

(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 14, 2021 in the Council Chambers, City Hall, Cranston, RI.

CALL MEETING TO ORDER:

The meeting was called to order at 7:00 p.m. by the Chair.

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

Also Present: Councilman John P. Donegan
Councilwoman Jessica M. Marino
Paul McAuley, Deputy Chief of Staff
Paula Smith, Director of Constituent Affairs
John Verdecchia, Assistant City Solicitor
Kenneth Mason, Director of Public Works
Rosalba Zanni, Acting City Clerk
Tracy Shepherd, Stenographer

MINUTES OF THE LAST MEETING:

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

COMMITTEE MATTERS CARRIED OVER:

5-21-07 *Ordinance in amendment of Chapter 10.08.030 of the Code of the City of Cranston, 2005, entitled "Motor Vehicles and Traffic – Pedestrian Control Signals". Sponsored by Councilwoman Germain. (Cont. from 6/17/2021 and 9/15/2021).*

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

Under Discussion:

Councilwoman Germain gave background of this Ordinance.

Director Mason stated that the City has no issues putting rapid flashing crosswalk signals throughout the City. The cost would be approximately \$17,100 per crosswalk signal, which would include re-doing the ADA handicap ramps for making it fully legal. The problem he has with this Ordinance is you are trying to put it in a regulatory section of the Code. These are not regulatory, they are warning and that should not be in the City Code. We have warning signals all over the City and they are not codified anywhere in our books.

Council Vice-President Ferri asked Director Mason that if he does not have a problem putting them in and he is stating that it should not be an Ordinance, then how does Councilwoman Germain succeed in getting this done at that intersection? Director Mason suggested asking the Administration for them to do it and they will do it.

Councilman Donegan asked if there is sufficient funds to put one of these at Grace and Park Ave. Director Mason stated, yes, the City Council approved \$100,000 for traffic calming devices for this Fiscal Year and, to date, he believes we have only done the Peveril Rd. bump-out and that cost approximately \$25,000. Councilman Donegan asked how long the installation of something like this take. Director Mason stated that the installation would only take a couple of weeks. The equipment would just have to be ordered and that may take a few months. Councilwoman Donegan stated that if there is funding in the budget and it seems like everyone is in agreement that this is a decent location for one, he asked if we can commit tonight in getting this done. Director Mason stated that he can commit, yes.

Council President Paplauskas stated that if this Ordinance does not pass. this could be addressed through a Resolution.

Councilwoman Germain asked Attorney Angell for legal opinion regarding what Director Mason stated. Attorney Angell stated that he agrees with Director Mason with respect to codifying this. It is not a traffic control device. He also agrees with Council President Paplauskas that if this is not done, then the City Council can resolve as a body to accomplish this. He has also heard a firm commitment from Director Mason this evening to get it done. The Committee can also keep this on the Public Works agenda to monitor its progress from installation from ordering the parts to putting a shovel in the ground.

Councilwoman Germain asked that this be added to the Public Works Agenda in two months for status.

On motion by Councilwoman Germain, seconded by Council President Paplauskas, it was voted to transfer this Ordinance to the Public Works Committee agenda for December. Motion passed unanimously.

5-21-08 ***Ordinance in amendment of Chapter 10.12.210 of the Code of the City of Cranston, 2005, entitled “Motor Vehicles and Traffic – Through Trucking Prohibited On Certain Streets”. Sponsored by Councilwoman Germain. (Cont. from 6/17/202 and 9/15/2021).***

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

Under Discussion:

Councilwoman Germain explained this Ordinance and stated that she met with residents of the area and they all requested to have a sign when you enter Reservoir to Aqueduct to state “No Trucks”.

Councilman Donegan stated that Aqueduct already prohibits trucks. There may be more signage needed.

Director Mason agreed with Councilman Donegan and stated that this is already in the Code, Section 10.12.210. He believes there is signage on both sides.

Councilwoman Germain withdrew this Ordinance.

7-21-11 ***Ordinance in amendment of Chapter 10.32.030 of the Code of the City of Cranston, 2005, entitled “Motor Vehicles & Traffic-Multi-Way Stop Intersections – Enumerated” (Quail Hollow Dr. and Wildberry Dr. 4 Way Stop). Sponsored by council President Paplauskas. (Cont. from 9/15/2021).***

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

Under Discussion:

Council President Paplauskas stated that this is at a request from a number of constituents.

Director Mason stated that he is not sure if the Committee has read the Traffic Report, but we typically don’t recommend these.

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

7-21-12 ***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” (Randall St. and Whiting St. 4 Way Stop). Sponsored by council President Paplauskas. (Cont. from 9/15/2021).***

No one appeared to speak in favor or to oppose.

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

7-21-13 ***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” (Quail Hollow Dr. and Wildberry Dr.). Sponsored by Council President Paplauskas. (Cont. from 9/15/2021).***

No one appeared to speak in favor or to oppose.

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

PUBLIC HEARINGS:

State Senator Joshua Miller, 41 Talbot Manor, appeared to speak in favor of proposed Ordinance 9-21-07 and encouraged the Committee to pass this Ordinance. He stated that he lives approximately 500 feet from a cemetery that will be impacted by this Ordinance and he urged the City Council to pass this Ordinance.

Anthony Paolino, 450 Pippin Orchard Rd., appeared to speak in favor of proposed Ordinance 9-21-04 and stated that since 2020, his family has been suffering by his neighbor’s rooster, who starts crowing at 4:30-5:00 in the morning every day. This is a daily event for his family. It has become a health issue with his family for sleep deprivation. He has been forced to take sleep aids to go to sleep. He asked for the City Council to pass this Ordinance.

Beth Nawrocki, 59 Bryant Rd., appeared to speak via zoom in favor of proposed Ordinance 9-21-04 and stated that she lives on the Eastern side of the City and her neighbor has roosters and the piercing noise has affected her and her family. This need to be an Ordinance as soon as possible.

Richard Nawrocki, 59 Bryant Rd., appeared to speak via zoom in favor of proposed Ordinance 9-21-04 and re-iterated his wife’s statements. He also stated that there are twenty neighbors, twenty houses that can hear these roosters at all times of day. As a taxpayer, it is frustrating and should not be putting up with these noises. He pleaded on behalf of his family and his neighbors to pass this Ordinance.

Drake Patten, 684 Natick Ave., appeared to speak regarding proposed Ordinance 9-21-04 and stated that she is a farmer and State Law allows farms to have roosters. This Ordinance prohibits roosters. That is going to become a problem as far as Farm Rights, Right to Farm, etc. She called attention to that because that is something the City Council should be concerned about. It is very important for the distinction to be made that farms have the right to have roosters. Because the City at this time does not have an Ordinance regarding chicken keeping, this is a very risky position to take.

NEW MATTERS BEFORE THE COMMITTEE:

8-21-01 *Ordinance in amendment of the Cranston 2010 Comprehensive Plan for the City of Cranston, as amended 2012 (840 & 846 Oaklawn Ave.). Petition filed by Domain Realty LLC (Frank DiZoglio).*

8-21-02 *Ordinance in amendment of Chapter 17 of the Code of the City of Cranston, 2005, entitled "Zoning" (Change of Zone – 840 & 846 Oaklawn Ave.). Petition filed by Domain Realty LLC (Frank DiZoglio).*

Council President Paplauskas stated that the Planning Commission has not heard the above two Ordinances and the both need to be continued.

On motion by Council Vice-President Ferri, seconded by Councilwoman Germain, it was voted to continue the above two Ordinances. Motion passed unanimously.

9-21-03 *Ordinance in amendment of Title 6.08 of the Code of the City of Cranston, 2005, entitled "Animals" (Keeping of Chicken Hens). Sponsored by Councilwoman Renzulli.*

Chair stated that this Ordinance is being withdrawn by the sponsor.

9-21-04 *Ordinance in amendment of Title 6.08 of the Code of the City of Cranston, 2005, entitled "Animals" (Roosters Prohibited). Sponsored by Councilwoman Renzulli.*

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

Under Discussion:

Councilwoman Renzulli asked if there is any guidance from legal as far as what Ms. Patten stated Patten stated regarding the State and DEM laws. Attorney Angell stated that the Right to Farm Act RIGL 2-23-1 et. seq. needs to be observed. Certainly, he thinks the Ordinance needs to be amended to specifically state that "with the exception of farming activities protected by RIGL Sect. 2-23-1 et. seq. that the keeping of roosters is strictly prohibited". The rest of the Ordinance is fine as it is written. If that change is made, it would certainly protect those engaged in a farming activity as authorized by Federal and State Law and it would seem to accomplish the intent of the authors of the Ordinance which seems to be the prohibition against 'backyard roosters'.

On motion by Councilwoman Renzulli, seconded by Council President Paplauskas, it was voted to amend this Ordinance as follows: after "A", add: "with the exception of farming activities protected by RIGL Sect. 2-23-1 et. seq. that the keeping of roosters is strictly prohibited".

Under Discussion:

Jess Salter, 6 Vaughn Lane, appeared to speak via zoom and stated that the land size or lot size and acreage should also be considered.

Anthony Paolino appeared to speak and stated that he thinks it should be restricted to those people who actually have a commercial use for the rooster other than a pet or casual need or desire for fresh eggs.

Drake Patten appeared to speak via zoom and stated that she agreed with statements made by Ms. Salter. She stated that ten years ago, a very comprehensive Ordinance was passed that addressed lot size that really drilled down on the issue of chicken keeping in urban settings. This Ordinance is standing alone without context and it seems like we have enough questions. The Ordinance that was not heard this evening was not a successful Ordinance, it needs to be completely turned over and this should be connected to that so that there is a larger conversation, there is more intelligent around what it means to keep chickens in various settings. This discussion took place approximately ten years ago and it also passed, but it was vetoed by Mayor Fung. She believes we can go back to that, open it up to the public and come up with something much better. This seems to be premature and out of context.

Director McAuley appeared to speak and stated that if we follow what counsel suggested and follow State Law, he thinks we are fine. If we follow the State's description of farmland, we are fine.

Councilman Donegan stated that he agrees that there are places that roosters should be allowed and that there are other places where they should not be. He thinks that this is a time that we pause for a moment and rather than doing it by piecemeal, whereas we have a rooster Ordinance and a chicken Ordinance at some point, we do this together in a comprehensive manner. The intention of the Ordinance is well, but we should look at a comprehensive proposal on chickens and roosters and where they should be and where they should not be.

Councilwoman Marino stated that she sympathizes with the plight of people who have crowing issues just as much as if someone had a dog barking at close proximity to their house. The concerns she has is with respect to the legal implications of grandfathering. What are we to do with someone who is already in possession of a rooster, do we have the legal ability to do anything about that? Enforcement is another concern. We need to know the proper mechanism. These are all pieces of the puzzle that need to be hashed out if we are going to move effective as a body in a responsible way.

Council Vice-President Ferri stated that he fully understands that something needs to be done to resolve the problem for the people who are having this problem, but getting back to what Councilman Donegan and Ms. Patten stated, which Ordinance exists which was passed by the City Council ten years ago that covers everything from lot size and farm size and many people spent many hours writing that Ordinance. He would be in favor of passing the amended Ordinance this evening that Attorney Angell recommended, but we really need to take a look at what exists already.

Council President Paplauskas agreed with Council Vice-President Ferri that we should pass this this evening with the amendment proposed by counsel.

Councilwoman Germain stated that her concern is what do people who have roosters do with them if this Ordinance passes. Do they kill them? Attorney Angell stated that certainly, the Ordinance does not require anyone from killing anything. If they are engaged in a farming activity and they have roosters, this does not apply to them, but if they have roosters and chickens and they live next to Mr. Paolino, then the roosters can't live there anymore. We have not addressed the chicken issue.

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

9-21-05 ***Ordinance in amendment of Chapter 2.72 of the Code of the City of Cranston, 2005, entitled “Administration and Personnel – Juvenile Hearing Board”. Sponsored by Council President Paplauskas.***

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

Under Discussion:

Council President Paplauskas stated that this just adds another Alternate Member to the makeup of the body.

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

9-21-07 ***Ordinance in amendment of Title 8 of the Code of the City of Cranston, 2005, entitled “Health and Safety” (Cemeteries). Sponsored by Councilwoman Vargas and Council President Paplauskas.***

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

Under Discussion:

Councilwoman Vargas stated that this Ordinance is to make sure that private cemeteries, in particular, are held accountable from becoming abandoned or neglected.

Attorney Angell stated that every piece of this has been tied to State Law so he is more than comfortable that we have the authority to do just that.

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

9-21-08 ***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”. Sponsored by Councilman Ferri and Councilwoman Marino.***

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

Under Discussion:

Council Vice-President Ferri indicated that there is no traffic study. Council President Paplauskas stated that, per the City Charter, the Traffic Engineer has sixty days to produce the traffic study.

Motion and second were withdrawn.

On motion by Council President Paplauskas, seconded by Councilwoman Vargas, it was voted to forward this Ordinance to the full City Council pending a traffic study. Motion passed unanimously.

The meeting adjourned at 9:05 p.m.

Respectfully submitted,

/s/ Rosalba Zanni
Acting City Clerk