

**CITY OF EAST PROVIDENCE
RHODE ISLAND
DOCKET OF REGULAR COUNCIL MEETING
MAY 1, 2007
7:30 P.M.**

- I. CALL TO ORDER**
- II. INVOCATION**
- III. SALUTE TO THE FLAG**

TO APPROVE THE CONSENT CALENDAR

All items under “*CONSENT CALENDAR*” are considered to be of a routine and noncontroversial nature by the City Council and will be enacted by one motion. There will be no separate discussion on these items unless a Council member so requests, in which event, the item will be removed from the “*CONSENT CALENDAR*” and will be considered in its normal sequence on the docket.

Motion_____By____2nd_____
Cusack_____DiTraglia_____Perry_____Silva_____Ramos_____

- IV. CONSENT CALENDAR**
 - A. APPROVAL OF COUNCIL JOURNALS**

April 17, 2007 – Regular Meeting

- B. CANCELLATION/ABATEMENTS *(Requested by Tax Assessor)***

<u>YEAR</u>	<u>AMOUNT</u>
1998	\$54.62
2004	\$52.68
2005	\$179.56
2006	\$201.85
Total	\$488.71

- C. ALCOHOLIC BEVERAGE-CLASS F-1 –August 4, 2007**

Holy Ghost Brotherhood of Charity, 59 Brightridge Avenue (02914)

- D. LETTER OF RESIGNATION**
Sharlene Damiani – Juvenile Hearing Board

- V. APPOINTMENTS**

- 1. Juvenile Hearing Board *(by Councilman Silva)***
Samantha Branco *(to replace Albert Escobar for a term expiring 11/1/07)*
40 Anthony Street (02914)

Motion _____ By _____ 2nd _____
Cusack _____ DiTraglia _____ Perry _____ Silva _____ Ramos _____

2. **Juvenile Hearing Board** (by Mayor Ramos)

Michael Silva (for a term expiring 11/1/10)
42 Griffith Drive (02915)

Motion _____ By _____ 2nd _____
Cusack _____ DiTraglia _____ Perry _____ Silva _____ Ramos _____

3. **Carousel Park Commission** (by Councilman Cusack)

Patricia Harrington (for a term ending 1/2009)
19 Windmill Lane (02916)

LICENSES REQUIRING PUBLIC HEARING

1. **Class B-Full Privilege Victualer (Transfer)** (Subject to approvals from the Chief of Police, Building Inspector, Health Inspector, State Division of Taxation, and Fire Marshall)

From: Brinker Rhode Island, Inc., d/b/a Chili's Grill & Bar, 50 Highland Avenue (02914)
To: Pepper Dining, Inc., d/b/a Chili's Grill & Bar, 50 Highland Avenue, (02914)

Public Comments

Motion _____ By _____ 2nd _____
Cusack _____ DiTraglia _____ Perry _____ Silva _____ Ramos _____

LICENSES NOT REQUIRING PUBLIC HEARING

1. **Vict/over 50 (transfer)** (Subject to approvals from the Chief of Police, Building Inspector, Health Inspector, and Fire Marshall)

From: Brinker Rhode Island, Inc., d/b/a Chili's Grill & Bar, 50 Highland Avenue (02914)
To: Pepper Dining, Inc., d/b/a Chili's Grill & Bar, 50 Highland Avenue, (02914)

Motion _____ By _____ 2nd _____

2. **Carnival – May 12, 2007** (Subject to approvals from the Chief of Police, Building Inspector, Fire Marshall, and Electrical Inspector)

The Gordon School, 45 Maxfield Avenue (02914)

Motion _____ By _____ 2nd _____

3. **Peddler-Ice Cream** (Subject to approvals from the Chief of Police, and Health Inspector)

Jonathan Florez, d/b/a Palagi's Ice Cream, 55 Bacon Street (02860)

Motion_____By_____2nd_____

- 4. **Vict/Not over 25** (Subject to approvals from the Chief of Police, Building Inspector, Health Inspector, and Fire Marshall)

East Providence Central Little League, Pierce Memorial Field, 201 Mercer Street (02914)

Motion_____By_____2nd_____

LICENSING COMMISSIONERS RESUME SITTING AS CITY COUNCIL

VIII. CONTINUED BUSINESS

IX. NEW BUSINESS

A. CITY MANAGER’S REPORT

- 1. Riverside Square Rehabilitation Proposal.

Motion_____By_____2nd_____
Cusack_____DiTraglia_____Perry_____Silva_____Ramos_____

B. REPORTS OF OTHER CITY OFFICIALS

CLAIMS COMMITTEE (by William J. Conley, Jr. – City Solicitor)

Motion_____By_____2nd_____
Cusack_____DiTraglia_____Perry_____Silva_____Ramos_____

- C. **INTRODUCTION OF ORDINANCES** (If given First Passage, can be referred to the next regular Council Meeting to be held on May 15, 2007 for a public hearing and consideration of final passage).

- 1. This ordinance amendment corrects certain section references contained in Subdivision X and Subdivision VI of Chapter 4.

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CITY OF EAST PROVIDENCE

CHAPTER

AN ORDINANCE IN AMENDMENT OF CHAPTER 4 OF THE REVISED ORDINANCES OF THE CITY OF EAST PROVIDENCE, RHODE ISLAND, 1998, AS AMENDED, ENTITLED “BUILDINGS AND BUILDING REGULATIONS.”

SECTION I. Subsection (g) of Section 4-289 entitled “Securing of vacated dwellings and structures” of Subdivision X entitled “Dwellings Unfit for Human Habitation” of Division 5 entitled “Minimum Residential Standards” of Article III entitled “Minimum Property Standards” of Chapter 4 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled “Buildings and Building Regulations.” is amended to read as follows:

(g) The chief inspector shall place a lien against the real property for the cost of demolition or otherwise making the building or structure safe in accordance with the provisions of section ~~4-432.~~ **4-294.**

SECTION II. Section 4-291 entitled “Order to demolish” of Subdivision X entitled “Dwellings Unfit for Human Habitation” of Division 5 entitled “Minimum Residential Standards” of Article III entitled “Minimum Property Standards” of Chapter 4 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled “Buildings and Building Regulations.” is amended to read as follows:

Whenever a notice of violation provided for in section ~~4-428~~ **4-286** has not been complied with, the chief inspector may include within the compliance order a finding to the effect that the dwelling is unfit for human habitation and continued occupancy, and such finding shall be an order to demolish the dwelling. Such compliance order shall be served upon the owner, occupant, lessee, mortgagee and all other persons having any interest in the dwelling, as shown by the records of the Recorder of Deeds, in the manner provided for in section 4-104, provided that in the event that any such person is not identified or located, service may be made upon him or her by publication in a newspaper of general circulation in the city once for a week for two (2) successive weeks, and service shall be made at least three (3) months prior to the effective date of the demolition provisions of the order. An appeal from such compliance order may be taken to the property standards board of review in the manner provided for in sections 4-96 to 4-100.

SECTION III. Section 4-294 entitled “Liens and charges to cover expenses” of Subdivision X entitled “Dwellings Unfit for Human Habitation” of Division 5 entitled “Minimum Residential Standards” of Article III entitled “Minimum Property Standards” of Chapter 4 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled “Buildings and Building Regulations.” is amended to read as follows:

Whenever the owner fails to comply with an order to repair, alter, improve or demolish a dwelling which has been determined to be unfit for human habitation and continued occupancy, and the chief inspector has taken direction action pursuant to the provisions of sections ~~4-430 or 4-431~~ **4-292 or 4-293**, the costs incurred by him or her in such action shall be a lien against the real property, and such lien shall be enforced in the manner provided or authorized by law for the enforcement of common law liens on personal property. Such lien shall be recorded. If the dwelling is demolished by the chief inspector, he or she may sell the materials of such dwelling, and the net cost of the demolition shall be charged to the owner, and if any balance remains, it shall be held for the owner or any other parties entitled thereto. In every case, the cost of direct action shall be costs necessary to perform the required work as expeditiously as possible, together with a ten-percent service charge in addition thereto.

SECTION IV. Section 4-421 entitled “Order to vacate” of Subdivision VI entitled “Unfit Structures” of Division 6 entitled “Nonresidential Standards” of Article III entitled “Minimum Property

Standards” of Chapter 4 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled “Buildings and Building Regulations.” is amended to read as follows:

Whenever a notice of violation, as provided for in section ~~4-422~~ **4-414**, has not been complied with, the chief inspector may include within the compliance order a finding to the effect that the nonresidential structure is unfit for continued occupancy, and such finding shall constitute an order to vacate. Such compliance order shall be served upon the owner, operator and the occupant in the manner provided for in section 4-94, and service shall be made at least ten (10) days prior to the effective date of the order to vacate. An appeal from such compliance order may be taken to the property standards board of review in the manner provided for in sections 4-96 to 4-100.

SECTION V. Section 4-424 entitled “Removal of placards from condemned nonresidential structures” of Subdivision VI entitled “Unfit Structures” of Division 6 entitled “Nonresidential Standards” of Article III entitled “Minimum Property Standards” of Chapter 4 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled “Buildings and Building Regulations.” is amended to read as follows:

No person shall deface or remove the placard from any nonresidential structure which has been condemned as unfit for continued occupancy and placarded as such, except as provided in section ~~4-425~~ **4-423**.

SECTION VI. Subsection (g) of Section 4-425 entitled “Securing of vacated and nonresidential structures.” of Subdivision VI entitled “Unfit Structures” of Division 6 entitled “Nonresidential Standards” of Article III entitled “Minimum Property Standards” of Chapter 4 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled “Buildings and Building Regulations.” is amended to read as follows:

(g) The chief inspector shall place a lien against the real property for the cost of demolition or otherwise making the building or structure safe in accordance with the provisions of section ~~4-432~~ **4-418**.

SECTION VII. Section 4-427 entitled “Order to demolish” of Subdivision VI entitled “Unfit Structures” of Division 6 entitled “Nonresidential Standards” of Article III entitled “Minimum Property Standards” of Chapter 4 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled “Buildings and Building Regulations.” is amended to read as follows:

Whenever a notice of violation provided for in section ~~4-428~~ **4-414** has not been complied with, the chief inspector may include within the compliance order a finding to the effect that the structure is unfit for human occupation, and such finding shall be an order to demolish the nonresidential structure. Such compliance order shall be served upon the owner, occupant, lessee, mortgagee and all other persons having any interest in the structure, as shown by the records of the Recorder of Deeds, in the manner provided for in section 4-104, provided that in the event that any such person is not identified or located, service may be made upon him or her by publication in a newspaper of general circulation in the city once a week for two (2) successive weeks, and service shall be made at least three (3) months prior to the effective date of the demolition provisions of the order. An appeal from such compliance order may be taken to the property standards board of review in the manner provided for in sections 4-96 to 4-100.

SECTION VIII. Section 4-430 entitled “Liens and charges to cover expenses” of Subdivision VI entitled “Unfit Structures” of Division 6 entitled “Nonresidential Standards” of Article III entitled “Minimum Property Standards” of Chapter 4 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled “Buildings and Building Regulations.” is amended to read as follows:

Whenever the owner fails to comply with an order to repair, alter, improve or demolish a nonresidential dwelling which has been determined to be unfit for human occupation, and the chief inspector has taken direct action pursuant to the provisions of sections ~~4-430 or 4-431~~ **4-428 or 4-429**, the costs incurred by him or her in such action shall be a lien against the real property, and such lien shall be enforced in the manner provided or authorized by law for the enforcement of common law liens on personal property. Such lien shall be recorded. If the nonresidential structure is demolished by the chief inspector, he or she may sell the materials of such structure, and the net cost of the demolition shall be charged to the owner, and if any balance remains, it shall be held for the owner or any other parties entitled thereto. In every case, the cost of direct action shall be the costs necessary to perform the required work as expeditiously as possible, together with a ten-percent service charge in addition thereto.

SECTION IX. This ordinance shall take effect upon its second passage and all ordinances or parts of ordinances inconsistent herewith are hereby repealed. (*Requested by: Law Department*)

Public Comments

Motion _____ By _____ 2nd _____
Cusack _____ DiTraglia _____ Perry _____ Silva _____ Ramos _____

2. *The following ordinance is appropriating \$2,000,000 to finance the repairs, renovations and improvements to city roads and drainage systems and authorizing \$2,000,000 bonds or notes to finance same.*

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CITY OF EAST PROVIDENCE

CHAPTER

AN ORDINANCE APPROPRIATING \$2,000,000 TO FINANCE THE REPAIRS, RENOVATIONS AND IMPROVEMENTS TO CITY ROADS AND DRAINAGE SYSTEMS AND AUTHORIZING \$2,000,000 BONDS OR NOTES TO FINANCE SAME

WHEREAS, Chapter 598 and Chapter 608 of the Public Laws of Rhode Island 2006 authorize the issue of \$2,000,000 bonds and notes in anticipation thereof by the City of East Providence to finance the repairs, renovations and improvements to city roads and drainage systems (hereinafter referred to as the "Project"); and

WHEREAS, said Chapters were duly approved by a majority of those voting on the question at a special election held November 7, 2006 said election having been called and held and the question prescribed by Section 12 of said Chapters presented in accordance with law, and said Chapters are presently in full force and effect; and

WHEREAS, the Project is a capital project for public improvements needed by the City;

THE COUNCIL OF THE CITY OF EAST PROVIDENCE HEREBY ORDAINS:

SECTION I. The sum of \$2,000,000 is hereby appropriated for the purpose of the Project including retirement of the Notes at the maturity thereof.

SECTION II. The issue of \$2,000,000 bonds or notes in anticipation thereof to meet the foregoing appropriation is hereby authorized pursuant to Chapter 598 and Chapter 608 of the Public Laws of Rhode Island, 2006 and the City Charter. The City Council shall determine by resolution the time or times and manner at and in which said bonds or notes in anticipation of such bonds shall be issued and sold and the officers issuing the bonds or notes shall determine the form of the bonds or notes in accordance with law.

SECTION III. The estimated maximum cost of the Project is \$2,000,000 and any unexpended sum from said appropriation shall be used for either the retirement of said bonds or notes issued in anticipation thereof or for the payment of interest thereon. Prior to issuance of said bonds or notes in anticipation thereof, funds may be advanced from the city's general fund for Project costs.

SECTION IV. This ordinance shall take effect upon its second passage and all ordinances and parts of ordinances inconsistent herewith are hereby repealed. (*Requested by: Director of Finance*)

Public Comments

Motion _____ By _____ 2nd _____

Cusack _____ DiTraglia _____ Perry _____ Silva _____ Ramos _____

D. RESOLUTIONS

- 1. The following is a resolution determining certain matters relating to the time and manner at and in which the \$2,000,000 bonds or notes for the purpose of financing the repairs, renovations and improvements to city roads and drainage systems shall be issued and sold and authorizing the director of finance and the Mayor to determine certain other matters relating hereto.*

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CITY OF EAST PROVIDENCE

RESOLUTION NO.

A RESOLUTION DETERMINING CERTAIN MATTERS RELATING TO THE TIME AND MANNER AT AND IN WHICH THE \$2,000,000 BONDS OR NOTES FOR THE PURPOSE OF FINANCING THE REPAIRS, RENOVATIONS AND IMPROVEMENTS TO CITY ROADS AND DRAINAGE SYSTEMS SHALL BE ISSUED AND SOLD AND AUTHORIZING THE DIRECTOR OF FINANCE AND THE MAYOR TO DETERMINE CERTAIN OTHER MATTERS RELATING HERETO

WHEREAS, Chapter 598 and Chapter 608 of the Public Laws of 2006 authorize the issuance of \$4,500,000 bonds and notes in anticipation thereof by the City of East Providence for the purpose of financing the repairs, renovations and improvements to city roads and drainage systems (the "Project"); and

WHEREAS, said Chapters were duly approved by a majority of those voting on the question at a general election held November 7, 2006, said election having been called and held and the question prescribed by Section 12 of said Chapters presented in accordance with law, and said Chapters are presently in full force and effect; and

WHEREAS, the Council of the City of East Providence has by Ordinance (Chapter ___) appropriated the sum of \$2,000,000 for the purpose of the Project, including retirement of the Notes at the maturity thereof, authorized the issue of \$2,000,000 bonds or notes in anticipation thereof to meet such appropriation and ordained that the City Council shall determine by resolution the time or times and manner at and in which said bonds or notes shall be issued and sold.

The Council of the City of East Providence hereby resolves:

Section 1. Bonds in an amount not to exceed \$2,000,000 shall be sold at public sale (the "Bonds"). The Director of Finance and the Mayor be, and they hereby are, authorized to determine the time or times and manner at and in which said Bonds shall be issued and sold including the denominations, maturities, interest rates and other terms and conditions of any such Bonds as they in their discretion deem necessary or desirable to implement the foregoing.

Section 2. The Director of Finance and the Mayor are hereby authorized to take all action necessary to effect the issuance of the notes and said officers are hereby authorized and instructed to take all lawful action on behalf of the City necessary under the Internal Revenue Code of 1986, as amended (the "Code"), to insure that the interest on the Bonds will remain exempt from federal income taxation to the extent provided in Section 103 of the Code, and to refrain from taking any action which will cause interest on the Bonds to lose the benefit of exclusion from gross income provided by Section 103(a) of the Code.

Section 3. This resolution shall take effect upon its passage. *(Requested by Director of Finance)*

Public Comments

Motion _____ By _____ 2nd _____
Cusack _____ DiTraglia _____ Perry _____ Silva _____ Ramos _____

2. The following is a Resolution authorizing the Director of Finance to borrow \$1,000,000 in anticipation of City revenues.

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CITY OF EAST PROVIDENCE

RESOLUTION NO.

**A RESOLUTION AUTHORIZING THE DIRECTOR OF FINANCE
TO BORROW \$1,000,000 IN ANTICIPATION OF CITY REVENUES**

SECTION I. Pursuant to Section 45-12-4.3 of the Rhode Island General Laws and Section 4-22 of the Charter of the City, the Director of Finance is authorized to borrow during the fiscal year ending October 31, 2007 up to \$1,000,000 in anticipation of City revenues constituting sewer user charges as may be

permitted by law for the purpose of meeting the current liabilities and expenses of the City and that the Director of Finance is authorized to issue the note or notes of the City therefore and to refund such note or notes and any revenue anticipation notes of a prior year to the extent permitted by law.

SECTION II. The resolution shall take effect upon its passage. *(Requested by Director of Finance)*

Public Comments

Motion _____ By _____ 2nd _____
Cusack _____ DiTraglia _____ Perry _____ Silva _____ Ramos _____

3. *The following Resolution is an act relating to Fish and Wildlife – Menhaden Management Area.*

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CITY OF EAST PROVIDENCE

RESOLUTION NO.

RESOLUTION IN SUPPORT OF 2007-H 5165, 2007-H 5713, AND 2007-S 0311 ENTITLED “AN ACT RELATING TO FISH AND WILDLIFE – MENCHADEN MANAGEMENT AREA

WHEREAS, the over fishing of menhaden in Narragansett Bay is damaging the ecological balance of the bay; and

WHEREAS, because of over fishing, the stock of menhaden in Narragansett Bay is usually depleted by June of each year; and

WHEREAS, to alleviate this problem, prohibiting the use of purse seining for harvesting on menhaden in Narragansett Bay is recommended; and

WHEREAS, legislation has been introduced in the General Assembly, 2007-H 5165 and 2007-H 5713 and 2007-S 0311, all entitled “AN ACT RELATING TO FISH AND WILDLIFE – MENCHADEN MANAGEMENT AREA” which would prohibit the use of purse seining for harvesting on menhaden in Narragansett Bay; and

WHEREAS, the East Providence City Council believes that this legislation is in the best interest of the City of East Providence.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of East Providence requests the City Clerk to send a copy of this Resolution to the Governor of the State of Rhode Island, the Lieutenant Governor of the State of Rhode Island, the President of the Rhode Island Senate, the Speaker of the Rhode Island House of Representatives, and the Senators and Representatives representing the City of East Providence.

Public Comments

Motion _____ By _____ 2nd _____
Cusack _____ DiTraglia _____ Perry _____ Silva _____ Ramos _____

C. COMMUNICATIONS

1. Kathy Santos, Chairwomen East Providence Republican City Committee submitted names for consideration for appointment to the East Providence Canvassing Authority.
2. Nuno A. Branco, Vice-Chairman Democratic City Committee submitted names for consideration for appointment to the East Providence Canvassing Authority.
3. Frederick A. Vinhateiro, 78 Read Street (02915) Requesting to address the Council on Street Closing. Close Pawtucket Avenue from 3708 -3730 on Sunday, May 27, 2007 from 10 A.M. – 2 P.M. for the 11th Annual Car Show.
4. John M. Fahey, 2535 Pawtucket Avenue (02915) Requesting to address the Council on East Providence reality.
5. Albert Boucher, 74 Bay View Avenue (02915) Requesting to address the Council on Street Closing Gerald Street from the corner of Bay View Avenue to Crown Avenue on Saturday, June 30, 2007 from 12:00 P.M to 9:00 P.M., with a rain date of Saturday, July 7, 2007.

XI. ADJOURNMENT

Motion _____ By _____ 2nd _____