

(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, April 13, 2017, in the Council Chambers, City Hall, Cranston, Rhode Island.

CALL MEETING TO ORDER:

The meeting was called to order at 7:15 P.M. by the Chair.

Present: Councilman Christopher G. Paplauskas, Chair
Councilman Kenneth J. Hopkins, Vice-Chair
Council Vice-President Michael W. Favicchio
Councilman Trent M. Colford, Sr.
Councilman Paul H. Archetto
Council President Michael J Farina

Also Present: Councilman Steven A. Stycos
Robert Coupe, Director of Administration/Acting Personnel Director
Stephen Marsella, Asst. City Solicitor
Evan Kirshenbaum, City Council Legal Counsel
Rosalba Zanni, Assistant City Clerk/Clerk of Committees
Heather Finger, Stenographer

MINUTES OF THE LAST MEETING:

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

CORRESPONDENCE/COMMUNICATIONS

PUBLIC HEARINGS

Pauline Derosa, 97 Cypress Dr., appeared to speak in favor of "Resolution encouraging the Zoning Board of Review to adopt rules that promote transparency in open government and create efficiency". She suggested that a document similar to the Richmond one, be posted on the City's website containing information on the process a developer has to go through and the steps it has to go through to make open government better.

Robert Santurri, Jr., appeared to speak in favor of “Resolution encouraging the Zoning Board of Review to adopt rules that promote transparency in open government and create efficiency”.

John Bolton, Esq., appeared to speak in favor of Ordinance 1-17-11 and asked that the City Council pass this Ordinance to confirm the City Council’s commitment to alternative energy.

Nicholas Goodyear, Esq., appeared to represent US Investment Development Corp., owner of land in Western Cranston, situated in the vicinity of Burlingame Rd. and spoke regarding Ordinance 1-17-11. He stated that the problem he has identified in this Ordinance is it fails to discuss and put into place some suggested protocol for development in A-80 Zones. He also suggested that more stringent criteria apply. This would add an extra safeguard.

Council Vice-President Favicchio asked Attorney Goodyear what his client’s primary business is. Attorney Goodyear stated that his client owns property, a rather large parcel of land in Western Cranston. He also stated that he believes that principles involved in that business in the past did build houses. His client does not oppose solar projects if everything is appropriate.

Council President Farina questioned Attorney Goodyear of what was wrong with the Ordinances that the City Council passed. Attorney Goodyear stated that they do not conform to the Comprehensive Plan and there is no other industrial uses that are permitted on A-80. This contradicts components of the Comprehensive Plan. The Comprehensive Plan does not support the Ordinances that were passed.

Douglas Doe, 178 Lippitt Ave., appeared to speak regarding Ordinance 1-17-11 and stated that crucial parts of this Ordinance are lines 41-44. He stated that the City needs to protect homeowners right now because right now they are not being protected. He asked that the City Council set this Ordinance aside and see what is happening with the three projects going on in Western Cranston right now. He asked that the City see what improvements could be made there and go from there.

Attorney Bolton stated that as to the Ordinances passed and statement made that they were rushed, that is a disservice to the City Council. Those Ordinances were passed in 2015. He questioned how many more months are needed for the City Council to discuss them. He addressed Attorney Goodyear’s statement as to criteria needed in place, there were extensive performance criteria put in place, such as buffer and visibility, among others. Those Ordinances were passed with much thought and much diligence on behalf of the City Council. This is an Ordinance amending the Comprehensive Plan.

Mr. Lapolla, City Planner, stated that he and Jason Pezzullo, Principal Planner, are present this evening to answer any questions.

OLD BUSINESS:

1-17-01 Ordinance in amendment of Title 10, Chapter 28 of the Code of the City of Cranston, 2005, entitled "Motor Vehicles and Traffic" (Overnight Parking Permits). Sponsored by Councilman Stycos. Cont. 3/16/2017.

Councilman Archetto motioned to recommend approval of this Ordinance and Council President Farina seconded the motion for discussion purposes.

Under Discussion:

Councilman Stycos stated that at the last meeting, he was asked to do research on the City of Providence's Ordinance. He stated that approximately ten years ago, they started two pilots. They concluded that there was a need and demand and they went Citywide with this. The fee for the permits were \$25 per year, but they decided to move it up to \$100 per year. If a car is not registered in the City, there would be an additional \$200 fee. A question was asked of how Police check to see if a vehicle is permitted to be on the street. The City of Providence issues a sticker to be placed on the car and they have a computer system that the plate is entered into of the cars that have permits. Councilman Stycos also stated that he has been told that the program in Providence is very successful. After this program went into effect, car break-ins went down.

Mr. Coupe stated that he discussed this with the Traffic Engineer and the initial question is if there is a need. We are not the City of Providence. The question is if we created this program in one area of the City, does it create a demand that does not exist in other areas. Another issue is snow removal. If cars are out in the street for a day or two, we won't be able to remove the snow. Street sweeping, which is done at 3 a.m., would have to go out between cars. Automated trash pickup would cause problem. Safety vehicles would have problems getting down street if cars are parked in the street. Enforcement is another question. He also questioned who would be entering the information into the computer. He suggested that this Ordinance be continued and a comprehensive analysis be done. He urged the City Council to hear directly from Police, Fire and Public Works on various issues.

Council President Farina stated that the way this Ordinance is written, he has a lot of concerns that need to be looked at. He would be in favor of creating a sub-committee to look at this issue after the Budget is adopted next month.

Councilman Stycos stated that this Ordinance is designed for three streets. As to the trash issue, if trash is blocked, the residents are given a ticket. As to the snow storms issue, people would be subjected to the same rules whether they have an overnight parking permit or not. He also stated that in Edgewood, this is an issue where people are paving their front yards so they have parking. This is a very very small pilot program. If it causes a lot of problems, then we can end this program.

Thomas Flynn, 101 Villa Ave., requested to speak even though public hearings is closed. Chair allowed if there are no objections. No one objected.

Mr. Flynn stated that in November, he was told there was going to be a hearing on parking, now we are in April and he has heard all the speakers this evening speak regarding solar panels. He stated that he appreciates the opportunity to speak. He stated that the home he is living in has no driveway and there is no place to park. He questioned why not grant him a permit to park overnight. He would be happy to pay for a permit. He does not see why there needs to be a big study to find out why he can't park his car on the street.

Councilman Archetto stated that he will be supporting this Ordinance, however, if this does not pass, he would be in support of creating a sub-committee to discuss this issue.

Roll call was taken on motion to recommend approval of this Ordinance and motion failed on a vote of 1-5. The following being recorded as voting "aye": Councilman Archetto -1. The following being recorded as voting "nay": Councilmen Paplauskas, Hopkins, Council Vice-President Favicchio, Councilman Colford and Council President Farina -5.

1-17-11 Ordinance amending the Comprehensive Plan of 2010 as amended 2012. Sponsored by Council President Farina. Referred to Ordinance Committee March 16, 2017. Cont. 3/16/2017.

On motion by Council President Farina, seconded by Council Vice-President Favicchio, it was voted to recommend approval of this Ordinance.

Under Discussion:

Councilman Stycos asked sponsor what the purpose of this Ordinance is. Council President Farina, sponsor, asked Councilman Stycos to direct the question to Mr. Lapolla. He also stated that this was presented to him based on advice and consent of attorneys, Planning and Zoning and all questions should be directed to the experts.

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

PUBLIC HEARINGS/NEW BUSINESS:

Resolution encouraging the Zoning Board of Review to adopt rules that promote transparency in open government and create efficiency. Sponsored by Councilman Stycos.

On motion by Council President Farina, seconded by Council Vice-President Favicchio, it was voted to recommend approval of this Resolution.

Under Discussion:

Council Vice-President Favicchio stated that there is also a provision in the Resolution asking the Zoning Board of Review to change their procedure when taking cases and voting on them. He read an email from Steven Boyle, President of Cranston Chamber of Commerce, stating that this Resolution would help small businesses with legal expenses during a Zoning Board action.

Solicitor Marsella stated that, as Counsel for the Zoning Board of Review for the last nine years, this issue has come up before. They are an autonomous board and they can decide how they chose to run the meeting and procedure of hearing matters as long as they do not violate the Charter or Code. It is their purview to set their own procedures and not the City Council to dictate how they run their meetings and they have sixty days to render a decision by State Law.

Council President Farina stated that this Resolution is not a mandate. It is more of a request. Solicitor Marsella state that in all the meetings he has attended, he has not heard from one attorney or one applicant that decisions were not promptly made. Even though, by law, they have sixty days to render a decision a decision is provided within three to four days.

Councilmen Colford, Paplauskas and Council President Farina asked to be added as co-sponsors.

Councilman Archetto asked what entity has oversight of the Zoning Board of Review, if any. Solicitor Marsella stated, Superior Court. He also stated that any decisions that are appealed, they are appealed to Superior Court. Attorney Kirshenbaum indicated, except it can't be appealed by the City.

Roll call was taken on motion to recommend approval of the above Resolution and motion passed unanimously.

Resolution accepting a land donation from Edgewood Home Builders, Inc., Assessor's Plat 18 Lots 1519, 1520, 1540 and 1541 (Amanda St./Warren Ave. Neighborhood). Sponsored by Councilman Colford and Co-sponsored by Council Majority Leader Favicchio.

On motion by Council President Farina, seconded by Councilman Colford, it was voted to recommend approval of this Resolution.

Under Discussion:

Council Vice-President Favicchio indicated that this is unbuildable land and is in wetlands.

Mr. Lapolla stated that this is in the same vicinity of the area that previously flooded in 2010.

Roll call was taken on motion to recommend approval of the above Resolution and motion passed unanimously.

The meeting adjourned at 8:50 p.m.

Respectfully submitted,



Rosalba Zanni
Assistant City Clerk/Clerk of Committees