

Date Posted: November 1, 2013

CITY OF EAST PROVIDENCE

RHODE ISLAND

DOCKET OF REGULAR COUNCIL MEETING

November 5, 2013

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

7:00PM Executive Session - Claims 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. New Claims

- 1. Sacred Heart Church**
- 2. Jonathan Segal**
- 3. Amanda Thornton**

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. Coastal Resources Management Council Semi-Monthly Meeting, Tuesday, October 22, 2013, 6:00PM, Administration Building, Conference Room A, One Capitol Hill, Providence (02908)

2. Notice of Rulemaking, State Planning Council, Statewide Planning Program, RI Department of Administration, two public hearings, Thursday, November 21 10:30AM, Conference Room C, and 5:00PM Conference Room A at the Division of Planning, William Powers Building, One Capitol Hill, Providence (02908).

B. Alcoholic Beverage License Class F

1. St. Mary Academy, 3070 Pawtucket Avenue (02915), Kirsten Harvey, Fall Theater Production, A Very Bay View Christmas, November 15-17 2013.

C. Alcoholic Beverage License Class F-1

1. St. Francis Xavier Church, 81 N. Carpenter Street (02914), Calendar Dance, Saturday, November 16, 2013.

2. St. Francis Xavier Church, 81 N. Carpenter Street (02914), St. Francis Xavier Band Christmas Party, Saturday, December 7, 2013.

D. Council Journals

- 1. Regular Council Meeting October 15, 2013**
- 2. Special Council Meeting October 23, 2013**
- 3. Executive Session April 16, 2013**

Motion___By___2nd___

Capobianco___Cunha___Rossi___Rose___Briden___

V. PUBLIC COMMENT

VI. APPOINTMENTS

A. Juvenile Hearing Board Re-Appointment (by Assistant Mayor Rose) Michael Silva, 65 Cushman (02914)

Motion___By___2nd___

Capobianco___Cunha___Rossi___Rose___Briden___

B. Juvenile Hearing Board Re-Appointment (by Assistant Mayor Rose)

Rosamaria Pereira, 40 Cumberland Road (02915)

Motion___By___2nd___

Capobianco___Cunha___Rossi___Rose___Briden___

C. Carousel Park Commission (by Councilman Cunha)

Christopher Moore, 718 North Broadway (02914)

Motion___By___2nd___

Capobianco___Cunha___Rossi___Rose___Briden___

D. Carousel Park Commission (by Councilman Cunha)

Lauren Perry, 266 Waterman Avenue

Motion___By___2nd___

Capobianco___Cunha___Rossi___Rose___Briden___

VII. LICENSES REQUIRING PUBLIC HEARING

Licenses are granted subject to all required approvals from State and City departments.

A.Class A Retail (Transfer) (Change of Location)

From Liquor Depot East Providence, Inc. DBA Wine and Spirits located at 1925 Pawtucket Avenue, Suite #5 (02914) to Broadway Wine & Spirits, Inc. DBA Liquor Plus, 1015 South Broadway (02914)

Motion___By___2nd___

Capobianco___Cunha___Rossi___Rose___Briden___

XIII. NEW BUSINESS

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

- 1. Department Activity Report**
- 2. Response to Audit Management Letter**
- 3. Ratification of School Principal's Contract**

Motion___By___2nd___

Capobianco___Cunha___Rossi___Rose___Briden

- 4. Storm NEMO – FEMA Reimbursements Update**

B. Reports of Other City Officials

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

Motion___By___2nd___

Capobianco___Cunha___Rossi___Rose___Briden

C. Council Members

- 1. Concerns for Elderly and Disabled during Upcoming Snow Season. (by Assistant Mayor Rose)**
- 2. Welcoming Businesses (by Councilwoman Capobianco)**
- 3. Community Event Announcements (by Councilwoman Rossi)**

D. Report of School Committee Liaison

E. Resolutions

- 1. RESOLUTION RENAMING ROSE LARISA MEMORIAL PARK TO CRESCENT PARK**

WHEREAS, Crescent Park was established on or about 1886 as an

**amusement park on the shores of Narragansett Bay in Riverside; and
WHEREAS, the Crescent Park Looff Carousel was placed on the
National Register of Historic Places; and**

**WHEREAS, when Crescent Park was auctioned off, a dedicated group
of five local residents, Gail Durfee, Jobelle (Tracy) Aguiar, Richard
Lund, Linda McEntee, Robin Peacock to include a dedicated
volunteer Rose Larisa rescued the Crescent Park Looff Carousel from
being sold; and**

**WHEREAS, the Crescent Park Looff Carousel has been fully restored
and continues to operate each season with the assistance of the loyal
Edward Serowik, Sr.; and**

**WHEREAS, the land and beach adjacent to the Crescent Park Looff
Carousel (see Exhibit A attached hereto and incorporated herein) was
named Rose Larisa Memorial Park by vote of the City Council in 2002;
and**

**WHEREAS, residents of the City of East Providence have requested
that the name, in honor of those five (5) local citizens and a dedicated
volunteer who rescued this property and carousel, be returned to its
original name, Crescent Park.**

**NOW, THEREFORE, BE IT RESOLVED, that the City Council of the
City of East Providence hereby names this land as:**

CRESCENT PARK

This resolution shall become effective upon its passage.

Requested By: Assistant Mayor Rose

Motion___By___2nd___

Capobianco___Cunha___Rossi___Rose___Briden___

2. RESOLUTION RECOGNIZING THE ESTABLISHMENT OF BREW PUBS IN THE CITY OF EAST PROVIDENCE

WHEREAS, a brew pub is a restaurant or pub that brews beer on their premises; and

WHEREAS, brew pubs offer a unique blend of great food, good atmosphere and outstanding local in-house brewed beer; and

WHEREAS, some brew pubs throughout the world have been brewing traditionally on the premises for hundreds of years; and

WHEREAS, brew pubs in the United States have revived the brewery taverns of well-known early Americans such as Samuel Adams, William Penn, and Patrick Henry; and

WHEREAS, the number of brew pubs in the United States has grown to over 1,100 creating jobs and economic benefits to the areas that support them; and

WHEREAS, brew pub licenses are authorized and regulated by statute in Rhode Island and allow the business to manufacture beer on the premises for consumption on the premises.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of East Providence supports the establishment of the brew pub business to encourage economic growth in East Providence.

This resolution shall become effective upon its passage.

Requested By: Assistant Mayor Rose

Motion___By___2nd___

Capobianco___Cunha___Rossi___Rose___Briden___

3. RESOLUTION PURSUANT TO SECTION 2-11 OF THE CHARTER OF THE CITY OF EAST PROVIDENCE TO REMOVE THE CITY MANAGER FROM OFFICE

WHEREAS, the City Manager was appointed by the City of East Providence on September 21, 2011 and more than one (1) year has lapsed since said appointment; and

WHEREAS, the engagement letter for the employment of the City Manager dated September 21, 2011 in Section (b) states that the City Manager may be removed without cause after a period of one year from the date of appointment which was a provision agreed to by the City Manager predicate to his appointment; and

WHEREAS, said engagement letter further states that by preliminary resolution the council may suspend the manager from duty which was a provision agreed to by the City Manager predicate to his appointment; and

WHEREAS, Resolution Number 32 was adopted by the City Council on October 4, 2011 authorizing the City Council's hiring of the City Manager; and

WHEREAS, Section II (b) of Resolution Number 32 states that the City Manager may be removed without cause after a period of one year from the date of appointment; and

WHEREAS, Section II (c) of Resolution Number 32 states that by preliminary resolution the council may suspend the manager from duty; and

WHEREAS, pursuant to Section 2-11 of the Charter of the City of East Providence, the engagement letter dated September 21, 2011 and Resolution Number 32 adopted October 4, 2011, the City Council hereby adopts this preliminary resolution to remove the City Manager from office without cause and is immediately suspended from office.

NOW, THEREFORE, BE IT RESOLVED, that the City Manager is hereby removed from office without cause.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the City Manager is hereby immediately suspended from office.

This resolution shall become effective upon its passage.

Requested By: Councilman Cunha

Motion___By___2nd___

Capobianco___Cunha___Rossi___Rose___Briden___

F. Introduction of Ordinances

1.An ordinance relating to a onetime adjustment of an excessive sewer consumption charge.

AN ORDINANCE IN AMENDMENT OF CHAPTER 17 OF THE REVISED ORDINANCES OF THE CITY OF EAST PROVIDENCE, RHODE ISLAND, 1998, AS AMENDED, ENTITLED “UTILITIES.”

SECTION I. Section 17-183 entitled “Charges to be based upon water consumption; rate” of Chapter 17 of the ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled “Utilities” is amended by adding thereto the following:

(g) Upon written request of the property owner, an adjustment of an

excessive sewer consumption charge may be approved by the Claims Committee with a review and recommendation by the Director of Public Works, if the request meets all of the following conditions:

(1) The excessive consumption must exceed the prior year same period consumption at the property by thirty-three (33) percent.

(2) Excessive use cannot be caused by change in use, i.e., added living units or conversion from residential to commercial.

(3) If the property was billed for water that did not enter the sewer system during a specific time period, the customer shall provide documentation from a licensed plumber supporting the occurrence and repair of the leak, along with a copy of the paid repair receipt. The customer may also provide additional documentation to prove that water did not enter the sewer system to the satisfaction of the Director of Public Works. The average usage for the property will be determined by meter readings. This average will be compared to the period in question, to establish whether or not an adjustment is warranted.

(4) If the customer is unable to provide documentation as noted in the section above, the adjustment to the sewer consumption charge will be computed in accordance with the following formula:

Total billed consumption, minus prior year same period consumption, equals excessive consumption. Excessive consumption divided by two (2), plus normal consumption, equals the total adjusted consumption upon which the adjusted sewer consumption charge will be calculated. The calculation will be made using the sewer charges in effect for the billing period in question.

(5) The adjusted amount will be deducted from the amount owed if the bill is unpaid or credited to the account if the bill has been paid. There will be no adjustment of interest charges unless the written request had been received prior to the due date of the bill.

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___

Capobianco___Cunha___Rossi___Rose___Briden___

2. An ordinance pertaining to proper care of sidewalks.

AN ORDINANCE IN AMENDMENT OF CHAPTER 14 OF THE REVISED ORDINANCES OF THE CITY OF EAST PROVIDENCE, RHODE ISLAND, 1998, AS AMENDED, ENTITLED "STREETS AND SIDEWALKS"

SECTION I. Sec. 14-43 entitled "Duty of owner or occupant to cut grass" of Chapter 14 entitled "Streets and Sidewalks" of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, is amended to read as follows:

Sec. 14-43. Duty of owner or occupant to cut grass.

Whenever a paved or improved sidewalk area, or an unpaved sidewalk or any unpaved part thereof adjoining any building or lot of the land on any street, highway, square, or public place shall be overgrown with grass, weeds, or underbrush, it shall be the duty of the owner, occupant, or any person having the care of such building or lot to cut such grass, weeds, or underbrush to a height not

exceeding six inches in order that it may be made safe and convenient for the use of the public. The owner or any other person having the care of such building or lot shall cut such grass, weeds, or underbrush within five days after receiving notice that he is in violation of this section from the chief inspector.

(a) Penalties. Violations of this section shall be subject to a written warning for a first offense, a fine of \$25 for a second offense, and a fine of \$75 for a third and subsequent offenses.

(b) Whenever the owner, occupant or any other person having the care of such building or lot fails to comply with the notice from the chief inspector within five days that he/she is in violation of this section and the chief inspector determines that such grass, weeds, or underbrush adversely effects the safety and convenience for use of the public, the inspector may order the removal of the grass, weeds or underbrush and assess the whole costs incurred for such removal by imposing a lien on the property as provided or authorized by law for the enforcement of common liens on property. Such lien will be recorded to ensure payment of such costs.

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___

Capobianco___Cunha___Rossi___Rose___Briden___

G.Communications

- 1. Sandy Barone, 12 Weeden Avenue (02916) requesting to address the Council regarding two proposals for referendum one regarding an elected mayor form of government and partisan elections.**
- 2. Bruce Rogers, 500 Warren Avenue (02914) requesting to address the Council regarding Winterfest 2013.**

IX. ADJOURNMENT

Motion___By___2nd___

Capobianco___Cunha___Rossi___Rose___Briden___

***If communications assistance is needed or any other accommodations to ensure equal participation please contact the City Clerk's Office at 435-7590.**