

**CITY OF EAST PROVIDENCE
RHODE ISLAND
DOCKET OF REGULAR COUNCIL MEETING
January 22, 2019
7:00 P.M.
Council Chambers, City Hall
145 Taunton Avenue East Providence, RI 02914
7:00 P.M. Council May Call for Executive Session in Room 101
7:30 P.M. Open Session**

Council Vice President Rodericks is absent.

I. Call to Order

II. MOTION TO MOVE TO EXECUTIVE SESSION

Motion By 2nd

Cahoon Mourato Rodericks Sousa Britto

The City Council of the City of East Providence may meet in Executive Session pursuant to RI General Laws § 42-46-5 (a)(2).

A. Litigation

- 1. GeoNova Development Co. vs. City of East Providence
C.A. No. PC-09-5341
Status Update/Potential Settlement Consideration**

B. New Claims

- 1. George W. Tremmel, Jr.**
- 2. Michael Derouin**
- 3. Donna Fanion**
- 4. Lynn Little**
- 5. Ilderberto Rego**
- 6. Thomas C. Riley**
- 7. Susan Roberts**
- 8. Sandra Silva**
- 9. Christopher Tavares**
- 10. Eric Thomas**
- 11. Jan Weiner**

C. Claim for Reconsideration

- 1. Steven Jezierny**

D. Sewer Charge Abatements

- 1. Deborah Allen**
- 2. Oliver Andrews**
- 3. Robyn Boudreau**
- 4. Darlene Freeman**
- 5. Mary C. Mackinney**
- 6. Thomas C. Riley**
- 7. Maria Sequeira**
- 8. Nancy Stevens**
- 9. Johnny and Charlene Vargas**

III. RECONVIENE TO OPEN SESSION AT THE CONCLUSION OF EXECUTIVE SESSION

IV. PLEDGE OF ALLEGIANCE

led by the Boy Scouts.

Councilman Cahoon made the motion to seal the minutes from the Executive Session. Councilwoman Sousa seconded. Motion passes unanimously.

V. 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. Cancellation/Abatements

<u>Year</u>	<u>Amount</u>
2016	496.76
2017	102.58
2018	53,692.21
Total	\$54,291.55

B. Alcoholic Beverage Class F-1

1. St. Francis Xavier Church, 160 Orchard Street (02914), St Francis Xavier Parish Anniversary Dinner. 81 North Carpenter Street, Saturday, January 26, 2019.

C. Council Journals

Request for additional time to submit to the council.
Journals have not been updated since 09/2018.

Motion made by: Councilman Mourato

Seconded by: Councilman Cahoon

Motion passes unanimously.

VI. PUBLIC COMMENT No public comment requests.

All persons wishing to make public comment shall sign a public comment sheet stating their name, address, and the subject of their comments. Said public comment 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 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.

VII. APPOINTMENTS

Police and Fire Pension – City Council Member Appointment

Councilman Mourato expressed his interested in serving this appointment.

Councilman Cahoon makes a motion to have Councilman Mourato be the appointment to the Police and Fire Pension Board.

Seconded by Councilwoman Sousa.

Motion passes unanimously.

Carousel Commission – City Council Member Appointment

Councilman Mourato expressed his interest in serving this appointment, as this is in his ward and he is already working with the Riverside Renaissance Movement.

Councilman Cahoon makes a motion to have Councilman Mourato be the council appointment to the Carousel Commission.

Councilwoman Sousa seconds the motion. Motion passes unanimously.

VIII. COUNCIL MEMBERS

Open Meetings Act, Chapter 42, Section 42-46-6 (Amended)

IX. LICENSES REQUIRING PUBLIC HEARING

A. B-Full Privilege Victualer – Transfer

Transfer from DMC Properties L.L.C.
DBA Black Duck Tavern to NuLevel Entertainment L.L.C.

Cory Brussard sworn in.

Solicitor Marcello indicated correspondence from Gregory A. Mancini who represents RI Distributing stating that there is monies owed and that he has no objection transferring this license subject to proof of payment of the outstanding balance and that it would be an appropriate motion to make by the Council. Mr. Brussard mentioned that is a current balance and they are well within their 30 days.

Councilman Cahoon asked Mr. Brussard if his account is in good standing. Mr. Brussard answered yes.

Mr. Brussard asked if it would be okay to add a stipulation that their current balance be carried over to the new business name.

Councilwoman Sousa made the motion that approve the transfer of the funds be transferred over to the new LLC.

Seconded by Councilman Cahoon.

Motion passes unanimously.

X. LICENSES NOT REQUIRING PUBLIC HEARING

A. Holiday Sales

Bajas, 430 Newport Avenue (02916)

All paperwork in order.

*Councilwoman Sousa makes the motion to approve.
Councilman Mourato seconds the motion.
Motion passes unanimously.*

B. Vic Not Over 25 –Transfer

*Bajas, 430 Newport Avenue (02916)
All paperwork is in order.
Councilman Cahoon makes the motion to approve.
Councilwoman Sousa seconds the motion.
Motion passes unanimously.*

C. Vic Not Over 25

*RILC Holdings L.L.C. DBA Little Caesars, 45 Newport Avenue (02916)
All paperwork in order.
Councilwoman Sousa makes the motion to approve.
Councilman Mourato seconds the motion.
Motion passes unanimously.*

XI. NEW BUSINESS

**1. Termination Agreement for Bayside Agreement and Payment of Termination Costs (by Councilman Nate Cahoon)
(Amended)**

*In reference to the construction to the new high school. Currently on the site there is a soccer/lacrosse field. There was an agreement between the City and the Bayside Football Club to lease the land for an agreement of 30 years or until and unless the School Department needed the land to build a new school. This agreement also made provisions to be able to break that lease should we seek to build a school. What they need to do per the current schedule for the new construction of the school by June 1, 2019 to break ground specifically where that field now stands. The School Department has created a termination agreement with Bayside Football club. This needs to be forwarded to the Mayor for signature. Councilman Cahoon is asking for the amendment to be approved so they can move forward with the termination agreement.
Councilman Mourato had a few questions. Will the City owe Bayside a certain amount of money for termination of this agreement?
Councilman Cahoon stated that what will happen is the School Department will pay for the cost of terminating the lease in the amount listed on the document. That amount is 1,194,902.72.
Councilwoman requested the amount be repeated and what the original amount was for the loan.
Councilman Cahoon stated it might have been around \$1.6 million.
Councilwoman asked if anyone was present from the School Department. Council President Britto stated that this was not a public hearing.
Solicitor Marcello stated that because the change to the mayoral form of government, the mayor seeking approval from the Council because there is money involved for the execution of this contract.
Councilwoman Sousa asked who would be responsible in paying this. The City or the School Department. Councilman Cahoon said he is not asking the City to outlay funds for this.
Councilman Cahoon invited the Superintendent to address the Council to speak on this matter and the bond for the high school as well.
Solicitor Marcello stated that we would need to amend our agenda to allow her to speak on generally broad topics of bonding because this is not on the agenda, and that it should be for discussion purposes only to comply with Open Meetings Law.
Councilwoman Sousa makes a motion to amendment to today's meeting to add the Superintendent the allowance to speak regarding the bond and any other information pertaining.
Councilman Mourato seconds the motion.
Motion passes unanimously.
Superintendent Crowley is invited to speak to the Council by Council President Britto.
Payment is needing to be made tomorrow. Originally, the Superintendent said that she thought it would be paid through the sync fund, but it will be paid out from the School Department. With the approval of the Council authorizing the Mayor to pay this, it will be more of a reimbursement since the School Department is paying this from their budget, due to the time constraint of payment being made. Superintendent Crowley went into details over the upfront costs of the high school, and how reimbursement flows. Bills must be paid on time, otherwise there is a 3% interest applied for late charges.
Bill Fazioli approached the Council under the invitation of Superintendent Crowley, speaking on the general conversation of the school bond.
Motion by Councilwoman to approve.
Councilwoman Sousa seconds the motion.
Motion passes unanimously.*

D. Reports of Other City Officials

1. Mayor Communications (by Council President Robert Britto)

*Council President Britto brought up the conversation of start times, but in respect to the Council members' work schedules. Also, that it is not necessary to have all department heads attending the Council meetings, but that is at the discretion of the Mayor.
Councilwoman shared that she approved the 6:30 p.m. start time. She also agreed that having a department head at every meeting would not be necessary. In regards to proclamations and recognitions, she feels it is her place as a Councilperson to recognize these efforts public for their good work and participation in the community. Councilwoman Sousa also mentioned in regards to Public Comment and Communications, being the Public Comment be reserved for only docketed items. Communications are available for open speech with the Council. These were her recommendations.
Councilman Mourato researched other communities and they either start at 6:00 p.m. or 7:00 p.m.
Council President wants to start the meetings on time.
Councilman Cahoon stated that due to his employment in Boston on Tuesdays, his schedule may create a delay due to the train schedules. He could possibly make 6:30 p.m. but 7:00 p.m. would be better for him.
Councilman Mourato also recommended that all business licenses be move forward to the beginning of the meeting, so they are not waiting.
Councilwoman asked to clarify that it moved from Item 10 to Item 4 for the licenses. Council President stated that she was correct.
Councilman Cahoon mentioned issues with the live feed and make sure that people who cannot attend can be able to follow it in real time.
Councilwoman Sousa mentioned that she did receive feedback with people who appreciated utilizing the Facebook Live option.*

President Britto mentioned that he would like to see the Call to Order at 6:30 p.m., Open Session at 7:00 p.m., move up the licenses and then continue discussion and finalize at the next meeting. Next meeting will start at 7:00 p.m.
No vote made; this was discussion only.

2. Claims Committee Report (by Solicitor Michael J. Marcello)

A. Litigation

1. GeoNova Development Co. vs. City of East Providence

C.A. No. PC-09-5341

Status Update/Potential Settlement Consideration

*Motion to table, made by Councilwoman Sousa and seconded by Council President Britto due to technical issues.
Motion passed unanimously.*

B. New Claims

- 1. George W. Tremmel, Jr.** – *Motion to refer to the Trust. Motion by Councilwoman Sousa, Seconded by Councilman Cahoon. Motion passed unanimously.*
- 2. Michael Derouin** – *Motion to refer to the Trust. Motion made by Councilman Cahoon. Seconded by Councilwoman Sousa. Motion passed unanimously.*
- 3. Donna Fanion** - *Motion to pay the claim by Councilman Cahoon, seconded by Council President Britto. Motion passed unanimously.*
- 4. Lynn Little** - *Motion to deny the claim by Councilman Cahoon. Seconded the claim by Council President Britto. Councilwoman Sousa voted in the negative. Motion passes.*
- 5. Ilderberto Rego** - *Motion to table by Councilman Cahoon. Seconded by Council President Britto. Motion passes.*
- 6. Thomas C. Riley** – *Motion to pay the claim. Motion made by Council President Britto. Seconded by Councilwoman Sousa. Motion passed unanimously.*
- 7. Susan Roberts** *Motion made to pay by Council President Britto. Seconded by Councilman Cahoon. Motion passes unanimously.*
- 8. Sandra Silva** *Motion to pay the maximum amount by RI Law of \$300 made by Councilman Cahoon. Seconded by Council President Britto. Motion passed unanimously.*
- 9. Christopher Tavares** *Motion made to refer to the Trust by Councilwoman Sousa. Seconded by Councilman Cahoon. Motion passed unanimously.*
- 10. Eric Thomas** – *Motion made to pay the claim in full by Councilwoman Sousa. Seconded by Councilman Cahoon. Motion passed unanimously.*
- 11. Jan Weiner** – *Motion made to refer to the Trust by Councilman Cahoon. Seconded by Councilwoman Sousa. Motion passed unanimously.*

C. Claim for Reconsideration

- 1. Steven Jezierny** – *Motion to uphold denial by Councilwoman Sousa. Seconded by Council President Britto. Councilman Cahoon voted in the negative. Motion passes 3-1.*

All sewer charge abatements were tabled to the next meeting. Motion made by Council President Britto. Seconded by Councilwoman Sousa.

Motion to approve the City Solicitor report by Councilwoman Sousa. Seconded by Councilman Cahoon.

D. Resolutions

RULES OF PROCEDURES OF THE CITY COUNCIL AMENDMENT TO RESOLUTION NUMBER 8, ADOPTED JUNE 6, 2017 (by Council President Robert Britto)

Motion made by Councilwoman Sousa to continue to next meeting for further discussion. Seconded by Councilman Cahoon. Motion passes unanimously.

E. Introduction of Ordinances

AMENDMENT TO ARTICLE 2 SECTION 12-18 QUALIFICATION FOR APPOINTMENT TO THE POLICE DEPARTMENT (See attached Exhibit A) (by Councilman Ricardo Mourato)

Councilman Mourato introduced this ordinance. Requested to change wording from crime to felony. Remove 60 credit to high school/GED. Certification from the state municipal police academy and mentioning that should be removed as well. He mentioned this was just cleaning up the ordinance language. Councilman Mourato requested Elmer Pina to come up and speak to this as well. For the record, Mr. Pina did not approach or speak to the Council. Seconded motion made by Councilman Cahoon.

Councilwoman Sousa requested clarification that the only requirement needed to be hired for the East Providence Police Department is only a high school diploma or equivalent and not be convicted of a felony.

Councilman Mourato mentioned that was correct. And there are background checks, certain crimes are considered disqualifiers.

Council President Britto asked about if this changes the vetting process.

Councilman Mourato asked if he could call up Chief Parella.

Solicitor Marcello mentioned that there is a motion pending on the floor, to strike, "likewise" all the way to the end of that, (sentence in the ordinance) and if that amendment passes, then we can move on. This is just cleaning up the language. To amend the first reading.

Motion passes unanimously.

Councilwoman Sousa did mention post vote on her concerns with the criminal background section of the ordinance.

XII. ADJOURNMENT

Motion made by Councilman Cahoon. Seconded by Councilman Mourato. Motion passes unanimously. Meeting adjourned.

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

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