

CHARTER REVIEW COMMISSION

A meeting of the Charter Review Commission was held on Thursday, April 30, 2020 via Web-ex.

1. Call the meeting to order:

The meeting was called to order at 6:05 P.M. by the Chairman.

Present: Michael Lepizzera, Esq., Dan DosSantos; Katie Nee, Esq.; Matthew Pallini; Edward Coccio; Robert Santurri, Jr.; Evan Kirshenbaum, Esq.; Joseph Agresti; Matthew Reilly, Esq.; Steven Frias, Chair, Ellen O'Hara, Vice-Chair.

2. Approval of the minutes of the last meeting:

Chair indicated that the Commission had not received the minutes of the February 19, 2002 meeting and asked that the Clerk forward those minutes to the members of the Commission, while this meeting is being conducted, for them to be approved later on in the meeting.

3. Public Comment:

Councilmember Christopher G. Paplauskas appeared to speak and stated that he looks forward to see what comes before the City Council from the Commission and thanked the Commission for their work.

Council Vice-President Michael Favicchio appeared to speak and thanked the Commission for all their hard work. He stated that he supports the proposed line item veto amendment. This is an important thing that needs to happen. He also stated that proposed amendment to Section 13.07 is a good idea, but there may be a different way of doing it. As to the proposed amendment to Section 2.03 in regards to gerrymandering issue, look fine to him.

Jason Pezzullo, City Planning Director, appeared to speak in support of Section 13.07. As to the proposed amendment to Section 13.08, there are some significant problems. If that were to pass, that would be an amendment to the Zoning Code and not placed in the City Charter and it would paralyze our ability to do land development.

Mr. Reilly stated that he drafted this proposed amendment in an extremely broad sense and prior to COVID-19. He brought this proposal up at the request of some constituents he spoke to and he wanted to start a discussion. After speaking to Director Pezzullo, he is withdrawing this proposed amendment and asked that it be removed from consideration.

Robert Murray, Esq., 75 Debbie Dr., appeared to speak and applauded the Commission members for all their hard work. He was going to address proposed amendment to Section 13.08, but since the sponsor is withdrawing it, he will save his comments. As to proposed amendment to Section 13.07, this does not need to be endorsed in the City Charter. It can be done by Ordinance or Sub-Division regulations. As to proposed amendment to Section 6.10, he agrees that that language is an improvement over the existing language. As to proposed amendment to Section 8.01, there is some value to the Solicitor being a resident of Cranston, but is not sure if it should be amended.

4. Discussion and possible vote on changes to the City Charter

A. Amendment to Chapter 2.03 related to redistricting to prevent gerrymandering (Typographical correction to previously recommended Amendment) (Frias)

Chair stated that this is just correcting a typo. He asked if any Commission members would object to having a unanimous consent rather than having a roll call vote. No one objected.

Typo correction was unanimously approved.

B. Amendment proposing a new Chapter 6.20 related to the Rainy Day Fund (Clarification related to revenue loss from an emergency) (Frias).

Chair stated that this amendment was approved at a prior meeting. The only change he has made is adding “or revenue loss” to clarify this.

Chair asked if any Commission members would object to having a unanimous consent rather than having a roll call vote. Mr. Kirshenbaum stated that he has a problem with what is in fact the Rainy Day Fund balance. To him, it is ill defined. There is a real problem of definition of what is a Rainy Day Fund. Chair stated that this amendment is a clarification to an originally adopted proposed amendment. Mr. Kirshenbaum stated that he is opposed to this. Chair asked for voice vote on this proposed amendment. Mr. Kirshenbaum opposed to this amendment.

C. Amendment to Chapter 6.10 related to expansion of a mayor’s veto power (Amendment to be recommended in the alternative to previously recommend Amendment) (sponsored by Mr. Frias)

Chair stated that the change in this proposal is “increased” is deleted and “changed” is added. No further discussion was held.

On motion by Mr. Frias, seconded by Mr. DosSantos, it was voted to approve this amendment and forward to the City Council. Motion passed on a vote of 10-1. The following being recorded as voting “aye”: Mr. Lepizzera, Mr. DosSantos, Ms. Nee, Mr. Coccio, Mr. Santurri, Mr. Kirshenbaum, Mr. Agresti, Mr. Reilly, Ms. O’Hara and Mr. Frias -10. The following being recorded as voting “nay”: Mr. Pallini -1.

D. Amendment to Chapter 8.01 eliminating residency requirement for the city solicitor (Amendment sponsored by Mr. Reilly)

Mr. Reilly stated that this was discussed at the last meeting and there were some issues with the language. He amended this proposal for residency requirement and to make the language a little more simplified. No one opposed.

Mr. DosSantos stated that it is important that we look outside the City.

Mr. Lepizzera stated that he does not think the residency should be a requirement and he supports this amendment. This is just expanding the pool and it would not prevent a Solicitor from being hired if he is a resident of Cranston.

On motion by Mr. Reilly, seconded by Mr. Kirshenbaum, it was voted to approve this amendment and forward to the City Council. Motion passed on a vote of 11-0. The following being recorded as voting "aye": Mr. Lepizzera, Mr. DosSantos, Ms. Nee, Mr. Pallini, Mr. Coccio, Mr. Santurri, Mr. Kirshenbaum, Mr. Agresti, Mr. Reilly, Ms. O'Hara and Mr. Frias -11.

E. Discussion as to possible amendment to Chapter 12 restricting issuance of debt (Cap debt as 3 percent of full assessed property value, Cap debt with pension and OPEB liability to 9% full assessed property value, and/or Require two-thirds approval of voters for issuance of debt).

See R.I. Public Finance Management Board Debt Affordability Study 2019 (pages 7-10)

See pertinent Massachusetts General Laws

Chair asked Commission members their feelings regarding this topic.

Ms. O'Hara stated that she is a firm believer in restrictive debt and she is very supporting of this.

F. Amendment proposing new Chapter 13.07 requiring creation of a "Citizens Guide to the Land Development Process" (Amendment sponsored by Mr. Reilly)

See Town of Richmond's Citizens Guide to the Land Development Process

Mr. Reilly stated that this was brought to him by some constituents and that some cities and towns have this process. He has had discussions with some City Council members, some attorneys and the Planning Director supports this. He does not think there is any harm in doing this. Putting this in the Charter makes sure that any future Planning Director has to maintain this.

Ms. O'Hara stated that she is in favor of this and thinks it is an excellent idea. She suggested adding public members since there are no public members included. She thinks the public should have a voice.

Mr. Kirshenbaum stated that every Administration and City Council he has worked for says that they are going to do this and nobody does.

No one opposed to this proposal.

Mr. DosSantos asked which towns have this in their Charter. Mr. Reilly stated Richmond is the one he was going off of.

Mr. Santurri stated that he understands that this may not be the place to put this, but he agrees with Mr. Kirshenbaum.

On motion by Mr. Reilly, seconded by Mr. Kirshenbaum, it was voted to approve this amendment and forward to the City Council. Motion passed on a vote of 11-0. The following being recorded as voting “aye”: Mr. Lepizzera, Mr. DosSantos, Ms. Nee, Mr. Pallini, Mr. Coccio, Mr. Santurri, Mr. Kirshenbaum, Mr. Agresti, Mr. Reilly, Ms. O’Hara and Mr. Frias -11.

G. Amendment proposing a new Chapter 13.08 requiring a pre-application community meeting (Amendment sponsored by Mr. Reilly)

Withdrawn by sponsor.

See Prince George’s County’s Pre-Application Neighborhood Meeting.

H. Discussion as to other changes to Chapters 11 through 15 of the City Charter

Chair asked if anyone had any further proposed amendments to Ch. 11 through 15. There were none.

5. Scheduling of additional meetings and approval of minutes for this meeting

Chair stated that he does not think there is a need for additional meetings at this time and we want to get the report to the City Council in May for them to be placed on the ballot in time. He asked if anyone has a desire for any more meetings. Ms. O’Hara stated that we lost meetings due to the virus pandemic and it seems to her it feels a little rushed.

6. Discussion and vote as to which recommended Charter Amendments should be voted on in the 2020 general election and which should be voted on in a subsequent election.

Chair stated that this Commission has approved eight amendments and they are:

1. Redistricting Amendment
2. Mayoral Veto
3. Rainy Day Fund
4. Tax Cap
5. Eliminating requirement of having campaign finances report to the Board of Canvassers
6. E-mail notices to City Council meetings
7. Eliminate residency requirement for Solicitor
8. Section 13.07

Chair suggested forwarding the first four amendments, which are substantive, to the City Council to be placed on this year's ballot and the other four, which are procedural, could be placed on subsequent election in order to make the ballot as short as possible.

Nick Lima, City Registrar, appeared to speak and stated that we are still anticipating an extremely high volume of election whether mail-in ballots or in person voting. A two or three page ballot makes it very difficult to conduct an election significantly and it would cause significant jams in the machines. He suggested the questions be prioritized in more pressing ones be placed on this year's ballot and the others in the following election.

Mr. Kirshenbaum stated that ultimately it is the City Council's decision of whether they want to put all the questions on the ballot or not. This Commission should report out all the amendments and let the City Council determine which ones they would like to place on the ballot.

Chair stated that the report would have all eight amendments. He would like to have an approach to show the City Council which ones should be placed on this year's ballot and which ones would be on next election ballot.

Mr. Reilly stated that he thinks we should provide the City Council with all eight amendments and voice our concern about the length of the ballot.

Chair made a motion to forward report to the City Council and indicate the first four should go on the 2020 ballot and the other four should go on the subsequent ballot. Mr. Agresti seconded the motion. Motion passed on a vote of 11-0. The following being recorded as voting "aye": Mr. Lepizzera, Mr. DosSantos, Ms. Nee, Mr. Pallini, Mr. Coccio, Mr. Santurri, Mr. Kirshenbaum, Mr. Agresti, Mr. Reilly, Ms. O'Hara and Mr. Frias -11.

7. Drafting and Submission of Commission Report to the City Council

Chair asked for suggestions regarding drafting of the report to the City Council. He indicated that he can draft the report and provide copies to the Commission members by next week for their review and if there are any changes, he is open to that. He asked if the Commission members are in agreement in him drafting the report. Mr. Santurri stated that he does not have a problem with that. Chair stated that he will draft cover letter explaining each amendment and what the vote was with copies of the amendments. The goal is to get this filed next week and provide copies to the Commission members and have the final report to the City Council for their May meeting. No one objected to the Chair's suggestions.

Chair asked the Clerk to forward the minutes of the last meeting to the Commission members and asked that the member review the minutes and if there are no changes, he will approve them since there are no more meetings scheduled.

Chair thanked members for all the time they put into these meetings and for appointing him Chair and it was a pleasure to work with everyone.

8. Adjournment

The meeting adjourned at 7:40 P.M.

Respectfully submitted,

/s/ Rosalba Zanni
Acting City Clerk