

CITY OF EAST PROVIDENCE
RHODE ISLAND
DOCKET – REGULAR COUNCIL MEETING
Tuesday, April 16, 2019
6:30 P.M.
145 Taunton Avenue, East Providence, RI 02914
Council Chambers, City Hall
6:30 P.M. Council May Call Executive Session, Room 101
7:00 P.M. Open Session

City Council:
Council President, Robert Britto – Ward 1
Council Vice-President, Bob Rodericks – At Large
Councilwoman Anna Sousa – Ward 2
Councilman Nate Cahoon – Ward 3
Councilman Ricardo Mourato – Ward 4
City Solicitor, Michael J. Marcello
City Clerk, Samantha Burnett

I. CALL TO ORDER

President Britto called the meeting to order at 6:32 p.m.


II. INVOCATION OF EXECUTIVE SESSION – *The City Council of East Providence may meet in Executive Session pursuant to Rhode Island General Laws §42-46-5 (a) (2)*

FOR VOTE

- A. **Litigation: Brian Faria v. City of East Providence City Council C.A. NO. PC-2018-4406 Status Update**
- B. **Litigation: GEO NOVA DEVELOPMENT CO. VS. City of East Providence C.A. NO. PB-09-5341 Status Update**
- C. **New Claims**
 - a. **Richard Kirby pursuant to Rhode Island General Laws §45-15-5**

Reconvene to Open Session from Closed Executive Session - **FOR VOTE**

III. OPEN SESSION 

IV. PLEDGE OF ALLEGIANCE – *Led by Council President, Robert Britto* 

Motion to seal the minutes from Executive Session by Councilman Cahoon, seconded by Council Vice President Rodericks. Motion passes unanimously.

V. APPROVAL OF CONSENT CALENDAR 

FOR VOTE

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 members so requests, in which event the item will be removed from said Consent Calendar and will be considered in its normal sequence in the docket.

- a. **Council Journal: April 2, 2019 City Council Meeting Minutes**
- b. **Application for Special Event – Alcohol Beverage, Class F**
Bay View Annual Manhattan at the Bay Show and Dinner
April 25 and April 26, 2019.
- c. **Cancellations/Abatements**

2015	\$7,578.76
2016	\$27.83
2017	\$218.97
2018	\$1,215.81
TOTAL	\$9,041.37

Councilman Cahoon mentioned that Jennifer Griffith’s last name was not spelled correctly. The Clerk did notate this and would revise the minutes to reflect this change. The Clerk also noted that item b on the consent calendar was previously approved, so there was no need for a vote. Councilman Cahoon made the motion to pass the consent calendar, based on the making the revision of Ms. Griffith’s name being corrected. Council President Rodericks seconded the motion. Motion passes unanimously.

VI. LICENSES NOT REQUIRING PUBLIC HEARING – **FOR VOTE** 

1. Holiday Sales

- a. El Mariachi – 736 North Broadway, 02914
Magallan, Inc.
Jose Lopez
- b. Aim Fitness, AKA T&C Athletic, LLC. – 1033 Waterman Avenue, 02914

Tomas O'Brien

The applicant was not present but there was Attorney David Dalbash representing the company and applicant. Private gym, appointment only business. President Birtto asked if there was anything in question. The Clerk stated that all the paperwork is in order and there is nothing outstanding. Councilman Mourato asked what the hours of business were. Attorney Dalbash stated that it is by appointment only. Motion to approve made by Councilman Cahoon, seconded by Anna Sousa. Motion passes unanimously.

- c. Phantom Fireworks Eastern Region, LLC. – 141 Newport Avenue, 02916
Joshua Nielsen

Joshua Nielsen – Tabled for additional information needed and the Council requests input from the Fire Department regarding storage of the fireworks during non-operating hours.

2. **Application for Hawker License – 60 Day**

Phantom Fireworks Eastern Region, LLC. – 141 Newport Avenue, 02916
Joshua Nielsen

License Ending Date if Approved: June 15, 2019

Tabled for additional information needed and the Council requests input from the Fire Department regarding storage of the fireworks during non-operating hours.

VII. **LICENSES REQUIRING PUBLIC HEARING - FOR VOTE** 

1. Class 1 – Victualing License

El Mariachi - 736 North Broadway, 02914

Magallan, Inc.

Jose Lopez

This was tabled as it was previously approved.

PUBLIC COMMENT 

All persons wishing to make public comment shall sign a public comment sheet stating their name, address and the subject of their docket related item to speak on. This sheet shall be available on a desk at the entrance of the City Hall Chambers no later than forty five (45) minutes before the call to order of any regularly scheduled council meeting and shall be delivered by the City Clerk to the presiding officer no earlier than five (5) minutes before the call to order of the meeting. Each speaker will be limited to three (3) minutes. The order of the speakers will be on a first come, first serve basis and the maximum time for public comment shall be limited to thirty (30) minutes per meeting.

1. *Ken Goucher, resident of East Providence speaking out against the children being present at the Senior Center. Mr. Goucher held a notebook stated that he has 400 signatures against this movement. Mr. Goucher stated that if the children attend the Senior Center, it will be a babysitting session. He shared other possible scenarios including drugs in the parking lot, and that he doesn't want to babysit other people's children. Council President Britto stated that this was an administrative decision and the Council is not allowed to get involved in these decisions. Councilwoman Sousa suggested to add this to the Communication portion of a future docket so a good dialogue could happen. Mr. Goucher stated that it was too late. Mr. Goucher mentioned that this should be sent to the city as a vote on this issue.*

VIII. **COUNCIL MEMBER COMMUNICATION** 

A. **Discussion Only: Bristol County Water Authority Updates** (Council Vice President Rodericks)

Council Vice President Rodericks stated that it is important that we continue to follow this scenario, especially with the recent leak that was found just recently. He mentioned that maybe even scheduling the matter as a public hearing, talk with the hearing on this. City Solicitor Marcello did mention that he has spoken to Department of Public Works, Director, Steve Coutu and the Bristol County Water Authority would be available on either 04/23 or 04/24 for a special session to present options to the Council and the public. Council Vice President Rodericks stated that it would be necessary to have Mr. Coutu to be present at this meeting.

B. **Discussion Only: Feedback from discussion with Citizens Bank regarding the closing of the Kent Heights branch** (Councilman Cahoon)

Councilman Cahoon stated that this item is listed because of outreach from the resident business about parking lot condition. He spoke with Jared Wallace and Councilman Cahoon shared that the community does miss the Kent Heights branch. Jared shared that the reason for closing the branch was what Citizen's Bank calls the, "Rhode Island effect" which is many locations in relation to the population.

C. **Discussion Only: Ward 4 Community Meeting Update** (Councilman Mourato)

Councilman Mourato had the first community meeting at the Riverside Library, with about 60 people in attendance and thanked Council Vice President Rodericks for being present at this meeting.

D. **Discussion Only: Grassy Plain Park** (Councilman Mourato)

Councilman Mourato met with residents back in January to talk about this park and said the state of neglect, and juveniles hanging out there at night. He did submit these concerns to the Department of Public Works and how to make this better. There is broken concrete and divots that need to be addressed. Councilman Mourato thanked the Department of Public Works Director, the Mayor and Council Vice President Rodericks for being present and their assistance. Council Vice President thanked Councilman Mourato for addressing this topic.

E. **Discussion Only: Christmas Tree Lighting power drop for the Riverside Annual Lightning** (Councilman Mourato)

Riverside Annual Christmas Tree Lighting, located in the backyard of Borealis Coffee has grown to the point of standing room only. Councilman Mourato is proposing to work with the Riverside Renaissance to have a power drop available so this can be set in an area that accommodate a larger group of people.

F. **Discussion Only: State Street Culvert Project Start Date** (Councilwoman Sousa)

Councilwoman Sousa stated that she had questions for the Department of Public Works Director, but he was not present for this meeting. This has been a project that she has been working on since 2017 with many roadblocks in the way. Last fall the project was supposed to start but didn't, due to lack of communication. Councilwoman Sousa did state that all permits since then have been attained. Councilwoman would like to have this listed on the next Council meeting, she wants to know what the start date is, are all the papers and documents are in and get the ball running and ahead of it, in opposed to last year. The second item is in 2017 the City has contracted with GZA and Solitude lake Management to treat the invaded species that run the 10 Mile Runnings Rivers in keeping that water table high and has been neglected for decades. Herbicide treatments should have been done in 2018. Digging out the dead debris needs to be done to fully correct this. Councilwoman tried getting information in 2018 and never received information on the status. She did state that she is willing to sit down with the Mayor and other to talk about this. Councilwoman requested Marc Furtado to schedule a meeting with the Mayor.

G. **Discussion Only: Street Sweeping Schedule and Routes** (Councilwoman Sousa)
This was listed on the docket because Councilwoman Sousa had constituents reach out to her regarding this topic. She stated that after she mentioned it, the administration was kind enough to place on social media the street sweeping schedule. The list provided was for a two week cleaning. They are starting on the north end, which is opposite of the year before. She did thank the administration for the information regarding this, but would like a little more detail. Last year DPW asked for a new machine, so there are two machines, an old one and a new one. She did state that the people should know ahead a time that this is happening. Some people had cars parked in the street, and if they knew ahead of time, they could have moved their cars. Council Vice President mentioned that when he visited a relative in another city, they put up signs stating that street sweeping will occur and then list the dates. The signs say street sweeping will occur and no parking during this dates. Maybe this could be something that DPW Director, Steve Coutu could look into. Councilwoman Sousa shared an update that in the State Street area the catch basins were cleaned out, which is good because build up causes flooding. She did mention about the pigeons and keeping under the bridges clean for aesthetic and health reasons.

H. **Discussion Only: Pending Handicap Parking Spots in Ward 2** (Councilwoman Sousa)
Councilwoman stated that this should not have been on the docket. She did request the Clerk that this be placed on the next docket for a vote. The Clerk stated that she would place this on the next docket.

I. **Discussion Only: Department Heads to assist with information pertaining to docket items at City Council Meetings** (Councilman Mourato)
Councilman Mourato stated this was listed because council members requested department heads at previous meetings and they did not show. Councilman Mourato stated that the Council needs to ask questions in order to make good decisions and answer resident questions. He states that the current method stifles the legislative process. He stated that the Council is not here to berate the department heads, but they do need them because they are experts at their subject matter. Councilman Mourato requested a legal memo outlining the powers and authority of the Council, including but not limited to the powers outlined in Section 2-9 of the Charter.
Council President Britto did mention that Marc Furtado from the Mayor's office was present to expand on this topic. Marc Furtado apologized for any confusion relating to this issue. He continued to state the Solicitor wrote a memo stating that the Council didn't have power to summon department heads, for the exception of their subpoena powers. He stated that there is a very clear separation of power between the legislative and the executive branch. And the department heads, for the exception of the City Clerk, fall under the Executive branch. Under 2-9 (in the Charter), the position of the Mayor's office is that department heads will always be available for the purposes of inquiry of legislative matters. He then gave the example of ordinance, if you wanted someone to give you more information on first passage, second passage, a department head could be there for that (or the budget). The Mayor's office fully intends to have our Finance Director but also every department head present for each department that we go over for the budget. In addition to that, Marc states they do admit that the Council should be informed on day to day matters. And that can go through the Mayor's office, through emails, phone calls, set up an appointment. The Mayor's office is more than happy to work with your schedule. The only problem with a new form of government, past Councils have not had good working relationships and they are setting a precedence.

Councilman Mourato asks how can he work through an issue before first passage when I can't even ask the questions for an ordinance. Councilman Mourato stated that these matters shouldn't have to deal with in private or secrecy, but available for the public to hear. Mr. Furtado mentioned that we asked for a legal opinion, and we got a legal opinion. Councilman Cahoon asked Mr. Furtado who asked for the legal opinion. City Solicitor Mike Marcello answered stating that it was the Mayor's office who asked for the opinion. Councilman Cahoon asked who the Mayor ask for a legal opinion. Mr. Furtado answered by saying the Solicitor (for the record is Michael J. Marcello). Councilman Cahoon then asked and the Solicitor represents the Mayor or the Council. Solicitor Mike Marcello answered by saying the Solicitor represents the City. He doesn't represent the Mayor, he represents the City and the departments of the City, including the Department of the City Council. Councilman Cahoon asked then what happens when the Executive and the Legislative branch have a conflict. Only the courts can say what the Charter says. Councilman Cahoon then stated that the Solicitor should maintain attorney/client privilege with their clients. Solicitor Marcello stated that the client is the City. Nate mentioned that this puts the Solicitor in a bad place. Solicitor Marcello mentioned that a copy of the legal opinion was provided to Council President Britto. Councilman Cahoon asked Council President Britto if he could be provided a copy of this, and Council President Britto said yes. Councilman Cahoon had a few questions. Going back to section 2-9 and asked for clarity. Solicitor Marcello mentioned that the Council does have investigatory powers and no one is disputing that as a legislative body that the City Council has the power to investigate not only his office but any executive office in the City. Councilman Cahoon asked what needs to be listed on the docket in order to request a department head. Mr. Furtado answered that it is a work in progress. Mr. Furtado stated the Council has a right to be informed but the mayor is more concerned about setting a precedence. Councilman Cahoon and Mourato both stated that the Council needs and relies on department heads' expertise. Council Vice President Rodericks shared that this is just an issue of common sense and mentioned that this can be worked out. Council Vice President stated that he ran because of the level of disrespect that he saw in the City, not just the city employees, but school department, including the parks.

J. **Discussion Only: Budget Format Discussion** (Councilman Mourato)
Tabled by Councilman Mourato

K. **Discussion Only: Code Red Notification System** (Council Vice President Rodericks)
Residents hadn't received calls on the last Code Red Notification. Wanted to know more about the Code Red System. It is used as an update to things like road construction, water issues and parking bans. You can sign up online to get a robo call, a text or both. Mr. Furtado stated that we can track numbers that are in the database if residents are not receiving these notifications after signing up for them.

L. **Discussion Only: Notification of Pending Remediation Project on 220 & 210 Massasoit Avenue**
(Council President Britto)
Council President Britto wanted the community to know of this project. This will happen in the summer, adjacent to Getty building. There will be a smell in the air that may be unpleasant.

IX. PUBLIC HEARINGS

A. ORDINANCES – FOR VOTE

1. **SECOND PASSAGE AND PUBLIC HEARING:**
AN ORDINANCE IN AMENDMENT OF CHAPTER 2 OF THE REVISED ORDINANCES OF THE CITY OF EAST PROVIDENCE, RHODE ISLAND, AMENDED, ENTITLED
"ADMINISTRATION"
(Sponsored by: Councilman Mourato)
SEE ATTACHED FOR FULL ORDINANCE

Councilman Cahoon had asked about available on the website. City Clerk Burnett stated that the city website is undergoing a migration period, so they would need to contact the Clerk's office for an application. Also under Section C, Councilman Cahoon questioned a possible error in the wording. Solicitor Marcello stated that it was written correctly.

Public Hearing was offered. A gentleman, who didn't state their name, came to the podium but did ask questions regarding where to locate the

resolution.

Public Comment was closed.

Motion to pass was made by Councilman Mourato and seconded by Council Vice President Rodericks. Motion passes unanimously.

FIRST PASSAGE:

2. **AN ORDINANCE IN AMENDMENT OF CHAPTER 7 OF THE REVISED ORDINANCES OF THE CITY OF EAST PROVIDENCE, RHODE ISLAND, AMENDED, ENTITLED "HEALTH AND SANITATION"**

(Sponsored by: Councilwoman Sousa)

SEE ATTACHED FOR FULL ORDINANCE

Councilwoman Sousa introduces the ordinance, speaking on the impact of the community health, animal and marine life. The East Bay neighboring towns, specifically, Barrington, who pioneered this movement. Previous Council felt that this should have been a state mandate. The community has 6 months from passage to transition.

Motion to approve made by Councilwoman Sousa and seconded by Councilman Mourato.

Motion passes unanimously.

X. **CONTINUED BUSINESS** 

1. **Sewer Rates and Abatements** (Councilman Mourato)

Councilman Mourato had a few questions regarding abatements and sewer rates for Steve Coutu, of Department of Public Works. However, he was unable. He stated that we need to have all information and see all of the options before making a decision. This includes educating the public and answer questions they may have

XI. **NEW BUSINESS** 

B. **REPORTS OF OTHER CITY OFFICIALS**

1. **Claims Committee Report**-Solicitor Michael J. Marcello

Solicitor Marcello named off the status of all claims from Executive Session.

C. **RESOLUTIONS – FOR VOTE**

1. **RESOLUTION IN SUPPORT OF PROPOSED LEGISLATION ALLOWING PROVIDENCE COUNTRY DAY SCHOOL PERMANENT EXEMPTION FROM TAXATION**

(Sponsored by: Council President Britto)

SEE ATTACHED FOR FULL RESOLUTION

Council President Britto presented this resolution to the Council. Providence Country Day School is the only 501c school in the City that is currently paying taxes. Council President Britto did share of the land that has been donated to the City from Providence Country Day School. Motion to approve made by Councilman Mourato, seconded by Council Vice President Rodericks. Motion passes unanimously.

2. **RESOLUTION AUTHORIZING THE MAYOR TO WAIVE ALL LOCAL PERMITTING FEES ASSOCIATED WITH THE CONSTRUCTION OF THE NEW EAST PROVIDENCE HIGH SCHOOL**

(Sponsored by: Councilman Cahoon)

SEE ATTACHED FOR FULL RESOLUTION

Councilman Cahoon presented the resolution to the Council. Discussion was had regarding the details of the resolution. Council Vice President Rodericks spoke in favor of this resolution. Councilwoman Sousa asked for clarification regarding inspection. Councilman Cahoon responded. Motion to approve by Councilwoman Sousa. Seconded by Councilman Mourato. Councilman Cahoon thanked the Mayor's office for their diligence. Solicitor Marcelo did make mention that he was told there was an ordinance, but he couldn't find it. For the reasons of transparency, they put forth this resolution. Motion passes unanimously.

XII. **Reconvene in Executive Session (if necessary) to Complete Items Under Section II, Executive Session**

Council Vice President Rodericks made the motion to adjourn. Seconded by Councilwoman Sousa. Motion passes unanimously. Meeting adjourned.

XIII. **ADJOURNMENT - FOR VOTE**

If communication assistance is needed or any other accommodations to ensure equal participation, please contact the City Clerk, Samantha Burnett at 401.435.7596.

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CITY OF EAST PROVIDENCE

CHAPTER

**AN ORDINANCE IN AMENDMENT OF CHAPTER 2 OF THE
REVISED ORDINANCES OF THE CITY OF EAST PROVIDENCE,
RHODE ISLAND, 1998, AS AMENDED, ENTITLED
“ADMINISTRATION”**

THE COUNCIL OF THE CITY OF EAST PROVIDENCE HEREBY ORDAINS:

SECTION I. Sec. 2-37 entitled “Appointment of members to boards and commissions” of Division 1 entitled “Generally” of Article III entitled “Boards, Committees, Commissions” of Chapter 2 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled “Administration” is amended to read as follows:

Sec. 2-37. Appointment of members to boards and commissions.

- (a) Members of boards and commissions shall be appointed based on merit. All vacancies or upcoming appointments or reappointments to city boards and commissions shall be posted for a minimum of ten (10) business days ~~within city hall and~~ on the city website prior to an appointment being made. The posting shall include the name of the board, the appointing authority ~~for the open seat,~~ the powers and duties of the board, the length of term, ~~the requirements for service and the desired qualities of a prospective appointee,~~ and the date that the application period closes. Only city residents may be eligible to serve on city boards and commissions unless otherwise provided for in the ~~charter~~ Charter, enabling statute or ordinance ordinances of East Providence, or state law.
- (b) ~~The public shall have the right to view any applications for appointments to boards and commissions. The city shall redact any candidate's personal demographic or financial information other than their name.~~ Any individual seeking an appointment to a city board or commission shall submit an application as promulgated by the City Clerk. The application may be obtained and submitted at the clerk’s office, or online on the city’s website. No other application, letter, or form shall be accepted as a substitute for the application. Once the City Clerk has received a complete and submitted application, the Clerk shall then give a copy of the application(s) to the appointing or recommending authority within three (3) days of the close of the application period.
- (c) No appointing or recommending authority shall appoint, recommend or vote on a household member or family member for membership to a board or commission. Household member and family member shall be defined as in Regulation 36-14-5004 of the Rhode Island Code of Ethics.
- (d) No person shall serve on more than one (1) city board or commission with decision making authority. Anyone presently serving on more than one (1) board or commission with decision

making authority may continue to serve their term but are not eligible for re-appointment if such re-appointment shall cause them to be in violation of this section **or except as stated in section (e)**. ~~The limit of service on more than one (1) board and commission shall not extend to boards and commissions in which the person's service was at the appointment of another board or commission to which they are to serve as a liaising, ex-officio or ad-hoc member. There shall be no limit to service on advisory boards or commissions.~~

- (e) **The prohibition against serving on more than one board or commission with decision making authority shall not apply if a vacancy has occurred for more than ten (10) business days after posting by the City Clerk in accordance with section (a) above or when there has been no other eligible application received. The limit of service on more than one (1) board and commission shall not extend to boards and commissions in which the person's service was at the appointment of another board or commission to which they are to serve as a liaison, ex-officio or ad-hoc member. There shall be no limit to service on advisory boards or commissions.**
- (f) **By November first (1st) every year, each member of all city boards and commissions must provide two (2) forms of proof of residence to include a photo ID and one additional form such as a utility bill, mortgage statement, or tax bill one (1) form of government issued photo identification to the chairperson of their board as proof of their residency. Said The chairperson of each city board and commission shall confirm the address/residence of the members of their board to the City Clerk City Council.**
- (g) **All appointments to boards and commissions within the city shall be made by Resolution by the appointing authority. The Resolution shall state the appointee's full name, address, and term of appointment.**

SECTION II. Sec. 2-38 entitled "Listing of boards and commissions" of Division 1 entitled "Generally" of Article III entitled "Boards, Committees, Commissions" of Chapter 2 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled "Administration" is amended to read as follows:

Sec. 2-38. Listing of boards and commissions.

- (a) The city website shall list each board and commission of the city and include the following information:
 - (1) A summary of the board or commission functions.
 - (2) A link to the enabling legislation that created the body.
 - (3) A link to the board or commissions agendas and minutes on the Secretary of State's website.
 - (4) A list of all members, each member's contact email address, the appointing authority of each member, **the date of their appointment** and the expiration date of each members' term.

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

Given first passage _____ and referred to
consideration of final passage; and adopted

at 7:00 p.m. for a hearing and

Attest:

City Clerk of East Providence, Rhode Island

Requested by: Councilman Mourato

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CITY OF EAST PROVIDENCE

CHAPTER

**AN ORDINANCE IN AMENDMENT OF CHAPTER 7 OF THE
REVISED ORDINANCES OF THE CITY OF EAST PROVIDENCE,
RHODE ISLAND, 1998, AS AMENDED, ENTITLED
“HEALTH AND SANITATION”**

THE COUNCIL OF THE CITY OF EAST PROVIDENCE HEREBY ORDAINS:

SECTION I. Chapter 7 of the Revised Ordinances of the City of East Providence, Rhode Island 1998, as amended, entitled “Health and Sanitation” is amended by adding thereto the following:

Article IV. Reusable Carryout Bag Initiative

Sec. 7-76. Purpose.

The purpose of this section is to reduce the number of single-use plastic checkout bags used by retail establishments in the City, curb litter in the streets, protect marine environment, waterways, reduce greenhouse gas emissions, and solid waste and by encouraging the use of reusable carryout bags by retail establishments, banning the use of plastic bags for retail checkout of goods, and to improve the environment in East Providence and the health, safety, and welfare of its residents. Retail establishments are encouraged to make reusable carryout bags available for sale. Plastic bags contribute to a significant burden on the City’s solid waste disposal and single stream recycling systems.

Sec. 7-77. Definitions.

As used in this section, the following terms shall have the meanings indicated:

Carryout bag means a bag used by the customer at the point of sale for the purpose of removing products purchased from retail establishments. “Carryout bag” does not include plastic barrier bags, double-opening plastic bags, or plastic bags measuring larger than 28 inches by 36 inches.

Double-opening plastic bag means any thin plastic bag with a double opening (top and bottom) to protect clothing or other items for transport.

Paper bag means a paper bag that is fully recyclable overall and contains a minimum of 40% post-consumer recycled content and contains no old growth fiber.

Plastic bag means a bag where any portion of the bag is made of plastic, including, but not limited to, those called “biodegradable,” “compostable” or “oxo-biodegradable”.

Plastic barrier bag means any thin plastic bag with a single opening used to:

- a. Transport fruit, vegetables, nuts, grains, small hardware items, or other items selected by customers to the point of sale;
- b. Contain or wrap fresh or frozen foods, meat, or fish, whether prepackaged or not;
- c. Contain or wrap flowers, potted plants, or other items where damage to a good or contamination of other goods placed together in the same bag may be a problem;
or
- d. Contain unwrapped prepared foods or bakery goods.

Recyclable plastic means plastic that meets the current Rhode Island Resource Recovery Corporation's standards.

Retail sales establishment means any enterprise, person, corporation, partnership, business venture, or vendor that sells or provides merchandise, goods, or materials directly to a customer, whether for or not for profit, including but not limited to retail stores, farmers' markets, fleamarkets, restaurants, pharmacies, convenience and grocery stores, liquor stores, seasonal and temporary businesses, jewelry stores, and household goods stores. This does not include sales of goods at yard sales, tag sales, or other sales by residents at their homes.

Reusable carryout bag means a bag with handles which are stitched and not heat-fused that is specifically designed and manufactured for multiple reuse. The bag must be made of washable cloth, other durable woven or nonwoven fabric, or durable plastic film that is recyclable plastic with a minimum thickness of four mils.

Sec. 7-78. Regulations.

- a. Other than reusable carryout bags as provided in this section, no retail sales establishment shall make available any plastic carryout bags (either complementary or for a fee).
- b. All retail establishments that provide plastic produce, product, or double-opening bags must offer a recycling opportunity on site and must recycle any plastic collected in accordance with current laws.
- c. Nothing in this section shall preclude persons engaged in retail sales from making reusable carryout bags or paper bags available for sale to customers.

Sec. 7-79. Enforcement; violations and penalties.

- a. This section shall be implemented, administered and enforced by the East Providence Police Department or any other City department or division designated by the Mayor.
- b. Upon being made aware of a potential violation of this section, the City of East Providence Police Department or other designee shall investigate and determine whether a violation has occurred.

- c. If the investigation confirms that a violation has occurred, then the East Providence Police Department or other designee shall give written notice to the owner of the property, the owner's agent, or the person performing such violation that the violation is occurring and must stop.
- d. Such notice shall be in writing and may be served upon a person to whom it is directed, either by delivering it personally to him or her or by posting same upon a conspicuous portion of the property and sending a copy of same by certified mail to the person to whom the notice is directed.
- e. The owner, the owner's agent, or the person performing the violation is responsible for confirming, in writing, that the violation has ceased to the East Providence Police Department or other designee within fourteen (14) days of receipt of the notice.
- f. A second violation after the fourteen (14) day response period of the first violation and within one year of receipt of the confirmation that the violation had ceased shall incur a penalty of \$150.00.
- g. A third violation within one year of the second and any subsequent violations shall incur a penalty of \$300.00.
- h. Each occurrence of a violation after the first, and each day that such violation continues, shall constitute a separate violation and may be cited as such.

Sec. 7-80. Appeals.

Any violation charged under this section may be appealed, in writing, to the Mayor within fourteen (14) days of receipt of a written notice of violation. The Mayor may waive the individual violation or the requirements of this section on showing of good cause or undue hardship.

SECTION II. This ordinance shall take effect six (6) months after second passage and all ordinances or parts of ordinances inconsistent herewith are hereby repealed.

Given first passage _____ and referred to _____ at 7:00 p.m. for a hearing
and consideration of final passage and adopted

Attest:

City Clerk of the City of East Providence, Rhode Island

Requested by: Councilwoman Sousa

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CITY OF EAST PROVIDENCE

RESOLUTION NO.

**RESOLUTION AUTHORIZING THE MAYOR TO WAIVE ALL
LOCAL PERMITTING FEES ASSOCIATED WITH THE CONSTRUCTION
OF THE NEW EAST PROVIDENCE HIGH SCHOOL**

WHEREAS, the voters of the City of East Providence approved a bond issue for the construction of a new, state of the art high school; and

WHEREAS, the project cost estimate of \$189,500,000 does not include costs associated with local permitting fees; and

WHEREAS, the costs of those fees are estimated to be \$1,650,021.35 pursuant to the City's project manager.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of East Providence hereby authorizes the Mayor of the City of East Providence to waive any and all local permitting fees associated with the construction of the new East Providence High School.

Adopted by the City Council: _____

Attest:

City Clerk of East Providence, Rhode Island

Introduced by: Councilman Cahoon