

**CITY OF EAST PROVIDENCE  
RHODE ISLAND  
DOCKET OF REGULAR COUNCIL MEETING  
MAY 15, 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 \_\_\_\_\_ 2<sup>nd</sup> \_\_\_\_\_  
Cusack \_\_\_\_\_ DiTraglia \_\_\_\_\_ Perry \_\_\_\_\_ Silva \_\_\_\_\_ Ramos \_\_\_\_\_

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

May 1, 2007 – Regular Meeting

- B. ALCOHOLIC BEVERAGE-CLASS F-1 – May 25, 26, & 27, 2007**

Holy Ghost Beneficial Brotherhood of Rhode Island, 51 North Phillips Street (02914)

- C. ALCOHOLIC BEVERAGE-CLASS F-1 – June 2, 2007**

St. Mary’s Academy-Bay View, 3070 Pawtucket Avenue (02915)

- D. ALCOHOLIC BEVERAGE-CLASS F-1 – June 1, 2, & 3, 2007**

Trinity Brotherhood, 146 Sutton Avenue (02914)

- V. APPOINTMENTS**

- 1. Canvassing Authority (by Mayor Ramos)**

Peter Barilla (replace Maryann Callahan for a term expiring 3/2008)  
12 Miller Avenue (02916)

Motion\_\_\_\_\_By\_\_\_\_\_2<sup>nd</sup>\_\_\_\_\_  
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\_\_\_\_\_2<sup>nd</sup>\_\_\_\_\_  
Cusack\_\_\_\_\_DiTraglia\_\_\_\_\_Perry\_\_\_\_\_Silva\_\_\_\_\_Ramos\_\_\_\_\_

3. **Board of Tenants Affairs** (by Mayor Ramos)  
Jeanne Sadler (for a term expiring 3/20/08)  
115 Goldsmith Avenue (02914)

4. **Assistant Harbormaster** (by Councilman DiTraglia)  
Michael D. Popolillo (reappointment)  
35 Tanglewood Drive (02915)

Motion\_\_\_\_\_By\_\_\_\_\_2<sup>nd</sup>\_\_\_\_\_  
Cusack\_\_\_\_\_DiTraglia\_\_\_\_\_Perry\_\_\_\_\_Silva\_\_\_\_\_Ramos\_\_\_\_\_

5. **Assistant Harbormaster** (by Councilman DiTraglia)  
Michael Znosko (reappointment)  
12 Catalpa Street (02915)

Motion\_\_\_\_\_By\_\_\_\_\_2<sup>nd</sup>\_\_\_\_\_  
Cusack\_\_\_\_\_DiTraglia\_\_\_\_\_Perry\_\_\_\_\_Silva\_\_\_\_\_Ramos\_\_\_\_\_

## LICENSES REQUIRING PUBLIC HEARING

1. **Dance/Entertainment** (Subject to approvals from the Chief of Police, Building Inspector, Zoning Officer and Fire Marshall)

Tropical Ilhas, Inc., 472 Waterman Avenue (02914)

Public Comments

Motion\_\_\_\_\_By\_\_\_\_\_2<sup>nd</sup>\_\_\_\_\_  
Cusack\_\_\_\_\_DiTraglia\_\_\_\_\_Perry\_\_\_\_\_Silva\_\_\_\_\_Ramos\_\_\_\_\_

## LICENSES NOT REQUIRING PUBLIC HEARING

1. **Peddler Ice Cream** (Subject to approvals from the Chief of Police, Health Inspector, Health Inspector, and City Manager)

Ryan Whalen, d/b/a Del's Lemonade, 400 Waterman Avenue (02914)

Motion\_\_\_\_\_By\_\_\_\_2nd\_\_\_\_\_

2. **Peddler Ice Cream** (Subject to approvals from the Chief of Police, Health Inspector, Health Inspector, and City Manager)

Jonathan Acosta, d/b/a Palagis Ice Cream, 55 Bacon Street (02860)

Motion\_\_\_\_\_By\_\_\_\_2nd\_\_\_\_\_

## LICENSING COMMISSIONERS RESUME SITTING AS CITY COUNCIL

### VII. PUBLIC HEARINGS

**ORDINANCES – FINAL PASSAGE** (Given First Passage May 1, 2007. Advertised – Prov. Journal – May 4, 2007.)

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

## 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\_\_\_\_\_2<sup>nd</sup>\_\_\_\_\_  
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.**

**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\_\_\_\_\_2<sup>nd</sup>\_\_\_\_\_  
Cusack\_\_\_\_\_DiTraglia\_\_\_\_\_Perry\_\_\_\_\_Silva\_\_\_\_\_Ramos\_\_\_\_\_

**VIII. NEW BUSINESS**

**A. CITY MANAGER’S REPORT**

1. Memorandum of Understanding (City of East Providence/Gilbane Development Company)

Motion \_\_\_\_\_ By \_\_\_\_\_ 2<sup>nd</sup> \_\_\_\_\_  
Cusack \_\_\_\_\_ DiTraglia \_\_\_\_\_ Perry \_\_\_\_\_ Silva \_\_\_\_\_ Ramos \_\_\_\_\_

2. Financial Statements for Fiscal Year ending October 31, 2006

Motion \_\_\_\_\_ By \_\_\_\_\_ 2<sup>nd</sup> \_\_\_\_\_  
Cusack \_\_\_\_\_ DiTraglia \_\_\_\_\_ Perry \_\_\_\_\_ Silva \_\_\_\_\_ Ramos \_\_\_\_\_

3. Canvassing Clerk Pay Grade

Motion \_\_\_\_\_ By \_\_\_\_\_ 2<sup>nd</sup> \_\_\_\_\_  
Cusack \_\_\_\_\_ DiTraglia \_\_\_\_\_ Perry \_\_\_\_\_ Silva \_\_\_\_\_ Ramos \_\_\_\_\_

4. 2007/2008 Community Development Block Grant Program Awards

Motion \_\_\_\_\_ By \_\_\_\_\_ 2<sup>nd</sup> \_\_\_\_\_  
Cusack \_\_\_\_\_ DiTraglia \_\_\_\_\_ Perry \_\_\_\_\_ Silva \_\_\_\_\_ Ramos \_\_\_\_\_

**B. REPORTS OF OTHER CITY OFFICIALS**

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

Motion \_\_\_\_\_ By \_\_\_\_\_ 2<sup>nd</sup> \_\_\_\_\_  
Cusack \_\_\_\_\_ DiTraglia \_\_\_\_\_ Perry \_\_\_\_\_ Silva \_\_\_\_\_ Ramos \_\_\_\_\_

**COUNCIL BUSINESS**

1. Discussion on Multi-Purpose Recreation Center (by Mayor Ramos)
2. School Department Deficit Solutions (by Councilman Cusack)

**C. INTRODUCTION OF ORDINANCES** (If given First Passage, can be referred to the next regular Council Meeting to be held on June 5, 2007 for a public hearing and consideration of final passage).

1) *The following is an ordinance amendment regarding stop sign at Wanniset Avenue (northbound traffic) at Crescent View Avenue.*

**AN ORDINANCE IN AMENDMENT OF CHAPTER 18 OF THE  
REVISED ORDINANCES OF THE CITY OF EAST PROVIDENCE,  
RHODE ISLAND, 1998, AS AMENDED, ENTITLED  
“VEHICLES AND TRAFFIC”**

**THE COUNCIL OF THE CITY OF EAST PROVIDENCE HEREBY ORDAINS:**

**SECTION I.** Sec. 18-269 entitled “Stop and yield intersections designated; when stops required.” is amended by adding thereto the following:

WANNISET AVENUE (northbound traffic) at Crescent View Avenue

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

Motion\_\_\_\_\_By\_\_\_\_\_2<sup>nd</sup>\_\_\_\_\_  
Cusack\_\_\_\_\_DiTraglia\_\_\_\_\_Perry\_\_\_\_\_Silva\_\_\_\_\_Ramos\_\_\_\_\_

**C. COMMUNICATIONS**

1. Doreen E. Carter, 124 Bluff Street (02915) Requesting to address the Council regarding Cancer Control Task Force, Discuss 501C3, ask for home or office storage for small area and some minor materials. The Council Blessing for the second annual Norman Miranda & Zachery Dauphinee Walk. Display kids Cancer art from last year in hall display case before end of school year.
2. Jeffrey M. West, 25 Wilson Avenue (02916) Requesting to address the Council on concerns, issues, and general comments relative to the report sighting building code violations and building deficiencies at Fire Station #3 in Rumford.
3. Joe Carter, 35 Oak Avenue (02915) Requesting to address the Council on Trash Pick up and Docket Request online.
4. Charles Mello, Jr. 596 Willett Avenue (02915) Requesting to address the Council on further statements regarding the present and future for the City of East Providence.
5. John Alexyon, 26 Winthrop Street (02915) Requesting to address the Council on the Multi-Purpose Recreation Center.
6. Shirley Andrews, 65 Garden Drive (02915) Requesting to address the Council on the Multi-Purpose Recreation Center.
7. Dennis Roy, Executive Director of EBCAP, 40 Walter Street, Barrington (02860) Requesting to address the Council on the Multi-Purpose Recreation Center.

**XI. ADJOURNMENT**

Motion\_\_\_\_\_By\_\_\_\_\_2<sup>nd</sup>\_\_\_\_\_