

Date Posted: March 30, 2012

CITY OF EAST PROVIDENCE

RHODE ISLAND

DOCKET OF REGULAR COUNCIL MEETING

April 3, 2012

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

7:30 P.M. Open Session

I. CALL TO ORDER

II. SALUTE TO THE FLAG

III. 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. Exeter-West Greenwich School Committee Resolution opposition to Binding Arbitration for teachers.

2. Exeter-West Greenwich School Committee Resolution opposition

to Contract Continuation for teachers.

3. Exeter-West Greenwich School Committee Resolution is support of moving the teacher layoff deadline from March 1 to June 1.

4. Coastal Resources Management Administration Procedures Act amendment regarding Narrow River Special Management Plan (SAMP).

5. Coastal Resources Management Administration Procedures Act amendment regarding Construction of Shoreline Protection Facilities.

6. Narragansett Town Council Resolution in opposition to the 2% increase in the meals and beverage tax.

7. Narragansett Town Council Resolution in opposition to the expansion of the lodging tax.

8. Department of Environmental Management Water Resources Office consideration of application of Village on the Waterfront.

9. North Kingstown School Committee Resolution in opposition to Contract Continuation for teachers.

10. North Kingstown School Committee Resolution in opposition to Binding Arbitration for teachers.

11. Coastal Resources Management Council Agenda for Tuesday, March 27, 2012 Semi-Monthly Meeting.

12. East Greenwich Town Council Resolution in opposition to school employee binding arbitration.

13. East Greenwich Town Council Resolution in opposition to firefighter and police arbitration H7618 and H7619.

14. East Greenwich Town Council Resolution in opposition to

municipal employee binding arbitration.

15. Smithfield School Committee Resolution in support of moving the teacher layoff deadline from March 1 to June 1.

16. Notice of New Property Number, vacant lot on Charles Street, Map 406, Block 11, Parcel 01.30, Zoning R4, Luis Mateus, PO Box 14526, (02914).

17. Burrillville Town Council Resolution in opposition to H7617, H7618, H7619 expanding the scope of binding arbitration for teachers, non-teacher employees and police officers.

18. Resignation letter from Brian Castro from the Juvenile Hearing Board.

B. Council Journals

- 1. February 15, 2012 Special Council Meeting**
- 2. March 20, 2012 Regular Council Meeting**

IV. PUBLIC COMMENT

V. APPOINTMENTS

A. Canvassing Authority (by Mayor Rogers)

John O'Hare, 25 Nevada Avenue (02916)

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

B.Juvenile Hearing Board (by Mayor Rogers)

(Replaces Brian Castro)

Samantha Branco, 40 Anthony Street (02914)

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

VI. LICENSES REQUIRING PUBLIC HEARING

A.Secondhand Dealer/Misc.

Faithworx, LLC DBA Lele and Boo, 298 Willett Avenue (02915), Carlita

M. Alves, 131 Johnson Street, Providence (02905)

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

B.Secondhand Dealer/Misc.

Panciotti, Michael DBA Buckaroo Bob's, 340 Warren Avenue (02914),

Michael J. Panciotti, 14 Elmdale Street, Seekonk, MA 02771

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

VII. LICENSES NOT REQUIRING PUBLIC HEARING

A.Holiday Sales

**Faithworx, LLC DBA Lele and Boo, 298 Willett Avenue (02915),
Carlita M. Alves, 131 Johnson Street, Providence (02905)**

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

B.Holiday Sales

**Panciotti, Michael DBA Buckaroo Bob's, 340 Warren Avenue (02914),
Michael J. Panciotti, 14 Elmdale Street, Seekonk, MA 02771**

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

C.Peddler

**Jet Black, Inc., DBA Joedega, 110 Comstock Parkway, Cranston
(02921), John Olinger, 378 Vanderbilt Lane, Portsmouth (02871)**

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

D.Private Detective License

John J. Rossi, 29 Woodbine Street (02915)

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

VIII. PUBLIC HEARING

A.CDBG Proposed Budget 2012-2013 Presentation

IX. PUBLIC HEARING – ORDINANCES FINAL PASSAGE

A. An ordinance regarding removal of a no parking sign on South Broadway.

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 18-307 entitled “Parking prohibited at all times.” of Article X entitled “Stopping, Standing and Parking.” of Chapter 18 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled “Vehicles and Traffic.” is amended by deleting therefrom the following:

South Broadway (west side) from a point 25 feet north of the Seth Street-South Broadway intersection southerly 642 feet

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: Director of Public Works

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

X.NEW BUSINESS

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

1. Bacon and Company Letter of Engagement

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

2. CDBG Funding Contract Decisions 2011-2012

3. Bi-Weekly Department Activity Update

4. Exxon Mobil Appraisal

B.Reports of Other City Officials

1. School Committee Update (by Council Liaison School Committee Member Chrissy Rossi)

2. Update on Status of State Street Area FEMA and CDBG-Disaster Grants (by Jeanne Boyle, Planning Director)

C.Council Members

1. Bi-Weekly Update (by Mayor Rogers)

2. Community Forum (by Councilman DiGioia)

3. Celebrate doing business in East Providence (by Councilman Conley)

4. Pierce Field Issues (by Assistant Mayor Rose)

D. Introduction of Ordinances

1. An ordinance amendment regarding collection of taxes.

AN ORDINANCE IN AMENDMENT OF CHAPTER 16 OF THE REVISED ORDINANCES OF THE CITY OF EAST PROVIDENCE, RHODE ISLAND, 1998, AS AMENDED, ENTITLED "TAXATION"

SECTION I. Section 16-51 entitled "Collection" of Article IV entitled "Property Tax on Ratable Real Estate and Tangible Personal Property and Excise Tax on Registered Motor Vehicles and Trailers" of Chapter 16 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled "Taxation." is amended to read as follows:

Sec. 16-51. Collection.

The tax assessor shall assess and apportion said tax on the inhabitants and ratable property of said city as of the thirty-first day of December, 201001 at 12:00 Eastern Standard Time, according to law, and shall on completion of said assessment, date and sign same and shall make out and certify to the city treasurer of the city, who is charged with the duties for the collection of taxes, on or before the

fifteenth day of June, 201112, a complete list of the names of the persons taxed and of the total value of all the real estate assessed against each person, and also the amount of registered motor vehicles and trailers assessed against each person, and also the total amount assessed against each person on said real estate, personal estate and registered motor vehicles and trailers, opposite the name of the person or persons assessed. Upon receipt of the certified tax list by the city treasurer, he shall proceed and collect said tax on the persons and estates liable thereof; said tax shall be due and payable on and between the first day of June, 201112 and the first day of July, 201112 and provided further that if said tangible personal property, motor vehicle, and real estate taxes are paid in full on or before the first day of July, 201112, a discount of threethree two per centum of the total taxes on said tangible personal property and real estate shall be granted, and all taxes remaining unpaid on the first day of July, 201112 shall carry until collected a penalty at the rate of 12 per centum per annum from the first day of June, 201112 upon said unpaid tax, however, said taxes may be paid in four installments; the first installment of 25 per centum on or before the first day of July, 201112, the second installment of 25 per centum on or before the first day of September, 201112, the third installment of 25 per centum on or before the first day of December, 201112 and the fourth installment of 25 per centum on or before the first day of March, 201223.

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

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

The city treasurer shall, by advertisement in the public newspaper having circulation in the city, notify all persons assessed to pay their respective taxes at his office on and between the said first day of June, and the first day of July, 201112, both days inclusive; said city treasurer setting forth the hours during which his office shall remain open to receive said taxes.

For FY2013, the tax assessor shall assess and apportion said tax on the inhabitants and ratable property of said city as of the thirty-first day of December, 2012 at 12:00 Eastern Standard Time, according to law, and shall on completion of said assessment, date and sign same and shall make out and certify to the city treasurer of the city, who is charged with the duties for the collection of taxes, on or before the fifteenth day of June, 2013, a complete list of the names of the persons taxed and of the total value of all the real estate assessed against each person, and also the amount of registered motor vehicles and trailers assessed against each person, and also the total amount assessed against each person on said real estate, personal estate and registered motor vehicles and trailers, opposite the name of the person or persons assessed. Upon receipt of the certified tax list by the city treasurer, he shall proceed and collect said tax on the

persons and estates liable thereof; said tax shall be due and payable on and between the first day of June, 2013 and the first day of July, 2013 and provided further that if said tangible personal property, motor vehicle, and real estate taxes are paid in full on or before the first day of July, 2013, a discount of one and one half per centum of the total taxes on said tangible personal property and real estate shall be granted, and all taxes remaining unpaid on the first day of July, 2013 shall carry until collected a penalty at the rate of 12 per centum per annum from the first day of June, 2013 upon said unpaid tax, however, said taxes may be paid in four installments; the first installment of 25 per centum on or before the first day of July, 2013, the second installment of 25 per centum on or before the first day of September, 2013, the third installment of 25 per centum on or before the first day of December, 2013 and the fourth installment of 25 per centum on or before the first day of March, 2014.

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

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

The city treasurer shall, by advertisement in the public newspaper having circulation in the city, notify all persons assessed to pay their

respective taxes at his office on and between the said first day of June, and the first day of July, 2013, both days inclusive; said city treasurer setting forth the hours during which his office shall remain open to receive said taxes.

For FY2014, the tax assessor shall assess and apportion said tax on the inhabitants and ratable property of said city as of the thirty-first day of December, 2013 at 12:00 Eastern Standard Time, according to law, and shall on completion of said assessment, date and sign same and shall make out and certify to the city treasurer of the city, who is charged with the duties for the collection of taxes, on or before the fifteenth day of June, 2014, a complete list of the names of the persons taxed and of the total value of all the real estate assessed against each person, and also the amount of registered motor vehicles and trailers assessed against each person, and also the total amount assessed against each person on said real estate, personal estate and registered motor vehicles and trailers, opposite the name of the person or persons assessed. Upon receipt of the certified tax list by the city treasurer, he shall proceed and collect said tax on the persons and estates liable thereof; said tax shall be due and payable on and between the first day of June, 2014 and the first day of July, 2014 and provided further that if said tangible personal property, motor vehicle, and real estate taxes are paid in full on or before the first day of July, 2014, a discount of one per centum of the total taxes on said tangible personal property and real estate shall be granted, and all taxes remaining unpaid on the first day of July, 2014 shall carry until collected a penalty at the rate of 12 per centum per annum

from the first day of June, 2014 upon said unpaid tax, however, said taxes may be paid in four installments; the first installment of 25 per centum on or before the first day of July, 2014, the second installment of 25 per centum on or before the first day of September, 2014, the third installment of 25 per centum on or before the first day of December, 2014 and the fourth installment of 25 per centum on or before the first day of March, 2015.

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

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

The city treasurer shall, by advertisement in the public newspaper having circulation in the city, notify all persons assessed to pay their respective taxes at his office on and between the said first day of June, and the first day of July, 2014, both days inclusive; said city treasurer setting forth the hours during which his office shall remain open to receive said taxes.

For FY2015, the tax assessor shall assess and apportion said tax on the inhabitants and ratable property of said city as of the thirty-first day of December, 2014 at 12:00 Eastern Standard Time, according to law, and shall on completion of said assessment, date and sign same

and shall make out and certify to the city treasurer of the city, who is charged with the duties for the collection of taxes, on or before the fifteenth day of June, 2015, a complete list of the names of the persons taxed and of the total value of all the real estate assessed against each person, and also the amount of registered motor vehicles and trailers assessed against each person, and also the total amount assessed against each person on said real estate, personal estate and registered motor vehicles and trailers, opposite the name of the person or persons assessed. Upon receipt of the certified tax list by the city treasurer, he shall proceed and collect said tax on the persons and estates liable thereof; said tax shall be due and payable on and between the first day of June, 2015 and the first day of July, 2015, and all taxes remaining unpaid on the first day of July, 2015 shall carry until collected a penalty at the rate of 12 per centum per annum from the first day of June, 2015 upon said unpaid tax, however, said taxes may be paid in four installments; the first installment of 25 per centum on or before the first day of July, 2015, the second installment of 25 per centum on or before the first day of September, 2015, the third installment of 25 per centum on or before the first day of December, 2015 and the fourth installment of 25 per centum on or before the first day of March, 2016.

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

If the first installment or any succeeding installment of taxes is not paid by the last date of the respective unpaid balance period or

periods as they occur, then the whole tax or remaining unpaid balance of the taxes as the case may be shall immediately become due and payable and carry until collected a penalty at the rate of 12 per centum, per annum.

The city treasurer shall, by advertisement in the public newspaper having circulation in the city, notify all persons assessed to pay their respective taxes at his office on and between the said first day of June, and the first day of July, 2015, both days inclusive; said city treasurer setting forth the hours during which his office shall remain open to receive said taxes.

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 Finance

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

2.An ordinance regarding business registrations.

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. 8-13. 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. 8-14. 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: The Director of Finance

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

3. An ordinance amending parking fines.

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 18-11 entitled “Traffic fines” of Article I entitled “In General” of Chapter 18 entitled “Vehicles and Traffic” is amended to read as follows:

Sec. 18-11. Traffic fines.

Fines for violation of the motor vehicle regulations contained in this chapter are hereby fixed as follows:

- (1) Defiance of corner law \$25.00 \$35.00**
- (2) Operating motor vehicle in violation of posted restricted street.....25.00**
 - a. First violation.....\$ 85.00**
 - b. Second violation....\$110.00**
 - c. Third violation.....\$150.00**
- (3) Parking at bus stop 25.00 35.00**
- (4) Parking at crosswalk 25.00 35.00**
- (5) Parking in front of driveway 25.00 35.00**
- (6) Parking in front of hydrant 25.00 45.00**

- (7) Parking in restricted area 25.00 35.00**
- (8) Parking too far from curb 25.00 35.00**
- (9) Parking with left wheel at curb 25.00 35.00**
- (10) Violating time regulation 25.00 35.00**
- (11) Parking in fire lane 50.00 35.00**
- (12) Parking on sidewalk 25.00 35.00**
- (13) For violation of snow emergency ordinance (plus towing and storage charges, if any) 50.00 60.00**
- (14) Parking by commercial vehicles in restricted areas 50.00 60.00**
- (15) Parking in disabled parking:**
 - a. First violation 75.00 100.00**
 - b. Second violation 150.00 175.00**
 - c. Third violation 300.00 325.00**

All of the above traffic fines are subject to a four-dollar increase upon issuance of a summons for such violations. A \$20.00 late fee will be applied to the above traffic fines if said fine is not paid within 10 days from the date noted as the date of the offense.

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

Requested by: The Chief of Police

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

F.Communications

1. David Beauchesne, 667 Waterman Avenue (02914) requesting to address the Council regarding the Rhode Island Philharmonic Orchestra & Music School seeking a resolution permitting the school to be tax exempt.

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

3. Freddie Rybka, 9 Cozzens Avenue (029150 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.**