

**Date Posted: February 3, 2012**

**CITY OF EAST PROVIDENCE**

**RHODE ISLAND**

**DOCKET OF REGULAR COUNCIL MEETING**

**February 7, 2012**

**Council Chambers, City Hall, 145 Taunton Avenue, East Providence,  
RI 02914**

**7:00 P.M. Executive Session – Room 101**

**7:30 P.M. 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**

**1. Antonio Andrade**

**2. Luis M. Pereira**

**3. Paulo & Ana Raposo**

**4. Veronica Reis**

**5. Natalie Soares**

**6. Pericles Vieira**

**7. Sean Sullivan vs City of East Providence**

## **II. CALL TO ORDER**

## **III. SALUTE TO THE FLAG**

## **IV. 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. Gloucester Town Council Resolution requesting amendment to RIGL 16-7-23 regarding the regional school district budget.**
- 2. Exeter Town Council Resolution requesting support of the Town of Middletown’s resolution relative to the aftermath of Tropical Storm Irene.**
- 3. Coastal Resources Management Council January 24, Semi Monthly Meeting Agenda.**
- 4. Coastal Resources Management Council Public Notice regarding soliciting comments regarding changes to the Administrative Procedures Act section 210.4 and 210.6.**
- 5. Coastal Resources Management Council Public Notice regarding federal consistency certification furnished by the RI Airport Corporation.**
- 6. Coastal Resources Management Council February Calendar.**

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

- 1. Vartan Gregorian Elementary School PTO Fundraiser, March 10,**

**2012, Providence Country Day School, 660 Waterman Avenue (02914)**

**C. Abatements**

**Year Amount**

**2011 \$899.55**

**Total \$899.55**

**D. Council Journals**

**1.Regular Meeting June 28, 2011**

**2.Regular Meeting July 19, 2011**

**3.Regular Meeting August 16, 2011**

**4.Special Meeting August 29, 2011**

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

**Conley\_\_\_DiGioia\_\_\_Kleyla\_\_\_Rose\_\_\_Rogers\_\_\_**

**V. PUBLIC COMMENT**

**VI. PROCLAMATIONS AND PRESENTATIONS**

**A.The Rhode Island Political Action Committee by Former State Representative Joseph Almeida and Eugene Monteiro**

**B. EAST PROVIDENCE AFFIRMATIVE ACTION COMMITTEE / BLACK HISTORY MONTH RECEIPIENTS**

**This year's National Black History Month theme is centered on African-American women in history. The East Providence Affirmative**

**Action Committee would like to identify these wonderful women who have devoted their time and efforts to the betterment of East Providence.**

**VII. APPOINTMENTS**

**A.Carousel Commission Re-Appointment**

**Donna McMahon, 233 Norton Street (02915)**

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

**Conley\_\_\_DiGioia\_\_\_Kleyla\_\_\_Rose\_\_\_Rogers\_\_\_**

**B.Carousel Commission Re-Appointment – Alternate**

**Leeanne Aldrich, 3125 Pawtucket Avenue (02915)**

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

**Conley\_\_\_DiGioia\_\_\_Kleyla\_\_\_Rose\_\_\_Rogers\_\_\_**

**C.Carousel Commission – Alternate**

**Nuno Branco, 40 Anthony Street (02914)**

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

**Conley\_\_\_DiGioia\_\_\_Kleyla\_\_\_Rose\_\_\_Rogers\_\_\_**

**D.Carousel Commission – Alternate**

**Valerie Perry, 30 Wannamoisett Road (02914)**

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

**Conley\_\_\_DiGioia\_\_\_Kleyla\_\_\_Rose\_\_\_Rogers\_\_\_**

**E.Carousel Commission – Reappointment**

**Kim Casci, 1 Cedarwood Drive (02915)**

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

**Conley\_\_\_DiGioia\_\_\_Kleyla\_\_\_Rose\_\_\_Rogers\_\_\_**

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

**A.An Ordinance relating to sale of alcoholic beverages to underage persons.**

**AN ORDINANCE IN AMENDMENT OF CHAPTER 9 OF THE REVISED ORDINANCES OF THE CITY OF EAST PROVIDENCE, RHODE ISLAND, 1998, AS AMENDED, ENTITLED “MISCELLANEOUS OFFENSES”**

**SECTION I. Section 9-1.1 entitled “Penalty for violations relating to sale of alcoholic beverages to underage persons” of Chapter 9 of the Revised Ordinances of the City of East Providence, Rhode Island 1998, as amended, entitled “Miscellaneous Offenses” is amended to read as follows:**

**9-1.1. Penalty for violations relating to sale of alcoholic beverages to underage persons.**

**Any person license holder who sells or allows the sale of or suffers to be sold or delivered any beverage which contains alcohol to a person who has not reached his or her twenty-first (21st) birthday either for his or her own use or the use of his or her parents or any other person, or allows any person who has not reached his or her twenty-first (21st) birthday to drink said alcoholic beverages within the City of East Providence or suffers or allows any persons who have not reached their eighteenth (18th) birthday to sell or serve any alcoholic beverage on the premises shall for the first offense be**

subject to a minimum fine of \$250 up to \$500 per count; for the second offense, be subject to a minimum fine of \$500 up to \$1,000 per count and up to a 3 day closure; and for the third and any subsequent offense, be subject to a fine of \$750 up to \$1,000 and a minimum of a one day closure or revocation of the license; and for the fourth and any subsequent offense, be subject to a minimum fine of \$1,000 per count and a 14 day closure or revocation of the license. In the event that there are no offenses in three (3) successive years from the date of the last offense, then the next offense shall be treated as a first offense.

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

**Requested by: East Providence Prevention Coalition**

## **IX. LICENSES NOT REQUIRING PUBLIC HEARING**

### **A.Vict/Over 50 – Change of Class from Vict/Not Over 50**

**St. Angelo's Inc. DBA St. Angelo's, 1235 Wampanoag Trail (02915),  
Michael St. Angelo, 25 Foote Street, Barrington (02860)**

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

**Conley\_\_\_DiGioia\_\_\_Kleyla\_\_\_Rose\_\_\_Rogers\_\_\_**

## **X. NEW BUSINESS**

**A.City Managers Report (by City Manager Peter Graczykowski)**

**1.Request for Approval to Award Contract for Sand, Gravel & Fill Materials – Lynch (\$122,306) and Lopes (\$13,618) for pick up of sand and gravel and Lopes (\$119,825) and Keating (\$15,313) for delivery of sand and gravel.**

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

**Conley\_\_\_DiGioia\_\_\_Kleyla\_\_\_Rose\_\_\_Rogers\_\_\_**

**2.Request for Approval to Award Contract for Architectural and Engineering Services for Renovations to Fire Stations 1 and 2 to William Stark Architects, Inc., totaling \$500,700 – this project is a federally funded grant.**

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

**Conley\_\_\_DiGioia\_\_\_Kleyla\_\_\_Rose\_\_\_Rogers\_\_\_**

**3.Departmental Activity Reports**

**4.Homestead Exemption Review Update**

**5.Budget Commission – Budget Plan**

**B.Reports of Other City Officials**

**1.Claims Committee Report(by Solicitor Orlando Andreoni)**

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

**Conley\_\_\_DiGioia\_\_\_Kleyla\_\_\_Rose\_\_\_Rogers\_\_\_**

**2. School Committee Update (by Council Liaison School Committee**

**Member Chrissy Rossi)**

### **C.Council Members**

- 1. Bi-Weekly Update (by Mayor Rogers)**
- 2. Legal Discussion (by Assistant Mayor Rose)**
- 3. Traffic Issues Surrounding Roger Williams Avenue (by Councilwoman Kleyla)**
- 4. Transparency (by Councilman DiGioia)**
- 5. City Vendors (by Councilman DiGioia)**
- 6. Budget Commission Community Meeting Update (by Councilman DiGioia)**

### **D. Resolutions**

- 1. A Resolution opposing the possible closure of the Riverside Post Office.**

#### **RESOLUTION OPPOSING THE CLOSING OF THE RIVERSIDE BRANCH POST OFFICE**

**WHEREAS, there is a post office located in the Riverside section of East Providence known as the Riverside Branch post office; and**

**WHEREAS, the nearest post office in the area is the Barrington Post office which is located 2.3 miles away; and**

**WHEREAS, there is an interest in the legislative branch of government to close the Riverside Branch post office; and**

**WHEREAS, said post office has been and still is a necessary adjunct**

to the businesses and to the social and family lives of our taxpayers in East Providence.

**NOW, THEREFORE, BE IT RESOLVED** the City Council of the City of East Providence strongly opposes the closing of the Riverside branch post office and is in favor of it continuing its operation serving the taxpayers of the City of East Providence.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that the East Providence City Council hereby requests that the City Clerk send a copy of this Resolution to the Senators and Representatives from the City of East Providence, the United States Post Master General and the United States Senators and Representatives.

This resolution shall become effective upon its passage.

Requested by: Mayor Rogers and Councilman DiGioia

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

Conley\_\_\_DiGioia\_\_\_Kleyla\_\_\_Rose\_\_\_Rogers\_\_\_

## **E. Introduction of Ordinances**

### **1.An Ordinance Regarding Business Registration Fee.**

**AN ORDINANCE IN AMENDMENT OF CHAPTER 8 OF THE REVISED ORDINANCES OF THE CITY OF EAST PROVIDENCE, RHODE ISLAND, 1998, AS AMENDED, ENTITLED “LICENSES AND BUSINESS REGULATIONS”**

**SECTION I. Article I entitled “In General” of Chapter 8 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled “Licenses and Business Regulations” is amended to read as follows:**

**Sec. 8-12. Business registration required. Each business, including, but not limited to, wholesale, retail, commercial, professional service or manufacturing, whether by sole proprietorships, partnerships, corporations or any business entity, shall register its business, company, trade or office situated in the City of East Providence with the City Clerk. Each registration shall contain the name of the firm or business, the name of the owner or operator of the firm or business, the type of business to be conducted and other basic information.**

**Sec. 8-13. Fees. There shall be a fee for each registration. The registration fee shall be \$25.00.**

**Sec. 8-14. Procedure; exemptions.**

**A. Upon registration of a business, a registration certificate shall be issued to the registrant. No other business of the same trade name shall be allowed to register once a certificate of registration has been issued without the approval of the prior registrant in writing. Every registration certificate shall expire the 30th day in November and shall be renewed annually upon payment of the required fee. In the first year, the fee will be collected by April 1 and then by December 1 of each subsequent year. No certificate shall be renewed if the business fails to provide proof from the Tax Collector that all municipal taxes have been paid to date. Every certificate of registration shall be placed in a conspicuous location in each business establishment.**

**B. Any business required to obtain a liquor, victualling or any other license to operate under any other section of the General Laws shall be exempt from the requirement of this statute.**

**Sec. 8-15. Violations and penalties. Any person, whether as principal, agent, employee, or otherwise, who violates any of the provisions set forth herein, shall be fined not exceeding \$25.00 for each offense. The fines shall inure to the City, and each day that the violation continues shall be deemed to constitute a separate offense.**

**Sec. 8-16. Business Operating License--Applicability.**

**Every individual, partnership and/or corporation which has a premises within which is carried on an occupation or business for any purpose shall obtain a "license to operate" within the City of East Providence approved by the City Council and issued by the City Clerk. Every business license shall expire on the 31st day of May and shall be renewed annually upon approval and payment of all fees. No license shall be issued if the business fails to provide proof from the Tax Collector that all municipal taxes have been paid to date.**

**Sec. 8-17. Issuance of license; reasons for denial.**

**Licenses shall be issued provided that the named business does not adversely affect the health, welfare and safety of the citizens of said City. If any business entity is not in full compliance of the laws and ordinances within the City of East Providence which govern said businesses, the City Council, after notice and an opportunity to be heard is issued to said business, shall have the authority to deny or revoke said operating license until said business is in full compliance. Said City Council must believe that their action is in the best interest of the citizens of the City of East Providence and must show "good cause" to deny or revoke said license.**

**Sec. 8-18. Fee.**

**Each individual, partnership and/or corporation or other entity required to become licensed under this section shall pay a fee of \$75.00 to the City of East Providence, said moneys to go to the general fund.**

**Sec. 8-19. Violations and penalties.**

**Anyone convicted of a violation of any of the provisions of this section shall be punishable as provided in Chapter 1, General Provisions, Section 1-16, of this Code.**

**Sec. 8-20. Payment of Taxes; Taxes to be paid prior to issuance or transfer of business license.**

**A. All licensed businesses in the City of East Providence requiring a business license to operate shall, at the time of the renewal or transfer of such license, show proof that all business-related taxes due to the City of East Providence have been paid before obtaining a business license.**

**B. These taxes shall include but not be limited to all tangible personal property taxes; all sewer service and assessments, and real estate taxes, where applicable; and all other local taxes relating to that particular business.**

**Sec. 8-21. Violations and penalties.**

**Any person or business violating any of the provisions hereof shall be subject to a fine not exceeding \$100.00 for each offense and/or the immediate revocation of any existing business licenses and denial of any application for such business license.**

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

hereby repealed.

**Requested By: Finance Director**

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

**Conley\_\_\_DiGioia\_\_\_Kleyla\_\_\_Rose\_\_\_Rogers\_\_\_**

### **F.Communications**

**1.John M. Fahey, 2535 Pawtucket Avenue requesting to address the Council regarding the budget.**

**2.Anthony Ferreira, 44 Brightridge Avenue (02914) requesting to address the Council regarding the budget.**

**3. Freddie Rybka, 9 Cozzens Avenue (02915) requesting to address the Council regarding the budget.**

### **XI.ADJOURNMENT**

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

**Conley\_\_\_DiGioia\_\_\_Kleyla\_\_\_Rose\_\_\_Rogers\_\_\_**

**\* Any items listed on the Council Docket may be subject to a vote.**

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

**City Clerk's Office at 435-7590.**