

**CITY OF EAST PROVIDENCE  
RHODE ISLAND  
JOURNAL OF REGULAR COUNCIL MEETING  
SEPTEMBER 21, 2004**

**The City Council meets in the Council Chamber on Tuesday, September 21, 2004 and is called to order at 7:30 p.m. by Mayor Rolland R. Grant.**

**Present: Mayor Rolland R. Grant )  
Daniel F. Harrington )  
Norman J. Miranda ) Council Members  
Dr. Isadore S. Ramos )  
Patrick A. Rogers )  
  
William J. Fazioli ) City Manager  
William J. Conley, Jr. ) City Solicitor  
John M. O'Hare ) City Clerk**

**The Invocation is read by Councilman Ramos and the Salute to the Flag is led by Councilman Miranda.**

**Lori Merolla, Merandi Reporting, is present to record the proceedings of the public hearings**

**1. CONSENT CALENDAR**

**Approval of Council Journals**

**September 7, 2004-Regular Meeting**

**2. DEPARTMENT OF ENVIRONMENTAL MANAGEMENT -**

**Insignificant Alterations - Permit - Application # 04 - 0193 in reference to the property and proposed project located: Approximately 60 feet southeast of Omega Way near Utility Pole No. 1 and approximately 2000 feet southwest of its intersection with Roger Williams Avenue, Assessor's Plat 303, Lot 3, East Providence, RI.**

.

**3. ABATEMENTS/CANCELLATIONS, City Tax Assessor**

<b>YEAR</b>	<b>AMOUNT</b>
<b>2004</b>	<b>\$317.68</b>
<b>TOTAL</b>	<b>\$317.68</b>

**4. ALCOHOLIC BEVERAGE LICENSE - F1 - September 25, 2004 - St. Francis Xavier, 81 North Carpenter St., East Providence, 02914.**

**Motion to approve by Councilman Rogers, seconded by Councilman Miranda, it is unanimously voted to approve.**

## **APPOINTMENTS**

**(By Mayor Rolland R. Grant)**

### **CROSSING GUARD**

**Michael Reynolds**

**41 Barnsdale**

**Road, East Providence, R.I. 02914**

**Motion to approve**

**by Mr. Rogers, seconded by Mr. Miranda, it is unanimously voted to  
approve.**

**(By Councilman Patrick Rogers)**

### **AFFIRMATIVE ACTION COMMITTEE**

**O. Jetta Silas**

**14 Dewey**

**Avenue, East Providence, R.I.**

**Motion to approve by Mr. Harrington, seconded by Mr.**

**Miranda, it is unanimously voted to approve.**

**(By Councilman Norman J. Miranda)**

### **AFFIRMATIVE ACTION COMMITTEE**

**Barbara Fuller**

**66 Swan Street, East**

**Providence, R.I.**

**Motion to approve by Mr. Rogers, seconded by Mr. Miranda, it  
is unanimously voted to approve.**

**(By Mayor Rolland R. Grant)**

**Jerome Spinola**

**200 East**

**Shore Circle, East Providence, R.I.**

**Motion to approve by Mr. Rogers, seconded by Mr. Harrington, it is unanimously voted to approve.**

## **CITY COUNCIL SITTING AS LICENSING COMMISSIONERS**

### **LICENSES NOT REQUIRING PUBLIC HEARING**

#### **SUNDAY/HOLIDAY(TRANSFER) & (VICTUALIZING)**

**To Maher Tanbakji & Bachar Tanbakji from Mariela Hachem dba Payless Food.**

**The Tanbakjis are not present.**

**Motion to defer the transfer by Mr. Rogers and seconded by Mr. Miranda, it is unanimously voted to approve.**

**Motion to defer the victualizing license by Mr. Rogers and seconded by Miranda, it is unanimously voted to approve.**

**Mr. Rogers recommends moving the presentation by Standard & Poor's ahead and consolidating the matter concerning Mr. Gianlorenzo, Quattrucci & Caine.**

**Motion to approve by Mr. Rogers and seconded by Mr. Miranda, it is unanimously voted to**

approve.

Mr. Philip Shapiro, Managing Director and Geoffrey Buswick, Associate Director of Standard & Poors address the City Council. They are sworn in by the City Solicitor.

They look at the financial condition of the city, the management practices, debt burden and the local economy. In each category they like to see trends. If positive the ratings improve, if negative they decline.

Mr. Buswick discusses the Financial Factors For General Obligation Ratings including operations, revenues, expenditures, fund balances/reserves, pensions/OPEB, cash flow/liquidity, budgeting practices, and investments. He also discusses the Debt Factors For General Obligation Ratings which includes and Economic Factors For General Obligation Ratings.

He states that if there is a budget problem it is better to have some reserve funding.

Mr. Harrington commends them for their thorough discussion.

Mr. Shapiro states that among a study of 21 communities, East Providence has a strong debt ratio and is second from the bottom in debt per capita. Mr. Harrington attributes that to the fact

that taxes have been raised in the last five years and it is the tax payers who have stepped up to the plate and they deserve credit for making this community fiscally sound.

The Council returns to the regular order of business.

## **PUBLIC HEARINGS**

### **ORDINANCES-FINAL PASSAGE**

Advertised-Prov. Journal,

August 13, 2004

**AN ORDINANCE**  
**OF CHAPTER 3 OF THE REVISED ORDINANCES OF THE CITY OF**  
**EAST PROVIDENCE, RHODE ISLAND, 1998, AS**  
**AMENDED, ENTITLED “ANIMALS,” SECTION 1.,**  
**entitled “Definitions” of Article I. Entitled “In General” of Chapter 3 of**  
**the Revised Ordinances of the City of East**  
**Providence, Rhode Island, 1998, as amended, entitled**

“Animals,” is amended by adding thereto the following: wild animals shall mean any animal not included within the definition of domestic animals as defined by regulations promulgated by the Rhode Island Department of Environmental Management.

**SECTION 11. Subsec (d) of Sec. 3-9 entitled “Certain**

dogs and other animals to be confined; keeping of  
wild animals.” of Article 1 entitled “In General,” of Chapter 3 of the  
Revised Ordinances of the City of East  
Providence, Rhode Island, 1998, as amended, entitled

“Animals,” is amended to read as follows: (d) Any wild  
animal kept within the city limits must be confined  
indoors at all times, provided the wild animal may be kept for  
exhibition purposes by circuses, zoos and  
educational institutions in accordance with such regulations as  
promulgated by the Rhode Island Department of  
Environmental Management. Any wild animal that is  
found outdoors may be destroyed by the animal control officer or any  
police officer of the city. (By Mayor Rolland  
R. Grant)

Motion to dispense with the reading of the ordinance by Mr.  
Rogers, seconded by Mr. Miranda, it is unanimously  
voted to approve.

This is a public hearing and each person will adhere to the  
two minute rule.

Four witnesses are testifying and all are sworn in by the  
City Solicitor.

Joseph Melfi questions why an animal found outdoors may

be destroyed by the animal control officer or a police officer on private property. The mayor states that is the ultimate and questions the City Solicitor. Mr. Conley explains that it is part of the pre-existing ordinance and that part is not part of the amendment

Marsha Byers from the Rhode Island Reptile Rescue now comes forward. She believes that the ordinance is vague. She offers two definitions of wild animals.

The mayor offers that the definition of a domesticated animal is defined by statute.

Kathleen Melfi of 56 Knowlton Street Street now offers testimony. She offers to people who don't understand the gators and they don't want them around that someday someone won't like what you have in your backyard. You will be the one that will be picked on.

Harold Gerstein now testifies. He has nothing against reptiles but they do not belong in the home.

A reptile is a meat eater. He mentions Siegfried and Roy. Roy was attacked by a white tiger (a wild animal). He also mentions about pit bulls getting out and doing a job. He states that in Florida reptiles are outlawed as pets. He feels that we have more serious things to be focused on than reptiles. He is

concerned about a child or pet being injured. He feels that a reptile in the home is very dangerous. He does not want to wait for something to happen. He feels that the council should do something about it and if you don't you should be ashamed of yourself.

Ms. Byers wishes to speak but she is denied because she has had her turn.

Dr. Ramos states that he has no problem with anyone having a pet alligator but he is adamant that they be kept in the house at all times.

Mr. Harrington applauds the vagueness of the ordinance. He believes that this will give leeway to the animal control officer and that the council should not become an animal control board.

He states that we should not over legislate common sense.

Mr. Rogers will vote against the ordinance because it is bad public policy.

Mr. Miranda voted with Dr. Ramos at the last meeting because of the possibility that things could be worked out. Evidently I am seeing that things can't be worked out. Tonight I am against the ordinance and will vote with Mr.

**Rogers.**

**The mayor says the importance of the ordinance is that it does not allow an animal to go out in one's yard but it does not go far enough.**

**Mr. Rogers wants to go back to where no wild animals may be kept in the city except for exhibition purposes in circuses, zoos and educational institutions in accordance with such regulations as promulgated by the R.I. Department of Environmental Management As read this would not allow people to keep animals in their cellar and we would be reverting to the original ordinance and not the modified one. Mr. Conley states that we rely on definitions promulgated by state government all the time.**

**Dr. Ramos has a problem with banning all wild animals when we are talking about alligators.**

**He says that we should just keep them in the house.**

**Motion to amend by Mr. Rogers, so that no wild animal may be kept within city limits provided that the animals may be kept for exhibition purposes by circuses, zoos and educational institutions in accordance with such regulations as promulgated by R.I..D.E.M. Any wild animal that is found outdoors may be destroyed by the animal**

**control officer or any police officer of the city.**

**The motion is seconded by Mr. Miranda.**

**Mr. Rogers           Aye**

**Mr. Miranda        Aye**

**Dr. Ramos           Nay**

**Mr. Harrington    Nay**

**Mayor Grant        Aye**

**Motion passes 3 to 0.**

**The motion as amended goes back for first passage.**

**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",  
Subsec 18-235 entitled "Reserved parking  
designated-Handicapped parking, adding:        FIRST STREET**

**(West side) IN FRONT OF HOUSE NUMBER 81**

**(By Director of Public Works)**

**Motion to approve by Mr. Miranda, seconded by Mr.  
Harrington.**

**Mr. Harrington Aye**

**Mr. Rogers Aye**

**Mr. Miranda Aye**

**Dr. Ramos Aye**

**Mayor Grant Aye**

**Motion passes 5 to 0**

**CITY MANAGER**

**1. Previously discussed**

**2. Approval of contract for auditing services for fiscal year 2004 to Parmelee, Poirier & Associates of Warwick, R.I.**

**Three bids were received. The low bidder was chosen.**

**Motion to approve by Dr. Ramos, seconded by Mr. Rogers, it is unanimously voted to approve.**

**3. Award of a contract to US 1 Energy for radio meter reading system for the water meters.**

**Two bids were received. The low bidder was chosen.**

**Motion to approve by Mr. Harrington, seconded by Dr. Ramos, it is unanimously voted to approve.**

**4. Approval of the award of the contract for the replacement of**

**the Watchemoket Force water main to  
Construction Corporation.**

**Parkside Utility**

**Four bids were received. The low bidder is recommended.**

**Motion to approve by Mr. Harrington, seconded by Mr.  
Miranda, it is unanimously voted to approve.**

**5. Non- utilization  
ordinance.**

**The City Manager will be proposing changes in the  
coming months involving the ordinance, the  
language, and the enforcement mechanism. We will also be preparing  
an inventory for these properties and come up with a  
strategy to move these properties along.**

**REPORTS OF OTHER CITY OFFICIALS**

**CLAIMS COMMITTEE**

**(By City Solicitor)**

**Edward Addison for property damage Refer  
the claim to the Law Department**

**Brenda Hogan for libel and slander  
Refer the claim to the Law Department**

**R.I. Cause for libel and slander Refer  
the claim to the Law Department**

**Jane Weyland**

**Claim**

**approved for \$425.00**

**Motion to approve by Mr. Miranda, seconded by Dr. Ramos, it is unanimously voted to approve.**

## **PLANNING DEPARTMENT**

**1. Memorandum from the Planning Board to the City Council re: Recommendation on the Drainage Easement on Burnside Avenue., Map 411, Block 16, Parcels 006.00.**

**Motion to accept by Mr. Harrington, seconded by Mr. Miranda, it is unanimously voted to approve.**

**2. Memorandum from the Planning Board to the City Council re: Abandonment of Avenue D- Advisory Opinion from the Planning Board to the City Council.**

**Mr. Conley states that the Planning Board has reviewed it and recommended it favorably and ask that the Council now schedule it for a public hearing and we will come up with the appropriate dates.**

**Mr. Miranda had requested information on the property**

at the corner of State and Abbott Street.

He has not

heard anything to date and requests a report from the City Manager.

Motion made by Mr. Harrington, seconded by Mr. Miranda, it is unanimously voted to approve.  
(Motion refers to abandonment of Avenue D).

## COUNCIL MEMBERS

(By Mayor Rolland R. Grant)

1. Leaking Garbage Trucks-The Mayor believes that it is about time we did something about this.

He understands that the problem comes from the driver not tightening the truck properly after being emptied as a result liquid goes on the street. He questions if there is something in our contract to address this problem. It is his understanding that under contract the company can be fined for discharge on the street.

Dr. Ramos concurs with the mayor. He states that the problem is caused by cut grass.

2. Street Paving/ New & Old-The streets have grass growing out of the street. The Mayor would like the City Manager to look into the street paving to find out what the criteria is.

Mr. Rogers questions the Mayor whether he is considering paving the streets this fall before the winter comes. He responds affirmatively. Mr. Rogers recommends that the councilmen take a look at the various streets that need to be repaved and report back so that the paving can be accelerated before the frost comes.

Mr. Ramos raises the issue if we redo what Mr. Coutu has done and there is a cost factor where are we going to get the money.

Mr. Rogers suggests looking at the existing list and if the streets have a dire need to accelerate repair in advance of the winter.

Mr. Miranda compliments the current contractor that we have (ie. Narragansett Improvement)

Mr. Coutu comes before the Council. The Mayor asks if there are any additional funds. Mr. Coutu responds that there are from a Bond Issue in 2000. Mr. Coutu believes that it would be best to wait until next year.

Mr. Miranda states that if we could have a job done by November and the money is there and the equipment is in the city then we should move ahead.

Mayor Grant states that Narragansett is doing a fantastic job. He refers to the problem last year at Upyonda Way. He suggests that we call Cardi, the former contractor to remedy the situation. Mr. Coutu confirms that there will be a meeting with Cardi to discuss the issues.

Mr. Miranda asks what has happened on Bertrand Street and can we go after Cardi?

3. Board of Canvassing-The mayor points out that during the recent primary that the people from Riverside had to come up to the Silver Spring School. Several people said that they are not coming up to vote. The mayor states that people like to vote in their own neighborhood.

The mayor would like to send a note to the Board of Canvassing to see what we could do to open more polling places for two years from now in expanding the places where people can go. It is so important to get people out to vote. He suggests that some people just give up.

Dr. Ramos concurs. It was not just about Silver Spring and that more could have been done on the upper part of Riverside. He is certain that the general election things will be straightened out.

Councilman Harrington seeks Council consent to note that the groundbreaking for the Riverside Library took place that day. He praises deceased Councilman and Representative Sullivan, former Councilman Midgeley, Senator Damiani and Representative Savage. It is with great joy that we got there this time, we are doing it correctly and it will be built on budget. It is a testimony to all those folks from the library who have worked on the project.

Mr. Harrington addresses Mr. Conley on the multi-purpose center. He states that we approve putting that on the ballot, but now we live in a very different environment. He wants to get a status report of the legal side of this ordinance so that it includes what this council by friendly ordinance said that it has an impact study. That the upcoming election on the multipurpose center will include a statement in simple to read language what the tax burden will be.

Mr. Conley states that a voter information booklet will go out sometime in October including any updated information on fiscal impact to every voter in the city. Mr. Harrington asks will there be any derivative of that fiscal impact statement in the

voting booth. Mr. Conley states that the only information will be the ballot question and editorializing will not be allowed in the voting booth itself. He states that putting it on the ballot transcends state law.

4. Liquid Natural Gas Report- In the Providence Journal today a Lloyd's of London executive likened LNG to a nuclear explosion. The article suggested that all ports that have it are at risk. He said that it is almost an impossibility to guard them. Do we need something on our river that when the ship comes up we have to close the bridge down. They were told that they could put it out in the outer bay and there would be much less danger. They still have not done things that the City Manager, the City Solicitor and the City Council have asked them to do. The City requested a needs assessment and they have not done it. There is no need for this LNG here in Providence. The people in Fall River are also up in arms about this situation. The Governor of Massachusetts is also on board with them.

BG Group that owns this also owns National Grid that owns Narragansett Electric. They do not want to give East Providence a needs assessment because they just

want to make money and they just don't care about the dangers of LNG. They offered us two fire boats. The mayor questioned if it is not dangerous why do we need a fire boat. They said that you are not going to get just one you are going to get two fire boats .If it is not that dangerous why do they have to shut the whole bay down and close the bridges?

The problem is that this is very dangerous and they can't tell us what the need is because there is no need. We have adequate gas here in Providence, we do not need an additional pipe and we do not need an additional boat coming up the river.

Mr. Conley notes that the applicants for licenses not requiring a public hearing are here if the Council would like to consider the matter. Dr. Ramos recommends that we proceed.

## **LICENSES NOT REQUIRING PUBLIC HEARING**

**Mr. Maher Tanbakji is sworn in by the City Solicitor**

**This is a SUNDAY/HOLIDAY(TRANSFER) from Mariela Hachem dba as City Mart to Maher and Bachar Tanbakji dba Payless Food Mart, 327 Warren Avenue, East**

Providence. The

applicants are also seeking a

VICTUALING / Not over 25.

Mr. Rogers makes a motion to consolidate both motions.

Motion to approve by Mr. Harrington, seconded by Mr. Miranda, it is unanimously voted to approve.

Motion to approve both licenses simultaneously by Mr. Harrington, seconded by Mr. Miranda, it is unanimously voted to approve.

## INTRODUCTION OF ORDINANCES

1. 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."

Which amends SECTION 1.

Sec. 18-269 entitled "Stop and yield intersections designated; when stops required."

Adding: DON AVENUE (northbound and southbound traffic) at LEWIS STREET.



**(Requested by**

**Councilman Norman J. Miranda)**

**Motion to approve by Mr. Harrington and seconded by  
Dr. Ramos.**

<b>Mr. Harrington</b>	<b>Aye</b>
<b>Mr. Miranda</b>	<b>Aye</b>
<b>Dr. Ramos</b>	<b>Aye</b>
<b>Mr. Rogers</b>	<b>Aye</b>
<b>Mayor Grant</b>	<b>Aye</b>

**Motion passes 5 to 0.**

## **COMMUNICATIONS**

**Mr. Steven Gianlorenzo wishes to address the Council about comments made about his business at the last meeting. Mr. Gianlorenzo is sworn He mentions the negative comments that were made about him by John Conley and Patrick Rogers. He needs to respond to the disgusting and slanderous comments that were made. Mr. Conley has the issue of the hayfield on the corner of Dover and Cushman Avenue. His comment started the ball rolling for the unwarranted and unprofessional and negative comments against me. He states that he is upset personally**

and professionally that he had the need to mention my name. He claims that it was reported that the grass not being cut was from retaliation from the developer not getting what he wanted. He says that Mr. Conley sees a development of a cozy relationship developing with several builders and the Code Enforcement Officers of this city. That could be further from the truth and he followed the required building codes and he has followed the recommendations of their decisions.

Mr. Conley said property owners have rights too and he did not want the thug mentality in this city. Mr. Gianlorenzo then refers to Mr. Rogers question "is this the same Mr. Gianlorenzo that builds on postage stamp lots?" Mr. Gianlorenzo answer in the affirmative and states that all have been approved by city officials. He mentions that people are happy to have those houses and pay taxes on those postage stamp lots.

In response to Mr. Rogers question, is that the guy who builds houses with no windows on the side? The answer is that 90% of the homes that I have built have windows on the side.

In reference to Mr. Rogers term "Gianlorenzo special," Mr. Gianlorenzo says to Mr. Rogers

**“Who are you to deem my homes a Gianlorenzo special, they are going to first time home owners, they are proud to be the owner of a home built by a third generation home builder.”**

**Mr. Rogers stands by all of his remarks and we have a difference of opinion. He accuses Mr. Gianlorenzo of leaving a bulldozer on his property for spite purposes.**

**Mr. Rogers believes that Mr. Gianlorenzo buildings have a negative effect on the quality of life in East Providence. The fact that you have to go to zoning is that you are looking for relief from what is the standard laws and ordinances are in the city of East Providence.**

**Mr. Harrington respectfully disagrees with Mr. Rogers.**

**Mr. Miranda addresses Mr. Gianlorenzo and states that there is an ordinance against high grass and it does have teeth in it.**

**Mr. Gianlorenzo assures the Council that he will never have a piece of property with grass over 6 inches again.**

**Mr. Albert W. Quattrucci, Building Inspector comes**

forward and states that nobody will ever accuse him of committing criminal acts again after being sworn in by the City Solicitor. He discusses allowing Mr. Gianlorenzo to build houses without windows on postage stamp lots.

Mr. Rogers states that the record stands for itself.

Dr. Ramos defends Mr. Quattrucci and states that he is honest and a man of integrity.

Mr. Rogers responds with the issue that he is issuing building permits that he is not supposed to and is it appropriate for a developer to leave a bulldozer in a residential area for three months when they are not working there?

Mr. Quattrucci asks what a postage stamp lot is. Mr. Rogers tells him to refer to the record and whatever the record is stands.

The Mayor states that this is a personnel issue and should be referred to personnel.

Motion by Mr. Miranda, seconded by Mr. Harrington to refer the matter to personnel, it is unanimously voted to approve.

Patrick Caine, Zoning Board Chairman requests to dress the Council. He is here to discuss a case that has come before the Board. It was an appeal for putting a roof on a garage. The issue before the board was that the roof be repaired to the original size. There is a question that the building permit was issued in error.

He discusses a Middletown case where a municipality can be liable for Tort claim for issuing a building permit if a special duty exists. He urges that does not become an issue and that we look at certificates of zoning which is a very significant thing and make sure that we act in due diligence in doing that.

He recommends the expertise of both the zoning official and building inspector be put to good use because we do not have do not have a computer system to find out prior history for zoning.

Councilman Miranda states that Al Quattrucci is qualified to do the job. He states that they are short on personnel in the department and that we need to help the public if necessary.

Brian Coogan requests to speak because he owns the property at 173 Grovensnor Street. That was the property that Mr. Caine discussed. At the time Mr. Coogan had a purchase and

sale agreement but did not own the property. He claims that the decision by zoning was made on photographs not of his property but another person's property and the case is in court at this time.

**Block Party, Suzanne Charron- Requesting to block off Palmer Ave./Hilton Ave intersection**

**For a pumpkin carving party, October 23, 2004, 4:00 P.M. to 7:00 P.M.**

**Motion to approve by Mr. Miranda, seconded by Mr. Harrington, it is unanimously voted to approve.**

**Block Party, Patrick Rogers-Requesting a block party on Sunday, September 26, 2004 (Rain date- Sunday October 3, 2004) 12:00 noon till 5:00 P.M. Location; Don Avenue & Catlin Avenue.**

**Motion to approve by Mr. Miranda, seconded by Mr. Harrington, it is unanimously voted to approve.**

**Mr. William M. Reynolds requesting to address the Council regarding property on Russell Avenue and James Street.**

**Motion to defer to Planning by Mr. Miranda, seconded by Mr.Harrington, it is unanimously voted to**

**approve.**

**Motion to adjourn by Mr. Rogers , seconded by Mr. Harrington, it is  
unanimously voted to approve.**

**The meeting adjourns at 10:00 P. M.**

**ATTEST\_\_\_\_\_**

**October 5,**

**2004**

**JOHN M. O'HARE  
CITY CLERK**