

*(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 13, 2016, in the Council Chambers, City Hall, Cranston, Rhode Island.

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

The meeting was called to order at 7:00 P.M. by the Chair.

Present: Council Majority Leader Archetto, Chair  
Councilman Mario Aceto, Vice-Chair  
Councilman Michael J Farina  
Councilman Steven A. Stycos  
Councilman Donald Botts, Jr.  
Council President John E. Lanni, Jr.

Also Present: Councilman Christopher G. Paplauskas  
Council Minority Leader Michael W. Favicchio  
Council Vice-President Richard D. Santamaria, Jr.  
Jeffrey Barone, Constituent Affairs Director  
Mark Schieldrop, Special Assistant to the Mayor  
J. Patrick O'Neill, Asst. City Solicitor  
Robert Strom, Director of Finance  
Anthony Moretti, Council Auditor  
Maria Medeiros Wall, City Clerk  
Rosalba Zanni, Assistant City Clerk/Clerk of Committees  
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:**

**8-16-01 Ordinance in amendment of Chapter 17 of the Code of the City of Cranston, 2005, entitled "Zoning" (Change of Zone – 1353 Park Ave.).** Petition filed by Asad Ali, LLC.

On motion by Councilman Aceto, seconded by Council President Lanni, it was voted to adopt the above Ordinance.

Under Discussion:

No one appeared to speak in favor or to oppose.

**City Clerk** stated that there was an amendment to be made to this Ordinance and since the applicant isn't here this evening, it needs to be continued.

Motion to adopt the above Ordinance and second were withdrawn.

On motion by Councilman Paplauskas, seconded by Council Majority Leader Archetto, it was voted to continue this Ordinance. Motion passed unanimously.

**8-16-05 Ordinance amending Title 10.32 of the Code of the City of Cranston, 2005, Entitled "No Parking On Certain Streets – Generally" (Narragansett Blvd at Harborside).** Sponsored by Councilman Farina. (Cont. 9/15/2016 for Traffic Safety report).

**Councilman Farina** stated that he is withdrawing this Ordinance at this time to address recommendations of the Traffic Engineer.

**PUBLIC HEARINGS/NEW BUSINESS:**

**Mayor Fung** appeared to speak in favor of proposed Ordinance 9-16-02 and proposed Ordinance 9-16-06. He asked that proposed Ordinance 9-16-06 be passed, this is a public safety Ordinance. This is not aimed at any particular group. It is designed for any individual group, such as cheerleaders, Boy Scouts, our Firefighters, as well as occupants who travel our roadways. Mayor Fung named some of the dangerous intersections in the City that have had numerous accidents: Park and Reservoir Ave., Atwood and Phenix Ave., Route 2 Sockanosset and Chapel View, Cranston St. at Garfield Ave., Dyer and Park Ave. and Park and Warwick Ave. He also stated that there is historical data that can be provided and he gave a statistics of number of accidents at various intersections in the City. He stated that pedestrian safety is a paramount key in this Ordinance and this Ordinance is not designed to target homelessness. This Ordinance would curb narcotics exchange and prostitution and will give Police reasonable cause to stop these people.

**Councilman Aceto** stated that he would like to see the data from the Police Department that the Mayor has alluded to. Chair asked that the Mayor e-mail him the data of the accidents.

**Jeff Gale**, 44 Bain Ave., appeared to speak regarding proposed Ordinance 9-16-06 and stated that some people area calling the people collecting money in the streets as dangerous. These are people. This is a State issue in Rhode Island and the State should try addressing the problem. He suggested posting signs throughout the City advertising the 211 Program, which may help people who need assistance. This has worked well in Albuquerque, New Mexico. He also suggested advertising this on the City's website.

**Ed Garcia**, Director of Library, 67 Calaman Rd., appeared to speak in favor of proposed Ordinance 9-16-07.

**Andrew Korwitz**, Professor at RI School of Law, appeared to speak regarding proposed Ordinance 9-16-06 and stated that as stated that the statement made by the Mayor stating that this Ordinance was not aimed at any certain group and is for public safety, is disingenuous. What this Ordinance is doing is an effort to go around the First Amendment. He stated that if the Council and Administration wants to address the panhandling, we ought to talk about that. He thinks that there will be litigation if this Ordinance is enacted into the law.

**Councilman Botts** indicated that Mr. Korwitz did not give residence when he gave his name. Mr. Korwitz stated that he is not a resident of Cranston. He resides at 199 Raleigh Ave., Pawtucket.

**Karen Jeffreys**, Clinton Dr., North Kingstown, appeared to represent the Coalition for the Homeless, and spoke regarding proposed Ordinance 9-16-06. She stated that she feels this Ordinance is unconstitutional. This will also hurt our allies, such as Girl Scouts and Firefighters who collect funds with the boots. She stated that the Coalition would love to work with the City to come up with solutions rather than just prohibiting panhandling. People panhandle because they are either homeless or poor.

**Meghan Great**, 45 Grace Ave., Warwick, Outreach Manager of House of Hope, appeared to speak regarding proposed Ordinance 9-16-06 and stated that as to enforcement, it won't be first enforced with the Girl Scouts or Firefighters. It will be first enforced with the people that look homeless. She stated that we need to come up with meaningful constructed solutions. She also presented a handout.

**Gregory Miller**, 56 Madelyn Dr., Riverside, appeared to speak regarding proposed Ordinance 9-16-06 and disagreed with the Mayor's statements.

**Francis Tetreault**, 61 Villa Ave., Vice-President of Cranston Historical Cemeteries and requested a budget for the next budget cycle and presented handouts.

**Michael Araujo**, 53 Circuit Dr., appeared to speak regarding proposed Ordinance 9-16-06 and stated that the people panhandling are part of our community. To have them arrested and fined, what are they going to do, where are they going to go? They are our friends and our neighbors. As a community, we can do better. We should look for solutions, look at housing and jobs program. He asked that the Council not support criminalizing panhandling in the City of Cranston. There are football teams and cheerleaders who are out there collecting money. To criminalize one you have to criminalize all. He presented a letter from AFLCIO asking that this Ordinance be rejected.

**Daniel Falk** appeared to oppose proposed Ordinance 9-16-06.

**9-16-02 Ordinance amending Chapter 10.12.270 of the Code of the City of Cranston, 2005, Entitled “One-Way Traffic on Certain Streets Between Certain Hours” and Chapter 10.32.680 “Parking of Vehicles With Left-Hand Wheels to Curb” (Frances Ave.). Sponsored by Mayor Fung.**

On motion by Councilman Farina, seconded by Councilman Botts, it was voted to adopt the above Ordinance.

Under Discussion:

**Councilman Stycos** urged the Committee to vote against this Ordinance. The problem is this is a very narrow street. There is one-hour parking on the street and that has not been enforced. The street is being used as a cut through between Park and Elmwood. By people parking on the street all day from businesses further narrows the street and making it dangerous for school bus getting through with children and one-way traffic has a hard time getting through. He suggested enforcing one-hour parking and businesses need to stop parking illegally and then this Ordinance can be revisited.

**Councilman Botts** stated that one-way traffic was for certain hours when St. Matthews School was open and school was in session.

**Councilman Stycos** stated that children are being picked up by bus on the street.

**Mr. Barone** stated that this Ordinance is just restricting the time and making it a one-way 24-hours a day. Chair asked if Councilman Stycos agrees with that. Councilman Stycos stated that this is not how it was explained to him by the Traffic Engineer.

No one appeared to oppose.

On motion by Councilman Stycos, seconded by Chairman Archetto, it was voted to continue this Ordinance so Councilman Stycos can speak to the Traffic Engineer and clarify and questions.

Under Discussion:

**Councilman Aceto** suggested that this Ordinance be withdrawn or not be voted on and have Councilman Stycos clarify with the Traffic Engineer the way this Ordinance is drafted.

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

**9-16-04 Ordinance in amendment of Title 10, Chapter 32 of the Code of the City of Cranston, 2005, entitled “Motor Vehicles and Traffic” (Fales Street – One Way Traffic Between 2:00 – 3:00 pm Mon-Fri). Sponsored by Councilmen Farina and Paplauskas.**

On motion by Councilman Farina, seconded by Councilman Botts, it was voted to adopt the above Ordinance.

Under Discussion:

**Councilman Aceto** asked how this Ordinance will be enforced.

**Councilman Paplauskas** stated that we can let the School Committee know and the students will be advised and signage will go up.

**Council President Lanni** stated that he was on the City Council when the past Ordinance was implemented and the way it was enforced, it was between the School Department, the School and signage and also a patrolman was placed at the area and it deterred people from going down the wrong street and it worked well.

**Mr. Barone** stated that we have Police posted there when they are available. He does get a lot of calls from constituents of students speeding and going through stop signs.

**Council Minority Leader Favicchio** stated that in his area, there are signs restricting certain hours and it has been working fine.

No one appeared to oppose.

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

**9-16-05**      **Ordinance in amendment of Chapter 10.32.300 of the Code of the City of Cranston, 2005, entitled "Motor Vehicles and Traffic", "No Parking between 7:00 A.M. and 9:00 A.M. and 3:00 P.M. and 6:00 P.M." (Miles Ave., northerly side).** Sponsored by Councilman Favicchio.

No one appeared to speak in favor or to oppose.

On motion by Councilman Farina, seconded by Councilman Botts, it was voted to adopt the above Ordinance. Motion passed unanimously.

**9-16-06**      **Ordinance amending Chapter 10.40.070 of the Code of the City of Cranston, 2005, entitled "Solicitation on Roadways Prohibited" and changing it to "Prohibition Against Distribution to Occupants of Vehicles".** Sponsored by Mayor Fung, Council President Lanni, Council Vice-President Santamaria, Councilmen Farina, Stycos, Botts, Archetto, Aceto, Paplauskas and Favicchio.

On motion by Council President Lanni, seconded by Councilman Aceto, it was voted to adopt the above Ordinance.

Under Discussion:

**Councilman Aceto** stated that he never asked to be added as co-sponsor of this Ordinance and he asked to be removed as co-sponsor. He asked to be provided with traffic accident information in the specific areas the Mayor alluded to. He thanked everyone who attended this evening to speak. He also stated that he would like to get an opinion from the City Council attorney on this Ordinance. He researched approximately thirty panhandling Ordinances all over the country going back to 1993 and approximately ten got passed and within less than nine months they were challenged. We need to move cautiously before we get sued again.

**Chairman Archetto** and Council President Lanni stated that they never asked to be added as co-sponsors of this Ordinance and asked to be removed as co-sponsors.

**Council President Lanni** stated that he would also like the City Council attorney review this Ordinance to make sure it passes Constitutional muster and until that time, he cannot support this Ordinance.

**Councilman Botts** stated that his Ward 2 constituents are constantly calling him asking what he is going to do about the panhandling. He indicated that almost all the people who spoke this evening are all from outside Cranston. If this Ordinance goes away, he would like to see Harrington Hall closed. This puts the City in danger, it is a public safety issue. Girl Scouts and other organizations have other options rather than being on the street. He does not see Arthur Jordan from the Laborers or Al Torigian from the Teamsters present this evening and he would like to hear what their opinion is on that. It seems like the ACLU owns Cranston. We do not lose every battle with them and he asked that this Ordinance be passed this evening.

**Council Minority Leader Favicchio** stated that he has a very hard time believing that every panhandler is poor. He has seen people panhandling with cell phones in their hands. There are 25-30 level two sex offenders at Harrington Hall and we do not know if any of these panhandlers are not any of these sex offenders. There are jobs available to them and we need to reach out to them. There are some specifics that would need to be addressed to make this compliant. This has been one of the biggest issues to him while campaigning this year.

**Council Vice-President Santamaria** stated that nowhere in this Ordinance does it prohibit panhandling. It prohibits standing from a roadway. He asked Mr. Korwitz to address this. He stated that this is an accident waiting to happen. Mr. Korwitz stated that the Ordinance does not use that language, but the conversation so far from the City Council is the intent.

**Council Vice-President Santamaria** asked if anyone knows for a fact that every single person standing in the roadway panhandling are homeless because everyone who spoke this evening said they do it because they are poor or homeless. Mr. Korwitz stated that some people are out there panhandling because the reality is people cannot afford housing and some are disabled veterans.

**Councilman Stycos** addressed the Mayor's statements of the accidents at intersections and stated that he did not see any link between the accidents and panhandling. He would like to see some data regarding this. He also stated that he feels that passing this Ordinance, we are asking for another lawsuit. We need to address the problem, which is homelessness. He asked for the advocates present this evening to come up with a proposal that would help solve the problem.

**Councilman Farina** stated that since there are four Council members who are not in favor of this Ordinance, we should just vote it down and eliminate it and come up with a new Ordinance rather than continue it.

**Councilman Aceto** stated that he would like to read the case from Missouri before passing this Ordinance. He also stated that he has not seen the Traffic Engineer's opinion regarding this Ordinance. He agrees that we need to address this issue, but he does not want the taxpayers of this City burdened with another lawsuit.

**Council President Lanni** agreed with Councilman Aceto.

**Chair** stated that we need to act on this with caution. This needs to be referred to the City Council attorney for his opinion and prudent vote is to continue.

No one appeared to oppose.

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

**9-16-07 Ordinance in amendment of Title 10, Chapter 28 of the Code of the City of Cranston, 2005, entitled "Motor Vehicles and Traffic" (Public Library Parking Lots).** Sponsored by Councilmen Farina and Paplauskas.

On motion by Councilman Farina, seconded by Councilman Botts, it was voted to adopt the above Ordinance.

On motion by Councilman Stycos, seconded by Councilman Aceto, it was voted to amend line #25 to add: "temporary parking at a library may be granted by Library Director".

Under Discussion:

**Councilman Farina** asked if the Library Director has objections to that. Mr. Garcia stated, no he does not.

No one appeared to oppose.

Roll call was taken on motion to adopt the above Ordinance as amended and motion passed unanimously.

**9-16-08 Ordinance in amendment of Title 10, Chapter 32 of the Code of the City of Cranston, 2005, entitled "Motor Vehicles and Traffic" (Ivanhoe St. at Auburn St. – Stop Sign).** Sponsored by Councilman Botts.

On motion by Councilman Farina, seconded by Councilman Botts, it was voted to adopt the above Ordinance.

Under Discussion:

**Councilman Botts** explained this Ordinance.

No one appeared to oppose.

**Councilman Aceto** indicated that there is no Traffic Engineer Report.

Motion and second to adopt the above Ordinance passed unanimously pending Traffic Engineer Report.

**9-16-09 Ordinance in amendment of Title 10, Chapter 32 of the Code of the City of Cranston, 2005, entitled “Motor Vehicles and Traffic” “No Parking On Certain Streets-Generally” (Permit Parking). Sponsored by Mayor Fung.**

On motion by Councilman Farina, seconded by Councilman Aceto, it was voted to adopt the above Ordinance.

Under Discussion:

**Mr. Barone** explained this Ordinance.

No one appeared to oppose.

Roll call was taken on motion to adopt the above Ordinance and motion passed unanimously.

**\*Informational Purposes Only:**

- **Discussion regarding Historic Cemeteries issue** (Chair)

**Council Vice-President Santamaria** questioned whether this issue should be before the Finance Committee since there is a request for funding.

**Chair** stated that the representative from the Historic Cemeteries Commission is present, he asked that the Committee hear him.

**Councilman Botts** asked what is presently budgeted. Mr. Tetreault stated that there is none. They have volunteers lined up, but no tools to do any work.

**Councilman Aceto** asked Council President if the Council can free up some money for this Commission to buy rakes. Council President Lanni stated that he will check with the City Clerk tomorrow to see if we have \$977, which is being requested, to help this group. We may have to wait for Fourth Quarter Transfers.

**Councilman Stycos** questioned who will be doing the work. Mr. Tetreault stated that currently, they are soliciting volunteers. They have Boy Scout groups and High School groups. Councilman Stycos stated that the volunteers could be asked to bring their own tools to use. Mr. Tetreault stated that this Commission was defunct and the tools the prior Commission had, if there were any, are nowhere to be found. Councilman Stycos indicated that this is what makes him hesitant to appropriate any money for this Commission because once this Commission is dissolved, there would be no tracking of where the tools end up.

**Council President Lanni** stated that he spoke to the Finance Director and he is checking because he thinks that there is some money set aside for the Cranston Historical Cemeteries.

**Mr. Barone** stated that the composition of the Commission differs from what is in the Ordinance. He would like to meet with Mr. Tetreault to clarify the discrepancies in the members. He also stated that he would offer the resources to Mr. Tetreault, a church volunteer group to help.

**Chair** stated that per Mr. Strom, there is money available. He asked that this item be forwarded to the Finance Committee.

On motion by Chairman Archetto, seconded by Councilman Aceto, it was voted to refer this item to the next Finance Committee meeting to approve funding for this Commission. Motion passed unanimously.

The meeting adjourned at 9:00 P.M.

Respectfully submitted,

A handwritten signature in cursive script that reads "Rosalba Zanni".

Rosalba Zanni  
Assistant City Clerk/Clerk of Committees

Ex. # 1 Sub: Panhandling  
Ordinance Comm. 10/13/16  
By: Michael Arango  
Re: Ord. 9-16-06



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SENT VIA EMAIL

October 11, 2016

Dear Cranston City Council Members:

Because our organization is holding an event that evening, we will be unable to attend Thursday's ordinance committee meeting, at which time a revised anti-panhandling ordinance is going to be reviewed. I am therefore writing in advance to lay out the ACLU of Rhode Island's deep concerns about this proposal, which would ban the distribution of anything to or from occupants of vehicles.

As members of the Council are well aware, this past year our organization successfully challenged the constitutionality of the City's current anti-panhandling law, which bars "solicitation on roadways." In resolving that case, the City wisely and appropriately acknowledged the ordinance's unconstitutionality. We are therefore quite surprised to see serious consideration being given to this proposal, which contains many – if not more – of the First Amendment problems that the current one does.

In fact, the only significant difference between the two ordinances is that the "roadway solicitation" ban prohibited any distribution or solicitation of items *to* the occupants of a motor vehicle, while this newest proposal would ban any distribution or solicitation of items *to or from* the occupants of a motor vehicle. In other words, the new proposal seeks to prohibit even *more* First Amendment activity than the City's current unconstitutional ordinance. This step, we submit, hardly solves the free speech problems that were inherent in the ordinance prompting our previous legal challenge.

Indeed, the First Circuit appeals court decision on which we assume the City relied in conceding the unconstitutionality of the "roadway solicitation" ordinance involved a broadly worded Portland, Maine ban more similar to this proposal. When the appellate court said in that case that it was "hard to imagine a median strip ordinance that could ban more speech," the court's purpose was not to praise the ordinance, but to bury it. *Cutting v. City of Portland*, 802 F.3d 79, 89 (1st Cir. 2015). In response, we have heard some feeble attempts to justify this ordinance on the grounds that its constitutionality was upheld by a Missouri court. But that claim is both misleading (for technical reasons not worth explaining here) and, particularly in light of the First Circuit ruling, irrelevant.

At bottom, this broadly worded ordinance is a thinly-veiled attempt to undermine the right of poor people to engage in panhandling. Efforts by some City officials to label this a

“public safety” issue are quite unconvincing, and in any event, protection of public safety was also the City of Portland’s rationale in attempting to justify its ban on median speech, unsuccessfully, before the First Circuit.

This proposal is virtually identical to an ordinance recently proposed by former Mayor Joseph Paolino in Providence. Like that one, it is a direct attack on individuals who are struggling with homelessness or destitution and who seek to peacefully exercise their First Amendment right to solicit donations. Rather than addressing the problems that have forced people to engage in panhandling in the first place, this proposal instead seeks to punish them for their poverty.

To put it another way: Since harassing, assaultive or other dangerous behavior, whether done by panhandlers or any other person, is already illegal, an ordinance like this is really aimed at prohibiting an activity because of who the people are, not because of what they are doing. All an ordinance like this does is try to hide the disturbing fact that there is a population in the city financially forced to beg for handouts. To take an “out of sight, out of mind” approach in an attempt to hide this disturbing fact is harsh and ungenerous.

Further, in trying to punish the poor, efforts like this also significantly impact the First Amendment rights of all of us to engage in core political speech in public spaces. Frankly, we suspect that an ordinance like this would be selectively enforced against poor people pleading for donations, just as the roadway solicitation ban was. But to the extent we are wrong and this ordinance were evenly enforced, it would bar firefighters from continuing to engage in their long-standing charitable “Fill the Boot” campaigns. It would prohibit school teams, cheerleaders and non-profit groups from making use of this long-recognized method of obtaining needed financial support, something such groups have done for years in Cranston. It would similarly impose significant restrictions on the First Amendment rights of organized labor engaged in peaceful picketing activities. In short, it would make illegal a wide swath of First Amendment activity that has gone on for decades without serious incident, harming the free speech rights of many people, not just panhandlers.

For all these reasons, the ACLU urges the Ordinance Committee and the Council to reject this troubling and constitutionally problematic proposal. Thank you for considering our views.

Sincerely,

Steven Brown  
Executive Director

cc: The Hon. Allan Fung  
Christopher Rawson



# Rhode Island **SEIU** State Council

Rhode Island SEIU State Council  
280 Broadway, Suite 201  
Providence, RI 02903

## CITY OF CRANSTON

Ex. # 2 Sub: Panhandling  
Ordinance Comm. 10/13/16  
By: Meghan Great  
Re: Ord. 9-16-06

Councilman Paul H. Archetto, Chairman of Ordinance Committee  
Cranston City Hall  
869 Park Ave  
Cranston, RI 02910

CC: Members of the Cranston City Council Ordinance Committee; Mark Gursky, Esq.

October 13, 2016

Dear Councilman Archetto,

On behalf of the Rhode Island SEIU State Council, which represents almost 500 Cranston residents and nearly 200 student transportation workers at First Student Metro West, I am writing to express deep concerns over and "*Ordinance amending Chapter 10.40.070 of the Code of the City of Cranston, 2005, entitled "Solicitation on Roadways Prohibited" and changing it to "Prohibition Against Distribution to Occupants of Vehicles."*

The language of the ordinance would abridge free speech and is very likely unconstitutional, and would almost certainly trigger a lawsuit or multiple lawsuits from affected parties.

Because of its overly broad language the ordinance obstructs free speech and interferes with the right of individuals and organizations such as ours to peaceably assemble in public spaces and use time-honored and legally-protected activities such as the distribution of leaflets to the general public, including motorists.

The distribution of leaflets is a form of free speech which is utilized by individuals and groups to inform the general public and draw attention to a particular set of issues. In a union context, informational leafleting on public property has long been recognized as a protected right, and often occurs during union organizing drives, contract campaigns, pickets, and rallies. These activities are also considered protected concerted activities under the National Labor Relations Act.

The United States Supreme Court and the First Circuit of appeals have held that "[l]eafleting is a respected tradition in our democratic society, and it ranks one of the core free speech activities shielded by the First Amendment." *United States v. Grace 1983; New England Regional Council of Carpenters v. Kinton (2002.)*

Supporters of the proposed ordinance have indicated that its goal is to prohibit panhandling. However panhandling is just a symptom of a deeper set of issues we face as a society: poverty and growing



DATE: October 13, 2016

TO: Cranston City Council Ordinance Committee

RE: In opposition to an Ordinance amending Chapter 10.40.070 of the Code of the City of Cranston, 2005, entitled "Solicitation on Roadways Prohibited" and changing it to "Prohibition Against Distribution to Occupants of Vehicles"

On behalf of the Rhode Island Coalition for the Homeless (RICH), our member agencies and our constituents, we write in opposition to proposed changes outlawing distribution into or out of vehicles.

RICH has been proud that Rhode Island has been a leader in the nation in ensuring people experiencing homelessness are not facing discrimination based on their housing status – we were the first state in the nation to pass a Homeless Bill of Rights to guarantee that. For years, the compassionate focus on implementing comprehensive solutions to homelessness made us a model for the country, resisting the trend to criminalize homelessness and visible poverty.

Our organization understands that panhandling and other visible displays of poverty create a challenge for municipalities. But panhandling is a systemic outcome of economic inequality that exists locally and nationally. Not all panhandlers are homeless; some are housed but poor. For those individuals who experience homeless and panhandle, a connection to social services and income supports is necessary. RICH believes that it is inappropriate to address an economic and social service issue with a criminal justice response.

With adequate housing assistance for individuals and families experiencing homelessness in our communities, we can end homelessness in Rhode Island. In fact, through the concerted effort of service and housing providers statewide, 738 veterans and chronically homeless individuals were housed between January 2015 and August 2016. Criminal records and unpaid fines are a major barrier to housing placement for our providers, and enforcement of this proposed ordinance would stymie the progress in this work.

For these reasons, we oppose this ordinance and urge the Committee to reject it. RICH welcomes questions from the Committee – our Policy Director, LeeAnn Byrne, can be reached at 401-721-5685 ext. 16.

Respectfully submitted,

Karen Jeffreys

Associate Director

Rhode Island Coalition for the Homeless

**Report of the  
Cranston Historical Cemetery Commission  
To the Cranston City Council  
September 2016**

The Cranston Historical Cemetery Commission (CHCC) resumed its monthly meetings, following procedures established in Chapter 2.55 of the City of Cranston Code of Ordinances, in July of 2016. New members which have been appointed to the commission by both the City Council and the mayor's office are working with the established membership and with city agencies to conduct meetings and maintain a quorum. A list of appointees, their appointing authority, and the remaining vacancies is included as Appendix I. A list of Cranston's designated cemeteries, including those that have been relocated, lost, or destroyed, is included as Appendix II. Examples of cemeteries in various conditions detailed with photographs and descriptions are included as Appendix III.

With the guidance and help of Pegee Malcolm, Chair of the Rhode Island Advisory Commission on Historical Cemeteries (RIACHC), the Cranston Historical Cemeteries Commission has begun the long journey toward meeting its purpose. The first and ongoing goal is to update the inventory of historical cemeteries within the city as much of the existing information is three to four years old. It is already apparent through this assessment that conditions in several of the cemeteries have changed for the worse. Information that is catalogued during this assessment includes: 1) accurate GPS coordinates and street location, 2) condition of the grounds and vegetation, head and foot stones, signs, and fences, and 3) the determination of right of way and private property access. This information helps direct the formulation and development of plans and programs for the restoration, rehabilitation and maintenance of these cemeteries. To date, 56 of the 84 known and located city cemeteries have undergone a preliminary assessment. It is also to be noted that 51 of these 84 cemeteries are on private property and efforts are being made to coordinate efforts with the property owners as their property rights take priority over any work done by the CHCC.

The second major goal is to attract and organize a group of volunteers, including both individuals and organizations, to start work towards restoring and maintaining the city's cemeteries based on priority determined through the initial assessment. The CHCC is exploring options on how to find willing and dependable volunteers, including the use of social media, local advertising, and inclusion on state volunteer web sites. Currently, the Warwick Historical Cemetery Commission has agreed to temporarily include the CHCC on its account for these volunteer websites until the CHCC has the means to fund its own account.

The third immediate goal is the development of a budget for submission to the Cranston City Council. The CHCC has developed a list of existing and required assets for determining an ideal annual budget. This includes capital materials (such as rakes, saws, and mowers), non-capital materials (gloves, trash bags, mortar, etc.), and operational expenses (i.e. volunteer web site subscriptions).

Fourthly, there are 48 cemeteries which have no confirmed location. Some of these have been undoubtedly destroyed while others have simply been lost. The CHCC has begun efforts to track down any of these cemeteries through the comparison of typically vague cemetery descriptions from James Arnold's assessments done in the 1890s to historical maps and land records. There are currently upwards of a dozen possible sites to be investigated in the search for these cemeteries. In researching these locations, it can be shown in one instance that the bodies in a family plot were removed to a nearby

cemetery and the area is now an industrial lot and street. In three other instances of cemeteries which appear on historical maps, there is no record of the cemeteries having been used: Two of these appear on the city assessor's tax map and are unbuilt areas in residential backyards and the third is now developed. In two other cemeteries the bodies have been disinterred and removed to other cemeteries clear the way for highway construction; the location of these original cemeteries had been lost until being located on historic maps. These sites of relocated cemeteries are being noted for future reference in the event that any relics are discovered in these locations.

FIFTH

The ~~fourth~~ and ultimate goal is to bring all of Cranston's cemeteries to a low-maintenance state by clearing, restoration, and repairing the site during organized cleanup events. At the same time, each individual grave marker will also be recorded to include name, dates, veteran status, stone condition, and a photographed image for inclusion in the state database. This will assure that this information will never be lost and that the details of each interment are accessible for public use. This effort is directed more towards the inactive cemeteries as there should be records already kept by the management of the city's larger, active cemeteries.

Some maintenance and cleanup work to fulfill the CHCC's objectives is already underway in some locations and is already planned for the immediate future. There will undoubtedly be further work done in the next year as a dependable volunteer base is built, but listed here is a list of action that has recently occurred or will be taking place shortly:

- Basic yard maintenance is been done in a handful of cemeteries that are in need of attention, including CR003 – Oakland Cemetery, CR019 – the Nicholas Sheldon Lot, and CR030 – the King Randall Lot.
- A recorded cemetery, CR062 – the Reiph Lot on Chappy St, had originally been believed to be relocated during residential development, however there was no known record of the removals. A preliminary investigation of the lot, using hand tools for ground probing by RIACHC and CHCC staff and Lynn Furney of the Cranston Planning Department revealed a corner post, at least six headstone bases, and at least two presumed coffins. It is believed that the stones were removed from the cemetery in order to develop the land as their whereabouts are unknown. A cemetery sign (CR062) will be added to the site and the area will require further investigation.
- The West Bay Land Trust is in the process of cleaning up CR076 - Wight Arnold Lot on Burlingame Road. This cemetery has not been tended to in a number of years and requires extensive clearing and restoration. Efforts are being made to coordinate a sufficient group to remove a large amount of overgrowth. Ultimately, there will be consideration into the installation of a fence and the West Bay Land Trust plans to assume perpetual maintenance of the cemetery upon its restoration.
- Recently, the location of was determined for CR103 – the Alvan Warner Lot on Phenix Ave near Highland St. The fallen gravestones had been lost to immense overgrowth in the last decade and the cemetery was not marked. Efforts will be made to coordinate a sufficient group to clear out the lot and to re-erect the stones.
- The cemetery on state property outside the Department of Motor Vehicles, CR028 – the Samuel Stone Lot, is in need of repair as one of the corner posts has been completely destroyed. The CHCC will attempt to coordinate with the RIACHC and the state to replace this pillar and will attend to the resetting and maintenance of the stones within. This high-profile project will showcase the CHCC's efforts to reinvigorate the city's cemeteries and hopefully attract additional volunteers.

**Report of the  
Cranston Historical Cemeteries Commission  
To the Cranston City Council  
September 2016**

**Appendix I  
Membership**

	<b>Member Title / Affiliation</b>	<b>Name/Address</b>
1	<i>Mayor Appointee[1]</i> • <i>Co-Chair</i>	Francis J. "Jay" Tetreault
2	<i>Mayor Appointee[2]</i>	Herb Zakrison
3	<i>Mayor Appointee[3] Alternate</i>	Vacant
4	<i>Council President Appointee[1]</i> • <i>Secretary</i>	Dawn Lancellotti
5	<i>Council President Appointee[2]</i>	Walter Slocomb
6	<i>Council Pres. Appointee[3]Alternate</i> • <i>Chair</i>	Colin Parkhurst
7	<i>Planning Director's Designee</i>	Stephen Mulcahy
8	<i>Parks/Rec. Director's Designee</i>	Vacant
9	<i>Cranston Historical Society Designee(s)</i>	Sandra Moyer Gregg Mierka, Mary Mierka <b>HERB HALL</b>
	Honorary Advisor (1) RIACHC	Pegee Malcolm
	Honorary Advisor (2) RIACHC	Evelyn Wheeler
	City Hall Liaison	Lynn Furney

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**Appendix II  
Designated Cemeteries**

The near entirety of Rhode Island's designated cemeteries is based on the primary assessment made by James N. Arnold from 1890-1892. Additional assessments were made in more recent years by Charles and Martha Benns in the 1930s and John Sterling in the 1990s. Mr. Sterling initiated a numbering system for Rhode Island's historical cemeteries and continues to manage this system in coordination with the state's various cemetery commissions.

The Sterling numbering system is broken down for each municipality and for the historic cemeteries in Cranston, these numbers begin with prefix of CR. The numbering is grouped into four categories designated as CR000 series, CR300 series, and CR500 series. With a few exceptions, the CR000 series (CR001 through CR117) are located and confirmed cemeteries. The CR300 and CR500 series include cemeteries that had previously been catalogued during previous assessments, but are now considered lost.

<b>Active Cemeteries</b>			
<b>Number</b>	<b>Cemetery Name</b>	<b>Number</b>	<b>Cemetery Name</b>
CR001	ST ANN'S CEMETERY	CR019	NICHOLAS SHELDON LOT
CR002	POCASSET CEMETERY	CR020	KNIGHTVILLE MEETING HOUSE LOT
CR003	OAKLAND CEMETERY	CR021	NEHEMIAH KNIGHT LOT
CR004	JAMES HILLS BURIAL GROUND	CR022	JACOB CLARKE LOT
CR005	WILLIAM FENNER LOT	CR023	BETHANY LUTHERAN SWEDISH CEMETERY
CR006	JOSEPH BURTON LOT	CR024	NATHAN THORNTON LOT
CR007	FIELD-LAWTON LOT	CR025	URIAH EDDY LOT
CR008	FREEBORN BRAYTON LOT	CR026	JOHN STAFFORD LOT
CR009	GEN CHRISTOPHER LIPPITT LOT	CR028	SAMUEL STONE LOT
CR010	UNKNOWN LOT	CR030	KING-RANDALL LOT
CR011	SANFORD KNIGHT LOT	CR032	GEORGE COLVIN LOT
CR012	ALFRED GRAVES LOT	CR034	THOMAS ANDREWS LOT
CR013	JULIA A KNIGHT LOT	CR035	RHODES-GREENE LOT
CR014	DAVID POTTER LOT	CR036	CAPT PHILLIP SHELDON LOT
CR015	KNIGHT-FISKE LOT	CR037	DR GEORGE WATERMAN LOT
CR016	ROBERTS - MATHEWSON LOT	CR038	SARLE LOT
CR017	WILLIAM BAILEY LOT	CR039	EBENEZER FULLER LOT
CR018	FENNER - LAWTON LOT	CR040	MAJ THOMAS FENNER LOT

Active Cemeteries (cont'd)			
Number	Cemetery Name	Number	Cemetery Name
CR042	WILLIAM KNIGHT LOT	CR074	CALEB BURLINGAME LOT
CR043	LODOWICK BRAYTON LOT	CR075	NICHOLAS SHELDON LOT
CR044	WILLIAM NICHOLAS LOT	CR076	WIGHT - ARNOLD LOT <i>NEEDS MAJOR CLEANUP</i>
CR045	JOHN STONE LOT	CR077	ELISHA ANTHONY LAWTON LOT
CR046	URIAN WESTCOTT LOT	CR078	WESTCOTT-WARNER LOT
CR048	JEREMIAH KING LOT	CR079	HOLLIMAN POTTER LOT
CR049	CRANSTON LOT	CR080	CHARLES WIGHT-HENRY BAKER LOT
CR050	ELDER ELISHA GREENE LOT	CR089	DUTEE COLVIN LOT
CR051	EPHRAIM MARTIN LOT	CR091	DEA STEPHEN KNIGHT LOT
CR052	JOSIAH WESTCOTT LOT	CR097	CAPT JOHN PITCHER LOT
CR053	JOSEPH BRAYTON LOT	CR098	JONATHAN REMINGTON LOT
CR054	THOMAS BAKER LOT	CR099	HAWKINS LOT
CR055	ARKWRIGHT CEMETERY	CR100	UNKNOWN LOT
CR056	BENJAMIN CARPENTER LOT	CR103	ALVAN WARNER LOT
CR057	NATHAN PEARCE LOT	CR104	RANDALL RALPH LOT
CR058	DANIEL S CONGDON LOT	CR105	SAMUEL BENNETT LOT
CR059	BENJAMIN RANDALL JR LOT	CR106	EPHRAIM CARPENTER LOT
CR061	STATE INSTITUTION CEMETERY #2	CR107	STATE FARM CEMETERY ANNEX
CR062	UNKNOWN LOT [POSSIBLY RELPH]	CR108	ZUREL POTTER LOT
CR064	CHARLES BENNETT LOT	CR109	BARZILLAI KNIGHT LOT
CR065	SLAVE CEMETERY - BAKER FAMILY	CR110	ISAAC CONGDON LOT
CR068	FRIENDS BURIAL GROUND	CR111	DEA WILBUR SEARLES LOT
CR069	JEREMIAH WILLIAMS LOT	CR113	JUDGE GEORGE BURTON LOT
CR070	AMOS WHITAKER LOT	CR114	OAKLAND SCHOOL FOR GIRLS
CR072	EDDY LOT	CR117	REV JONATHAN KNIGHT LOT
CR073	WILLIAM BURTON LOT		

*WEST BAY LAND TRUST*

Lost/Nonexistent			
Number	Cemetery Name	Number	Cemetery Name
CR027	HUGH STONE FAMILY LOT	CR081	BARNET HAWKINS LOT
CR029	REUBEN TURNER LOT	CR082	THROOP LOT
CR031	EDWARD EDWARDS LOT	CR083	CAPT JAMES SHELDON LOT
CR033	SCITUATE AVE BURIAL GROUND	CR084	STEPHEN ARNOLD LOT
CR041	BETSEY WILLIAM CEMETERY	CR085	NATHANIEL CARPENTER LOT
CR047	BENJAMIN RANDALL SR LOT	CR086	COL RICHARD FENNER LOT
CR060	STATE FARM CEMETERY #1	CR087	DEA JOHN DYER LOT
CR063	STATE INSTITUTIONS CEMETERY #3	CR088	REUBEN R STEERE LOT
CR066	JOB JOY BURIAL GROUND	CR090	CALEB WILLIAMS LOT
CR067	SAMUEL JOY BURIAL GROUND	CR092	JEREMIAH RANDALL LOT
CR071	WHIPPLE ANDREWS LOT	CR093	ELISHA HARRIS LOT

Lost/Nonexistent (cont'd)			
Number	Cemetery Name	Number	Cemetery Name
CR094	ARNOLD FAMILY LOT	CR552	TOWN FARM LOT
CR095	JAMES FENNER LOT	CR553	JOHN DAVIS LOT
CR096	COTTRELL T WILCOX LOT	CR554	UNKNOWN LOT
CR101	RUFUS SPRAGUE LOT	CR555	POTTER FAMILY SLAVE LOT
CR102	NATHANIEL DAVIS LOT	CR556	JOB WILBUR LOT
CR112	SAMUEL JENISON LOT	CR557	UNKNOWN LOT
		CR558	SEARLE FAMILY CEMETERY
CR301	PHILIP ARNOLD LOT	CR559	JOB SAMBO LOT
CR307	BRAYTON-WILBUR LOT	CR560	UNKNOWN LOT
CR308	JAMES HARRIS LOT	CR561	SLAVE LOT
CR351	WILLIAM KNIGHT LOT	CR563	STUKELY TURNER LOT
		CR564	ELIZABETH HILL LOT
CR509	GEORGE REED LOT	CR565	UNKNOWN LOT
CR510	AMASA STONE LOT	CR566	DANIEL GOULD LOT
CR512	RANDALL LOT	CR567	CAPT URIAH ARNOLD LOT
CR514	SPRAGUE LOT	CR571	CHARLES BROWN LOT
CR516	OLNEY-COLLINS LOT	CR572	FIELD LOT
CR519	ANGELL-LUTHER LOT	CR575	HORNE LOT
CR531	BARNEY-WATERMAN LOT	CR576	UNKNOWN LOT
CR532	SAMUEL JENISON LOT	CR577	BENJAMIN KNIGHT LOT
CR534	ANDREW HARRIS LOT	CR578	JONATHAN KING LOT
CR536	JOHN RICE ARNOLD SERVANT	CR579	JOSEPH WESTCOTT LOT
CR537	COMMON BURIAL GROUND	CR580	BENJAMIN WESTCOTT LOT
CR538	POLLY WARREN LOT	CR584	BENJAMIN WATERMAN LOT
CR542	KING LOT	CR585	DAVID RANDALL LOT
CR543	GEORGE MOORE LOT	CR586	JOSEPH RANDALL LOT
CR546	STUKLEY WESTCOTT LOT	CR587	CAPT ARTHUR FENNER LOT
CR548	BURTON LOT	CR589	UNKNOWN LOT
CR550	BENJAMIN HAMMOND LOT	CR601	JONAS L WANTON'S FARM CEME
CR551	SQUIRE WILLIAM BURTON LOT		

**Report of the  
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**Appendix III  
Cemetery Conditions; Examples of the Impact of Neglect**

The current condition of Cranston's cemeteries varies greatly, depending on the level of care each has received in the past. The longer that a cemetery has been neglected, a greater effort will be required from the CHCC in order to restore the lot to a low-maintenance state. Cemeteries that are regularly maintained by property owners or adoptive volunteers require minimal assistance and represent the standard of the CHCC's ultimate goal. Even these locations may need minimal work, such as the resetting of leaning stones. Low maintenance cemeteries may be maintained irregularly, but can still be maintained by volunteers with minimal direction from the CHCC. Further efforts should be made to find adoptive volunteers to regularly maintain these sites. Major maintenance will be required for completely overgrown sites with many damaged stones. These locations will require multiple events over the course of years to restore and should be a high priority of the commission. However, it must be noted that only a few of these projects should be managed at any given time.

**(i) No Maintenance Required; CR007 - Field-Lawton Lot;**



*This cemetery on Seven Mile Rd is privately owned and maintained, requiring no action from the Cranston Historical Cemetery Commission.*

**CRANSTON HISTORICAL CEMETARY COMMISSION BUDGET FOR 2017**

<b>Tools</b>	<b>Unit Price</b>	<b>Number</b>	<b>Total</b>
Grass/Leaf rake(s)	\$ 12.00	4	\$ 48.00
Garder (Iron) rake(s)	\$ 15.00	1	\$ 15.00
Weed Wacker (Battery)	\$ 40.00	1	\$ 40.00
Hatchet(s)	\$ 25.00	2	\$ 50.00
Axe(s)	\$ 30.00	1	\$ 30.00
Loping Shears	\$ 35.00	1	\$ 35.00
Hand Pruner(s)	\$ 15.00	3	\$ 45.00
Battery Chain Saw	\$ 200.00	1	\$ 200.00
Pruning Hand Saw	\$ 25.00	1	\$ 25.00
Bow Saw	\$ 10.00	1	\$ 10.00
Pole Pruner	\$ 40.00	1	\$ 40.00
Long Handled Shovel	\$ 20.00	2	\$ 40.00
Square Blade Shovel/Garden Spade	\$ 22.00	1	\$ 22.00
Pry Bar	\$ 15.00	1	\$ 15.00
10" Black Iron Pipe (Pry Bar)	\$ 10.00	1	\$ 10.00
Work Gloves	\$ 2.00	20	\$ 40.00
Plastic Gloves (Box)	\$ 15.00	1	\$ 15.00
Bottles Water (Case of 24)	\$ 5.00	3	\$ 15.00
Leaf Bags (60)	\$ 43.00	2	\$ 86.00
Ball of Cotton Twine	\$ 4.00	1	\$ 4.00
Wooden Stakes	\$ 10.00	1	\$ 10.00
Marking Tape/Flagging	\$ 10.00	1	\$ 10.00
Hand Soap	\$ 1.00	2	\$ 2.00
Towels			\$ -
5 Gallon Pail for Tools			\$ -
Collection of wood 2x4's (3 - 6 Inches Long)			\$ -
Mortar/Epoxy	\$ 20.00	1	\$ 20.00
Measurement Wheel	\$ 150.00	1	\$ 150.00
<b>Totals</b>			<b>\$ 977.00</b>

Dear Municipal Leaders,

As members of the labor movement in Rhode Island, we stand in opposition to ordinances proposed to prohibit passing literature in or out of cars. Firstly, the First Amendment of the Constitution guarantees the right to freedom of speech. Under this protection, our members should have a right to give flyers to passing motorists during a picket or solicit contributions for a charitable cause.

We also understand that the intent of these ordinances is to marginalize and criminalize people experiencing visible poverty or homelessness who panhandle as a means of survival. We stand in solidarity with people suffering in an economic system of extreme inequality. We support policy changes that raise people out of poverty, connecting those who can work with good paying jobs and those who cannot with adequate social safety net programs.

We ask for your opposition to these dangerous proposals.

In solidarity,

AFL-CIO  
IUPAT District 11  
Local 26 Unite Here  
Rhode Island Jobs with Justice  
Rhode Island SEIU State Council