

Meeting Notice

Date Notice Posted: December 14, 2007

**City of East Providence
City Council Meeting
Date of Meeting: Tuesday, December 18, 2007
Time of Meeting: 7:30 p.m.**

**Location of Meeting:
City Hall, Council Chambers
145 Taunton Avenue
East Providence, RI 02914**

**CITY OF EAST PROVIDENCE
RHODE ISLAND
DOCKET OF REGULAR COUNCIL MEETING
DECEMBER 18, 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. ALCOHOLIC BEVERAGE CLASS F-1 – February 2, 2008

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

V. PROCLAMATIONS & PRESENTATIONS

East Providence Girl Scout Troop 490 presenting Girl Scout Cookies to the Council members to “Kick-Off” Girl Scout Cookie Sales which will begin on January 4, 2008.

VI. APPOINTMENTS

1. Traffic Control (by Councilman Cusack)

Arthur G. Neves, 51 Pershing Street (02914)

Motion_____By____2nd_____

Cusack___DiTraglia___Perry___Silva___Ramos_____

VII. LICENSES NOT REQUIRING PUBLIC HEARING

1. Vict/Not Over 25 (Subject to approvals from Chief of Police, Building Inspector, Health Inspector, and Fire Marshall)

Ayesha Corporation, d/b/a Gulf Express, 2261 Pawtucket Avenue (02914)

Motion_____By____2nd_____

2. Holiday Sales (Subject to approvals from Chief of Police, Building Inspector and Fire Marshall)

Ayesha Corporation, d/b/a Gulf Express, 2261 Pawtucket Avenue (02914)

Motion_____By____2nd_____

3. Vict/Not Over 25 (Transfer) *(Subject to approvals from Chief of Police, Building Inspector, Health Inspector, and Fire Marshall)*

From: East Side Management, Inc., d/b/a Shell, 501 Warren Avenue (02914)

To: Colbea Enterprises LLC, d/b/a Shell, 501 Warren Avenue (02914)

Motion _____ By ____ 2nd _____

4. Holiday Sales (Transfer) *(Subject to approvals from Chief of Police, Building Inspector and Fire Marshall)*

From: East Side Management, Inc., d/b/a Shell, 501 Warren Avenue (02914)

To: Colbea Enterprises LLC, d/b/a Shell, 501 Warren Avenue (02914)

Motion _____ By ____ 2nd _____

5. Additional Hours (Transfer) *(Subject to approvals from Chief of Police, Building Inspector and Fire Marshall)*

From: East Side Management, Inc., d/b/a Shell, 501 Warren Avenue (02914)

To: Colbea Enterprises LLC, d/b/a Shell, 501 Warren Avenue (02914)

Motion _____ By ____ 2nd _____

LICENSING COMMISSIONERS RESUME SITTING AS CITY COUNCIL

VIII. PUBLIC HEARINGS ORDINANCES – FINAL PASSAGE

1. The following is an ordinance amendment regarding public hazard.

**AN ORDINANCE IN AMENDMENT OF CHAPTER 14
OF THE REVISED ORDINANCES OF THE CITY OF EAST PROVIDENCE,
RHODE ISLAND, 1998, AS AMENDED, ENTITLED
"STREETS AND SIDEWALKS".**

THE COUNCIL OF THE CITY OF EAST PROVIDENCE HEREBY ORDAINS:

SECTION I. Sec. 14-50 entitled “Definitions” of Article IV entitled “Trees” of Chapter 14 entitled “Streets and Sidewalks” of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, is amended by adding thereto the following:

Public hazard means a dead, weakened or diseased tree or one containing signs and/or symptoms of a hazard tree as described by the International Society of Arboriculture and/or Society of Municipal Arborists.

SECTION II. Sec. 14-52 entitled “Tree commission; powers and duties; meetings” of Article IV entitled “Trees” of Chapter 14 entitled “Streets and Sidewalks” of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, is amended to read as follows:

(a) *Created; composition; appointment.* There is created a tree commission, hereinafter referred to as the “commission” which shall consist of ~~six members~~ **five members, including two ex officio positions.** ~~Such members shall consist of a member of the city council selected by the council, the director of public works or his authorized representative, the city forester who shall be ex officio, and three other persons who shall be qualified electors of the city and shall not be public officeholders of the city. These three persons shall be appointed by the mayor subject to confirmation by the city council for a term of two years and shall be appointed in accordance with provisions of the Charter and they shall serve on the commission without compensation.~~ **The city council, when appointing members to the East Providence Tree Commission, shall give consideration to those persons interested in the conservation and preservation of trees and the urban forest of East Providence. The commission shall, to the extent practicable, include:**

- (1) One licensed arborist;**
- (2) One professional landscape architect or landscape gardener;**
- (3) Three members shall be lay citizens;**
- (4) The city forester and a member of the city council shall both be ex officio.**

(b) *Powers and Duties.* The tree commission shall have the following powers and duties:

~~(1) The jurisdiction over all forestry functions including the planting, care and removal of trees, shrubs and other plants on the properties for which it is responsible. The tree commission shall do all acts necessary and proper for the care, management, improvement, maintenance and protection of the public parks and street trees under its jurisdiction.~~

(2) The duties of the tree commission shall be interpreted to include, but not be limited to the protection, maintenance, removal, and planting of trees on public property, and to make such recommendations from time to time to the city council as to desirable legislation concerning the tree program and activities for the city.

~~(3) The tree commission shall appoint an appropriately constituted search committee of the tree commission to recommend for appointment by the city council a city forester and such search committee shall base their recommendations on a personal interview, education, experience, general qualifications and references.~~

(4) The tree commission shall hear and decide appeals from the standards of this article or an appeal of a decision of the city forester. It may approve, modify, or deny the requested adjustment, based upon protection of public interest, preservation of the intent of this article, and possible unreasonable and unnecessary hardships involved in the case. The commission shall act upon all appeals as expeditiously as possible and shall notify the applicant in writing within five days of the action taken by the commission on the appeal.

(c) *Regular and special meetings; quorum.* Regular meetings of the tree commission shall be held quarterly or as needed. Special meetings shall be held as often as the board shall determine them to be necessary. A quorum for the transaction of business at all regular and special meetings shall be three members with full voting powers.

SECTION III. Sec. 14-53 entitled “City forester—Appointment; qualifications” of Article IV entitled “Trees” of Chapter 14 entitled “Streets and Sidewalks” of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, is amended to read as follows:

The city forester shall be **recommended by the Director of Parks and Recreation, approved by the City Manager, and** appointed by the city council. ~~based upon recommendations from the tree commission and he~~ **The city forester** shall be a person holding at least a bachelor’s degree from an accredited college or university in arboriculture or a related field or the equivalent in training or experience.

SECTION IV. Sec. 14-55 entitled “Same—Authority” of Article IV entitled “Trees” of Chapter 14 entitled “Streets and Sidewalks” of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, is amended by adding thereto the following:

(h) Unless the condition of the tree constitutes an immediate public hazard, he or she shall, at least five (5) days before the removal, post in the immediate vicinity a suitable notice stating his or her intention to remove the tree. If any person, firm or corporation objects to the removal, he or she may appeal it to the tree warden, in writing, who shall hold a public hearing at some suitable time and place after giving reasonable notice of the hearing to all persons known to be interested and posting a suitable notice in the immediate vicinity. Within five (5) days after the hearing, the tree warden shall render his or her decision granting or denying the appeal (R.I.G.L. § 2-14-8).

Any appeal of a decision of the city forester shall be brought before the tree commission, as articulated in subsection (a) of this section, within five (5) business days of the decision.

SECTION V. Subsection (c) of Sec. 14-58 entitled “Planting of trees upon any public street or public place” of Article IV entitled “Trees” of Chapter 14 entitled “Streets and Sidewalks” of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, is amended to read as follows:

(c) Cities and towns may appropriate resources to be used under the direction of the tree warden in planting shade trees upon land adjoining public right of ways, at a distance not exceeding twenty (20) feet from the public ways, that will function as public trees by improving, protecting, shading or beautifying the right of way; provided, that the written consent of the owner of the adjoining land is first obtained. (R.I.G.L. § 45-2-43).

SECTION VI. Sec. 14-64 entitled “Appeals” of Article IV entitled “Trees” of Chapter 14 entitled “Streets and Sidewalks” of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, is amended by adding thereto the following:

(c) If the applicant remains dissatisfied with the ruling of the tree commission, the applicant may appeal to the municipal court. Notice of the appeal must be filed within ten (10) business days of his or her receipt of the commission’s decision. This notice must be in writing and directed to the city forester and the city manager.

(d) No tree subject to the provisions of this chapter shall be removed or in any way altered during the pendency of an appeal, unless deemed a public hazard by the City Forester pursuant to Sec. 14-55 (h).

SECTION VII. Sec. 14-65 entitled “Violation and penalty” of Article IV entitled “Trees” of Chapter 14 entitled “Streets and Sidewalks” of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, is amended to read as follows:

Notice of Violation.

(a) *First Notice of Violation.* A notice by the city forester shall be issued stating the alleged violations by the property owner, advising the owner that these violations must be corrected. This notice shall:

- (1) Be in writing;
- (2) State the alleged violations applicable to this section;
- (3) Describe the property where the violations are alleged to exist or have been committed;
- (4) Provide a reasonable time, as stipulated by the City Forester for the correction of any alleged violation, re-growth of improperly cut or trimmed trees/vegetation or the repurchase and replanting of trees that were destroyed;
- (5) Be served upon the owner, occupant, operator or agent of the property, or by certified or registered mail, return receipt requested, addressed to the last known place of residence of the owner, occupant, operator or agent;
- (6) Inform the person to whom it is directed of his/her rights to apply for a hearing before the city forester and the procedure by which application for such hearing shall fulfill the requirements for service of the notice of violation;
- (7) After expiration of time granted the person served with the notice to seek a hearing, and a hearing was not requested, the notice may be recorded in the office of the recorder of deeds;
- (8) No notice shall be recorded if a hearing has been requested, received, and/or under appeal;

(9) No notice and lien recorded shall be released until the violation has been abated and the penalty imposed has been paid.

(b) *Reinspection.* After the appropriate time period, as stipulated by the City Forester in the notice of violation, the property described in the notice of violation shall be reinspected. If upon reinspection the violations alleged are determined to have not been corrected, then a second notice of violation shall be issued.

If the owner of the property fails to purchase and replant the trees/vegetation which were improperly pruned without a permit or were destroyed, they will be assessed all relevant costs incurred by the City of East Providence to purchase and plant new trees/vegetation whether performed by the Parks Division of the City of East Providence or a privately hired contractor. These costs include, but are not limited to, tree costs, delivery costs, tree removal, site clearing and salary/labor.

SECTION VIII. This ordinance shall take effect upon its second passage and all ordinances or parts of ordinances inconsistent herewith are hereby repealed. *(Requested by Tree Warden)*

Public Comments

Motion_____By____2nd_____

Cusack_____DiTraglia_____Perry_____Silva_____Ramos_____

2. *The following is an ordinance amendment regarding septic tank and cesspool dumping fee increase.*

**AN ORDINANCE IN AMENDMENT OF CHAPTER 8 OF THE
REVISED ORDINANCES OF THE CITY OF EAST PROVIDENCE,
RHODE ISLAND, 1998, AS AMENDED, ENTITLED
“LICENSES AND BUSINESS REGULATIONS”**

THE COUNCIL OF THE CITY OF EAST PROVIDENCE HEREBY ORDAINS:

SECTION I. Subsection (g) of Sec. 8-399 entitled “Dumping of contents at city treatment plant” of Article XIV entitled “Privies, cesspools, etc.” of Chapter 8 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled “Licenses and Business Regulations” is amended to read as follows:

(g) The fee for septic tank and cesspool dumping shall be based at the rate of ~~\$25.00~~ \$35.00 per 1,000 gallons.

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

Public Comments

Motion_____By____2nd_____

Cusack____DiTraglia____Perry____Silva____Ramos____

IX. CONTINUED BUSINESS

X. NEW BUSINESS

A. CITY MANAGER’S REPORT

1. Memorandum of Agreement – East Providence Professional, Managerial & Technical Employees Association.

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. RESOLUTIONS

Resolution authorizing the City of East Providence 2007 RIDEM Historic Parks/Passive Recreation Development Grant Program Application Submission

WHEREAS, the City of East Providence desires to provide diverse and high quality recreational opportunities for its citizens of all ages;

WHEREAS, the City of East Providence desires to provide safe, comfortable, and convenient recreational facilities to its citizens;

WHEREAS, the City of East Providence does desire to preserve the historical and cultural heritage of East Providence and to provide educational opportunities focusing on this heritage;

WHEREAS, the City of East Providence does desire to protect and enhance the scenic and natural resources of East Providence and to provide opportunities for persons of all ages, abilities and income levels to enjoy these resources;

Whereas, the City of East Providence supports the implementation of projects that are consistent with the State-approved *East Providence Comprehensive Plan*;

Now, Therefore Be It Resolved, the City Council of East Providence does hereby formally support and authorize submission of the following grant applications to the State of Rhode Island Open Space and Recreation Rehabilitation Development Program:

1. Squantum Woods Park Rehabilitation

Requested by Jeanne M. Boyle, Director of Planning

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

D. INTRODUCTION OF ORDINANCES *(If given First Passage, can be referred to the next regular Council Meeting to be held on January 2, 2008 for a public hearing and consideration of final passage).*

1. *The following is an ordinance amendment regarding Handicapped parking on Burgess 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. Article X entitled “Stopping, Standing and Parking.” of Chapter 18 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled “Vehicles and Traffic.” Subsection 18-315 entitled “Reserved parking designated–Handicapped parking.” is amended by adding thereto the following:

BURGESS AVENUE in front of house number 121

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

Motion_____By_____2nd_____

Cusack_____DiTraglia_____Perry_____Silva_____Ramos_____

X11. ADJOURNMENT

Motion_____By_____2nd_____