

**CITY OF EAST PROVIDENCE**

**RHODE ISLAND**

**DOCKET OF REGULAR COUNCIL MEETING**

**April 20, 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. Tiverton Town Council Resolution in support of proposed legislation to authorize Rhode Island's Cities and Towns to postpone budget and financial town meetings for fiscal year 2010-2011.**
- 2. Smithfield School Committee Resolution opposing contract continuation.**
- 3. Smithfield School Committee Resolution opposing binding arbitration.**
- 4. Narragansett Town Council Resolution supporting hosting the America's Cup.**
- 5. Narragansett Town Council Resolution supporting establishing a "Blue Alert" Program.**
- 6. Narragansett Bay Commission Construction/Engineering/Operations Committee Meeting 4/14/10 at 9:30am, Personnel Committee Meeting 4/14/10 at 10:15am, Joint Long Range Planning-Finance Committee Meeting 4/14/10 at 10:30am, Monthly Board Meeting 4/14/10 at 11:00am.**
- 7. Johnston Town Council requesting the General Assembly to relieve the Cities and Towns of Financial State Mandates.**

## **B. Abatements**

**Year Amount**

**2009 \$1,801.02**

**2008 \$1,266.56**

**Total \$3,067.58**

**C. Council Journals**

**1. Regular Council Meeting April 6, 2010.**

**D. Holiday Sales**

**1. Aakif Siddiq DBA Four Corners Food Mart, 327 Warren Avenue (02914)**

**E. Holiday Sales – Transfer**

**1. Super Dairy Farm Inc. to New Dairy Farm Corp., 2775 Pawtucket Avenue (02914)**

**F. Vict/Not Over 25**

**1. Aakif Siddiq DBA Four Corners Food Mart, 327 Warren Avenue (02914)**

**G. Vict/Not Over 25 – Transfer**

**1. Super Dairy Farm Inc. to New Dairy Farm Corp., 2775 Pawtucket Avenue (02914)**

**H. Alcoholic Beverage Class F**

**1. East Providence Heritage Days, Inc, East Providence Heritage Festival, 145 Taunton Ave (02914) at Pierce Field July 15-July 18, 2010**

**I. Carnival**

**1. East Providence Heritage Days, Inc, East Providence Heritage Festival, 145 Taunton Ave (02914) at Pierce Field July 15-July 18, 2010**

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

**Coogan\_\_\_Cusack\_\_\_DiTraglia\_\_\_Perry\_\_\_Larisa\_\_\_**

## **VI. APPOINTMENTS**

### **A. Traffic Control (by Councilman Cusack)**

**Michelle Kollet, 24 Goldsmith Avenue (02914)**

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

**Coogan\_\_\_Cusack\_\_\_DiTraglia\_\_\_Perry\_\_\_Larisa\_\_\_**

## **VII. LICENSES REQUIRING PUBLIC HEARING**

### **A. Entertainment**

**Bruno Foods, Inc. DBA Cattails City Grille, 315 Waterman Avenue  
(02914)**

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

**Coogan\_\_\_Cusack\_\_\_DiTraglia\_\_\_Perry\_\_\_Larisa\_\_\_**

## **VIII. ORDINANCES FINAL PASSAGE– PUBLIC HEARING**

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

**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. 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\_\_\_**

## **B. PUBLIC HEARING**

### **A. Community Development Block Grant**

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

**Coogan\_\_\_Cusack\_\_\_DiTraglia\_\_\_Perry\_\_\_Larisa\_\_\_**

## **IX. NEW BUSINESS**

### **A. Reports of Other City Officials**

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

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

**Coogan\_\_\_Cusack\_\_\_DiTraglia\_\_\_Perry\_\_\_Larisa\_\_\_**

#### **2. Approval of explanation relative to proposed Charter Amendment (by City Solicitor Jim Briden)**

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

Coogan\_\_\_Cusack\_\_\_DiTraglia\_\_\_Perry\_\_\_Larisa\_\_\_

**3. Grant of Easements (by Director of Planning Jeanne Boyle)**

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

Coogan\_\_\_Cusack\_\_\_DiTraglia\_\_\_Perry\_\_\_Larisa\_\_\_

**B. Council Members**

**1. EP Budget Update (by Mayor Larisa)**

**2. Police and Fire Arbitrations (by Mayor Larisa)**

**3. School Bond Issue – Public Hearing (by Mayor Larisa)**

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

Coogan\_\_\_Cusack\_\_\_DiTraglia\_\_\_Perry\_\_\_Larisa\_\_\_

**C. Resolutions**

**1. A Resolution Authorizing the submission of a grant application for the State of Rhode Island Comprehensive Economic Development Strategy.**

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS CITY OF EAST PROVIDENCE**

**WHEREAS, the State of Rhode Island is preparing a Comprehensive Economic Development Strategy which includes projects eligible for grant funding through the Economic Development Administration (EDA); and**

**WHEREAS, the City Council of the City of East Providence desires grant assistance from the Economic Development Administration for the improvement of infrastructure and facilities that support economic development activities;**

**NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of East Providence directs the Planning Department to submit the necessary grant application for the State of Rhode Island Comprehensive Economic Development Strategy and for consideration by the Economic Development Administration for the following project:**

**Establishment of a City Based Jobs Skills Enhanced Training Facility**

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

**Coogan\_\_\_Cusack\_\_\_DiTraglia\_\_\_Perry\_\_\_Larisa\_\_\_**

**D. Introduction of Ordinances**

**1. The following ordinance would approve financing for the wastewater system through revenue bonds and notes in an amount not to exceed \$7,000,000.**

**CITY OF EAST PROVIDENCE, RHODE ISLAND**

**ORDINANCE OF THE CITY OF EAST PROVIDENCE APPROVING THE FINANCING OF THE CONSTRUCTION, EQUIPPING, EXTENSION, REPLACEMENT, REPAIR AND REHABILITATION OF THE CITY'S SEWER LINES, SEWAGE COLLECTION, AND SEWAGE TREATMENT SYSTEM AND ALL PRELIMINARY AND INCIDENTAL EXPENSES AND APPROVING THE ISSUANCE OF WASTEWATER SYSTEM REVENUE**

## **BONDS AND NOTES THEREFOR**

**IN AN AMOUNT NOT TO EXCEED \$7,000,000**

**WHEREAS, in the interest of public health and safety, the City of East Providence (the “City”) desires to make certain improvements to the City’s sewer system, including the construction, equipping, extension, replacement, repair and rehabilitation of the sewer lines, sewage collection, and sewage treatment system and all preliminary and incidental expenses in connection therewith (the “Project”);**

**WHEREAS, the City desires to issue an amount not to exceed Seven Million Dollars (\$7,000,000) wastewater system revenue bonds (the “Bonds”) or interest bearing or discounted wastewater system revenue notes (the “Notes”) in anticipation of the issue of said Bonds of the City, at one time, or from time to time for the purpose of evidencing the borrowing described above;**

**WHEREAS, Chapter 46-12.2 of the Rhode Island General Laws, pursuant to which the Bonds or Notes will be issued, provides that in connection with a financing transaction with the Rhode Island Clean Water Finance Agency (the “Agency”) and notwithstanding any municipal charter to the contrary, all local governmental units shall have the power to issue local governmental obligations payable solely from wastewater system revenues pursuant thereto without limit as to amount, and the amount of principal and premium, if any, and interest on the obligations shall not be included in the computation of any limit on the indebtedness of the local governmental unit or on the total taxes which may be levied or assessed by the local governmental unit in any year or on any**

**assessment, levy, or other charge made by the local governmental unit on any other political subdivision or instrumentality of the State of Rhode Island;**

**WHEREAS, notwithstanding the foregoing provisions of Chapter 46-12.2 of the Rhode Island General Laws, the City desires to comply with the requirements set forth in Section 4.27 of the City Charter with respect to the issuance of bonds to the extent possible;**

**WHEREAS, the estimated maximum cost of the Project is \$7,000,000;**

**WHEREAS, the period of usefulness of the Project is expected to be thirty (30) years; and**

**WHEREAS, the net debt of the City is not affected by the issuance of the Bonds or Notes as the Bonds and Notes will not be general obligations of the City but will be payable solely from wastewater system revenues.**

**NOW THEREFORE, BE IT ORDAINED BY THE CITY OF EAST PROVIDENCE that:**

**SECTION 1. The sum of Seven Million Dollars (\$7,000,000) is appropriated for the purpose of financing the Project.**

**SECTION 2. In accordance with Chapter 46-12.2 of the Rhode Island General Laws, the Mayor and the Director of Finance are hereby authorized to borrow an amount not exceeding Seven Million Dollars (\$7,000,000) from the Agency, and to evidence such loan as required by said Chapter 46-12.2, such officers are hereby authorized to issue and refund on behalf of the City the Bonds, at one time, or from time to time in order to meet the foregoing appropriation.**

**SECTION 3. The said officers from time to time may issue and refund**

**the Notes in anticipation of the issue of said Bonds.**

**SECTION 4. The Bonds and Notes shall be payable solely from wastewater system revenues. The City may issue bonds, notes, or other obligations on a parity with these Bonds as provided in the Trust Indenture (defined below). The manner of sale, amount, denominations, maturities, conversion or registration privileges, interest rates, medium of payment, and other terms, conditions and details of the Bonds or Notes may be fixed by the officers authorized to sign the Bonds or Notes.**

**SECTION 5. Pending the issuance of the Bonds under Section 2 hereof or pending or in lieu of the issue of Notes under Section 3 hereof, the Director of Finance, at the written direction of the City Council, may expend funds from funds of the City including the General Fund for the purposes specified in Section 1 hereof. Any advances made under this section shall be repaid without interest from the proceeds of the Bonds or Notes issued hereunder or from the proceeds of applicable federal or state assistance or from other available funds.**

**SECTION 6. The Mayor and the Director of Finance are also authorized, empowered and directed, on behalf of the City, to: (i) execute, acknowledge and deliver a Supplemental Trust Indenture (the "Supplemental Indenture") amending and supplementing the Trust Indenture dated October 6, 2009 by and between the City and U.S. Bank National Association (the "Trust Indenture"), and any and all other loan agreements, documents, certificates or instruments necessary to effectuate such borrowing; (ii) amend, modify or**

supplement the Trust Indenture, such Supplemental Indentures, the Bonds or Notes and any and all other loan agreements, documents, certificates or instruments at any time and from time to time, in such manner and for such purposes as such officers shall deem necessary, desirable or advisable; (iii) direct the Trustee with regard to investments of trust funds pursuant to the Trust Indenture, (iv) enter into inter-municipal agreements or amend existing inter-municipal agreements with other municipalities utilizing the wastewater treatment facility and regional collection system with respect to sharing cost of the Project, and (v) do and perform all such other acts and things deemed by such officers to be necessary, desirable or advisable with respect to any matters contemplated by this Ordinance in order to effectuate said borrowing and the intent hereof.

**SECTION 7.** The Mayor and the Director of Finance are hereby authorized to deliver the Bonds or Notes to the purchaser and said officers are hereby authorized and instructed to take all actions, on behalf of the City, necessary to ensure that interest on the Bonds or Notes will be excludable from gross income for federal income tax purposes and to refrain from all actions which would cause interest on the Bonds or Notes to become subject to federal income taxes.

**SECTION 8.** This Ordinance is an affirmative action of the City Council of the City toward the issuance of the Bonds and Notes in accordance with the purposes of the laws of the State. This Ordinance constitutes the City's declaration of official intent, pursuant to Treasury Regulation §1.150-2, to reimburse the City for

**certain capital expenditures for the Project paid on or after the date which is sixty (60) days prior to the date of this Ordinance, but prior to the issuance of the Bonds or Notes. Such amounts to be reimbursed shall not exceed Seven Million Dollars (\$7,000,000) and shall be reimbursed not later than eighteen (18) months after the later of (a) the date on which the expenditure is paid or (b) the date on which the Project is placed in service or abandoned but in no event later than three (3) years after the date on which the expenditure is paid.**

**SECTION 9. The Mayor and the Director of Finance are authorized to take all actions necessary to comply with federal tax and securities laws including Rule 15c2-12 of the Securities and Exchange Commission (the "SEC Rule") and to execute and deliver a Continuing Disclosure Certificate in connection with the Bonds or Notes in the form as shall be deemed advisable by the Mayor and the Director of Finance in order to comply with the SEC Rule. The City hereby covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Certificate, as it may be amended from time to time. Notwithstanding any other provision of this Ordinance or the Bonds or Notes, failure of the City to comply with the Continuing Disclosure Certificate shall not be considered an event of default; however, any Bondholder or Noteholder may take such actions as may be necessary and appropriate, including seeking mandate or specific performance by court order, to cause the City to comply with its obligations under this Section and under the Continuing Disclosure Certificate.**

**This ordinance shall take effect upon its second passage and all ordinances and parts of ordinances inconsistent herewith are hereby repealed.**

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

**Coogan\_\_\_Cusack\_\_\_DiTraglia\_\_\_Perry\_\_\_Larisa\_\_\_**

**2. The following ordinance pertains to the Water Consumption Portion – Sewer Charge.**

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS**

**CITY OF EAST PROVIDENCE**

**AN ORDINANCE IN AMENDMENT OF CHAPTER 17 OF THE REVISED ORDINANCES OF THE CITY OF EAST PROVIDENCE, RHODE ISLAND, 1998, AS AMENDED, ENTITLED “UTILITIES.”**

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

**SECTION I. Subsection (c) of Sec. 17-183 entitled “Charges to be based upon water consumption; rate” of Chapter 17 of the ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled “Utilities” is amended to read as follows:**

**(c) Effective November 1, 2009, the water consumption portion of the sewer charge shall be at a rate of \$4.46 per hundred cubic feet of water used based upon the actual quarterly or monthly meter reading of water consumption less an annual exemption of 3,500 cubic feet. Such exemption shall be prorated quarterly or monthly for users of city water who are billed on a quarterly or monthly basis.**

**Effective November 1, 2010, the rate per hundred cubic feet of water**

**will increase to \$4.90 5.35.**

**Effective November 1, 2011, the rate per hundred cubic feet of water will increase to \$4.96 5.41.**

**SECTION II. This ordinance shall take effect upon its second passage and all ordinances and parts of ordinances inconsistent herewith are hereby repealed.**

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

**Coogan\_\_\_Cusack\_\_\_DiTraglia\_\_\_Perry\_\_\_Larisa\_\_\_**

### **E. Communications**

**1. Frederick Vinhateiro, 78 Read Street (02915) requesting to address the Council regarding closure of Pawtucket Avenue from 3712-3730 on Sunday May 30th for a 14th Annual Car Show.**

### **X. ADJOURNMENT**

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

**Coogan\_\_\_Cusack\_\_\_DiTraglia\_\_\_Perry\_\_\_Larisa\_\_\_**