

Date Posted: June 1, 2012

CITY OF EAST PROVIDENCE

RHODE ISLAND

DOCKET OF REGULAR COUNCIL MEETING

June 5, 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. RI DEM Notification to Abutters Environmental Site Investigation
Riverside Square Site.**

2. CRMC Semi-Monthly Meeting - Tuesday, May 22, 2012, Conference

Room A, One Capitol Hill, Providence.

3. Resolution Town of East Greenwich Proclamation Brain Tumor Awareness Month.

B. Alcoholic Beverage Class F

1.Elizabeth M. Costa, 14 Larch Street (02914), The Charlie Viveros Memorial Fund, Holy Ghost Brightridge Club, 59 Brightridge Avenue (02914), Bike Run, June 24, 2012.

2.East Providence Heritage Days Festival, Pierce Field, 201 Mercer Street (02914), July 19-11, 2012.

C. Carnival

1. East Providence Heritage Days Festival, Pierce Field, 201 Mercer Street (02914), July 19-11, 2012.

D. Council Journals

1. Regular Council Meeting May 17, 2012

2. Special Council Meeting May 17, 2012

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

IV. PROCLAMATIONS AND PRESENTATIONS

NDYA State Championship - Duckpin Bowling (by Mayor Rogers and Councilman DiGioia)

V. PUBLIC COMMENT

VI. APPOINTMENTS

A. Economic Development Commission (by Mayor Rogers)

Anthony Shepherd, 40 Rosemere (02914)

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

VII. LICENSES REQUIRING PUBLIC HEARING

A. B-Full Privilege Vict. (request to lift the stipulation of alcoholic beverage service after 10:00PM)

**Dinis Paiva, 162 S. Spruce Street (02914), Paiva Restaurant Corp.,
DBA O'Dinis Restaurant & Tavern, 579 Warren Avenue (02914).**

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

VIII. LICENSES NOT REQUIRING PUBLIC HEARING

A.Hawker

Keith M. Lambert DBA Keystone Novelties, 201 Seymour Street,

Lancaster, PA 17603 Location: 40 Highland Avenue

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

B.Hawker

Keith M. Lambert DBA Keystone Novelties, 201 Seymour Street,

Lancaster, PA 17603 Location: 655 Warren Avenue

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

C.Hawker

Melissa M. Goduti, 40 S. Cherry Street #23, Wallingford, CT (06492),

American Promotional Events, Inc. DBA TNT Fireworks Hogan Wall

Association, 1 West Exchange Street, Providence (02903) Location:

801 Taunton Avenue

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

D. Hawker

Melissa M. Goduti, 40 S. Cherry Street #23, Wallingford, CT (06492),

American Promotional Events, Inc. DBA TNT Fireworks Hogan Wall

Association, 1 West Exchange Street, Providence (02903) Location:

30 Highland Avenue

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

E. Hawker

**Melissa M. Goduti, 40 S. Cherry Street #23, Wallingford, CT (06492),
American Promotional Events, Inc. DBA TNT Fireworks Hogan Wall
Association, 1 West Exchange Street, Providence (02903) Location:
1235 Wampanoag Trail**

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

F. Hawker

**Jose Rodriguez, 1305 Monte Carlo Avenue #214, San Juan, PR 00924,
BJ Alan Co. DBA Phantom Fireworks, 555 Marin Luther King, Jr.
Blvd, Youngstown, OH 44502 Location: 354 Taunton Avenue**

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

G. Hawker

Steven Yuppa, 52 Burgess Avenue (02914) DBA S & S Novelty

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

H. Vict/Not Over 50

**Michael DeCilio, 44 Reynolds Avenue, Rehoboth, MA 02769,
Underground Heros, Inc. DBA Subway, 80A Newport Avenue (02916)**

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

IX. PUBLIC HEARING

A. 2012-2013 CDBG Funding

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

X. PUBLIC HEARING - ORDINANCES FINAL PASSAGE

A. AN ORDINANCE IN AMENDMENT OF CHAPTER 3 OF THE REVISED ORDINANCES OF THE CITY OF EAST PROVIDENCE, RHODE ISLAND, 1998, AS AMENDED, ENTITLED "ANIMALS."

SECTION I. Section 3-1 entitled "Definitions" of Article I entitled "In General" of Chapter 3 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled "Animals" is amended by adding thereto the following:

Abandonment means the relinquishment of all right, title, claim, or relinquishment of possession of an animal with the intention of not reclaiming it or resuming its ownership or possession.

SECTION II. Subsection (b)(2) of Section 3-5 entitled "Keeping rabbits, hares or pigeons" of Article I entitled "In General" of Chapter 3 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled "Animals" is amended to read as follows:

(2) The animal control officer is empowered, if he finds such nuisance to exist, to serve verbal or written notice upon the owner or custodian that such nuisance must be abated.

(a) Should the nuisance continue unabated beyond a reasonable

amount of time, set forth by the animal control officer, the owner of said animal may be punished by payment of the fines as set forth by Section 3-10(b) and/or be required to remove the animals from the City.

(i) Each additional animal shall constitute a separate offense.

(ii) Each additional day that the nuisance continues unabated shall constitute a separate offense.

SECTION III. Subsection (a) of Section 3-16 entitled "Penalty" of Article I entitled "In General" of Chapter 3 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled "Animals" is amended to read as follows:

(a) Except as otherwise provided in this chapter any person convicted of violating any provision of this chapter may be punished by payment of the following fine schedules:

- a. First offense \$ 30.00**
- b. Second offense within a year\$ 60.00**
- c. Third offence within a year..... \$120.00**
- d. Fourth offence within a year \$300.00**

(1) Allowing dog to run at large or harboring a dog which is a nuisance:

- a. First offense\$ 30.00**
- b. Second offense within a year\$ 60.00**
- c. Third offence within a year\$120.00**
- d. Fourth offence within a year\$300.00**

(2) Harboring an unlicensed dog:

- a. First offense\$50.00**

- b. Second offense\$200.00 & microchip of dog**
- c. Third offense\$500.00 & microchip of dog**
- (3) Allowing a dog on school property\$25.00**

SECTION IV. Chapter 3 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled “Animals” is amended by adding thereto the following:

Sec. 3-24.1. Abandonment of animals.

If any person having possession and/or control of an animal abandons that animal on a street, road, highway or in a public place or on private property or from a motor vehicle, or in a dwelling or any other building or structure, in addition to any other lawful penalties, he or she shall pay a fine of two hundred dollars (\$200).

SECTION V. Section 3-25 entitled “Penalties for violations” of Article I entitled “In General” of Chapter 3 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled “Animals” is amended to read as follows:

(a) Any animal control officer may issue the person(s) in violation of sections 3-24; 3-25; 3-27; 3-41 a fine of one hundred dollars (\$100.00) for a first violation, two hundred dollars (\$200.00) and seizure of animal for a second violation, and four hundred (\$400.00) and the seizure of the animal for a third violation. Second and subsequent violations of §3-24 or §3-41 may be considered violation of RIGL 4-1-2. In addition, for second and subsequent offenses, in the event a person is found guilty of a violation of this Chapter, they may not be

permitted to own, keep or harbor or have custody of any animal for a minimum of one (1) year.

(b) In the event that any animal is in conditions or in an environment that, by the discretion of the Animal Control Officer, may be harmful to the health and well being of the animal, and for the first offense, the owner is not immediately available to correct the problem; the animal may be seized and impounded for safekeeping.

SECTION VI. Section 3-26 entitled "Disposition of animals" of Article I entitled "In General" of Chapter 3 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled "Animals" is amended to read as follows:

Any animal seized in the enforcement of any law or court order that does not already have set rules for the disposition of that animal, sections 3-24, 3-25, or section 3-41 shall be impounded, and if the identity of owner is known by animal control, the animal control officer shall make every possible, reasonable effort to notify the owners of such animals so impounded and to inform the those owners of the conditions whereby they may regain custody of their animal. Animal(s) seized will then be held for a period of 10 days, at the owners expense, unless (i) a release is signed by owner or guardian relinquishing ownership of the animal to the City, (ii) the animal is euthanized for humane reasons or (iii), the owner remedies the problem for which the animal was seized, and the animal control officer sees it fit to return the animal to the owner upon payment of fees. Upon conclusion of the 10 day hold period, if the owner has not come forward, the animal may be humanely destroyed, have its title

transferred to the RI S.P.C.A., or be placed in a suitable home or with a rescue group. The owner / guardian shall be accountable for all fines, fees, and costs to the City for the minimum care of the animal.

SECTION VII. The title of Section 3-29 entitled “Animal confinement in motor vehicles prohibited” of Article I entitled “In General” of Chapter 3 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled “Animals” is amended to read as follows:

Sec. 3-29. Animal confinement in motor vehicles prohibited-Transporting animals.

SECTION VIII. Section 3-29 entitled “Animal confinement in motor vehicles prohibited” of Article I entitled “In General” of Chapter 3 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled “Animals” is amended by adding thereto the following:

(f) It shall be unlawful for any person to transport any animal or animals either for business or pleasure on or in an open air motor vehicle unless the animal or animals being transported:

- (1) Is kept in an enclosed area of the motor vehicle;**
- (2) The animal or animals are under the physical control of a person other than the operator of the motor vehicle; or**
- (3) The animal or animals are placed in the motor vehicle and safely restrained by a harness manufactured for the purpose of restraining animals by means other than neck restraints.**

(4) Any person violating the provisions of this subsection shall be punished by a fine of not more than fifty dollars (\$50.00) for a first

offense, nor more than two hundred dollars (\$200) for each subsequent offense. (R.I.G.L. §31-22-28)

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

Requested by: Animal Control Officer

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

IX. NEW BUSINESS

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

- 1. Departmental Activity Report**
- 2. Personal Tax Exemptions**
- 3. Water and Sewer Rate Information**
- 4. TLA/Pond View Site Inspection**
- 5. Status of Geonova Development**
- 6. Proposed Ballot Questions and Explanations**

B.Reports of Other City Officials

1. Claims Committee Report (by Solicitor Orlando Andreoni)

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

2. Handicap Parking Sign for 87 James Street (by Director of Public Works, Steve Coutu)

Motion ___ By ___ 2nd ___

Conley ___ DiGioia ___ Kleyla ___ Rose ___ Rogers ___

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

C. Council Members

- 1. Bi-Weekly Update (by Mayor Rogers)**
- 2. Accountability (by Assistant Mayor Rose)**
- 3. Labor Day Parade (by Assistant Mayor Rose)**

D. Resolutions

1. A RESOLUTION REQUESTING CONGRESSIONAL ASSISTANCE IN OBTAINING FEMA GRANT MONEY FOR WARREN AVENUE CULVERT PROJECT

WHEREAS, the State Street neighborhood has been plagued by chronic flooding with three major floods occurring in the last seven years affecting over 30 residences; and

WHEREAS, the City Engineering Division has determined that increasing the size of the Warren Avenue Culvert would alleviate the severity of flooding in the neighborhood and could eliminate some minor floods altogether; and

WHEREAS, the Federal Emergency Management Agency (FEMA) and the Rhode Island Emergency Management Agency (RIEMA), through its Hazard Mitigation Grant - Disaster Relief (HMGP-DR) program, offered a funding opportunity in 2011 to assist with local flood mitigation projects; and

WHEREAS, the City of East Providence applied for \$1,906,000 for improvements to the Warren Avenue Culvert, which would aid in mitigating the severity of flooding in the State Street neighborhood; and

WHEREAS, the City's required share of the cost, totaling \$477,500, which was successfully applied for through the 2011 CDBG-Disaster Relief program, will cease to become available to the City after September 30, 2012;

NOW, THEREFORE, BE IT RESOLVED that the East Providence City Council hereby requests the assistance of the office of Representative David N. Cicilline to work with FEMA with regard to their consideration of the City's HMGP-DR grant application.

This resolution shall become effective upon its passage.

Requested By: Mayor Rogers

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

E. Introduction of Ordinances

1. 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 II entitled “Miscellaneous Business and Occupational Licenses and Permits” 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 by adding thereto the following:

Sec. 8-40. Fireworks.

A. No person who has a license as a stationary or itinerant solicitor pursuant to Article VII and Article VIII of this chapter shall sell, carry or store fireworks outdoors or inside a temporary structure in the City of East Providence. Those certain fireworks and devices that are exempt from the definitions of display fireworks and aerial consumer fireworks and are permitted to be sold and stored in the State of Rhode Island pursuant to Chapter 11-13 of the General Laws of Rhode Island may be sold or stored by a person who has a license as a stationary or itinerant solicitor pursuant to Article VII and VIII of this chapter, but only inside a permanent structure approved by the Zoning Official and the Fire Marshal and in a manner approved by the Zoning Official and the Fire Marshal.

B. No person who has a permit for door-to-door solicitation pursuant to Article VII of this chapter shall sell fireworks in the City of East Providence.

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: Assistant Mayor Rose

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

F. Communications

1. Anthony Ferreira, 44 Brightridge Avenue (02914) requesting to address the Council regarding School Department moving to City Hall (copies of permits and any other documentation needed for said move).

2. Freddie Rybka, 9 Cozzens Avenue (02915) requesting to address the Council regarding updates.

3. Thomas Riley, 3620 Pawtucket Avenue (02915) requesting to address the Council regarding the law of unintended consequences.

X. 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.**