

Date Posted: June 11, 2010

Date of Meeting: June 15, 2010

Time of Meeting: 7:30pm

Meeting: City Council

**Location: 145 Taunton Avenue, Council Chambers,
East Providence RI 02914**

CITY OF EAST PROVIDENCE

RHODE ISLAND

DOCKET OF REGULAR COUNCIL MEETING

June 15, 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. Resolutions Richmond Town Council, requesting amendment of State Law by the General Assembly for flooding damage to bridges and other structures to be repaired by a City or Town without the need of a permit from DEM and waiving recording fees for special loans for flood victims.**
- 2. Resolutions North Kingstown Town Council opposing mandatory binding arbitration for teachers.**
- 3. Coastal Resources Management Council proposed change to Ocean Special Area Management Plan.**
- 4. Coastal Resources Management Council Notice of Workshop June 18 location change URI Bay Campus.**
- 5. Coastal Resources Management Council Cease and Desist Order, Robert Taylor 1391 S. Broadway 02914 alterations within 200 feet of wetlands.**
- 6. Coastal Resources Management Council Semi Monthly Meeting**

June 8 6pm.

7. Notice of New Property Number C.L. White Construction, 450 Dover Avenue, Map 309, Block 07, Parcel 007.1, Zoning R3.

B. Alcoholic Beverage Class F

1. Our Lady of Loreto, Feast, June 26, 346 Waterman Avenue (02914)

C. Abatements

Year Amount

2010 \$7,755.02

2009 \$380.28

Total \$8,135.30

D. Council Journals

1. Regular Meeting June 1, 2010

Motion___By___2nd___

Coogan___Cusack___DiTraglia___Perry___Larisa___

COUNCIL SITTING AS LICENSING COMMISSIONERS

VI. LICENSES REQUIRING PUBLIC HEARING

A. B- Limited Victualer

St. Angelo's, Inc., DBA St. Angelo's, 1235 Wampanoag Trail (02915),

Michael St. Angelo, 25 Foote Street, Barrington (02806)

Motion___By___2nd___

Coogan___Cusack___DiTraglia___Perry___Larisa___

B. Vict/Not Over 50

**St. Angelo's, Inc., DBA St. Angelo's, 1235 Wampanoag Trail (02915),
Michael St. Angelo, 25 Foote Street, Barrington (02806)**

Motion___By___2nd___

Coogan___Cusack___DiTraglia___Perry___Larisa___

VII. LICENSES NOT REQUIRING PUBLIC HEARING

A. Theatre (Transfer)

**Patriot Cinemas, Inc DBA East Prov Cinemas 1-10 to East Providence
10, LLC, 60 Newport Avenue (02916), Ben Kafash, 55 Redbrook Drive,
Kingspoint, NY 11021**

Motion___By___2nd___

Coogan___Cusack___DiTraglia___Perry___Larisa___

B. Sunday Theatre (Transfer)

**Patriot Cinemas, Inc DBA East Prov Cinemas 1-10 to East Providence
10, LLC, 60 Newport Avenue (02916), Ben Kafash, 55 Redbrook Drive,
Kingspoint, NY 11021**

Motion___By___2nd___

Coogan___Cusack___DiTraglia___Perry___Larisa___

C. Vict/Not Over 25 (Transfer)

**Patriot Cinemas, Inc DBA East Prov Cinemas 1-10 to East Providence
10, LLC, 60 Newport Avenue (02916), Ben Kafash, 55 Redbrook Drive,
Kingspoint, NY 11021**

Motion___By___2nd___

Coogan___Cusack___DiTraglia___Perry___Larisa___

VIII. PUBLIC HEARING

A. Ratification of Contract between School Committee and East Providence Education Association

Motion___By___2nd___

Coogan___Cusack___DiTraglia___Perry___Larisa___

IX. NEW BUSINESS

A. City Managers Report (by City Manager Richard Brown)

1. Presentation of the FY 2009 Audit Report and Management Letter by Patricia Boucher, Partner of the auditing firm of Bacon & Co.

B. Reports of Other City Officials

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

Motion___By___2nd___

Coogan___Cusack___DiTraglia___Perry___Larisa___

2. Charter Amendment Approval - Advertising (by City Solicitor James Briden)

Motion___By___2nd___

Coogan___Cusack___DiTraglia___Perry___Larisa___

3. Handicap Parking Signs (by Director of Public Works Stephen

Coutu)

a. 37 Belmont Avenue

b. 73 Bourne Avenue

Motion___By___2nd___

Coogan___Cusack___DiTraglia___Perry___Larisa___

C. Council Members

1. EP Budget Update (by Mayor Larisa)

2. Charter Amendment Solidifying Property Taxpayer Protection (by Mayor Larisa)

Motion___By___2nd___

Coogan___Cusack___DiTraglia___Perry___Larisa___

3. Accuracy of homeowners' tax bills (by Councilman Cusack)

4. Status of N. Broadway Bridge replacement (by Councilman Cusack)

D. Introduction of Ordinances

1.The following ordinance pertains to amendments to the Harbor Ordinance Division 3-6.

AN ORDINANCE IN AMENDMENT OF CHAPTER 13 OF THE REVISED ORDINANCES OF THE CITY OF EAST PROVIDENCE, RHODE ISLAND, 1998, AS AMENDED, ENTITLED "PUBLIC PLACES".

SECTION I. Sec. 13-84 entitled “Assistant harbormasters” of Division 3 entitled “Harbormaster” of Article III entitled “Coastal Waters and Harbor Areas” of Chapter 13 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled “Public Places” is amended to read as follows:

There shall be a number of up to four assistant harbormasters requested by the harbormaster and confirmed by the harbor commission and city manager who shall be appointed by the city council for a term of office concurrent with that of the council and until his/her successor is appointed and qualified and shall report directly to the harbormaster and are empowered with the same duties as the harbormaster, under the direction of the harbormaster. One assistant harbormaster shall be designated as the pump out boat operator and all assistants shall meet the minimum requirements set by the harbormaster and personnel department. Only two of the four assistant harbormasters shall receive compensation.

SECTION II. Sec. 13-85 entitled “Salary to be set by city council” of Division 3 entitled “Harbormaster” of Article III entitled “Coastal Waters and Harbor Areas” of Chapter 13 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled “Public Places” is amended to read as follows:

The salary of the harbormaster and two the hourly wage of the assistant harbormasters shall be fixed by the city council. The remaining assistant harbormasters shall serve without compensation.

SECTION III. Sec. 13-87 entitled “Vessel operations” of Division 4

entitled “Harbor Regulations” of Article III entitled “Coastal Waters and Harbor Areas” of Chapter 13 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled “Public Places” is amended to read as follows:

Sec. 13-87. Reckless vessel operations.

Vessels involved in activities including, but not limited to, water skiing, jet skiing, paragliding, and other similar uses that would involve the use of a vessel moving in excess of ten miles per hour shall not be allowed within 200 feet of any swimming area, mooring area, shore side facility, rights-of-way ingress and egress points, launching ramp, federal navigation channels, navigation fairways, small unpowered vessels vulnerable to swamping or tipping due to wakes (i.e. canoes, kayaks, etc.), or north of Buoy #2 Seekonk River. Vessels used in these manners are allowed within 200 feet of shore side facilities when the sole purpose is to begin or end such activity. No person shall operate any vessel at any time or at any speed so as to endanger any person. No person shall ride on any part of a vessel not meant for seating or that may cause that person to fall overboard. Any such action shall be deemed as reckless operation. No person shall operate any canoe, kayak, paddle boat or shallow draft vessel within any navigational channel or fairway as to impede or interfere with the safe operation of vessels limited in the ability to maneuver or limited by draft and that must stay within the channel or fairway.

SECTION IV. Sec. 13-88 entitled “Navigation fairways” of Division 4 entitled “Harbor Regulations” of Article III entitled “Coastal Waters and Harbor Areas” of Chapter 13 of the Revised Ordinances of the

City of East Providence, Rhode Island, 1998, as amended, entitled “Public Places” is amended to read as follows:

The following fairway is hereby designated within the south basin of Bullocks Cove. From the 11 dayboard at the federal channel boundary at 41-44-51.30 N and 071-21-14.04 W traveling west to a point 50’ east of the NTYC piling at 41-44-50.6 N and 071-21-20.1 W and from the 11 dayboard traveling south 40’. This area shall remain clear of moored vessels at all times. The harbor master may install pilings or buoys to clearly define this area. The westerly end is bounded by Peterson's dock running easterly for approximately 400 feet to Bullocks Cove channel.

SECTION V. Sec. 13-89 entitled “Obstruction of channels, fairways, and berthing space” of Division 4 entitled “Harbor Regulations” of Article III entitled “Coastal Waters and Harbor Areas” of Chapter 13 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled “Public Places” is amended to read as follows:

No vessel shall be moored or anchored so as to interfere with the free and unobstructed use of channels, fairways, or berthing spaces within the areas under city jurisdiction as detailed in section 13-79 of this chapter. No docks, floats, pilings or berthed vessels at any marina or yacht club shall impede into the fairways or channel.

SECTION VI. Sec. 13-93 entitled “Marine debris” of Division 4 entitled “Harbor Regulations” of Article III entitled “Coastal Waters and Harbor Areas” of Chapter 13 of the Revised Ordinances of the City of

East Providence, Rhode Island, 1998, as amended, entitled “Public Places” is amended to read as follows:

The discharge of any waste, garbage, refuse, petroleum product or byproduct, paint, varnish, dead animals, fish, bait, or any other debris is prohibited in coastal waters and harbor areas within the city. A fine shall be collected each day until the debris has been removed or cleaned up and the area returned to its natural state.

SECTION VII. Sec. 13-96 entitled “Abandoned vessels and structures” of Division 4 entitled “Harbor Regulations” of Article III entitled “Coastal Waters and Harbor Areas” of Chapter 13 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled “Public Places” is amended to read as follows:

(a) Upon his determination the harbormaster may take custody and control of abandoned vessels and structures located in the coastal waters and harbor areas of the city and remove, store, or otherwise dispose of such vessel or structure at the expense and sole risk of the owner of the abandoned vessel or structure. In addition to any fees such violation shall incur, a fine of \$500.00 shall be collected from the vessel owner for such harbormaster action. Reasonable notice of such removal, storage, or disposal shall be publicly advertised. If any abandoned vessel or structure presents a hazard to the navigation, the harbormaster may have it removed before it is publicly advertised. The owner is responsible for all expenses incurred. A fine shall be collected each week until the abandoned structure or vessel is removed.

(b) The harbormaster shall assume all of the duties and powers of the commissioner of wrecks and shipwrecked goods as detailed in the G.L. 1956, § 46-10-1 et seq.

SECTION VIII. Sec. 13-99 entitled “Rights-of-way to the water” of Division 4 entitled “Harbor Regulations” of Article III entitled “Coastal Waters and Harbor Areas” of Chapter 13 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled “Public Places” is amended to read as follows:

(a) No person shall block, barricade or in any way impede the public use of or access to designated public rights-of-way to the water as defined by the coastal resources management council or the city. See section 13-78, exhibit 13.

(b) No person shall store a vessel, vehicle or structure on a designated public right-of-way to the water as defined by the coastal resources management council or the city.

(c) Any person in violation of this section shall be subject to a fine in accordance with subsection 13-142(a). See list of rights-of-way, section 13-78, exhibit 13. A fine shall be collected each week until the violation is corrected.

SECTION IX. Sec. 13-101 entitled “Failure to stop” of Division 4 entitled “Harbor Regulations” of Article III entitled “Coastal Waters and Harbor Areas” of Chapter 13 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled “Public Places” is amended to read as follows:

Sec. 13-101. Failure to stop or move.

It shall be a violation of this article for any person to refuse to move or stop on oral command or order of the harbormaster or assistant harbormaster identified as such and exercising the duties lawfully assigned to him.

SECTION X. Division 4 entitled “Harbor Regulations” of Article III entitled “Coastal Waters and Harbor Areas” of Chapter 13 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled “Public Places” is amended by adding thereto the following:

Sec. 13-105. Private or city Aid-to-Navigation.

No person shall moor, tie or secure in any way a vessel to any private or city owned aid-to-navigation piling or float including all dayboard channel markers, speed regulation dayboard or buoys, danger and hazard-to-navigation markers or spill containment pilings or buoys.

Sec. 13-106. Safe boating record.

Prior to the court date shown on the summons a person may request the harbormaster reduce or dismiss a fine after consideration of the circumstances or the persons safe boating record or attendance at a safe boating course.

SECTION XI. Sec. 13-116 entitled “Permitting” of Division 5 entitled “Mooring Regulations” of Article III entitled “Coastal Waters and Harbor Areas” of Chapter 13 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled “Public Places” is amended to read as follows:

(a) Generally. No mooring shall be located in the coastal waters and harbor areas of the city until a permit has been issued for the use of

such mooring by the harbormaster. No mooring shall be located nor shall be maintained unless the mooring owner has received a valid mooring permit issued by the harbormaster for the mooring and that the mooring conforms to the specifications and standards set forth in this chapter and in such permit.

(b) Request for a new mooring permit. To be eligible for a new mooring permit, an applicant must own a boat for which a mooring permit is being sought. All requests for new mooring permits shall be submitted to the city clerk on the application forms available at the city clerk's office. The city clerk will forward a copy of all applications for new mooring requests to the harbormaster. A complete and accurate mooring permit application must be provided to the harbormaster before the harbormaster can act to approve or deny such application. The harbormaster shall determine if a new mooring permit can be issued only after all the pertinent provisions of the harbor management plan and this chapter are met (Ref. Sec. 13-116(g)). If the harbormaster issues a mooring permit, the mooring owner for which such permit has been issued must locate the mooring at the direction of the harbormaster, assistant harbormaster or designees in accordance with the harbor management plan and this article.

(c) Permits renewals. It is the responsibility of the permit holder to apply for a permit by February 28 of each year. As a courtesy, application Renewal forms will be mailed by the harbormaster each year to those persons who held valid mooring permits at the end of

the previous calendar year by January 15 and returned to the city hall by February 28. Applicants wishing to change the permitted vessel must submit an original permit application along with a copy of the Rhode Island boat registration and fee. Permit renewals that include A change in the vessel size or draft may cause the renewal to be considered under section 13-116(d) of this article. Relocation of existing permitted mooring. Non-respondents shall be sent a registered letter on or about March 1, assessing them a \$100.00 late fee and giving the permit holder until March 15 to renew apply. Failure to submit a renewal form, an application, mooring permit fee, and late fee by March 15 may will result in the loss of the permitted space permit. It shall be the responsibility of the mooring permit holder to notify the harbormaster of any change in address. The harbormaster shall approve or reject mooring permit applications by March 15.

(d) Relocation of existing permitted mooring. All requests for relocation of existing permitted moorings must be submitted to the harbormaster city clerk in city hall. The city clerk will time/date stamp the request and forward a copy to the harbormaster. Information for such a request must meet the requirements listed for a mooring permit application, as well as show proof of a valid mooring permit issued for the previous year. The reasons for a mooring relocation must also accompany the request. Based upon availability of space, the requirements of this chapter, and the type and size characteristics of vessel, action will be taken on the request. Any incomplete request shall be returned to the applicant and no action will be taken on the request. Relocation of a mooring is at the sole expense of the

mooring permit holder.

(e) Failure to renew an existing valid apply for a mooring permit. Failure to apply for a to renew an existing valid mooring permit in accordance with the provision of this chapter by March 15 of any given year may will result in the permitted owner's abandonment of all his privileges and interest in the previously permitted mooring space issued permit. The harbormaster may will remove or dispose of the now abandoned mooring at the permitted owner's expense. Such expense may in turn be recovered by the city, in accordance with the provisions of this article.

(f) Forfeiture of mooring space permit. Any owner of a mooring located in the coastal waters and harbor areas of the city shall be deemed to have forfeited his mooring space permit by reason of the following:

(1) Failure to comply with any of the requirements of this article.

(2) Removal of mooring and mooring tackle by mooring owner and notification to the harbormaster and/or harbor management commission that the mooring has been removed.

(3) Failure to respond to the harbormaster's and/or harbor management commission's notice that the mooring does not comply with the mooring tackle standards set forth in this article, or that the mooring has been displaced or moved from its permitted location.

(4) Failure to resurface or replace mooring within 15 days after being advised by the harbormaster that the mooring is down.

(5) Knowingly providing false information to the harbormaster in the mooring permit application process.

(6) Failure to occupy the mooring by July 1 the year after being granted a year-of grace.

(7) Sale of a permitted vessel and not notifying the harbormaster or allowing the new owner to occupy the mooring.

(g) Available spaces. Each year, the harbor management commission shall determine the number of mooring spaces available for mooring placement within each designated field A--G. This determination shall be based on an assessment of the density of moored vessels in each field in order to ensure safe and proper clearance. This number may be less than the number of currently permitted spaces within a designated mooring field although no valid renewal permit application shall be denied. Available mooring spaces shall be made available to those persons whose names appear on the waiting lists.

(h) Waiting list. The harbormaster shall maintain two waiting lists (Ref. section 13-79, exhibits 9 and 10); one list for new mooring applications (NMWL) and one list for requests for mooring location changes (MLCL) for all applications for mooring permit requests when no mooring space is available within the coastal waters and harbor areas of the city. Placement of applications on such waiting lists will be recorded from complete mooring permit applications as they are received at the city clerk's office. The harbormaster shall update the waiting lists at least twice a year and make the waiting lists available for public review at the city clerk's office. When a mooring location becomes available, the harbormaster shall assign the space on a seniority basis to persons on the new mooring

applications or requests for mooring location changes. Persons on the MLCL shall take priority over persons on the NMWL. The harbormaster shall offer newly available mooring locations to the first person on the MLCL with a suitable boat. Should this person decline the spot, the person next in seniority with a suitable boat shall be offered the spot. This process will continue until all of the appropriate persons on the MLCL have had the opportunity to move up to the available spot. Persons declining a spot from either list shall maintain their relative position on the list. Persons who accept a new spot shall be removed from the list.

(i) Processing of applications. All new permit applications and requests for mooring changes shall be sent directly to the city clerk's office, time and date stamped. A copy of the request will be forwarded to the harbormaster for further processing and the original application shall remain on file at the city clerk's office. The harbormaster shall not be able to consider any applications that have not been first processed by the city clerk's office.

(j) (i) Occupancy of mooring.

(1) No vessel shall occupy a mooring other than the one for which it has been permitted. The harbormaster shall have the authority to move any vessel violating the provisions of this section, with such movement at the expense and risk of the vessel owner.

(2) If a mooring should remain unoccupied by its permit holder for a period of one season, the harbormaster shall inquire in writing as to the permit holder's future intentions. If the permit holder does not intend to place a boat on the mooring, the harbormaster may choose

not to renew the permit holder's permit. The permit holder shall have the right to appeal such a decision to the harbor management commission as stipulated in subsection 13-82(5).

(3) The harbormaster may permit the temporary use of a mooring by another vessel after receiving written consent by the permitted mooring owner.

SECTION XII. Sec. 13-117 entitled “Mooring permit application requirements” of Division 5 entitled “Mooring Regulations” of Article III entitled “Coastal Waters and Harbor Areas” of Chapter 13 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled “Public Places” is amended to read as follows:

The following requirements are set for applications for private mooring permits (Ref. section 13-78, exhibit 1):

- (1) Name, address and telephone (home and office) of owner;**
- (2) Vessel name, make, model, color, length (feet), draft (feet), and RI registration number and copy of the RI Registration certificate and MSD decal number if required;**
- (3) Whether vessel has changed in status since the last permit was issued;**
- (4) Mooring classification (type), actual mooring weight; Mooring tackle inspection report must be filed within 21 days of the permit being issued and shall contain all the information regarding the mooring tackle as required on the form and be signed by the harbormaster or certified mooring inspector. If no inspection report is**

received the permit shall be considered void;

(5) Area where applicant would like to locate mooring, prioritized. See section 13-78, exhibit 1;

(6) Permits to moor are issued to individual persons allowing them to moor a vessel which is owned by them and registered in Rhode Island. Permits are not transferable other than as stated in Sec. 13-121;

(7) The location of mooring tackle or anchoring systems shall be at the discretion of the harbormaster and may be relocated at any time to best utilize the space available;

(8) Any person who sells his permitted vessel must apply for a new mooring permit and if granted shall pay any and all costs of adjusting his or the surrounding mooring tackle. A new vessel may result in the loss of the previous mooring location and may require relocation to a different mooring field.

SECTION XIII. Sec. 13-120 entitled "Mooring associated with residential waterfront properties" of Division 5 entitled "Mooring Regulations" of Article III entitled "Coastal Waters and Harbor Areas" of Chapter 13 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled "Public Places" is amended to read as follows:

(a) Moorings owned by persons who own residential waterfront property are allowed to be placed in the coastal waters and harbor areas of the city in those waters immediately adjacent to the upland residential waterfront property. The mooring owner must comply with all mooring permit application requirements and receive a mooring

permit from the city as described in this article, and the mooring must meet all mooring tackle standards and inspections as described in this article, before such placement will be permitted.

(b) One such mooring is allowed to be placed in these areas by residential waterfront property owners.

(c) Property owners may request the requirement to own a boat waived and apply for a “guest” permit. The application shall state the longest length and deepest draft of a “guest” vessel to be moored and the tackle installed must meet those requirements. No single vessel shall remain on the mooring for longer than 14 days during the season.

SECTION XIV. Sec. 13-122 entitled “Mooring fields” of Division 5 entitled “Mooring Regulations” of Article III entitled “Coastal Waters and Harbor Areas” of Chapter 13 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled “Public Places” is amended to read as follows:

(a) Permit required. No mooring shall be located or placed within the coastal waters and harbor areas of the city without a valid mooring permit issued by the harbormaster and without having the mooring inspected as detailed in this article and approved by the harbormaster. The harbormaster must direct the placement of the mooring.

(b) Mooring within boundaries. No vessel so moored or anchored shall extend beyond the designated mooring field boundaries, as detailed in this article without written permission from the harbormaster (Example: Riparian mooring).

(c) Mooring field designations. Certain waters of the city shall be designated as mooring fields. Those waters designated as mooring fields in this article are authorized for the placements of permitted moorings as detailed within this article. They are located in accordance with all policies of the city's harbor management plan, the policies and requirements of the coastal resources management council's guidelines for the development of municipal harbor management plans, and the coastal resources management council's management procedures for sighting mooring fields. Any revisions to the size, and/or location of these mooring field designations shall require city council approval. Once city council approval is obtained, approval for the revisions from the coastal resources management council shall also be obtained. Once approval has been obtained from the CRMC, the revisions may take place. The following mooring field designations A-1 through G are drawn on chart A, section 13-78, exhibit 11:

Mooring field A-1: A body of water beginning 100 feet west of Dock A at Cove Haven Marina proceeding west for 200 feet, turning northeast for a distance of 1,900 feet, then turning easterly for 100 feet, then turning southerly for 960 feet then turning westerly for a distance of 75 feet, then turning southwest for a distance of 970 feet. at the federal channel just south of Haines Park boat ramp with the northwest corner at 41-45.215 N and 071-21.210 W traveling 165' to the northeast corner at 41-45.216 N and 071-21.175 W traveling 266' to the southeast corner at 41-45.171 N and 071-21.175 W traveling 165' to the southwest corner at 41-45.170 N and 071-21.210 W traveling

262' back to the northwest corner. This area is located south of Haines Park and north of Cove Haven Marina and may contain floating docks to best utilize the space available. This area contains 1.01 water acres.

Mooring field A: A body of water beginning at the northwest corner of the dredged anchorage at 41-45.250 N and 071-21.248 W traveling 200' to the northeast corner at 41-45.248 N and 071-21.206 W traveling 1483' to the southeast corner at 41-45.012 N and 071-21.283 W at the 15 dayboard traveling 99' to the southwest corner at 41-45.014 N and 071-21.306 W traveling 1465' back to the northwest corner. This area contains 4.03 water acres.

Mooring field B: A body of water beginning approximately 100 feet north of the northern tip of Bullock Cove Jetty (Point A) to the western edge of Bullock Cove Channel following the edge for approximately 1,800 feet, then turning southwest for approximately 750 feet then proceeding south for approximately 1,000 feet then proceeding west to Point A. This mooring field will have a 25-foot minimum navigation fairway and be a minimum of 75 feet from Bullock Cove Marine Docks. at southern boundary of mooring field "A" at the northwest at 41-45.014 N and 071-21.306 W traveling 108' to the northeast corner at 41-45.012 and 071-21.283 W at the 15 dayboard traveling 1350' to the southeast corner at 41-44.788 N and 071-21.320 W traveling 508' to the southwest corner at 41-44.829 N and 071-21.320 W traveling 1121' back to the northwest corner. This mooring field shall have a clear fairway of 50' in front of Bullock Cove Marine, NTYC and Petersen's Marina from the harbor line to the east.

There shall also be a clear fairway from the 11 dayboard traveling 40' south along the federal channel and approximately 400' to the west bounded by the NTYC dock. (also see Sec. 13-89) This area contains 7.42 water acres.

Mooring field C: A body of water beginning from an imaginary line 100 feet west from the southwest tip of Narragansett Terrace, Bullock Point, (Point A) running northward for approximately 1,500 feet then turning west for approximately 300 feet then turning south 1,500 feet then turning east 300 feet to intersect with Point A. from an imaginary line west of the southern boundary of Rose Larisa Park and encompassing approximately forty waterfront properties with the northwest corner at 41-45.230 N and 071-21.869 W traveling 371' to the northeast corner at 41-45.233 N and 071-21.792 W traveling 3329' to the southeast corner at 41-44.698 N and 071-21.628 W traveling 196' to the southwest corner at 41-44.698 N and 071-21.666 W traveling 3310' back to the northwest corner. This area contains 21.38 water acres.

Mooring field D: A body of water beginning 150 feet from shore, west of the west end of Beach Road, Point A, running west for approximately 300 feet then turning south for approximately 1,500 feet then turning east for approximately 300 feet then turning north for approximately 1,500 feet to Point A. Also a body of water beginning at Point A running 500 feet north then turning west approximately 300 feet then turning south 500 feet then turning east approximately 300 feet to Point A. off Rose Larisa Park and encompassing approximately twenty water front properties to the

north with the northwest corner at 41-45.645 N and 071-21.920 W traveling 619' to the northeast corner at 41-45.645 N and 071-21.785 W traveling 2110' to the southeast corner at 41-45.300 N and 071-21.785 W traveling 619' to the southwest corner at 41-45.299 N and 071-21.920 W traveling 2110' back to the northwest corner. This area contains 30.03 water acres.

Mooring field E: A body of water beginning approximately 100 feet southeast of the southeastern tip of the southern dock at Sabins point (Point A): Running easterly for approximately 500 feet then turning in a southeasterly direction for approximately 400 feet then turning west for approximately 700 feet then turning north for approximately 300 feet to intersect with Point A. off Sabins Point Park and encompassing approximately thirty waterfront properties to the south with the northwest corner at 41-45.865 N and 071-22.070 W traveling 751' to the northeast corner at 41-45.865 N and 071-21.905 W traveling 1307' to the southeast corner at 41-45.651 N and 071-21.906 W traveling 798' to the southwest corner at 41-45.651 N and 071-22.081 W traveling 1310' back to the northwest corner. This area contains 23.27 water acres.

Mooring field F: A body of water beginning 75 feet northwest of the northwest tip of the boat ramp at Sabins point (Point A) running north for approximately 1,500 feet staying approximately 100 feet from shore then turning west for approximately 300 feet then turning south for approximately 1,500 feet then turning east for approximately 300 feet to intersect with Point A. off Sabins Point Park and encompassing approximately twenty waterfront properties to the

north of the Sabins Park boat ramp with the northwest corner at 41-46.201 N and 071-22.300 W traveling 606' to the northeast corner at 41-46.200 N and 071-22.164 W traveling 1014' to the southeast corner at 41-46.033 N and 071-22.161 W traveling 630' to the southwest corner at 41-46.031 and 071-22.300 W traveling 1021' back to the northwest corner. This area contains 14.45 water acres.

Mooring field G: A body of water beginning approximately 75 feet from the shoreline at the center of the easternmost Pomham Rock, Point A, running east for approximately 150 feet then turning north for approximately 700 feet staying approximately 75 feet from shore then turning west for approximately 150 feet then turning south approximately 700 feet to Point A. in the area of Pomham Lighthouse (future use, less than 5 permits issued).

Mooring field H: A body of water along the Providence River shoreline (future use, less than 5 permits issued).

Mooring field I: A body of water along the Seekonk River shoreline (future use, less than 5 permits issued).

(d) All designated mooring fields sited within the coastal waters and harbor areas of the city shall be set back a minimum distance of:

(1) One hundred feet from the mean high water mark of the shore to accommodate the placement of moorings associated with residential waterfront property owners; and

(2) Twenty-five feet from the center of all federal navigation channels, navigation fairways, rights-of-way fairways, and 50. Fifty feet from all shellfish management areas, and shoreside structures such as, but

not limited to, docks and piers.

SECTION XV. Sec. 13-124 entitled “Inspections” of Division 5 entitled “Mooring Regulations” of Article III entitled “Coastal Waters and Harbor Areas” of Chapter 13 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled “Public Places” is amended to read as follows:

(a) All new moorings in the coastal waters and harbor areas of the city must have the chain, tackle, and anchor inspected by the harbormaster or his designee prior to setting the mooring.

(b) Every permit holder shall be required to maintain his mooring in safe condition. Any chain, shackle, swivel, or other tackle which has become warped or worn by one-third its normal diameter shall be replaced. Failure to maintain a safe mooring shall be cause for revocation of the mooring permit and shall be deemed a violation of this article. The harbormaster or his designee may inspect any moorings at any time to determine compliance with this section at the owner's expense.

(c) All moorings shall be inspected once every three years and the results of such inspection shall be reported to the harbormaster. Mooring inspections shall be performed by a qualified inspector. The inspection shall be made by either raising the mooring or by underwater inspection. Such inspection shall determine compliance with the mooring and mooring tackle standards of this article. Any mooring or component of a mooring reported not in compliance with this article shall be replaced within 30 days of such notice. Any mooring washed ashore during a storm shall be inspected by the

harbormaster or his designee before it is reset. All costs of any mooring inspection required under the provisions of this article shall be the responsibility of the mooring owner.

(d) Within 30 days after a mooring and/or its mooring tackle has been reported to violate any requirements of this article, a second mooring inspection must be completed to determine if the violation has been corrected and meets the standards detailed in this article. The results of such second mooring inspection must be reported to the harbormaster. Failure to correct the violation shall cause the mooring to be deemed not safe and shall be cause for the revocation of the mooring permit, shall be a violation of this article, and subject to the removal of the mooring from the coastal waters and harbor areas of the city in accordance with any provision of this article at the risk and expense of the mooring owner.

(e) Any person certified by PADI or NAUI as a qualified diver or any person who is an operator or employee of a boatyard and is familiar with the requirements of this article and the rules and regulations of the commission, may apply to the commission to be designated as an inspector. Applications shall be made on the form provided by the harbormaster and must be accompanied by the annual application fee as set by the harbor commission along with a resume which includes relevant professional experience from either current or previous employers in marine related industry or area harbor masters. A qualified inspector must reapply by July 1 of each year. The commission may designate as many inspectors as it feels are necessary; shall set standards for the inspectors to follow; and shall

establish criteria for qualifying as an inspector. Any inspector who has failed to exercise diligence in the exercise of his duty shall have his inspector's license revoked.

(f) The harbormaster shall keep a list of all qualified inspectors and shall make this list available to holders of mooring permits and provide a copy of this list to the city clerk's office (Ref. Section 13-78, exhibit 12).

(g) Any person, prior to being appointed as a qualified inspector will provide and submit to the harbormaster either proof of insurance or a surety bond in the amount of \$1,000,000.00. The insurance policy must name the City of East Providence and harbormaster as additional insured and certificate holders of the policy. The policy must clearly state "mooring inspector".

SECTION XVI. Sec. 13-141 entitled "Fees" of Division 6 entitled "Fees and Penalties" of Article III entitled "Coastal Waters and Harbor Areas" of Chapter 13 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled "Public Places" is amended to read as follows:

No permit shall be issued until payment of the appropriate fees are made to the city. All such fees are nonrefundable. These fees shall be set annually by the harbor management commission and shall be approved as part of the harbormaster's budget submitted to the city council. At no time shall the fee collected from a mooring permit applicant be different for residents and nonresidents.

(1) The mooring permit fee shall not be less than \$50.00 \$100.00. The permit fee for persons mooring to city owned tackle or floating docks

shall be a minimum of 2 times the permit fee plus the application fee each year. The permit fee for industrial equipment such as tug boats, barges, scows and cranes shall be a minimum 4 times the permit fee plus the application fee each year. Any vessel or structure that requires more than one anchor shall pay a permit fee per anchor or mooring.

(2) All persons applying for a new mooring permit shall be assessed an application fee of \$50.00.

(3) All persons wishing to be placed on the new mooring waiting list (ref. section 13-79; exhibit 9), shall pay a one time fee of \$50.00 in addition to the \$50.00 application fee.

(4) All current permit holders applying for relocation shall be assessed an application fee of \$50.00 in addition to the \$50.00 application fee.

(5) All persons requesting an on-the-spot inspection of mooring tackle by the harbormaster shall be assessed fee of \$100.00. \$200.00

(6) In addition to established fees, a fee of \$25.00 will be assessed to any applicant for a check returned to the city without payment because of insufficient funds.

(7) All persons who sell the vessel which they were previously permitted to moor shall submit a new permit mooring application along with a copy of the RI boat registration for the new vessel. A new permit may or may not be approved by the harbormaster after review of the new vessels length and draft.

SECTION XVII. Sec. 13-142 entitled "Penalties" of Division 6 entitled "Fees and Penalties" of Article III entitled "Coastal Waters and Harbor

Areas” of Chapter 13 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled “Public Places” is amended to read as follows:

(a) If a vessel, mooring, or anchored vessel is found to be in violation of any provision of this article and the owner or operator is not present, the harbormaster may issue a warning that lists the violation(s) (Ref. section 13-78, exhibit 6). The owner of the vessel, mooring, or anchored vessel must respond to this warning within the number of days from the date the warning was issued, that is specified on the warning (a minimum of five three days). Failure to respond to a warning issued by the harbormaster within the specified amount of time from the date issued, shall result in additional penalties and fines as provided for in this article. If the owner or operator is present then he/she shall remove the vessel immediately or correct the violation upon order of the harbormaster or his assistant or designee.

(b) Penalties.

(1) 13-87 Reckless boat operation: \$300.00--\$1,500.00 \$200.00 -- \$2000.00

(2) 13-86 Speeding: 75.00--125.00 100.00 -- 200.00

(3) 13-86 Leaving a wake 75.00 100.00 -- 200.00

**(4) 13-96 Abandoned structure or vessel: or without proper registration or documentation, numbers or markings 75.00
500.00 each week until removed**

(5) 13-116 (a) Mooring not designated by harbormaster 125.00

200.00

(6) 13-116 (a) Anchorage not designated by harbormaster 75.00

200.00

**(7) 13-101 Refusal to move or stop on oral command of harbormaster
. 100.00**

**(8) 13-98 Failure to carry and/or use required equipment 50.00
100.00**

**(9) 13-98 Failure to carry a certificate of boating safety education or
any license issued by the state for operation of a personal water craft
(PWC), while operating a PWC in waters of the city 75.00 100.00**

**(10) 13-98 Failure to carry a certificate of boating safety education or
any license issued by the state to operation of a vessel powered by a
motor of ten HP or more, while operating such a vessel in waters of
the city and born on or after January 1, 1986 75.00 100.00**

**(11) 13-124 Failure to get mooring tackle inspected by August 1 of the
calendar year that a warning and/or notice regarding the mooring
tackle inspection expiration is received 100.00**

**(12) 13-92 (b) Failure to display an approved "no discharge certificate
decal" in a prominent position on a vessel required to display such a
decal 100.00**

**(13) 13-99 Blocking, barricading, or impeding use of or access to
designated public right-of-way \$100.00--1,000.00 each week
until the violation is corrected.**

**(14) 13-89 Obstructing a channel/fairway.....100.00 each week until
removed.**

(15) 13-90 Swimming in a channel/fairway....100.00

(16) 13-91 Fishing pot or traps in channel/fairway or mooring field....100.00

(17) 13-92 Waste discharge or no MSD decal....100.00

(18) 13-93 Debris discharge or dumping....200.00 -- 2000.00 per day until cleaned.

(19) 13-94 Vessels towed by harbormaster....500.00

(20) 13-95 Rafting Prohibited....100.00 each day until removed

(21) 13-102, 13-103, 13-104 Gasoline motor operation....100.00

(22) 13-105 Mooring or securing to city aid to navigation....100.00

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

Requested by: Harbormaster

Motion___By___2nd___

Coogan___Cusack___DiTraglia___Perry___Larisa___

E. Communications

1. Gregory S. Dias, 57 Tryon Avenue (02916) requesting to address the Council regarding the 10th Annual Block Party for Saturday, July 17, requesting that Tryon Avenue be blocked at the corner of Gibbs Street and the corner of Merchant Street and that Estelle Street be blocked at Ferris Avenue.

Motion___By___2nd___

Coogan___Cusack___DiTraglia___Perry___Larisa___

2. Bruce Rogers, 500 Warren Avenue (02914), Chairman of Tranquility Place at Jones Pond requesting to address the Council regarding Logo Awards and a general update as well as requesting a motion from the Council in support of the Planning Department making Tranquility Place at Jones Pond a priority when applying for federal funds and block grants.

Motion___By___2nd___

Coogan___Cusack___DiTraglia___Perry___Larisa___

3. Dr. Gregg A. Medeiros, 43 Mountain Avenue (02915) requesting to address the Council and deliver a signed petition regarding the speed of vehicles traveling on Mountain Avenue.

4. Bill Murphy, 27 Wetmore Avenue requesting to address the Council regarding, need for revision of teachers' contract before City Council approval, request Council support of more open school contracts and negotiation processes, Charter Amendment to improve school contract approval process, General Assembly ratification of 2006 Charter Amendment and Charter Amendment for a city tax cap.

5. Richard Rodi, 77 Pitman Street, Providence requesting to address the Council to reintroduce the Red Bridge Neighborhood Association and update as to the associations activities, future and mission.

6. Tom Riley, 3620 Pawtucket Avenue, requesting to address the Council regarding comments on the proposed teachers' contract.

7. Jack Fahey, 2535 Pawtucket Avenue, requesting to address the Council regarding teachers' contract, school deficits and use of funds in the future.

X. ADJOURNMENT

Motion___By___2nd___

Coogan___Cusack___DiTraglia___Perry___Larisa___