

*(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, September 17, 2015, in the Council Chambers, City Hall, Cranston, Rhode Island.

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

The meeting was called to order at 6:07 P.M. by the Chair.

Present: Council Majority Leader Archetto, Chair  
Councilman Mario Aceto, Vice-Chair  
Councilman Steven A. Stycos  
Councilman Michael J Farina (appeared at 6:09 P.M.)  
Councilman Donald Botts, Jr.  
Council President John E. Lanni, Jr.

Also Present: Council Vice-President Richard D. Santamaria, Jr.  
Carlos Lopez, Chief of Staff  
Robert Coupe, Director of Administration/Acting Personnel Director  
Michael Glucksman, Assistant City Solicitor  
Robert Strom, Director of Finance  
Maria Medeiros Wall, City Clerk  
Heather Finger, Stenographer

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

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

### **CORRESPONDENCE/COMMUNICATIONS**

#### **OLD BUSINESS:**

- 4-15-02 Ordinance in amendment of Title 10, Ch. 32 of the Code of the City of Cranston, 2005, entitled "Motor Vehicles and Traffic" (Stop, Park Ave. westbound at Gansett Ave.). Sponsored by Councilman Archetto.**  
[\[click to view\]](#) (Cont. 8/13/2015).

This Ordinance was withdrawn by sponsor.

## **PUBLIC HEARINGS/NEW BUSINESS:**

**Peter Lapolla**, City Planner, appeared to speak regarding proposed Ordinances 7-15-04 and 7-15-05 were written by him and Stan Pikul, Building Inspector, Councilman Aceto asked who was sponsoring this, was it Administration. **Mr. Lapolla** stated that when he first came here a determination was given that the Planning Commission cannot submit ordinances directly so when he has a zoning change he has the Administration submit on behalf of the Commission. **Councilman Aceto** asked for a brief explanation.

**Mr. Lapolla** stated that the Use Table was last updated in 2012 and had never been updated since 1965, and there are adjustments that need to be made. After 3 years of using the new table there are things that either were misclassified or were mis-defined.

Example is automobile section starts out with watercraft and no one can ever find it, or uses that have come up from people seeking authorization of uses that were not included. What you have before you are a series of definition changes which support the use change and a series of adjustments to the Use Table itself. Cheat sheet recommendation is straight forward. Have added dog grooming, doggie day care added was distribution centers such as Amazon, added solar farms, container stores. Adjustment of the use table based on both Stan and my experience and these are the errors that have come up and these are the corrections that we would like to have made. Probably easier to answer questions on a particular use rather than going thru the table.

**Councilman Aceto** asked if any of the changes conflict with State law. Mr. Lapolla said no, the state law sets out the process by which you apply, a couple of prohibitions involving group homes, single family homes. There is nothing in proposed ordinance that violates or is prohibited by State law.

**Councilman Aceto** asked for examples of some changes. **Mr. Lapolla** added distribution centers. We had warehouse but nothing like Amazon. In 2012 there was also a movement to add renewable energy so we allowed alternate energy was added as a special permit in industrial areas. State was performing performance standards as to how you do that. When they did that we would do that but they haven't gotten to that yet so we moved it to special permit in A80 because we're going to see that stuff in Western Cranston. He felt what is ready for a more broader application is solar rays because that is an up and coming technology that we authorize. One thing the Building Official was having problems with is how people store and use containers so we created something on containers. We changed the Use Table as to how we do the plating operations. We added something on doggie daycare. That's pretty much the synopsis. Something on transfer. We've been having problems when people store the sceptic, when they pump the porta johns. A category was created for that. That's the bulk of them.

**Chair** congratulated Nick Capobianco for receiving the Secretary of State Medallion Award from the Secretary of State today.

**Councilman Farina** asked if this affects any current Zonings that potentially with the changes would now fall out of Zoning. Mr. Lapolla stated that for the most part, we have expanded the category. Added motor vehicles. Farina did you take any out? Didn't take any out but added container storage by special permit so if were being snuck in thru a loophole we're now regulating them via special permit. 80% of what was done is expanded available uses to people. Farina asked is people who currently have a newly regulated use would be complaining to the Council. Lapolla no, if an illegal use is in existence when a change is made, it continues as a pre-existing, non-conforming use. We can't eliminate it, can't force something out. Farina inquired about change in ownership. Lapolla stated it pertains to the use, not who owns it. Non-conforming use continues with new owners. Farina so won't affect existing businesses in operation today. Lapolla if they expand, if they do something other than the current operation then we can regulate it.

**Kathleen Gavula** appeared to speak in favor of proposed Ordinance 8-15-02 and stated that her brother is handicapped and parking on her street is atrocious and an ambulance cannot get in front of her home to take her brother to therapy and doctor appointments.

**Robert Santagata**, President of IBPO, appeared to speak and asked that "Resolution calling upon the Rhode Island General Assembly to modify provisions of the Law Enforcement Officers Bill of Rights to provide transparency and reduce costs for cities and towns" be tabled. He stated that the legislation was enacted to protect Police Officers from political interference. It probably does need to be tweaked a little, but he does not think it needs to be discussed in a public forum. It has to do with his members and he is open to sit down with anyone who would like to discuss it and possibly together with the City Council and the Union, some kind of proposal can be reached to bring to the State Legislature.

**Anthony Valente** owner of property on Fletcher Ave., appeared to speak regarding proposed Ordinances 7-15-04 and 7-15-05 and stated that this property is Zoned M-1. He asked the Committee to possibly permit smaller lighter motor vehicle repair and service businesses to be included to be able to operate in an M-1 Zone without going for a special permit.

**7-15-04 Ordinance in amendment of Chapter 17.04.030 of the Code of the City of Cranston, 2005, entitled "Zoning" (Definitions 2015).** [\[click to view\]](#)  
[\[click to view Planning Commission Recommendation\]](#)

Councilman Botts motioned to recommend approval of this Ordinance. Chair seconded the motion for discussion purposes.

Under Discussion:

**Council President Lanni** asked if Palmer Ave. and Macklin St. are in an M-1 Zone. Mr. Lapolla stated that portions of Macklin is M-1 Zone. Council President Lanni stated that one side of Macklin St. is all residential and the other side is industrial. There is heavy truck repair on one side and other side of the street is residential. He agrees with Mr. *Valente* that this be done by special permit only after a special hearing to hear from the residents in the area. He will vote against this Ordinance unless it is amended. We are only proposing, the City Council can amend, make changes that they deem necessary. **Council President Lanni** stated that he would make an amendment to omit heavy vehicle repair from an M1 zoning and make it a special permit.

**Chair** stated that he believes that would be the next ordinance, the current one deals with definitions.

**Councilman Stycos** asked for explanation of the metal plating changes. Mr. Lapolla explained that in 2012 use changes were made using muscle memory as they had been historically treated. Industry and regulatory changes have since occurred, example of auto bodies. Historically there odor issues, now with new air quality regulations no longer an issue and they shouldn't require a special permit. It was moved from a special permit in industrial zones to use by right in industrial zones.

**Councilman Stycos** questioned now need a special permit for metal plating but proposing by right in what zones? **Mr. Lapolla:** M-1 and M-2.

**Chair** stated that is 17-15-05 we are on 17-15-04 want to keep discussion to definitions.

**Councilman Stycos** asked that he be allowed to finish. 17-15-04 in recommendation states "metal plating and changes and uses that reflect changes to technology. Questioned what is that talking about because he doesn't see anything about metal plating in definitions. **Mr. Lapolla:** because there is already an existing definition for metal plating since 2012. Only proposing to change how to treat the uses in different zones. **Councilman Stycos** so the recommendation mixes the two ordinances 17-15-04 and 17-15-05.

**Councilman Stycos** asked if there are any pending proposals by existing or new businesses that he knows of that will be affected by these Definitions changes.

**Mr. Lapolla** stated potentially two. There is a company that is purchasing a portion of the Printworks and would like to install metal plating use there. There is also a company that we are in discussions with who is looking at building solar rays has approached the Planning Department and is looking at land in Western Cranston to build 100 acres solar rays.

**Councilman Stycos:** Printworks project not affected by Definitions? **Mr. Lapolla:** , no, it is affected by the Use Table. Councilman Stycos asked if the solar panel project is affected by the Definitions? **Mr. Lapolla** stated, it is affected by both the Definitions and the Use. **Councilman Stycos** asked if the change in Definitions affects the proposed solar panel project in Western Cranston. Mr. Lapolla stated, yes. **Councilman Stycos** asked where the solar power is under the current law. Mr. Lapolla stated that it would be treated as Alternative Energy generation. Councilman Stycos asked if change affects the project in Western Cranston. **Mr. Lapolla** stated yes, it would authorize it. Councilman Stycos so it would authorize it where it is not presently authorized? **Mr. Lapolla** stated that is correct. Stycos asked where this new proposed project in Western Cranston. **Mr. Lapolla** stated Hope Rd. on Pagliarino's property. **Councilman Stycos** stated so proposed project now currently allowed on that property but if we approve these two ordinances it would be allowed? **Mr. Lapolla** stated that was correct.

**Councilman Aceto** asked if there were time restrictions because he still had a lot of questions and were businesses notified? He stated that from transparency standpoint, we have a company interested in building solar arrays, there is no Zoning for it and we are going ahead and changing the Zoning so that they could come and do that. That is almost like it is special legislation. **Mr. Lapolla** indicated that he stated that he was asked if these Zone changes would affect any projects or authorize new projects and he stated that he knew that there was one project that was in the pipeline and then he stated that as he was writing this a company came in and indicated that they were looking for a place in Western Cranston and questioned if the property was authorized. This is not in response to a company, it is in where we need to go.

**Councilman Farina** stated that believes the metal plating company at the former property at the Printworks was denied in Zoning. Under this new structure, would it be approved. **Mr. Lapolla** stated that it would be a use by right. **Councilman Farina** stated that because of those two issues, he will be voting no on both of the Ordinances. This is a very large Table for the Council to go through and look at what is changing Zoning by Zoning. . He needs to look at everything that is changing each zone. He agrees with Councilman Aceto that from transparency if we are going to change zoning for projects that are in the pipeline, and changing the zoning on existing properties we need to do our due diligence and look at every parcel affected and every neighbor affected, or we are not doing our job.

**Council Vice-President Santamaria** echoed what Councilmen Farina and Aceto stated and what Council President Lanni stated regarding special use permit because Fletcher Ave. is not getting any better. It still is a pig sty. There are a few nice businesses, but for the most part it is run down. There are car dealerships there and he knows DEM has visited a few times. In the two areas, it is still going to keep happening unless we get special use permits for the areas. He would hesitate to pass this unless we had some sort of special Zoning permit language for those two areas.

**Councilman Botts** asked if the solar power affects residential properties that want to put in solar panels on roofs. **Mr. Lapolla** stated, no. There is a definition of solar power is the commercial production of solar power. **Councilman Botts** stated that the definition has no mention of "commercial".

**Chair** stated that he will not be supporting this because it looks like Administration has something up its sleeve. If we change the Definitions, we would be opening up the door for other companies.

**Councilman Stycos** stated he would not be supporting it either. Worse nightmare is a business going into a neighborhood and the response in trying to stop it is that "you voted for that". We need a better explanation of what the implications are of the changes. Realize there's a use table but it needs to be spelled out. It's very hard to go thru and figure out its impact.

**Councilman Farina** stated that as a City Council member, he would like to see every property affected by this change, who owns that property, what the Zoning is today and what the Zoning will be tomorrow and what the fundamental change is so he can insure that all his constituents are protected. Understands City went thru the proper process as required by State law we if are going to change the zoning, we need to review it parcel by parcel and what will be permitted that isn't now.

**Councilman Aceto** agrees with Councilman Farina and stated that rather than voting no on this, he would like to continue this and give Mr. Lapolla a date certain to provide the information the City Council would like to see.

**Councilman Botts** withdrew his motion to recommend approval and Chair who seconded the motion to recommend approval did not withdraw his second.

**Chair** indicated that the next motion before the Committee is to either recommend approval or denial.

On motion by Councilman Aceto, seconded by Council President Lanni, it was voted to continue this Ordinance.

Under Discussion:

Discussion took place on parliamentary procedures.

**Chair** stated that there is a motion on the floor for passage and a member can make a motion to either continue, deny or approve.

**Council President Lanni** asked for Solicitor's opinion on parliamentary procedure. Solicitor Glucksman stated that the motion for passage still stands if the second is not withdrawn.

**Chair** withdrew his second to the motion to recommend approval.

On motion by Councilman Aceto, seconded by Councilman Farina, it was voted to continue this Ordinance.

Under Discussion:

**Councilman Farina** asked that Mr. Lapolla provide the following: what parcels are affected, who owns the parcels, what the Zoning change affect will be on the parcels.

**Mr. Lapolla** stated that we are likely to get 5,000 to 10,000 parcels. It can be done, but it may take some time.

**Mr. Coupe** suggested that it might be helpful to the Council if the Planning Department were to provide a color coded map of the City to represent the different Zoning Uses and the list of changes that would apply to the properties in each of those Zones rather than giving a list of the parcel numbers.

**Councilman Farina** stated that that would help him as opposed to what the City Council currently has been provided, but he would like any examples of projects that have failed in the last 24 months under this new law.

**Council President Lanni** asked if the maps could be put in an e-mail format where it could be enlarged so the streets areas can be enlarged. Mr. Coupe stated that he will check with the GIS person in the IT Department.

Roll call was taken on motion to continue this Ordinance and motion passed on a vote of 4-1. The following being recorded as voting "aye": Councilmen Aceto, Farina, Stycos and Council President Lanni -4. The following being recorded as voting "nay": Council Majority Leader Archetto -1.

**7-15-05 Ordinance in amendment of Chapter 17.20.030 of the Code of the City of Cranston, 2005, entitled “Zoning” (Schedule of Uses). [\[click to view\]](#)  
[\[click to view Planning Commission Recommendation\]](#)**

On motion by Councilman Aceto, seconded by Council President Lanni, it was voted to continue this Ordinance. Motion passed unanimously.

**8-15-01 Ordinance in amendment of Title 2.08 of the Code of the City of Cranston, 2005, entitled “Officers, Departments and Administrative Provisions” (Traffic Engineer Qualifications) Sponsored by Council President Lanni, Council Vice-President Santamaria and Councilman Aceto. [\[click to view\]](#)**

On motion by Councilman Aceto, seconded by Council President Lanni, it was voted to recommend approval of this Ordinance.

Under Discussion:

**Councilman Aceto** in doing some research, he has found that the Traffic Engineer is mentioned in the City Charter and the Ordinance that we’re amending. The City has not had a Traffic Engineer solely working in that position since Mr. Ferguson retired, who was a trained Engineer. He has a copy of a document dated March 30, 2012 from the Personnel Department on the Traffic Engineer’s job description. It is a Civil Service position which means it must be tested. He asked former Director Barone for a copy of the Traffic Engineer job description and was given a different job description which adds responsibilities such as Wastewater Treatment and Purchase Orders into computer system. He would like to know if this is the correct description and whether the Union approved the changes.

**Mr. Coupe** stated that he would have to look at that job description but the City recently tested for this position and under collective bargaining agreement and under the Civil Service Rules, the City has authority to change a job description. That position was addressed when the current Budget was passed this year. The Grade and Step was modified according to the requirements that were voiced by Public Works Director Mason and the test was recently conducted to fill that position according to the current job description.

**Councilman Aceto** asked, so the Administration is allowed to change a Civil Service job description even though the job description has items on it that don’t necessarily apply to Traffic Safety and even though there is a Charter that states that the description of Traffic Engineer should be and even though the Charter states “as governed by Ordinance”. **Mr. Coupe** stated that he is familiar with the Charter provision and he does not think anything in the job description contradicts the Charter provision.

**Councilman Aceto** stated that he does not have a problem continuing this Ordinance and working with the Administration to clear up some of the issues. His point to the proposed Ordinance is to make sure that the person who is the Traffic Engineer is a Civil Engineer or a Certified Traffic Engineer by education and not someone who might be working, as current situation, under Director Mason’s license and possibly go take fifteen, twenty or half hour training session on Traffic Engineer and that gives them an expertise to be a Traffic Engineer.

**Council Vice-President Santamaria** asked Mr. Coupe if he feels that the person who has been doing this work is qualified or not qualified based on the way the Charter reads now. Mr. Coupe stated that he is qualified based on the language in the Charter, which requires that the Traffic Engineer shall be at least a high school graduate and shall have had at least five years' experience in the field of traffic safety and the current holder of that position meets those qualifications. Council Vice-President Santamaria asked if the person doing the work now had at least five years' of experience in the field of traffic safety when he started in this position. Chair questioned if this question needs to be answered if not this evening or at a later date.

**Councilman Aceto** asked how many people took the test. Mr. Coupe stated that he believes three people took the test. Councilman Aceto asked if he is allowed to ask what the test scores were. Mr. Coupe stated that he would not be able to give that information in public forum. Councilman Aceto asked who made up the job description after the March 30, 2012 date and when it was made up. Mr. Coupe stated that he does not know that, he would have to check into it. Aceto who and when was the new job description made up. **Coupe** stated he'd have to research that.

**Councilman Farina** stated that he believes the position has already been filled and if this Ordinance is passed, we can't retroactively make the change. This would not take effect until we hire the next person.

**Solicitor** stated that you can't change the rules of the game while you have an existing employee and while he is employed. He will further research this to make sure that he is correct.

**Council Vice-President Santamaria** stated that if the person who is doing the job was performing the job, he asked why there was a test to get a new one. He questioned whether he was not performing the job or was he not qualified. Mr. Coupe stated that prior to hiring the current person doing the job, the job had not been filled. There was a person in the department doing both duties at the same time and that explains the differential. Council Vice-President Santamaria asked if the other person go back to his old job if this person was hired. Mr. Coupe stated that the old job has been eliminated and the job of the Traffic Engineer has been filled. Council Vice-President Santamaria questioned if it is the same person who tested and passed. Mr. Coupe stated, yes.

**Councilman Farina** stated that his one concern with this Ordinance is in line #33 and suggested adding after "acting capacity": "unless the candidate meets the qualifications set forth in this Ordinance". He motioned to amend this Ordinance as stated. Chair seconded the motion. Motion passed unanimously.

Discussion took place on Ordinance as amended.

**Councilman Aceto** stated that he does not believe the current Traffic Engineer is doing his job properly. The City Council is not being given timely recommendations when stop sign requests are being put in and other traffic items.

**Councilman Farina** stated that one reason he is supporting this is because he looks at the Traffic Engineer that is currently in the role and he meets the qualifications that are currently in the Charter, but we have established the fact that for the next Traffic Engineer, we want someone with a two year degree or four year degree. It is not as if we are affecting the current staff. It just sets the record that as a City Council we want the future Traffic Engineer to be an accredited Engineer.

**Mr. Coupe** addressed the statement made by Councilman Aceto as to the Traffic Safety report and stated that there have been numerous cases in which the City Council has gone forward and adopted an Ordinance without a Traffic Safety report, but in his experience, never after 60 days.

**Council Minority Leader Favicchio** asked if we have a fiscal note on this issue. Councilman Aceto stated that the position is already in the Budget so he does not believe a fiscal note is needed.

Roll call was taken on motion to recommend approval of this Ordinance as amended and motion passed on a vote of 4-2. The following being recorded as voting "aye": Council Majority Leader Archetto, Councilmen Aceto, Farina and Council President Lanni -4. The following being recorded as voting "nay": Councilmen Stycos and Botts -2.

**8-15-02 Ordinance in amendment of Title 10 of the Code of the City of Cranston, 2005, entitled "Motor Vehicles and Traffic" (Handicap and Disabled Parking Space Permits). Sponsored by Councilman Stycos. [\[click to view\]](#)**

**Chair** asked to be added as co-sponsor of this Ordinance.

On motion by Councilman Farina, seconded by Chair it voted to recommend approval of this Ordinance.

Under Discussion:

**Councilman Stycos** stated that this Ordinance in response to two constituents' complaints. Councilman Farina asked if as a homeowner, would the default location be in front of the home because he does not think the Ordinance states that. He also asked Administration if the Colonel or any department have any opinion on enforcing this. Mr. Coupe stated that the Traffic Engineer has serious concerns with this. There is interplay between State parking restrictions, which bring into play ADA and he has assured that he will prepare a report within 60 days and asked that the City Council give him a chance to provide that report before taking any action on this.

Motion and second to approve were withdrawn.

On motion by Councilman Aceto, seconded by Chair, it was voted to continue this Ordinance for 60 days.

On motion by Councilman Farina, seconded by Councilman Aceto, it was voted to continue this Ordinance to the November Ordinance Committee meeting or earlier if the report from the Traffic Engineer is ready prior to the November meeting. Motion passed unanimously.

**Resolution calling upon the Rhode Island General Assembly to modify provisions of the Law Enforcement Officers Bill of Rights to provide transparency and reduce costs for cities and towns. Sponsored by Council Minority Leader Favicchio and Councilmen Botts and Paplauskas. Referred from City Council 8/24/2015. [\[click to view\]](#)**

On motion by Councilman Farina, seconded by Councilman Botts, it was voted to continue this Resolution.

Under Discussion:

**Council Minority Leader Favicchio** stated that he has been contacted by some of the Police Officers and Union leaders and he was not able to spend enough time on the phone with them and he would like to get together with them to get their input and would rather not move forward without speaking to them to see what their input is since they have more knowledge than anyone else.

**Councilman Farina** asked that he be included in any of those discussions if possible.

**Chair** stated that this issue is so sensitive and affects so many individuals that originally he was of the opinion to have a sub-committee of the City Council creating a special commission to obtain input from members of the Police Union, members of the public and members of City officials. That was his recommendation, but the City Council did not see it that way.

Roll call was taken on motion to continue this Resolution passed on a vote of 5-1. The following being recorded as voting "aye": Council Majority Leader Archetto, Councilmen Farina, Botts, Stycos and Council President Lanni -5. The following being recorded as voting "nay": Councilman Aceto -1.

The meeting adjourned at 7:50 P.M.

Respectfully submitted,



Maria Medeiros Wall, JD, City Clerk



Rosalba Zanni,  
(transcribed from audio CD)