

Date Meeting Posted: January 14, 2011

Date of Meeting: January 18, 2011

Time of Meeting: 7:30PM

Meeting: City Council

Location: 145 Taunton Avenue, City Hall, Council Chambers, East Providence 02914

CITY OF EAST PROVIDENCE

RHODE ISLAND

DOCKET OF REGULAR COUNCIL MEETING

January 18, 2011

7:00 P.M. Executive Session

7:30 P.M. Open Session

Executive Session Following Open Session

I. EXECUTIVE SESSION

The City Council of the City of East Providence will meet in Executive Session pursuant to RI General Laws § 42-46-5 (a) (2)

A. Claims Committee

See concurrently posted Claims Committee Meeting Agenda.

B. Discussion regarding terms of the City Manager Separation Agreement.

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, project Veteran’s Memorial Parkway, East Bay Bike Path written considerations accepted until January 30, 2011.

2. Letter received from James Briden regarding freedom of speech.

3. Letter received from ACLU pertaining to James Briden’s communication at the January 4, 2011 Council meeting regarding freedom of speech.

B. Alcoholic Beverage Class F-1

St. Francis Xavier, Annual Parish Dinner, January 23, 2011, 81 North Carpenter Street (02914)

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

VI. LICENSES REQUIRING PUBLIC HEARING

A.B-Full Privilege Vict (Transfer)

From Sax's Steak & Pizza LLC DBA Sax's Steak & Pizza to Our Place on North Broadway, LLC, 525 North Broadway (02914), Keven Blankenship 1 Brisas Circle, East Greenwich (02818)

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

VII. NEW BUSINESS

A.City Managers Report (by Interim City Manager Orlando Andreoni)

1. Time Clocks

2. Lame Ducks

3. Vote to ratify the City Manager Separation Agreement.

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

4. Contract award for City Hall Boiler & Air Conditioning System Replacement.

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

B.Reports of Other City Officials

1.Claims Committee (by Assistant Solicitor Robert Craven)

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

2.Tow Complaints and other matters (by Police Chief Tavares)

3.Amendment to an existing easement for the construction of a Fish Ladder at Hunt's Mills. (by Director of Planning Jeanne Boyle)

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

4.East Providence Hazard Mitigation Plan Update (by Director of Planning Jeanne Boyle)

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

5.Recommendation for City Council to qualify firms based upon Request for Qualifications issued by the City for Hunt's Mills. (by Director of Planning Jeanne Boyle)

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

C. Council Members

- 1. Letter from ACLU (by Mayor Rogers)**
- 2. East Bay Community Action Update (by Mayor Rogers)**
- 3. Thank You (by Mayor Rogers)**
- 4. Soccer Task Force (by Councilwoman Kleyla)**
- 5. Announcing an Information Technology City Council Work Session (by Councilwoman Kleyla)**
- 6. Forbes Street Solar Project (by Councilman DiGioia)**
- 7. Status of City Manager Separation Agreement (by Councilman Conley)**
- 8. Status of Firefighter Arbitration (by Councilman Conley)**
- 9. City Manager approach to review of current budget and preparation of next fiscal year budget (by Councilman Conley)**
- 10. Status of Attorney General Patrick C. Lynch and City of East Providence v. Rhode Island Department of Environmental**

Management and TLA – Providence LLC Case No. 10-6883 (by Councilman Conley)

11. Status on Consolidation (by Councilman Conley)

12. Status on State Highway Lighting (by Councilman Conley)

13. Addition of public comment section to City Council Agenda (by Councilman Conley)

14. City Manager Search Committee (by Councilman Conley)

1. Maria Hartel, 1075 Willett Avenue (02915)

2. Patrick Caine, 4 Drowne Parkway (02916)

3. Fred Reinhart, III, 26 Fenwick Road (02915)

D .Resolutions

1. RESOLUTION AMENDING THE RESOLUTION APPOINTING SEARCH COMMITTEE FOR CITY MANAGER

WHEREAS, on December 22, 2010 the East Providence City Council approved a Resolution that provided as follows, “the City of East Providence City Council shall appoint a Search Committee for the purposes of hiring a City Manager, the Search Committee shall be composed of seventeen members, three members appointed by each Council Member and an additional two members appointed by the

Mayor” (italicizing added); and

WHEREAS, section 2-10 of the Charter of the City of East Providence provides, “the Council shall appoint an officer of the City who shall have the title of City Manager . . .”; and

WHEREAS, said Resolution needs to be amended to clarify that the Search Committee’s purpose shall not be the hiring of the City Manager but that the City Council for the City of East Providence shall appoint the City Manager; and

WHEREAS, said Resolution needs further clarification to specify the Council’s charge to the Committee and its duties and responsibilities;

NOW, THEREFORE, BE IT RESOLVED that the Resolution appointing Search Committee for City Manager is hereby amended as follows:

a. The City Manager Search Committee is subject to the Rhode Island Open Meetings Act, the Rhode Island Access to Public Records Acts and the Rhode Island Public Records Administration Act and shall strictly adhere to the requirements of those laws;

b. The City Manager Search Committee is an advisory committee to the City Council; the City Council shall retain its authority pursuant to section 2-10 of the City Charter and the City Council shall appoint the City Manager;

c. All members of the City Manager Search Committee shall be qualified electors of the City of East Providence;

d. The members of the City Manager Search Committee shall serve without compensation;

e. A majority of the members of the Committee shall constitute a quorum and the Committee shall take no action without a quorum;

the Committee shall elect from among its members a Chair, a Vice Chair, and a Secretary; the Chair shall preside over the meetings of the Committee and the Vice Chair may act in the absence of the Chair; the Secretary will keep the minutes of the meetings;

f. The Search Committee shall assist the City Council in establishing a process to notify as many qualified candidates as possible for the position of City Manager;

g. The Search Committee shall make a written report to the City Council addressing at least the following matters related to the City Manager search

1) identify professional search firms that specialize in finding candidates for government positions particularly that of City Manager

2) make a recommendation as to the most qualified firm and state the reasons in support of the recommendation

3) outline the services provided by such a firm and determine the cost for said services

4) recommend whether or not the Council should engage the services of a professional search firm and state the reasons in support of the recommendation

h. In the event the Council determines not to secure the services of a professional search firm, the Committee shall make specific recommendations on the process for the search;

1) for example, provide recommendations for the ad to be published for the position

2) make recommendations as to the publications where the ad should appear, both in the electronic and print media

3) make recommendations to assure that the notice for the position reaches as many qualified candidates as possible

4) make recommendations as to a time schedule for the City Council to receive the résumés of candidates

5) the Search Committee shall make such other recommendations to the City Council as it shall determine will assist the City Council in attracting the most qualified candidates for the position of City Manager

i. the City Council shall be responsible for reviewing all résumés received from candidates and shall be responsible for the selection and appointment of the City Manager

ii. while conducting its search, the committee shall adhere to the affirmative action provisions of Section 11-136 of the East Providence City ordinances, specifically, “to foster and promote equal opportunity in employment on the basis of ability to work, and to eliminate and prevent discrimination on the basis of race, sex, age, handicap and national origin.”

This Resolution shall become effective upon its passage.

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

2. RESOLUTION REQUESTING LEGISLATION TO AMEND RIGL § 44-3-3 TO SPECIFICALLY EXEMPT POMHAM ROCKS LIGHTHOUSE FROM TAXATION

WHEREAS, the City Council of the City of East Providence requests an amendment to the RIGL § 44-3-3 so as to exempt from property taxation the Pomham Rocks Lighthouse, located in the City of East Providence;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of East Providence hereby unanimously requests that Rhode Island General Assembly amend legislation for property taxation so as:

To exempt from taxation for the 2010 tax year and following, the buildings, personal estate and the land upon which the buildings stand, located on ZZ Pomham Island, currently known as Assessors Map 211, Block 01, Parcel 001.00, which consists of approximately 21,300 square feet and is located approximately 860 feet, more or less, from the shore, and limited exclusively to these said buildings, personal estate and land, provided that said property is owned by a qualified 501(c)(3) organization, such as the American Lighthouse Foundation, and is used exclusively as a lighthouse.

NOW, THEREFORE, BE IT RESOLVED, that the Senators and Representatives in the General Assembly from the City of East Providence request, introduce, and seek passage of legislation as outlined above.

BE IT FURTHER RESOLVED, that the City Clerk of the City of East Providence send a copy of this Resolution to the Governor, Lieutenant Governor, the President of the Senate, the Speaker of House of Representatives, and each Senator and Representative from the City of East Providence.

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

3.COUNCIL RULES OF PROCEDURE

(Amendment to Resolution No. 27 - Adopted December 2, 2003)

RULES OF PROCEDURE OF THE CITY COUNCIL

BE IT RESOLVED, that the following Rules be and they are hereby adopted as the Rules of the City Council of the City of East Providence.

Rule One. Duties of the Presiding Officer.

a. The Mayor shall be the presiding officer at all meetings of the City Council. The Assistant Mayor shall preside in the absence of the Mayor.

b. The presiding officer shall preserve order and decorum at all meetings of the City Council. In the interest of preserving order and decorum, the presiding officer may in his/her discretion limit the remarks of a citizen or his/her attorney to a period of not more than five minutes on any matter, and may also limit the remarks by the public to a period of not more than one (1) hour on any matter.

c. The presiding officer may speak in preference to any other member of the City Council and shall, subject to the restrictions imposed by subsection (d) of Rule One, decide all questions of order.

d. Any member of the City Council may appeal from the ruling of the presiding officer or the parliamentarian by moving that the presiding officer's ruling or ruling of the parliamentarian be referred to the members of the City Council who are present. In the event that such

motion be seconded, the presiding officer shall immediately, without debate, put the following motion before the body for consideration; "Shall the rule of the chair be sustained?" which question shall be decided by a majority vote of the members present.

e. The presiding officer shall propound all questions and motions in the order in which they are moved, unless the subsequent motion be previous in nature, as set forth in Rule Five, Section (e)

Rule Two. Order of Business.

a. A majority of all of the members of the City Council shall constitute a quorum for the conducting of business. A smaller number than a majority may adjourn from time to time until a quorum shall be present, notice to be given in accordance with the provisions of the City Charter in Article II, Section 8.

b. The order of business of each City Council meeting shall be as follows.

I. Call to order

II. Invocation

III. Salute to the flag

IV. Consent Calendar

V. Proclamations & Presentations

VI. Appointments. All Council appointments will appear on docket under the heading Appointments, listing the appointment being made, the name and address of the candidate, and the Council member nominating the candidate. City Council members will submit the information to the City Clerk, no later than Thursday preceding the Council meeting.

VII. Licenses (Requiring Public Hearing and non-public hearings)

VIII. Public Hearings

IX. Continued Business

X. New Business

a. City Manager's Report

b. Reports of Other City Officials

c. Council Members

d. Resolutions. All resolutions will appear on the docket with the name of the Resolution's sponsor after having been referred to the Law Department for review.

e. Introduction of Ordinances. All ordinances shall appear on the docket after having been referred to the Law Department for review.

f. Communications. Any person who submits a communication to the Council and wishes to speak on it must indicate this in writing. A person who lists more than one topic on their communication will be allowed to speak on the first one listed.

c. At any special meeting called of the City Council, the meeting shall be restricted to the business of the special meeting and no other business shall be considered without the unanimous approval of the City Council.

d. Council members shall submit items for discussion purposes no later than 4:00 p.m. the Thursday prior to the next regularly scheduled council meeting. The docket for all regular meetings shall be prepared and delivered to the residence of each council member at least 72 hours prior to said meeting. Any petition requiring a hearing shall be referred to the proper City department for a written report,

prior to being placed on the docket for discussion or hearing. Copies of all said petitions shall immediately be forwarded to the City Council. No matter may be considered at any meeting that is not specifically on the docket (including votes) without the unanimous consent of the City Council. No petition for rezoning may be withdrawn at any meeting to which it has been assigned for hearing, unless such petition is withdrawn at least 72 hours prior to such meeting. The docket will contain a plain language explanation for all ordinances.

Rule Three. Decorum and Debate

a. When a motion is under debate, the chair shall receive no other motions except as set forth in Rule Five, Section (f).

b. Any member desiring to speak shall address the presiding officer, and after his right to speak has been recognized, he shall not be interrupted while speaking, except by a call to order, or for the correction of a mistake, or to yield to another member. He shall confine his remarks to the question under debate and shall avoid personalities. No member shall speak more than once on the same question until all other members desiring to speak thereon shall have done so, and in no event shall any member speak more than twice on any question without the permission of the majority of the members of the City Council. There shall be no conversation among the members while a roll call is being taken, while any paper is being read, or while a question is being stated by the presiding officer.

c. A roll call vote shall be taken as required by the Charter of the City of East Providence, the ordinances of the City, or at the request of

any council member.

d. After a roll call vote has been ordered, said roll call shall not be interrupted, delayed or stopped by the presiding officer or any member of the Council for any reason whatsoever, including points of order, personal privileges or for a member to explain his vote. All roll calls shall be taken alphabetically, except for the presiding officer, who shall vote last.

e. A motion shall be carried by the affirmative vote of a majority of the council members voting on the motion and the presiding officer shall declare the passage or defeat of any motion. In the case of a tie, the motion shall be defeated.

f. When a vote has been passed, it shall be in order for any members voting with the majority to move or second the reconsideration thereof not later than the next regular meeting, and when a motion to reconsider has been decided, that vote shall not be reconsidered.

Rule Four. Consent Docket.

a. When the City Manager determines that any item of business requires action by the Council, but is of a routine and non-controversial nature, (s)he may cause such item to be presented at a regular meeting of the Council as part of a Consent Calendar.

b. The Consent Calendar shall be introduced by a motion "to approve the Consent Calendar," and shall be considered by the Council as a single item.

c. There shall be no debate or discussion by any member of the Council regarding any item on the Consent Calendar, beyond asking questions for simple clarification.

d. All items on the Consent Calendar which require public hearings shall be open for hearing simultaneously, and the Mayor shall announce, or direct the City Clerk to announce, the titles of all such items.

e. On objection by any member of the Council to inclusion of any item on the Consent Calendar, that item shall be removed from the Consent Calendar forthwith. Such objection may be recorded at any time prior to the taking of a vote on the motion to approve the Consent Calendar. All such items shall be considered individually, in the order in which they were objected to immediately following consideration of the Consent Calendar.

f. Approval of the motion to approve the Consent Calendar shall be fully equivalent to approval, adoption, or enactment of each motion, resolution, ordinance, or other item of business thereon, exactly as if each had been acted upon individually.

Rule Five. Miscellaneous Provisions.

a. The City Clerk shall prepare a docket of the business to be conducted at each meeting of the City Council, which shall be delivered to each council member's residence not less than 72 hours before the meeting of the City Council. No ordinance, resolution, petition, order or matter of business shall be considered unless notice of the same shall have been given previously in accordance with these rules. Any additional public hearings concerning a zone change and/or subdivision will require the written consent of a majority of the City Council.

b. Any reports or communications from any department head, City

Manager or otherwise shall be in writing and copy supplied to each council member with the docket.

c. Regular meetings of this City Council shall be held on the first and third Tuesday of each month at 7:30 P.M. in the City Council Chamber in City Hall, or at such other place as may be designated by a majority of the Council, except in the months of July and August when there shall be only one meeting per month on the Tuesday designated by a majority of the City Council. Amended December 1, 1988 (See Council Journal) Amended November 13, 1989 (See Council Journal).

d. All meetings of the City Council shall be open to the public and all votes shall be case in public.

e. A special meeting of the City Council may be called in accordance with the provisions of Article II, Section 7 of the City Charter, at the request of the Mayor or upon written request of three members of the City Council, said request addressed to the City Clerk. No business shall be considered at said special meeting other than that as set forth in the call of the meeting without the unanimous consent of the City Council.

f. The order of precedence of motions shall be as follows:

- 1. Fix the time in which to adjourn**
- 2. Adjourn**
- 3. Recess**
- 4. Raise a question of privilege**
- 5. Lay on the table**
- 6. Suspension of the rules**
- 7. Previous question**

8 Limit debate

9. Postpone to a certain time

10. Refer to committee or other official

11. Amend

12. Postpone indefinitely

13. Main motion

The above list shall be the order in which motions may be considered; when any motion is pending before the City Council, any motion before that said motion on this list shall take precedence and be acted upon first and those following shall be out of order.

g. The following motions shall not be debatable:

1. Adjourn

2. Recess

3. Raise question of privilege

4. Lay on the table

5. Suspension of the rules

6. Previous question

7. Limit debate

h. These rules shall not be altered, amended, suspended or repealed at any time except by an affirmative vote of four-fifths (4/5) of the entire City Council, unless docketed 72 hours prior to meeting.

i. Roberts Rules of Parliamentary Procedure shall prevail in the absence of any specific rule as set forth herein.

j. The City Solicitor is designated as parliamentarian for the purpose of interpreting these rules of procedure

k. In the event that any section of these rules shall be in conflict with

the City Charter or ordinances of the City of East Providence, then such rule shall fail, however, those rules which are not in conflict shall remain in full force and effect

I. Any member of the public who requests to speak on any docket item that is not part of the Public Hearing section or specifically on the docket, will be allowed to speak if approved by unanimous consent of the Council.

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

4. A RESOLUTION ADOPTING THE STRATEGY FOR REDUCING RISKS FROM NATURAL HAZARDS IN THE CITY OF EAST PROVIDENCE, RHODE ISLAND

WHEREAS, the Federal Emergency Management Agency (FEMA) and the Rhode Island Emergency Management Agency (RIEMA) require all municipalities to adopt an updated Hazard Mitigation Strategy every five (5) years, and

WHEREAS, the East Providence Hazard Mitigation Committee held an advertised public meeting on the Plan revision on July 20, 2010, and

WHEREAS, the local hazard mitigation plan shall include documentation that the plan has been formally adopted by the governing body (City Council) of the jurisdiction requesting approval of the plan;

NOW, THEREFORE, BE IT RESOLVED THAT THE EAST PROVIDENCE CITY COUNCIL HEREBY ADOPTS THE 2010 STRATEGY FOR

REDUCING RISKS FROM NATURAL HAZARDS IN THE CITY OF EAST PROVIDENCE, RHODE ISLAND.

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

E. Introduction of Ordinances

1. An ordinance relating to Stop Signs.

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"

SECTION I. Subsection (b) of Sec. 18-269 entitled "Stop and yield intersections designated; when stops required." is amended by adding thereto the following:

Vineyard Avenue (westbound traffic) at Grassmere Avenue City View Avenue (westbound traffic) at Grassmere Avenue Tower Avenue (westbound traffic) at Grassmere 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

2. 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 \$25,300,000

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 Twenty Five Million Three Hundred Thousand Dollars (\$25,300,000) 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 \$25,300,000;

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 Twenty Five Million Three Hundred Thousand Dollars (\$25,300,000) 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 Twenty Five Million Three Hundred Thousand Dollars (\$25,300,000) 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 intermunicipal agreements or amend existing intermunicipal 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 Twenty Five Million Three Hundred Thousand Dollars (\$25,300,000) 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.

SECTION 10. This Ordinance shall take effect upon its second passage and all ordinances and parts of ordinances inconsistent herewith are hereby repealed.

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

F.Communications

1.Jennifer Wall, East Providence Prevention Coalition, 145 Taunton Avenue (02914) requesting to address the Council regarding a presentation of Alcohol Educational and Enforcement Efforts.

2.Kathleen Hughs, Brown Play School, 4 Newman Avenue (02916) requesting to address the Council regarding the 2nd Annual “Run to Mama” 5K being held on May 4, 2011.

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

3.James A. Briden, 17 Hollow Ridge Road (02916) requesting to address the Council regarding the City must now hire an

environmental law attorney to handle the TLA/Pond View case.

4.Helen McWilliams, 6 Nevada Avenue (02916) requesting to address the Council regarding TLA/Pond View Issues.

5.Tim Norton, 180 Bourne Avenue (02916) requesting to address the Council regarding TLA/Pond View Issues.

6.Paul Moura, 31 Windmill Lane (02916) requesting to address the Council regarding TLA/ Pond View and Soccer Task Force.

7.Anthony Shepard, 40 Rosemere Drive (02914) requesting to address the Council regarding creation of jobs – tourism for East Providence and the state of RI and major Bay development and use.

VIII.ADJOURN TO EXECUTIVE SESSION

The City Council of the City of East Providence will meet in Executive Session pursuant to RI General Laws § 42-46-5 (a) (2)

A. IAFF Contract Negotiation.

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

***If communications assistance is needed or any other accommodations to ensure equal participation please contact the**

City Clerk's Office at 435-7590.