

(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, February 17, 2011 in the Council Chambers, City Hall, Cranston, Rhode Island.

CALL MEETING TO ORDER:

The meeting was called to order at 7:06 P.M. by the Chair.

Present: Councilman Paul H. Archetto, Chair
Councilman Steven A. Stycos, Vice-Chair
Councilman Emilio L. Navarro
Councilman James E. Donahue
Council Vice-President Robert J. Pelletier
Council President Anthony J. Lupino

Also Present: Councilman Richard D. Santamaria, Jr.
Councilman Michael W. Favicchio
Robin Muksian-Schutt, Director of Administration
Gerald Cordy, Deputy Director of Administration
Evan Kirshenbaum, Assistant City Solicitor
Steven Woerner, City Council Internal Auditor
Patrick Quinlan, City Council Legal Counsel
Maria Medeiros Wall, City Clerk
Rosalba Zanni, Assistant City Clerk/Clerk of Committees
Meredith Mahoney, Stenographer

MINUTES OF THE LAST MEETING:

On motion by Councilman Navarro, seconded by Councilman Donahue, it was voted to dispense with the reading of the minutes of the last meeting and they stand approved as recorded. Motion passed unanimously.

CORRESPONDENCE:

None.

OLD BUSINESS:

None.

PUBLIC HEARINGS/NEW BUSINESS:

1-11-05 Ordinance in amendment of Chapter 2.72 of the Code of the City of Cranston, 2005, entitled “Juvenile Hearing Board” (Membership Composition).[\[click here to view\]](#)

No one appeared to speak in favor or to oppose.

On motion by Councilman Navarro, seconded by Councilman Donahue, it was voted to recommend approval of this Ordinance.

Under Discussion:

Council President Lupino stated that he does not believe we have the legal standing to designate sex of a Board member. He asked for Solicitor’s opinion regarding this. Solicitor questioned the sponsor of this Ordinance of what the intent is of this type of classification. It does not appear to be discriminatory.

Council President Lupino asked what would preclude someone from appointing a certain ethnicity or religion. Solicitor stated that he thinks a Court would view less of a scrutiny gender base then ethnic or religion.

Councilman Donahue questioned the Sponsor of this Ordinance as to why this Board is singled out. Councilman Stycos, Sponsor, stated that this Board is comprised of all male members. Until a few months ago, Judy Pelky served on this Board, but was not re-appointed. She has stressed to him how important it is to have a female serve on this Board, since this Board deals with juveniles and in cases of girls, they could relate to a female member better then a male member. He stated that Ms. Pelky now resides in Warwick, so this is not a matter of her not being re-appointed. Councilman Donahue stated that he agrees with the spirit of this Ordinance, but it could be improved by looking at all the Boards in other ways.

Council Vice-President Pelletier stated that he cannot support this Ordinance because it seems too discriminatory.

Councilman Favicchio questioned what if we do not have any qualified females, then what would we do.

Councilman Santamaria stated that he agrees with everyone, but this Board is more sensitive then other Boards. It works with more personal issues. He thinks this is why Councilman Stycos picked this Board to amend.

Councilman Stycos stated that if there are no females qualified, then the Board proceeds.

Councilman Navarro stated that he supports this Ordinance. There needs to be a certain diversity on this Board. He thinks that this would pass muster if this was contested.

Council President Lupino stated that he would be in favor of expanding this Board if the last sentence is removed and the Council passes a Resolution indicating its desire to have diversity on this Board and since this is a sensitive Board, there be a recruitment effort for the extra two positions.

On motion by Council President Lupino, seconded by Council Vice-President Pelletier, it was vote to amend this Ordinance as follows: remove the last sentence and have a companion Resolution to encourage diversity on this Board and have open process for people to apply for these positions.

Under Discussion:

Councilman Navarro stated that he will be voting against this amendment because it defeats the purpose of what the Sponsor is trying to put forth.

Councilman Favicchio stated that his concern is the use of the word “shall”. This mandates gender.

On motion by Council Vice-President Pelletier, seconded by Councilman Donahue, it was voted to move the question. Motion failed on a tie vote. The following being recorded as voting “aye”: Councilman Donahue, Council Vice-President Pelletier and Council President Lupino -3. The following being recorded as voting “nay”: Councilman Archetto, Stycos and Navarro -3.

Roll call was taken on motion to amend this Ordinance and motion failed on a tie vote. The following being recorded as voting “aye”: Councilman Donahue, Council Vice-President Pelletier and Council President Lupino -3. The following being recorded as voting “nay”: Councilman Archetto, Stycos and Navarro -3.

Councilman Donahue stated that it would be helpful to know the demographics of the people that come before this Board. He encouraged the Committee to wait and discuss this further on how diverse we want to make this Board and look at the demographics and statistics of what type of people come before that Board in terms of ethnics and gender.

Councilman Navarro stated that he understands Councilman Donahue’s recommendation, but his only concern is trying to obtain the statistics Councilman Donahue is asking for will be difficult to do.

Chairman Archetto passed gavel to Vice-Chairman Pelletier.

Chairman Archetto motioned to amend line 52 changing “shall” to “may”. Council President Lupino seconded the motion. Motion failed on a vote of 2-4. The following being recorded as voting “aye”: Councilman Archetto and Council President Lupino -2. The following being recorded as voting “nay”: Councilmen Stycos, Navarro, Donahue and Council Vice-President Pelletier -4.

Gavel was passed back to Chairman Archetto.

Motion and second to approval this Ordinance were withdrawn.

On motion by Councilman Stycos, seconded by Councilman Navarro, it was voted to continue this Ordinance to next month's meeting and obtain further information.

Under Discussion:

Councilman Navarro asked that members of the Juvenile Hearing Board appear at the next meeting to explain some of their situations they encounter. Motion passed unanimously.

Councilman Navarro asked for clarification for Council President Lupino's voting in Committee because the Council Rules state that he is ex-officio and votes only in case of a tie vote.

Council President Lupino stated that he has a right to vote, but going forward, if all Committee members are present, he will take part in discussions and if his vote would create a tie, he will refrain from voting.

1-11-06 Ordinance in amendment of Chapter 6.08 of the Code of the City of Cranston, 2005, entitled "Dogs and Other Animals" (Animals Debarking). [\[click here to view\]](#)

Public Speakers:

Dennis DaBella, representing Friends for Animals, appeared to speak in favor of this Ordinance and stated that there is no need to devocalize an animal unless it is for a medical reason. East Providence and Warwick have passed similar Ordinances and he asked that Cranston also pass this Ordinance. He also stated that the NE Humane Society strongly supports this Ordinance.

Kenneth Gilbert, 40 Sefton Dr., appeared to speak in favor of this Ordinance.

Rene Robinson, 72 Burnside St., appeared to speak in favor of this Ordinance.

No one appeared to oppose.

On motion by Council Vice-President Pelletier, seconded by Councilman Donahue, it was voted to recommend approval of this Ordinance.

Council Vice-President Pelletier motioned to amend this Ordinance by adding "birds" to the Ordinance. Councilman Donahue seconded the motion.

Under Discussion:

Councilman Santamaria indicated that there is a scrivener's error on line 37 after "debarking", which should state "or".

Motion to amend this Ordinance failed on a tie vote. The following being recorded as voting "aye": Councilmen Archetto, Donahue and Council Vice-President Pelletier -3. The following being recorded as voting "nay": Councilmen Stycos, Navarro and Council President Lupino -3.

Ms. Schutt stated that she spoke to the Police Colonel and the spirit of this Ordinance is good, but he has a concern about enforceability and if a person already owns a devocalized animal would be a problem. There are also some language concerns. Animal Control and the Police Colonel can look at this to see if it could be amended to make it more enforceable.

Council President Lupino asked what the fines levied would be by the Court in this case.

Councilman Navarro stated that he would be willing to continue this Ordinance so he can work with the Administration to discuss the concerns stated this evening.

Motion to approve and second were withdrawn.

On motion by Council Vice-President Pelletier, seconded by Councilman Donahue, it was voted to continue this Ordinance. Motion passed unanimously.

Councilman Stycos asked for Parliamentarian's opinion as to whether motion and second to approve needs to be withdrawn prior to another motion being considered. Mr. Quinlan was not present in the room to answer this question.

1-11-07 Ordinance in amendment of Chapter 6.08 of the Code of the City of Cranston, 2005, entitled "Dogs and Other Animals" (Animals Confinement in Motor Vehicles). [\[click here to view\]](#)

Dennis DaBella, representing Friends for Animals, appeared to speak in favor of this Ordinance and stated that East Providence and Warwick have passed similar Ordinances and asked that Cranston also pass this Ordinance. He also stated that 14 states already have this in place. In those 14 states, he has not found any to have taken any legal action against their Police Departments.

No one appeared to oppose.

On motion by Council Vice-President Pelletier, seconded by Councilman Donahue, it was voted to recommend approval of this Ordinance.

Under Discussion:

Ms. Schutt stated that this does not protect firefighters who have to get into vehicles. She asked that "firefighters" be added to section (b) and (d) of the Ordinance.

On motion by Councilman Navarro, seconded by Council Vice-President Pelletier, it was voted to amend the Ordinance to include "firefighters".

Under Discussion:

Council President Lupino questioned line 55 and asked if this protects the City from civil liability. Solicitor stated that if law enforcement finds within reason the animal is in sufficient harm, he thinks it is fine.

Council President Lupino addressed the fine and asked if we have to add the fine or is that at the discretion of the Court. Councilman Navarro stated that the fine schedule is in the Code. This Ordinance reflects that schedule.

Roll call was taken on motion to recommend approval of this Ordinance as amended and motion passed on a vote of 5-1. The following being recorded as voting “aye”: Councilmen Stycos, Navarro, Donahue, Council Vice-President Pelletier and Council President Lupino -5. The following being recorded as voting “nay”: Councilman Archetto -1.

The meeting adjourned at 8:15 P.M.

Respectfully submitted,

Rosalba Zanni
Assistant City Clerk/Clerk of Committees