

**Date Posted: 5/14/10**

**Date of Meeting: 5/18/10**

**Type of Meeting: City Council**

**Time of Meeting: 7:30pm**

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

**CITY OF EAST PROVIDENCE**

**RHODE ISLAND**

**DOCKET OF REGULAR COUNCIL MEETING**

**May 18, 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. Scituate School Department Resolutions opposing mandatory binding arbitration for school employee contracts and contract continuation under the same terms and conditions.**
- 2. Bristol Warren Regional School District Resolutions opposing mandatory binding arbitration for school teachers and contract continuation of teacher contracts.**
- 3. Charlestown Council Resolution waiving fees for the loans for flood victims.**
- 4. Middletown Council Resolution supporting the return of the America’s Cup to the City of Newport.**
- 5. Portsmouth Council Resolution requesting the General Assembly to remove the mandates to Cities and Towns pertaining to municipal and school employees, passing the budget articles known as “municipal tools” calling for a pay reduction at the local level equal to that of the state workers.**

6. North Smithfield School Committee Resolutions opposing mandatory binding arbitration and continuation of teacher contracts.
7. Westerly Council Resolution supporting the return of the America's Cup to Newport.
8. RIDEM Proposed Cesspool Phase-out Rules and Public Workshops list.
9. RI Coastal Resources Management Council proposed rules changes.
10. Ethics Commission notice of withdrawal of General Commission Advisory No. 8 pertaining to Architect Members of State and Local Historic Preservation Commissions Appearing Before Their Respective Agencies.

#### **B. Alcoholic Beverage Class F**

1. St. Brendan's Church, 60 Turner Avenue (02915) May 29, 2010  
Laluren Zarembka Scholarship Fund.

#### **C. Council Journals**

1. Regular Meeting April 20, 2010
2. Regular Meeting May 4, 2010
3. Executive Session May 4, 2010

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

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

#### **VI. AWARDS AND PRESENTATIONS**

**1. East Providence Prevention Coalition Advocate of the Year Award**

**VII. APPOINTMENTS**

**1. Conservation Commission – Reappointment (by Mayor Larisa)**

**James Boyd, 15 Oriole Street (02916)**

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

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

**2. Canvassing Authority – Reappointment (by Mayor Larisa)**

**Thomas C. Riley, 3620 Pawtucket Avenue (02915)**

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

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

**VIII. LICENSES REQUIRING PUBLIC HEARING**

**1. B- Full Privilege Victualer – Amend to include outdoor seating area.**

**Jeffrey Rosenbaum, 24 Mutual Place, Providence (02906) for Yikes Entertainment Group, Inc DBA Two Jerks Pub & Grill, 446 Waterman Avenue (02914)**

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

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

**IX. LICENSES NOT REQUIRING PUBLIC HEARING**

**1. Carnival**

**St. Martha’s Church, 2595 Pawtucket Avenue (02914) June 4-5 2010.**

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

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

## **X. ORDINANCES – FINAL PASSAGE**

**1. An ordinance ordering the assessment and collection of property tax on the ratable real estate, tangible personal property and an excise tax on registered motor vehicles and trailers.**

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

**SECTION I. That the City Council of the City of East Providence hereby orders the assessment and collection of a tax on ratable real estate, tangible personal property and an excise tax on registered motor vehicles and trailers in a sum not more than Eighty-eight Million Two Hundred Twenty-one Thousand (\$88,221,000) Dollars nor less than Eighty-seven Million One Hundred Twenty-one Thousand (\$87,121,000) Dollars. Said tax is for ordinary expenses, for the payment of interest and indebtedness, in whole or in part, of said city, and for other purposes authorized by law.**

**The Tax Assessor shall assess and apportion said tax on the inhabitants and ratable property of said city as of the 31st day of December, 2009 at twelve o'clock Eastern Standard Time, according to law, and shall on completion of said assessment, date and sign same and shall make out and certify to the City Treasurer of the City of East Providence, who is charged with the duties for the collection**

of taxes, on or before the 15th day of June, 2010 complete list of the names of the persons taxed and of the total value of all the real estate assessed against each person, and also the amount of registered motor vehicles and trailers assessed against each person, and also the total amount assessed against each person on said real estate, personal estate and registered motor vehicles and trailers, opposite the name of the person or persons assessed. Upon receipt of the certified tax list by the City Treasurer, he shall proceed and collect said tax on the persons and estates liable thereof; said tax shall be due and payable on and between the 1st day of June 2010 and the 1st day of July, 2010 and provided further that if said tangible personal property and real estate taxes are paid in full on or before the 1st day of July, 2010, a discount of three per centum (3%) of the total taxes on said tangible personal property and real estate shall be granted, and all taxes remaining unpaid on the 1st day of July, 2010 shall carry until collected a penalty at the rate of twelve per centum (12%) per annum from the 1st day of June, 2010 upon said unpaid tax, however, said taxes may be paid in four installments; the first installment of twenty-five per centum (25%) on or before the 1st day of July, 2010, the second installment of twenty-five per centum (25%) on or before the 1st day of September, 2010, the third installment of twenty-five per centum (25%) on or before the 1st day of December, 2010 and the fourth installment of twenty-five per centum (25%) on or before the 1st day of March, 2011.

Each installment of taxes if paid on or before the last day of each installment period successively in order shall be free from any charge

of interest.

If the first installment or any succeeding installment of taxes is not paid by the last date of the respective unpaid balance period or periods as they occur, then the whole tax or remaining unpaid balance of the taxes as the case may be shall immediately become due and payable and carry until collected a penalty at the rate of twelve per centum, (12%) per annum.

The City Treasurer shall, by advertisement in the public newspaper having circulation in the City of East Providence, notify all persons assessed to pay their respective taxes at his office on and between the said 1st day of June, and the 1st day of July, 2010 both days inclusive; said City Treasurer setting forth the hours during which his office shall remain open to receive said taxes.

**SECTION II.** That any of said taxes not paid on or before the 1st day of March, 2011 shall forthwith be collected by levy upon the sale of real estate upon which it is assessed and by that or other due process of law in case of assessment upon personal property.

**SECTION III.** 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. An Ordinance appropriating \$1,000,000 to finance the repairs, renovations and improvements to City roads and drainage systems and authorizing \$5,000,000 bonds to finance or refinance same.

**WHEREAS, Chapter 598 and Chapter 608 of the Public Laws of Rhode Island 2006 (collectively, the “Bond Acts”) authorize the issue of \$5,000,000 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, the Bond Acts 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 the Bond Acts presented in accordance with law, and the Bond Acts are presently in full force and effect; and**

**WHEREAS, pursuant to Ordinance (Chapter 424) adopted on May 15, 2007 and the Bond Acts, the City Council appropriated an amount of \$2,000,000 (the “2007 Appropriated Funds”) for the purpose of the Project, and authorized the issue of \$2,000,000 bonds or notes in anticipation thereof to meet such appropriation; and**

**WHEREAS, pursuant to such authority, the City issued its \$2,000,000 General Obligation Bond Anticipation Notes dated May 24, 2007 (the “2007 Notes”); and**

**WHEREAS, the City issued its \$2,000,000 General Obligation Bond Anticipation Notes dated May 28, 2008 (the “2008 Notes”) to refund the 2007 Notes; and**

**WHEREAS, pursuant to Resolution No. 13 adopted by the City Council on May 5, 2009, the City issued its \$2,000,000 General Obligation Bond Anticipation Notes dated May 27, 2009 (the “2009 Notes”) to refund the 2008 Notes; and**

**WHEREAS, pursuant to Ordinance (Chapter 451) adopted on May 20, 2008 and the Bond Acts, the City Council appropriated an additional amount of \$2,000,000 (“2008 Appropriated Funds”) for the purpose of the Project, including retirement of the notes at the maturity thereof, and authorized the issue of \$2,000,000 bonds or notes in anticipation thereof to meet such appropriation; and**

**WHEREAS, the City wishes to appropriate the remaining amount of \$1,000,000 authorized pursuant to the Bond Acts for the purpose of the Project; and**

**WHEREAS, pursuant to the Bond Acts, the City wishes to issue bonds in an amount not to exceed \$5,000,000 to finance or refinance the Project, in part by issuing \$2,000,000 bonds to refund the 2009 Notes and in part by issuing \$3,000,000 bonds on a new-money basis; 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 1. The sum of \$1,000,000 is hereby appropriated for the purpose of the Project, which \$1,000,000 when combined with the 2007 Appropriated Funds and the 2008 Appropriated Funds constitutes the full \$5,000,000 appropriation (the “Full Appropriation”) authorized pursuant to Chapter 598 and Chapter 608 of the Public Laws of Rhode Island 2006.**

**SECTION 2. The issue of \$5,000,000 bonds to meet the Full Appropriation is hereby authorized pursuant to Chapter 598 and**

**Chapter 608 of the Public Laws of Rhode Island, 2006 and the City Charter.**

**SECTION 3. The estimated maximum cost of the Project, including retirement of the 2009 Notes at the maturity thereof, is \$5,000,000 and any unexpended sum from said appropriation shall be used for either the retirement of said bonds or for the payment of interest thereon. Prior to issuance of said bonds, funds may be advanced from the city's general fund for Project costs.**

**SECTION 4. Bonds in an amount not to exceed \$5,000,000 shall be sold at public sale. The Director of Finance and the Mayor are hereby authorized to determine the time or times and manner at and in which said bonds shall be issued and sold including the denominations, maturities, interest rates and other terms and conditions of any such bonds as they in their discretion deem necessary or desirable to implement the foregoing.**

**SECTION 5. The Director of Finance and the Mayor are also authorized, empowered and directed, on behalf of the City, to: (i) execute, acknowledge and deliver any and all other documents, certificates or instruments necessary to effectuate such borrowing; (ii) amend, modify or supplement the bonds any and all other 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) 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 6.** The Director of Finance and the Mayor are hereby authorized to deliver the bonds to the purchasers 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 will be excludable from gross income for federal income tax purposes and to refrain from all actions which would cause interest on the bonds to become subject to federal income taxes.

**SECTION 7.** This ordinance is an affirmative action of the City Council of the City toward the issuance of the bonds in accordance with the purposes of the laws of the State of Rhode Island. 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. Such amounts to be reimbursed shall not exceed \$1,000,000 and shall be reimbursed not later than eighteen (18) months after (a) the date on which the expenditure is paid or (b) the date the Project is placed in service or abandoned but in no event later than three (3) years after the date the expenditure is paid.

**SECTION 8.** 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 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, failure of the City to comply with the Continuing Disclosure Certificate shall not be considered an event of default; however, any bondholder 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.**

**SECTION 9. 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\_\_\_**

## **XI. NEW BUSINESS**

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

#### **1. City Manager's Report (by City Manager Richard Brown)**

##### **a. Malcom Pirnie Contract Amendment**

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

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

**b. Approval of contract for installation of Fire Suppression Systems**

**Fire Stations 1, 2 &4.**

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

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

**c. Tax Rate 2010**

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

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

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

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

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

**3. Charter Amendment Approval (by City Solicitor James Briden)**

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

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

**4. Antenna lease agreements for 305 Lyon Ave. (by City Solicitor James Briden)**

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

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

**B. Council Members**

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

**2. Tax Cap Charter Amendment (by Mayor Larisa)**

## **C. Communications**

**1. Joyce Boucher, 74 Bay View Avenue (02915) requesting to address the Council regarding an Annual Block Party for Gerald Street from the corner of Bay View Ave to Crown Ave from 1:00pm-10:00pm on July 3, 2010.**

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

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

**2. Tracey Raposo, Co-Chair of the EPHS Post Prom Committee and Communications & Administrative Assistant for the East Providence Prevention Coalition and Patti Streit representing the PTSA requesting to address the Council concerning the Post Prom Party being held at Healthrax Wellness and Fitness Center on June 17, 2010.**

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

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

## **XII. ADJOURNMENT**

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

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