

CITY OF EAST PROVIDENCE

RHODE ISLAND

DOCKET OF REGULAR COUNCIL MEETING

April 6, 2010

7:00 p.m. Executive Session

7:30 p.m. Open Session

I. EXECUTIVE SESSION

The City of Council will meet in Executive Session for the purposes of discussing Claims and Litigation pursuant to R.I.G.L. 42-46-5(a)(2)

A. Claims Committee

(see concurrently posted Claims Committee Agenda)

II. CALL TO ORDER

III. INVOCATION

IV. SALUTE TO THE FLAG

V. 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.

A. Letters

- 1. Coastal Resources Management Council, Cease and Desist Order, Stone Gate Condominium Association for unauthorized clearing within 200 feet of coast.**
- 2. Notice of Property Number Change, 977 Waterman Avenue to 939, 945, 965, 971, 975 Waterman Avenue, 10 units Map 507 Block 04, Parcel 001.00.**
- 3. Resolution from the Town of Newport Town Council encouraging the return of the 34th America's Cup Challenge to Newport.**
- 4. Resolution from the City of Cranston City Council urging members of the General Assembly to enact legislation establishing a "Blue Alert" program in RI.**
- 5. Resolution from the City of Cranston City Council encouraging the return of the 34th America's Cup Challenge to Newport.**
- 6. Resolution from the Town of East Greenwich Town Council opposing binding arbitration for teachers.**
- 7. Resolution from Town of East Greenwich Town Council opposing binding arbitration for municipal workers S2603.**
- 8. Resolution from the Town of East Greenwich Town Council encouraging the return of the 34th America's Cup Challenge to Newport.**
- 9. Resolution from Town of Portsmouth Town Council is support of RI House Bill 7014 – Bridge Safety.**
- 10. Coastal Resources Management Council proposed change to the Administrative Procedures Act, comments to be submitted by April**

27, 2010.

B. Class F-1

**1. St. Francis Xavier, Fundraiser, 81 North Carpenter Street (02914),
April 10, 2010.**

C. Holiday Sales

**1. Rhode Island CVS Pharmacy, LLC dba CVS/Pharmacy #7387, 63
Newport Avenue (02916)**

**2. Bettencourt, Sandra dba Sandra's Meat Market, 1024 South
Broadway (02914).**

D. Holiday Sales Transfer

1. Super Dairy Farm, Inc. 2775 Pawtucket Avenue (02914)

E. Vict/Not Over 25

1. Ai Lin Chen dba New China 656 Bullocks Point Avenue (02915).

F. Vict/Not Over 25 Transfer

**1. Rodrigues Wholesale & Retail Meats, Inc. dba Rodrigues Wholesale
& Retail Meats to Bettencourt, Sandra dba Sandra's Meat Market, 1024
South Broadway (02914).**

2. Super Dairy Farm, Inc. 2775 Pawtucket Avenue (02914)

G. Council Journals

1. Regular Council Meeting March 16, 2010

Motion___By___2nd___

Coogan___Cusack___DiTraglia___Perry___Larisa___

VI. LICENSES REQUIRING PUBLIC HEARING

A. Sec/Autos & Trucks

**DeCarvalho, Jose J. dba J.C. Auto Repair/Sales, 111 Warren Avenue
(02914)**

Motion___By___2nd___

Coogan___Cusack___DiTraglia___Perry___Larisa___

VII. ORDINANCES FINAL PASSAGE– PUBLIC HEARING

A. The following ordinance provides for the removal of a one way sign on Dorr Avenue (westbound) from Arnold Street to Smith Street during the hours of 8:00 a.m. to 9:00 a.m. and 2:00 p.m. to 3:00 p.m., school days.

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CITY OF EAST PROVIDENCE

**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. Section 18-247 entitled “Designation of one-way streets” of Article VIII entitled “One-Way Streets” of Chapter 18 entitled “Vehicles and Traffic” is amended by deleting there from the following:

Dorr Avenue (westbound) from Arnold Street to Smith Street during the hours of 8:00 a.m. to 9:00 a.m. and 2:00 p.m. to 3:00 p.m., school days.

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___2nd___

Coogan___Cusack___DiTraglia___Perry___Larisa___

B. The following ordinance provides for removal of a no parking sign on Dorr Avenue (south side) from Arnold Street westerly 78 feet, school days, between 8:00 a.m. and 3:00 p.m.

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“VEHICLES AND TRAFFIC”**

THE COUNCIL OF THE CITY OF EAST PROVIDENCE HEREBY

ORDAINS:

SECTION I. Subsection (b) of Section 18-302 entitled “Parking adjacent to schools prohibited when signs are erected” of Article X entitled “Stopping, Standing and Parking” of Chapter 18 entitled “Vehicles and Traffic” is amended by deleting there from the following:

Dorr Avenue (south side) from Arnold Street westerly 78 feet, school days, between 8:00 a.m. and 3:00 p.m.

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___2nd___

Coogan___Cusack___DiTraglia___Perry___Larisa___

VIII. PUBLIC HEARING

A. Show Cause Hearing – Ban Chiang dba Siam Square 1050 Willet Avenue (02915)

Motion___By___2nd___

Coogan___Cusack___DiTraglia___Perry___Larisa___

B. Community Development Block Grant

Motion___By___2nd___

Coogan___Cusack___DiTraglia___Perry___Larisa___

IX. NEW BUSINESS

A. City Manager's Report (by City Manager Richard Brown)

1. Drainage Easement – Hospital Road

Motion___By___2nd___

Coogan___Cusack___DiTraglia___Perry___Larisa___

B. Reports of Other City Officials

1. Claims Committee Report (by City Solicitor James Briden)

Motion___By___2nd___

Coogan___Cusack___DiTraglia___Perry___Larisa___

2. Vote on Charter Amendment relative to Sec. 2-22 regarding manner of publication of ordinances. (by City Solicitor James Briden)

Motion___By___2nd___

Coogan___Cusack___DiTraglia___Perry___Larisa___

3. Briefing on the Qualified School Construction Bond (QSCB) (by Superintendent Dr. Mario Cirillo and Chief Operating Officer Lonnie Barham)

4. Providence Road Race Marathon (Chief of Police Jospeph Tavares)

Motion___By___2nd___

Coogan___Cusack___DiTraglia___Perry___Larisa___

C. Council Members

1. EP Budget Update (by Mayor Larisa)

D. Resolutions

1. A resolution in opposition to binding arbitration.

Motion___By___2nd___

Coogan___Cusack___DiTraglia___Perry___Larisa___

2. A resolution in support of encouraging the return of the 34th America's Cup Challenge to Newport.

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CITY OF EAST PROVIDENCE

RESOLUTION NO.

**RESOLUTION IN SUPPORT OF THE RETURN OF THE
AMERICA'S CUP RACES TO THE CITY OF NEWPORT**

WHEREAS, on February 14, 2010, the BMW Oracle Racing Team defeated Alinghi off the coast of Valencia, Spain to capture the 33rd America's Cup competition; and

WHEREAS, for much of the 20th century, Newport, Rhode Island served as host for the America's Cup races; and

WHEREAS, as the "Sailing Capital of the World," with a culture and history rich with maritime pursuits, the presence of the America's Cup competition in the City of Newport would offer a significant boost to the local economy.

NOW, THEREFORE, BE IT RESOLVED, that the East Providence City Council wholeheartedly congratulates the Oracle syndicate on its victory and encourages this group to return the 34th America's Cup challenge to its true home, Newport, Rhode Island.

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to Mr. Larry Ellison of BMW Oracle Racing and to all of the cities and towns in Rhode Island asking that they join in encouraging the return of the America's Cup races to the City of Newport.

This resolution shall become effective upon its passage.

Motion___By___2nd___

Coogan___Cusack___DiTraglia___Perry___Larisa___

3. A resolution regarding Judicial Fairness Legislation

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CITY OF EAST PROVIDENCE

**RESOLUTION SUPPORTING LEGISLATIVE AMENDMENTS TO
PROTECT RHODE ISLAND'S CITIES AND TOWNS AND THEIR
PUBLIC OFFICIALS/EMPLOYEES**

WHEREAS, at the regular meeting of the East Providence City Council held on April 6, 2010, at 7:30 p.m., at which time a quorum of the City Council was present and acting throughout, the City Council discussed various legislative amendments intended to protect the public treasury and also to protect public officials and employees from suits against them in their personal capacities; and

WHEREAS, the East Providence City Council finds that cities and towns are being faced with ever increasing demands upon their finances and that public officials and employees are increasingly and unfairly confronted with threats of personal liability from their official acts on behalf of the public they serve; and

WHEREAS, the East Providence City Council finds that the legislative restrictions imposed upon the cities and towns relative to their ability to raise revenue have severely hampered the operations of municipal government; and

WHEREAS, the East Providence City Council finds that the current state of the law in Rhode Island imposes unfair burdens upon municipal government, its public officials and employees, and the taxpayers of Rhode Island's cities and towns due to a statutory scheme that imposes unreasonable liability upon the cities and towns

of Rhode Island; and

WHEREAS, the East Providence City Council finds that legislative reform is necessary in order to adequately protect municipal governments, their officials and employees and the taxpayers from inequitable treatment due to the current state of the law with respect to municipal liability; and

WHEREAS, Legislation is currently pending in the General Assembly in the form of five (5) bills: H 7278; H 7777; H 7277; H7280; and S 2349 that would ensure the equitable treatment of public entities by amending the following sections of the Rhode Island General Laws:

§ 9-31-3 Limitation of damages – Cities, towns, and fire districts;

§ 10-6-2. “Joint tortfeasors” defined; and

§ 9-21-10. Interest in civil actions

NOW, THEREFORE, BE IT RESOLVED that we, the East Providence City Council respectfully request that the General Assembly support H 7278, H 7777, H 7277, H7280, and S 2349.

BE IT FURTHER RESOLVED that the East Providence City Clerk is hereby instructed to submit a copy of this resolution to the East Providence State Senators and State Representatives in the Rhode Island General Assembly seeking their consideration and support of H 7278, H 7777, H 7277, H7280, and S 2349.

This resolution shall become effective upon its passage.

Motion___By___2nd___

Coogan___Cusack___DiTraglia___Perry___Larisa___

E. Introduction of Ordinances

1. Ordinance proposing a stop sign on Richfield Avenue westbound traffic at Dover Avenue.

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“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:**

RICHFIELD AVENUE (westbound traffic) at Dover 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___2nd___

Coogan___Cusack___DiTraglia___Perry___Larisa___

F. Communications

1. Christine Rossi, 29 Woodbine Street (02915) requesting to address

the Council regarding frustration of communicating with City Government.

X. ADJOURNMENT

Motion___By___2nd___

Coogan___Cusack___DiTraglia___Perry___Larisa___