

**Date Posted: August 9, 2013**

**CITY OF EAST PROVIDENCE**

**RHODE ISLAND**

**DOCKET OF SPECIAL COUNCIL MEETING**

**August 13, 2013**

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

**6:00PM Executive Session - Claims Room, 101**

**6:30 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. LITIGATION**

**1.KENLIN PROPERTIES, LLC AND TLA-PROVIDENCE, Appellants V. CITY OF EAST PROVIDENCE, ZONING BOARD OF REVIEW OF THE CITY OF EAST PROVIDENCE, AND EUGENE SAVEOURY, TONY CUNHA, PIER-MARIE TOLEDO, JOHN BRAGA AND MICHAEL BEAUPARLANT, in their capacities as members of the Zoning Board of Review of the City of East Providence, Defendants; and ATTORNEY GENERAL PETER F. KILMARTIN, Intervenor Defendant**

**PROVIDENCE SUPERIOR COURT**

**C.A. NOS. PC-2011-7249 (as consolidated with PC-2011-6540, and PC-2012-0052)**

**Determination as to Superior Court appeal.**

**2. OCEAN STATE TOWING & RECOVERY, INC. and STEVEN LADEIRA  
V. CITY OF EAST PROVIDENCE and THOMAS ROSE JR.**

**UNITED STATES DISTRICT COURT, DISTRICT OF RHODE ISLAND**

**C.A. NO. 13-083S**

**Settlement Agreement**

**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. Alcoholic Beverage - Class F-1**

**Kevin Blankenship, Our Place, 525 N Broadway (02914), Special Olympics of East Providence Fundraiser, August 24, 2013.**

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

Capobianco\_\_\_Cunha\_\_\_Rossi\_\_\_Rose\_\_\_Briden\_\_\_

## **V. PUBLIC COMMENT**

## **VI. NEW BUSINESS**

### **A.Reports of Other City Officials**

#### **1. Claims Committee Report (by City Solicitor Timothy Chapman)**

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

Capobianco\_\_\_Cunha\_\_\_Rossi\_\_\_Rose\_\_\_Briden\_\_\_

**2. Request to retain Attorney J. William Harsch to assist with any and all legal matters as they relate to Kenlin Properties, LLC, TLA–Providence and 1 Dexter Road and to retain Attorney Lauren E. Jones to assist with the appeal of Kenlin Properties, LLC and TLA-Providence vs. City of East Providence, et al**

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

Capobianco\_\_\_Cunha\_\_\_Rossi\_\_\_Rose\_\_\_Briden\_\_\_

**3. Request to retain the Law Offices of Rodio & Ursillo to assist with labor cases and legal matters, as necessary.**

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

Capobianco\_\_\_Cunha\_\_\_Rossi\_\_\_Rose\_\_\_Briden\_\_\_

## **B. Resolutions**

### **RESOLUTION APPEALING THE KENLIN PROPERTIES, LLC V. CITY OF EAST PROVIDENCE DECISION AND IN SEEKING REVOCATION OF PREVIOUSLY ISSUED 1500 TON PER DAY PERMIT/LICENSE**

**WHEREAS, the City Council of the City of East Providence is committed to protecting the health, safety, quiet enjoyment, and quality of life of East Providence residents; and**

**WHEREAS, the City of East Providence is committed to strictly enforcing all applicable laws including the Waterfront District Zoning provisions; and**

**WHEREAS, the City of East Providence requests that the Rhode Island Department of Environmental Management immediately revoke the previously issued 1500 ton per day permit/license issued to TLA-Providence LLC (One Dexter Road) and**

**WHEREAS, the City of East Providence shall continue to strongly oppose by way of all necessary legal action, including appeals, and devoting all required resources to ensure that the previously issued 1500 ton per day permit/license issued to TLA-Providence LLC (One Dexter Road) shall not be transferred and is revoked; and**

**WHEREAS, the City of East Providence shall appeal the decision in the case of Kenlin Properties LLC & TLA Providence LLC vs. City of East Providence and Peter F. Kilmartin, Attorney General for the State of Rhode Island, C.A. No. 11-7249 (as consolidated with PC11-6540 and PC12-0052) to the Rhode Island Supreme Court.**

**NOW, THEREFORE, BE IT RESOLVED** that the City Council affirms its commitment to devote all necessary resources in fulfilling the above-mentioned objectives and enforcing all applicable state and local laws and preserving the health, safety, quiet enjoyment or quality of life of East Providence residents.

**NOW, THEREFORE BE IT FURTHER RESOLVED** that the City Clerk send a copy of this Resolution to the Governor of the State of Rhode Island, the Lieutenant Governor of the State of Rhode Island, the Director of the Rhode Island Department of Environmental Management, the President of the Rhode Island Senate, the Speaker of the House of Representatives, and the Senators and Representatives from the City of East Providence.

**This resolution shall become effective upon its passage.**

**Requested by: Mayor Briden**

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

**Capobianco\_\_\_Cunha\_\_\_Rossi\_\_\_Rose\_\_\_Briden\_\_\_**

## **VII. ADJOURNMENT**

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

**Capobianco\_\_\_Cunha\_\_\_Rossi\_\_\_Rose\_\_\_Briden\_\_\_**