

Date Posted: February 24, 2012

CITY OF EAST PROVIDENCE

RHODE ISLAND

DOCKET OF REGULAR COUNCIL MEETING

February 28, 2012

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

6:45 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

Litigation

1. Sean Sullivan vs. City of East Providence

New Claims

1. Edward Kosowski

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. Resolution from the Town of East Greenwich in opposition to House Bill 7250 regarding expired teacher contracts.

2. Resolution from the Town of Scituate in support of House Bill 7055 to increase the number of voters per voting precinct from 1900-4000.

3. Resolution from the Town of Hopkinton in support of House Bill 7055 to increase the number of voters per voting precinct from 1900-4000.

4. Resolution from the City of Pawtucket in support of House Bill 7055 to increase the number of voters per voting precinct from 1900-4000.

5. Resolution from the Town of Little Compton in support of House Bill 7055 to increase the number of voters per voting precinct from 1900-4000.

6. Resolution from the Town of Richmond in support of House Bill 7055 to increase the number of voters per voting precinct from 1900-4000.

B. Council Journals

1. September 2, 2011

2. September 8, 2011

3. September 20, 2011

4. October 18, 2011

5. October 25, 2011

6. November 1, 2011

7. November 15, 2011

8. November 29, 2011

10. December 20, 2011

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

V. PUBLIC COMMENT

VI. PROCLAMATIONS AND PRESENTATIONS

A. Ana Linhares of Ana's Bridal, Warren Avenue, East Providence (02914) (presented by Mayor Rogers)

VII. APPOINTMENTS

A. Housing Authority Appointment (by Mayor Rogers)

John Faria, 20 Rowley Street (02914) (date of appointment, December 22, 2011)

B. Tree Warden Appointment (by Mayor Rogers)

Michael Bartlett, Parks Department, City of East Providence, 145 Taunton Avenue (02914)

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

VIII. PUBLIC HEARING - ORDINANCES FINAL PASSAGE

A. 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___

B. 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 \$17,500,000

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 Seventeen Million Five Hundred Thousand Dollars (\$17,500,000) 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 \$17,500,000;

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 Seventeen Million Five Hundred Thousand Dollars (\$17,500,000) 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 Seventeen Million Five Hundred Thousand Dollars (\$17,500,000) 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 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 Seventeen Million Five Hundred Thousand Dollars (\$17,500,000) 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.

Requested By: Director of Finance

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

IX. LICENSES REQUIRING PUBLIC HEARING

A.Dance Entertainment

Square One, LLC DBA Oxford Tavern, 446 Waterman Avenue (02914), Alan Manchester, 202 Robert Street, Westport, MA (02790).

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

X. NEW BUSINESS

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

1. Ten Mile River Bridges Project

2.Departmental Activity Reports

3.Pre-Qualification for City Hall Sprinkler and Fire Alarm Upgrade Project

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

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. Economic Development and Waterfront Development Update (by Mayor Rogers)

3. Crossing Guard/Traffic Control Update (by Mayor Rogers)

4. East Providence Police Department Historical Committee Formation Announcement (by Mayor Rogers)

5. Summary of Neighborhood Meeting for Traffic Issues Surrounding Roger Williams Avenue (by Councilwoman Kleyla)

D. Resolutions

1. A Resolution Establishing a Shorter Schedule for the Construction of State Bridge

WHEREAS, the Rhode Island Department of Transportation has closed the state bridge at the intersection of Broadway, Roger Williams Avenue, and Centre Street in the City of East Providence; and

WHEREAS, detour routes have been established through City streets due to the closure of the state bridge; and

WHEREAS, these detour routes have resulted in significantly increased traffic on City neighborhood streets resulting in undesirable traffic hazards compromising the safety of the City's neighborhoods in the area; and

WHEREAS, the reconstruction and rehabilitation project of the bridge by the State of Rhode Island has a project end date of November 2013; and

WHEREAS, it is manifestly unfair for the neighborhoods being adversely impacted by the detour to accept this intolerable situation for that period of time; and

WHEREAS, with the assistance of the City of East Providence the Rhode Island Department of Transportation has an opportunity to negotiate a shorter time schedule for completion of the project.

NOW, THEREFORE, BE IT RESOLVED, that the City Council for the City of East Providence hereby requests that the Rhode Island Department of Transportation take all necessary and reasonable measures to establish as short a time schedule as possible for the completion of the project.

BE IT FURTHER RESOLVED, that this Resolution be forwarded to the Governor of the State of Rhode Island, the Lieutenant Governor of the State of Rhode Island, the President of the Rhode Island Senate, the Speaker of the Rhode Island House of Representatives, and Senator Daniel DaPonte, Senator Frank A. DeVall, Jr., Representative Christopher R. Blazejewski, Representative Roberto DaSilva, Representative Joy Hearn, Representative Helio Melo, Representative Mary Duffy Messier, Representative John A. Savage, and to the Director of the Rhode Island Department of Transportation, Michael P. Lewis.

This Resolution shall become effective upon its passage.

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

E. Introduction of Ordinances

1. An ordinance in amendment of speed limits on Centre Street, Wilson Avenue and Roger Williams Avenue, a stop sign at Wilson Avenue Northbound and an amendment to a one way street designation for Glenrose, Ferncrest and Lantern.

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. Section 18-203 entitled “Decrease of state maximum speed” of Article VI entitled “Speed Regulations” of Chapter 18 entitled “Vehicles and Traffic” is amended by adding thereto the following:

Centre Street—20 miles per hour

Wilson Avenue—20 miles per hour

Roger Williams Avenue from North Broadway to Pawtucket Avenue—20 miles per hour

SECTION II. Section 18-227 entitled “Temporary closure of streets” of Article VII entitled “Operation of Vehicles” of Chapter 18 entitled “Vehicles and Traffic” is amended by deleting therefrom the following:

Glenrose Drive, between Ferncrest Drive and Lantern Lane to all through traffic with the exception of school buses between 8:00 a.m. and 9:00 a.m. and between 2:00 p.m. and 3:00 p.m. on school days

SECTION III. Section 18-247 entitled “Designation of one-way streets” of Article VIII entitled “One-Way Streets” of Chapter 18 entitled “Vehicles and Traffic” is amended by adding thereto the following:

Glenrose Drive (eastbound) from Lantern Lane to Ferncrest Drive between 8:00 a.m. and 9:00 a.m. and between 2:00 p.m. and 3:00 p.m. on school days

SECTION IV. Section 18-269 entitled “Stop and yield intersections designated; when stops required” of Article IX entitled “Stop Intersections” of Chapter 18 entitled “Vehicles and Traffic” is amended by adding thereto the following:

Wilson Avenue (northbound traffic) at Bourne Avenue

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

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

2. An ordinance regarding a stop sign on Grassmere Avenue.

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:

Grassmere Avenue (northbound and southbound traffic) at Brookhaven Drive

SECTION II. This ordinance shall take effect upon 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.Anthony Ferreira, 44 Brightridge Avenue (02914) requesting to address the Council regarding the budget.

2.Freddie Rybka, 9 Cozzens Avenue (02915) requesting to address the Council regarding the breakdown of money for itemized roads and sidewalk repairs (what was budgeted and what the costs are to date)

3.A-1 Towing & Recovery, LLC, 5A Eastern Avenue (02914), John Barbosa requesting Council appointment to the City of East Providence Police Tow List.

4. United Methodist Elder Care, 40 Irving Avenue (02914) requesting to address the Council regarding a resolution for amendment of tax exempt status legislation for the United Methodist Elder Care and its affiliates and subsidiary corporations.

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.**