

**Date Posted: November 15, 2013**

**CITY OF EAST PROVIDENCE**

**RHODE ISLAND**

**DOCKET OF REGULAR COUNCIL MEETING**

**November 19, 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. Emelia Andrade**
- 2. Kenneth J. Foley**
- 3. Manuel & Maria Lima**

### **B. Litigation**

- 1. Pond View – Status Report**

## **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 November 2013 Calendar**

##### **B. Council Journals**

###### **1.Regular Council Meeting November 5, 2013**

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

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

#### **V. PUBLIC COMMENT**

#### **VI. PROCLAMATIONS AND PRESENTATIONS**

**A. A Proclamation Honoring President John F. Kennedy (by Mayor Briden)**

**State of Rhode Island and Providence Plantations**

## **City of East Providence**

### **Proclamation**

#### **PROCLAMATION HONORING THE LIFE AND LEGACY OF PRESIDENT JOHN F. KENNEDY**

**WHEREAS, John F. Kennedy was the 35th President of the United States, and honorably served his country during World War II in the United States Navy in the Pacific Theater, commanded a patrol torpedo boat, saw significant combat, and earned a Purple Heart and the Navy and Marine Corps Medal for his heroism, and**

**WHEREAS, John F. Kennedy was elected to the United States House of Representatives representing Massachusetts in 1946, served in the Congress for three terms before being elected to the United States Senate in 1952, and served for eight years, becoming a leading voice on international affairs, and**

**WHEREAS, John F. Kennedy was elected President of the United States in 1960, becoming the youngest president at the age of 43, and in 1961 delivered a stirring inaugural address that announced that a new generation of Americans had taken the torch of leadership, and was willing to “pay any price, and bear any burden...to ensure the survival and the success of liberty”, and**

**WHEREAS, President John F. Kennedy’s administration was defined by the New Frontier, which appealed to the best in American idealism in creating the Peace Corps, launching the United States’ space program, and calling for Americans to consider what they could do for their country, and**

**WHEREAS, President John F. Kennedy, was an exponent of racial**

**justice, calling on all Americans to denounce racism as morally wrong, and proposed legislation that eventually became the 1964 Civil Rights Act that changed the United States, and**

**WHEREAS, President John F. Kennedy inspired young and old alike to see anew the promise of American life, promoting a message of empowerment by telling Americans “to ask not what your country can do for you, but ask what you can do for your country”, and**

**WHEREAS, President John F. Kennedy’s life ended too soon on November 22, 1963 at the prime of his life, and the city, the United States, and the world have mourned President Kennedy’s death for fifty years.**

**NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the city of East Providence proclaim Friday, November 22, 2013 to be a day of solemn remembrance and reflection on the life of President John Fitzgerald Kennedy.**

**Given under my hand and the seal of the City this nineteenth day of November, two thousand thirteen.**

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**Kim A. Casci**

**City Clerk**

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**James A. Briden**

**Mayor**

**B. RI Department of Transportation Presentation Regarding I-195 Improvements for the Warren Avenue/Watchemoket Square Project Phase II (highway on-ramp)**

## **VII. APPOINTMENTS**

### **A. Economic Development Commission (by Mayor Briden)**

**Kevin Lewis, 196 Center Street**

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

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

## **VIII. LICENSES NOT REQUIRING PUBLIC HEARING**

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

### **A. Vict/Not Over 25**

**Pitstop Convenience & Fuel, Inc., 517 Warren Avenue (02914), Andre**

**H. Scavassin, 25 Bullocks Point Avenue (02915).**

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

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

### **B. Holiday Sales**

**Pitstop Convenience & Fuel, Inc., 517 Warren Avenue (02914), Andre**

**H. Scavassin, 25 Bullocks Point Avenue (02915).**

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

## **IX. PUBLIC HEARING – ORDINANCES FINAL PASSAGE**

**A. 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\_\_\_

**B. 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\_\_\_**

## **X. NEW BUSINESS**

### **A. City Managers Report**

### **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. East Providence Business Fair (by Assistant Mayor Rose)**

#### **2. Request of Charter Amendment Questions for the Ballot regarding**

**Mayoral Form of Government and Partisan Elections, to be Drafted for Passage by the Law Department (by Assistant Mayor Rose)**

**3. Welcoming Businesses (by Councilwoman Capobianco)**

**4. 5 Year Capital Improvement Plan for School Department (by Councilwoman Rossi)**

**5. Economic Development Plans (by Councilwoman Rossi)**

**6. Community Event Announcements (by Councilwoman Rossi)**

**D. Report of School Committee Liaison**

**E. Resolutions**

**1. FINAL RESOLUTION PURSUANT TO SECTION 2-11 OF THE CHARTER OF THE CITY OF EAST PROVIDENCE PERMANENTLY REMOVING 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, Section (b) of the engagement letter for the employment of the City Manager dated September 21, 2011 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, 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, pursuant to the terms and conditions of the engagement letter for the employment of the City Manager dated September 21, 2011 and Section II(b) of Resolution No. 32, the City Council hereby permanently removes the City Manager from office without cause.**

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

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

**Requested By: Law Department**

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

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

## **2.RESOLUTION AUTHORIZING THE CITY COUNCIL TO HIRE PAUL E. LEMONT AS ACTING CITY MANAGER OF THE CITY OF EAST PROVIDENCE**

**WHEREAS, on November 14, 2013 the City Council conducted interviews for the position of Acting City Manager; and**

**WHEREAS, the City Council selected Paul E. Lemont as its candidate for the position of Acting City Manager; and**

**WHEREAS, the City Council reached an agreement with Paul E. Lemont as to the terms and conditions of his employment as follows:**

**1. The City agrees to pay Acting City Manager Paul E. Lemont an annual base salary of \$125,000 payable in installments at the same time other employees of the City of East Providence are paid.**

**2. The City shall provide Acting City Manager Paul E. Lemont the use of an automobile. The automobile shall be used for business purposes only and the City will insure such vehicle at its expense and will pay for fuel for said vehicle.**

**3. There are no other benefits agreed to at this time (including health, dental, pension plan, and life insurance).**

**NOW, THEREFORE, BE IT RESOLVED, effective November 19, 2013, the City Council appoints Paul E. Lemont as the Acting City Manager until the City Council appoints a City Manager pursuant to Section 2-10 of the Charter.**

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

**Requested By: Assistant Mayor Rose**

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

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

**3.RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE RHODE ISLAND DEPARTMENT OF ENVIRONMENTAL MANAGEMENT RECREATION DEVELOPMENT GRANT PROGRAM.**

**WHEREAS, the City Council of the City of East Providence desires the grant assistance from the Rhode Island Department of Environmental Management for improvements to the Onna Moniz-John Neighborhood Park/Central Avenue Playground.**

**NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of East Providence directs the Planning Department to submit the necessary grant application to the State of Rhode Island Department of Environmental Management Recreation Development Grant Program for improvements to the Onna Moniz-John Neighborhood Park/Central Avenue Playground.**

**Requested By: Director of Planning**

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

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

#### **F. Introduction of Ordinances**

**1. An ordinance regarding a stop sign on Dorr Avenue eastbound and westbound traffic at its intersection with Smith Street.**

**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:**

**Dorr Avenue (eastbound and westbound traffic) at its intersection with Smith Street**

**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 Public Works**

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

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

**XI. 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.**