

ORDINANCE COMMITTEE

Regular meeting of the Ordinance Committee was held on Thursday, February 12, 2009 in the Council Chambers, City Hall, Cranston, Rhode Island.

The meeting was called to order at 7:35 P.M. by the Chair.

Present: Councilman Anthony J. Lupino, Chair
Councilman Robert J. Pelletier, Vice-Chair
Councilman Mario Aceto
Councilman Emilio L. Navarro
Council President John E. Lanni, Jr.

Absent: Council Member Michelle Bergin-Andrews

Also Present: Councilman Paul H. Archetto
Council Vice-President Terence Livingston
Robin Muksian-Schutt, Director of Administration
Evan Kirshenbaum, Assistant City Solicitor
Peter LaPolla, City Planner
Robert Strom, Director of Finance
Maria Medeiros Wall, City Clerk
Rosalba Zanni, Assistant City Clerk/Clerk of Committees
Heather Finger, Stenographer

MINUTES OF THE LAST MEETING:

Chair indicated that Jim and Kim Doorley sent him an e-mail and stated that at the January 15, 2009 Ordinance Committee meeting, Alan Butler of 49 Fort Ave., appeared to speak in opposition to Ordinance 7-08-2. The minutes posted on the City's website indicate that he spoke in favor of this Ordinance. Chair asked that the minutes of the January 15, 2009 meeting be amended to reflect this change.

On motion by Councilman Pelletier, seconded by Council President Lanni, it was voted to amend the minutes of the last meeting as stated by Chair. Motion passed unanimously.

CORRESPONDENCE:

PUBLIC HEARINGS/OLD BUSINESS:

7-08-2 "Ordinance in amendment of Title 17 of the Code of the City of Cranston, 2005, entitled "Zoning" (Definitions). (Amended 1/26/2009 City Council).

Chair stated that this Ordinance is before this Committee to allow some further input from some of the neighbors effected by this Ordinance.

Public Speakers:

Raymond Tomasso, 150 Lyndon Rd., appeared to speak and stated that by passing this Ordinance you are promoting those adverse uses. You are giving up your rights of what is going to be developed in that section of the City. He asked that this Ordinance be denied and have this go through a Variance route rather than by use by right.

Curtis Spalding, 130 Shaw Ave., appeared to oppose to this Ordinance and stated that the river has not been in a better condition than it was 30, 40, 50 years ago and this river could be effected if this Ordinance is passed.

Elizabeth Lewis, Esq., of Partridge, Snow & Hahn, appeared to represent some of the members of the neighborhood association and stated that there is a question of whether this amendment is consistent with the Comprehensive Plan. She also indicated that there is no recommendation from the Planning Commission. This is premature to make any recommendation to the full Council.

Melissa Kerns, 50 Waite Ave., appeared to oppose to this Ordinance for reasons already stated by other speakers. She suggested that the City explore other opportunities for uses of this property other than a Stop and Shop.

Robert Loeber, 127 Lyndon Rd., appeared to oppose to this Ordinance and stated that the property values will diminish from all the traffic that is going to be generated.

Beth Lawrenson, Shaw Ave., appeared to oppose to this Ordinance and presented copies of pictures of the area. She stated that the neighbors do not need more commercial in this area.

Paul Fitzgerald, 106 Lyndon Rd., appeared to oppose to this Ordinance.

Susan Unger, 102 Lyndon Rd., appeared to oppose to this Ordinance and stated that this area has a very vibrant neighborhood that has been very vibrant for approximately 80 years and you, the Council, sit in a position that can give the area residents their due process, but to not give them due process and their protection, would be a shame. The residents voted the Council in to keep their best interest, so she asked that the Council be prudent and let the residents keep their quality of life.

Fred Davenport, 92 Lyndon Rd., appeared to oppose to this Ordinance and stated that if this Ordinance is passed, the residents' opportunity for input will be diminished and he asked that this Ordinance be denied.

Nancy Krahe, 20 Denver Ave., appeared to oppose to this Ordinance and stated that if this Ordinance is passed, she is concerned with traffic increase in the area, it will drastically change the area and property value will go down.

Bill Unger, 102 Lyndon Rd., appeared to oppose to this Ordinance.

Joseph Dugan, 183 Lyndon Rd., appeared to oppose to this Ordinance and questioned why change this area, the residents do not need another store in this area. This is a good neighborhood and the residents do not want it to become a bad neighborhood and if this Ordinance is passed, that will happen.

Resident of 15 Haddenfield Rd., appeared to oppose to this Ordinance.

Chair stated that this Ordinance will be heard before the February 23, 2009 regular Council meeting and the public is allowed to speak at that time.

Councilman Pelletier commended the public for attending the meeting and speaking and giving their comments, but he stressed that the Council members are not to be harassed. Some of the residents have left nasty and vulgar messages at their homes. He has a small child, who heard one of these messages and this is not tolerated.

Council Vice-President Livingston stated that he is opposed to this Ordinance. The neighbors do not want this in their neighborhood and the Council should listen to them. He asked that the Council consider the residents' wishes and he applauded the public for showing up and speaking.

Councilman Archetto stated that he understands the residents' concerns, but we are fighting a terrible economy, and are looking at jobs creation and he also stated that the public can address issues at Site Plan Review.

Chair noted that because of the proximity to the Pawtuxet River, DEM will be looking at this.

Chair indicated that Councilman Aceto, a member of this Committee, has not participated in any discussion and called on the City Clerk to note for the record. City Clerk stated that Councilman Aceto has filed a recusal form to the Ethics Commission for possible conflict.

PUBLIC HEARINGS/NEW BUSINESS:

1-09-1 Ordinance in amendment of Title 2 of the Code of the City of Cranston, 2005, entitled "Administration and Personnel" (City Council Members Personnel Status).

No one appeared to speak in favor or to oppose.

Council President Lanni proposed amending this Ordinance as follows:

- Line 32, after “in the State”, add “Employees”
- Line 33, after “System”, add “, and processing of payroll information”.

On motion by Council President Lanni, seconded by Councilman Pelletier, it was voted to amend this Ordinance as stated above. Motion passed unanimously.

On motion by Council President Lanni, seconded by Councilman Pelletier, it was voted to recommend approve of this Ordinance as amended. Motion passed unanimously.

The meeting adjourned at 8:30 P.M.

Respectfully submitted,

Rosalba Zanni
Assistant City Clerk/Clerk of Committees