

*(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, October 12, 2023 in the Council Chambers, City Hall, Cranston, Rhode Island.

### **I. CALL MEETING TO ORDER**

The meeting was called to order at 7:15 p.m. by the Chair.

### **II. ROLL CALL**

Present: Councilwoman Nicole Renzulli  
Councilman Daniel R. Wall  
Councilman Robert J. Ferri  
Councilman John P. Donegan  
Councilman Richad D. Campopiano  
Councilwoman Aniece Germain, Vice-Chair  
Council Vice-President Lammis J. Vargas, Chair  
Council President Jessica M. Marino

Also Present: Anthony Moretti, Chief of Staff  
Thomas Zidelis, Director of Finance  
Justin Mateus, Acting Public Works Director  
Stephen Angell, City Council Legal Counsel  
Rosalba Zanni, Assistant City Clerk/Clerk of Committees  
Heather Finger, Stenographer

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

- **Approval of minutes of the September 14, 2023 regular meeting**

On motion by Councilman Ferri, seconded by Councilwoman Renzulli, it was voted to dispense with the reading of the minutes of the September 14, 2023 regular meeting and they stand approved as recorded. Motion passed unanimously.

#### IV. COMMITTEE BUSINESS MATTERS CARRIED OVER

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. (Cont. 3/16/2023, 4/13/2023, 5/11/2023, 6/15/2023, 7/13/2023, 8/17/2023 & 9/14/2023)*

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

Under Discussion:

**Councilman Donegan** stated that he has changes to this Ordinance he would like to make.

On motion by Councilman Donegan, seconded by Councilwoman Germain, it was voted to amend this Ordinance as follows: line #36, delete "residential".

Under Discussion:

**Councilman Donegan** stated that the reason for this is by removing "residential", there are commercial complexes with residences, so by removing "residential", it removes the ambiguity over does this apply to a commercial residential development or not.

Roll call was taken on motion to amend as stated above and motion passed unanimously.

On motion by Councilman Donegan, seconded by Councilwoman Germain, it was voted to further amend this Ordinance as follows: line #56, delete "upon its final adoption" and add "immediately, however, enforcement shall commence on July 1, 2024".

Under Discussion:

**Councilman Donegan** stated that the reason for this is to allow time for people to come into compliance with it.

Roll call was taken on motion to amend as stated above and motion passed unanimously.

**Clerk** questioned legal if this would be considered major amendment requiring re-advertising. Attorney Angell stated, no.

Discussion ensued on the proposed amended Ordinance.

Council Vice-President Vargas asked where the funds collected from the fines would be allocated. Councilman Donegan stated that they would go into the regular line item in the Inspections Department related to Building Code.

**Council Vice-President Vargas** stated that she will support this, but she wants to make sure that it is up to the Executive Branch to enforce it.

**Attorney Angell** stated that we are not imposing a different degree of inspection than what is required by State Law. What this Ordinance does is require the recordation of the State Statute required certificate. That is what we are doing. State Law imposes requirements on landlords, commercial or otherwise, who have lead in the home, that they have to make certain recordings with the Department of Health advising them that they have had a lead inspection done by a certified lead inspector.

After that, they get a document from the Department of Health that evidences that those inspections have to be done every so many years. All we are doing with this is requiring that that certification is recorded in the City. As far as the fines go, where they go, this Ordinance can be amended afterwards and if this Ordinance were to be amended on the floor, it would have to include a provision as to where any fines received go and would require re-advertising change to the Ordinance.

**Councilman Donegan** stated that the objective is to hold accountable those that are not in any compliance with the lead safe laws that are on the books and that have been on the books for decades. In terms of enforcement, there are ways that Inspections could talk with our Tax Department and identify properties that are likely renting or that are multi-family and that could be one way to identify what properties might be captured under this and then use records to identify what homes are pre 1978.

**Councilwoman Renzulli** asked if the Building Official has an opinion on this and how it is going to affect their work.

**Council President Marino** suggested that perhaps the tax bills that go out can make mention of this new Ordinance, this way it alerts property owners of the need to file the certificate.

**Chair** stated that there needs to be a tracking mechanism. Director Moretti stated that this would have to be discussed with the Inspections Department. One thing he does think is needed is a fiscal note because we may have to add staff to this because of the incremental workload.

**Councilwoman Renzulli** stated that this has been continued many times and she would hope that the Building Official has some kind of opinions or suggestions on how to make it work or to say this is not going to work because she has fears that it will turn into a thing like the overnight parking. It is a law and not everyone knows it is a law. She wants to make sure that we are actually accomplishing something because it is important, but if we cannot enforce it, then what are we doing?

**Councilman Donegan** stated that all of these are legitimate questions, but he thinks we are getting to a point where we are overthinking some of this. We are talking about people who are subject to a law who already have to do something, sending a certificate, uploading the certificate to the City or sending it to the City and the City would have nine months to identify which properties this would likely apply to. That is a long time to figure this out. He does not think we need to hire anyone new. No one is going to have to go out and inspect the property. They would just have to send a letter and it is just paperwork.

**Council President Marino** stated that we have a responsibility to pass an Ordinance like this where it preserves the safety with respect to lead. It is not a herculean task. There is plenty of time to figure out the kinks as to how they are going to operate this on a regular basis. It is their full-time job. This item has been on the agenda for months and there has been ample opportunity for those departments if they had concerns to express those concerns this evening. That has not happened. She wants to move forward with responsible legislation.

Motion to recommend approval of this Ordinance as amended passed unanimously.

**Councilwoman Germain:** *(Cont. 8/17/2023 & 9/14/2023)*

- *Air B&B/VRBO*

**Director Moretti** stated that since there is no Solicitor present this evening, he will follow-up with him.

**Chair** asked that this item be continue.

**8-23-02**      *Ordinance in Amendment of Title 10, Chapter 10.32 of the City of Cranston Code of Ordinances, 2005, Entitled "Stopping, Standing and Parking on Specific Streets".*  
Sponsored by Councilman Campopiano. *(Cont. 9/14/2023)*

**Councilman Campopiano** asked that this Ordinance be continue.

**8-23-03**      *Ordinance in Amendment of Title 12, Chapter 08, Section 050 of the City of Cranston Code of Ordinances, 2005, Entitled "Repair of Defective Sidewalks - Generally".*  
Sponsored by Councilwoman Germain. *(Cont. 9/14/2023)*

**Councilwoman Germain** asked that this Ordinance be continue.

**8-23-04**      *Ordinance in Amendment of Title 10, Chapter 12, Section 250 of the City of Cranston Code of Ordinances, 2005, Entitled "Crosswalks Enumerated".* Sponsored by Councilwoman Germain. *(Cont. 9/14/2023)*

**Councilwoman Germain** stated that this Ordinance is a result of many calls and emails from residents in the area.

**Director Mateus** stated that we can discuss this now or he would request that this be continued and have a conversation and get more definitive conversation for next month. He has a few questions and concerns with what is proposed.

**Councilwoman Germain** stated that she has no problem continuing this Ordinance.

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

## **V. PUBLIC HEARINGS AND PUBLIC COMMENT**

None.

**VI. NEW MATTERS BEFORE THE COMMITTEE**

~~\*9-23-05~~ — ~~Ordinance in Amendment of Title 17 Zoning, Chapter 17.36.010 of the City of Cranston, 2005, Entitled 'Industrial Uses'~~. Sponsored by Council President Marino.  
(vote may be taken) [\[click to view\]](#)

**VII. ADJOURNMENT**

The meeting adjourned at 8:00 p.m.

Respectfully submitted,

Rosalba Zanni  
Assistant City Clerk/Clerk of Committees