cranston St. and 767 Dyer Ave. – Cranston Print Works Project). Sponsored by Councilman Paplauskas.***

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

2-23-04 ***Ordinance in amendment of Chapter 15 of the Code of the City of Cranston, 2005, entitled “Buildings and Construction” (Lead Safe Homes). Sponsored by Councilman Donegan. Co-sponsored by Councilwoman Germain.***

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

2-23-05 ***Ordinance in amendment of Title 9, Chapter 9.08.061 of the Code of the City of Cranston, 2005, entitled “Public Peace, Morals and Welfare – Removal and Pruning of Trees”. Sponsored by Councilman Donegan, Council Vice-President Vargas and Council President Marino.***

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

Under Discussion:

Councilman Donegan stated that what this Ordinance does is when the City removes a tree, to the beset of our ability, a new tree be planted in a place that is proximate location to that previous tree. This is just to ensure that we are maintaining our tree coverage throughout the City.

Councilwoman Germain asked to be added as co-sponsor.

Councilwoman Renzulli asked if there is a financial impact if this Ordinance is passed. Director Parrillo stated that it is really an unknown fiscal note. We do not know what the ramifications of this could be. He would like Justin Mateus to speak regarding this. He is the City Engineer and can give his perspective since he oversees the Tree Warden and the Tree Program.

Justin Mateus appeared to speak and stated that as to the funding aspect of things, we remove approximately 100 trees in a year and we plant approximately 25 trees as of current, so doing the math, you need a four times budget increase, but that would be just to purchase them and install the trees. That doesn't take into account for the maintenance of juvenile trees, which require water bags as well as additional fertilizers as well as any sidewalk work that would need to be done in order to give the tree an appropriate tree well, which is typically 24 sq. ft. 4x6 of sidewalk. Most of the trees are planted in tree wells that are substantially smaller than that so that sidewalk expense would be another unknown factor to this program. The City plants trees currently with our Backup Sidewalk Tree Planting Program so that requires a property owner's input into this process. They have to agree to have a tree put on their property. The City does not plant trees in the public right of way, which is a concrete sidewalk in most situations so if we were to take a tree down in a sidewalk that would require the property owner's approval for us to put one on their property. That is how our program works as of today.

Councilman Donegan asked if the 25 trees that the City plants are through the Back of Sidewalk Program. Mr. Mateus stated, yes. All of our tree planting is done by a non-profit agency that handles all of that so they are able to purchase trees and plant them at a private rate. He also indicated that those 25 trees that we plant, the City is already struggling to find 25 property owners to put those trees on.

Council President Marino stated that with respect to the concerns of the funding mentioned, she does not think it is a significant amount particularly given the incentives that are available free money whether through Infrastructure Bank or other organizations for us to get funding, she is sure this is a small amount to facilitate a program like this. She also stated that the language in the Ordinance as proposed by Councilman Donegan and her, gives a lot of leeway in the language saying that it is as close to the location of the previous tree as possible. Clearly, if there is a safety concern or some other unusual circumstance, we are not looking for it to necessarily be that exact location, but she thinks that in today's day and age with the issue of global warming and climate, she thinks that we can make an effort to find some locations to plant trees and maybe we, as a City, can make a better effort at getting notice to residents of the ability to plant trees on their property. She is hopeful that there is a desire to not just remove, but to actually promote this type of improvement to the environment.

Councilman Donegan suggested to the Administration that perhaps the Mayor could include some information about the Back of Sidewalk Tree Planting Program with the tax letter regarding recycling that goes out with the tax bills.

Councilman Reilly asked if we are allowed to go forward with a vote without a fiscal note. Solicitor stated that the Charter states that fiscal note is required if a proposed Ordinance will have an effect on City finances. He has no idea what type of cost we are talking about. If you want to go strictly by the Charter, the committee may want to continue this for a fiscal note to be provided.

Council President Marino stated that she believes that in the past, the Council has passed Ordinances at Committee level and going to full Council subject to a fiscal note being provided at that time. Solicitor stated that that is correct. The Ordinance would not become effective without a fiscal note. Council President Marino stated that her preference would be that the Committee vote on this this evening and make it subject to the fiscal note being provided.

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": Councilwoman Renzulli, Councilman Donegan, Councilwoman Germain, Council Vice-President Vargas and Council President Marino -5. The following being recorded as voting "nay": Councilman Reilly -1.

2-23-06 ***Ordinance in amendment of Title 9, Chapter 9.08.062 of the Code of the City of Cranston, 2005, entitled “Public Peace, Morals and Welfare – Notice Requirements for Removal and Pruning of Trees”. Sponsored by Councilman Donegan, Council Vice-President Vargas and Council President Marino.***

On motion by Councilman Donegan, seconded by Councilwoman Germain, it was voted to recommend approval of this Ordinance.

Under Discussion:

Chair stated that the reason for this amendment is because there have been some trees removed by the City from City property and some of which were clearly right in front of someone’s house and they have either, in once case, did not call the City until they saw the notice that it was going to be removed. She really feels the need that, as a City, we really should be able to have communication with the owner. As the Engineer stated, we need approval of the property owner to place a tree up, but why would we not have approval or some sort of notice to remove the tree in front of their house. To her, it makes absolutely no sense and she thinks it is only right for us to provide notice on when that notice is going up and allow the public to have a fair public hearing where we, as a City, either Administration or Tree Warden, can actually provide reasoning as to why that tree is going to be removed instead of just cutting it down or removing it. Other item in this Ordinance is line #34 instead of having ‘Within three days of the hearing, the Tree Warden shall render his or her decision granting or denying the appeal’, she thinks seven days makes more sense of allowing enough timing for someone to come forward and know what the number, the time in which they can come before us to deny or speak as to why the tree should be removed or not. Line #35 would be adding language notifying interested persons with a list of trees to be removed, the location of the tree and reasoning for the final decision at the next Cranston Council Public Works Committee meeting. Reasoning for that is she feels that we should do this just like we do with National Grid poles that are added or removed.

Director Parrillo stated that the public hearing, he does not know what that consists of and what that process is. Mr. Mateus may know that and he can explain that. The question he has is in line #35, ‘persons who are known to be of interest you must notify them’. He asked how the Tree Warden would know who that applies to. Chair stated that she thinks that notifying the person of interest would be pretty much the members how actually come before us or reach out to the Tree Warden saying that they do not want the tree coming down, that would be the person of interest.

Mr. Mateus addressed the procedure in terms of posting on the trees. He stated that lines #28-30 is a bit contradicting. Standard operating procedure is ten days before the tree comes down, the Tree Warden and we, will post a sign on the tree saying that the tree is going to come down and within those ten days, if anyone reaches out to him in opposition of taking the tree down, the written appeal, as it says in the Ordinance, that is when the public hearing would be triggered so for him to post on the tree with a date, time and location of the public hearing at the time of the posting, we do not know if there is going to be a public hearing or not so this does not totally qualify. If the date that the notice is posted on the tree is not listed, we can certainly add it.

Council President Marino stated that she understands the Administration’s and the Department’s concern. No one is looking to create more burden, but regardless of the changes that are put forth in this amended Ordinance, the Ordinance, as it states, already says (a) there is a notice and (b) there is a hearing. All that we, as Council Members, are trying to do is improve it so that the notice is adequate notice and that the hearing is notice to people. It is improving what we already have.

What she and Council Vice-President Vargas have heard from residents is they saw a notice, there is no date on it. they do not know when it is going to be taken down, when the hearing is going to be or where the hearing is going to be. This is what they are trying to cure tonight. It actually may be better to continue this this evening and in the meantime, we have a conversation with the Administration of what the notice says and then we can have further discussion on where the best place is, when is the best place for the public hearing to take place, who is going to conduct it and notice to objectors.

Chair agreed with Council President Marino.

Motion and second to recommend approval of this Ordinance were withdrawn.

On motion by Councilwoman Germain, seconded by Councilman Donegan, it was voted to continue this Ordinance. Motion passed unanimously.

- **Adjournment**

The meeting adjourned at 8:15 p.m.

Respectfully submitted,

Rosalba Zanni
Assistant City Clerk/Clerk of Committees