

CITY OF EAST PROVIDENCE
MINUTES—REGULAR COUNCIL MEETING
TUESDAY, JUNE 4, 2019
CALL TO ORDER: 6:30 P.M.
Council May Call Executive Session in Room 101
OPEN SESSION: 7:00 P.M.
145 TAUNTON AVENUE – CITY COUNCIL CHAMBERS
EAST PROVIDENCE, RHODE ISLAND

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

I. CALL TO ORDER – Council President Britto calls the meeting to order.

II. INVOCATION OF EXECUTIVE SESSION – FOR THE VOTE

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

Councilman Cahoon made the motion to move to Executive Session. The motion was seconded by Councilman Mourato. Motion passes unanimously.

A) Litigation

Geo Nova Development Co. VS. City of East Providence
C.A. NO. PB-09-5341
Status Update

B) Litigation

Brian Faria v. City of East Providence City Council
C.A. NO. PC-2018-4406
Status Update

C) NEW CLAIMS


1. Zeus and Morganna Beltre
2. Marvin Novogrodski

D) SEWER CHARGE ABATEMENTS – FOR THE VOTE

1. Anthony Ballirano
2. Constance Gerling
3. Theresa Lobello
4. Dorothy Merandi
5. Larry Silveira

III. OPEN SESSION 

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

IV. PLEDGE OF ALLEGIANCE 

Section 14B moved to this area of the docket. Unanimous consent gained.

b) RESOLUTION IN HONOR OF MILLER’S ROAST BEEF FOR ITS RECOGNITION AS THE JEFFREY BUTLAND FAMILY OWNED SMALL BUSINESS OF THE YEAR 
(Councilwoman Sousa)
FOR VOTE

*Councilwoman Sousa presented the proclamation to Miller’s Roast Beef for Small Business of The Year from the Small Business Association.
No vote was made.*

V. APPROVAL OF CONSENT CALENDAR –FOR THE 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. Special Event – Alcoholic Beverage – Class F

1. HGBB/Phillip Street Hall
51 North Phillips Street, 02914
Paul DeSousa
2. Trinity Brotherhood Club
146 Sutton Avenue, 02914
Stephen Costa

Motion to approve made by Councilwoman Sousa, seconded my Councilman Mourato. Motion passes unanimously.

B. Application for One Day Entertainment License

1. HGBB/Phillip Street Hall
51 North Phillips Street, 02914
Paul DeSousa

2. Trinity Brotherhood Club
146 Sutton Avenue, 02914
Stephen Costa

Both items 1 and 2 should be a three day permit and not one. Items 1-2 were bundled and voted on. Motion by Council Vice President Rodericks and seconded by Councilwoman Sousa. Motion passes unanimously.

VI. LICENSES NOT REQUIRING PUBLIC HEARING – FOR THE VOTE

a) **Holiday Sales License – S&W APPLIANCE** 2719 Pawtucket Avenue, 02914 Mark Exter

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

VII. COMMUNICATIONS

a) **Mayoral Communications**

1. Property Tax Update – Discussion Only
(Malcolm Moore, Director of Finance)

Councilwoman Sousa made mention that perhaps we should take Public Comment prior to Communications, Item VII (a). Council President allowed this and Public Comment commenced.

After Public Comment and item XIII. (a) 2. was voted on, Director of Finance, Malcolm Moore approached the podium to address the Council.

Mr. Moore stated that this is a re-evaluation year and every three years by state law is a re-evaluation year in which you can change the tax rates between the classifications. In the off years the tax rates have to go up or down in the same percentages.

The Notice to Taxpayers states \$100,126,495.00 is the amount the City plans to increase their property tax levy. This has to be approved by the state. This is over a percent...a percent and a quarter. The commercial went up 6.1%, tangibles went up 3.4%, and residential went up 17.5%. The value of the City went from 3.75 billion to 4.25 billion. 90% of that was for residential. Since most of the increase came from residential, their tax rate went down the highest percentage.

Tax bills should be mailed out this week, so residents still have three weeks and there is a seven day grace period. This is later than usual due to some changes in the Assessors' Office.

Council President Britto asked for clarification on the seven day grace period. Mr. Moore responded that it is seven days from the due date. Councilwoman Sousa shared that this was an ordinance that was passed previously. Council President Britto expressed concern if this would change the revenue flow for the city. Councilman Mourato asked for clarification of the tax rate going down but the value of homes went up. Mr. Moore stated that they were trying to be revenue neutral.

Council Vice President Rodericks asked Mr. Moore for clarification since they Council had not passed a budget yet. Mr. Moore stated that the previous Council made the decisions for this year. The tax rate does not get set until now. The present Council will decide for next year.

Councilman Mourato asked the overall increase for the average single family home owner was. Mr. Moore answered that the average increase was about 1.5%.

Council Vice President inquired about the law suit with the residents on the Terrace. Solicitor Marcello answered that they have to pay the current tax bill that they get until a court tells them that they have been overtaxed. Council Vice President Rodericks also asked if we had a Tax Assessor? Mr. Moore stated that he is the acting Assessor. Solicitor Marcello stated that there is an Assistant Assessor currently.

Councilman Cahoon asked about the questions residents had, and requesting clarification for them.

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. *Stephen Hug – Family Service of Rhode Island, spoke in favor of the need for CDBG funding that would be voted on later on in the meeting.*
2. *Jo, President of TAPIN RI, spoke in favor of the need for CDBG funding that would be voted on later on in the meeting.*
3. *Tom Harrington – Rumford towers Residents Association spoke in favor of the need for CDBG funding that would be voted on later on in the meeting.*
4. *Erin Gilliat with the East Providence Boys and Girls Club spoke in favor of the need for CDBG funding that would be voted on later on in the meeting.*
5. *Michael Carlozzi, Library Director in favor of the need for CDBG funding for library services that would be voted on later on in the meeting, specifically, language classes for ESL.*
6. *Jim Dealy, East Bay Community Action Program spoke in favor of the need for CDBG for Foster Grandparents Program and support with the Health Center.*
7. *Karen O'Hare, grant officer with Day One spoke in favor of the need for the CDBG funding that would be voted on later on in the meeting.*

Council Vice President asked if there is funding for all of these projects? David Bacharach answered on behalf of the CDBG funding. There is a budget of \$735,000 and change. They listed all the requests that were submitted. All items could be funding for the exception of one.

Councilman Cahoon stated that he did reach out to Mr. Bacharach to ensure the process was fair in getting the word out, getting proposals and evaluating them.

Councilman Cahoon thanked Mr. Bacharach for his work in this area.

Please note at this time, the Council did vote on item XIII. (a) 2.

Councilwoman Sousa voted to reward funding for all items that were recommended by David Bacharach for a total of \$735,234.00 for the 2019-2020 CDBG funds.

Councilman Cahoon seconded the motion.

Motion passes unanimously.

VIII. COUNCIL MEMBER COMMUNICATIONS

a) **Notification of Pending Remediation Project (200-210 Massasoit Avenue) –Discussion Only** (Council President Britto)

More of an update that this address has a building that is being demolished. That is Phase I. Contract is currently seeking a permit from DEM. Once that building is down they will be doing remediation under the surface. Council President Britto is considering having a community meeting. Possible stench would be in the air with the remediation takes place. Not hazardous, but that is what you could be smelling.

b) Speeding Issues in Neighborhoods-Discussion Only

(Council President Britto)

Council President addressed the increasing issue in our city regarding speeding and will be working with the mayor in hope to find remedies that involve the police department as well. Marc Furtado, a representative from the Mayor's office stated that they are completely on board with supporting this issue. Council Vice President Rodericks, Councilwoman Sousa, Councilman Mourato all expressed concern about the speeding issue as well.

c) IT Department Budget Findings – Discussion Only

(Councilman Cahoon)

Councilman Cahoon spoke regarding the financial spending regarding IT services and products. Currently for email servers, the City is paying about \$35,000. After research from the City Clerk, Samantha Burnett, other municipalities does use Gmail. He understands the police department cannot use Gmail, but perhaps they can do a different arrangement regarding email.

d) Chapter 8, Article VI: Solicitors/Door to Door – Discussion Only

(Councilman Cahoon)

Councilman Cahoon brought up the possible need to have a different process for increasing the accountability to solicitors, possibly violations.

e) Coyote 5K Race Announcement – Discussion Only

(Councilman Mourato)

Taking place on June 15th at 8:00 a.m. Early registration online.

f) Department Heads Aid to Inquiry for Council Legislation (Charter Inquiry) – Discussion Only

(Councilman Mourato)

Councilman Mourato offered the two suggestions of reconvene the Charter Commission or putting on the special ballot to change the language in the Charter to allow department heads to interact and respond to inquiries with the City Council without repercussion. Solicitor Marcello will be providing additional information to the Council regarding advice on how to amend the Charter. Section 13-11 was referenced to this scenario. Solicitor Marcello also referenced the state constitution to amend as well. Councilman Cahoon asked for clarification that the constitution does state that legislation does have the ability and right to do this. Solicitor Marcello agreed that was correct. Councilman Mourato asked if we reconvene the Charter Commission, do we pick new members or bring the same members back? That is up for discussion as well. Council Vice President reiterated that whatever we do it has to be a vote of the public. The question is the road that gets us there, but he does not want to reconvene the Charter Commission. He is not in favor of that. Councilman Mourato stated that some of the changes that he would like to see be made are small changes and that some of these are dated back to the 1970's and may need to be changed.

g) Green LLC Presentation Follow Up – Discussion Only

(Councilman Mourato)

Not addressed

h) 2019 East Providence Day of Portugal Flag raising event – Discussion Only

(Councilwoman Sousa)

Not addressed

i) City Financial Status Update and YTD Spending – Discussion Only

(Councilwoman Sousa)

Councilwoman Sousa said that it's important that we keep ourselves abreast of the City's spending, where the money is being spent, projects still pending and see what is going on. Due to ongoing email issues she did not receive all of the information and it is hard to have a conversation when you don't have all of the information available. Councilman Cahoon stated that the Charter states that we do a six month review for budget and it is past that point.

Councilman Cahoon said that the right now it is at summary level. He also stated that having access to detail at the level of department spending, we can find where were are hot and where we are cold in order to make the proper adjustments. At this time they will only have 45 days and this might be something that we dedicate a meeting to. Councilwoman Sousa agreed that we need enough time to vet these things out. She stated last year there were about four sessions, three were made because they felt they didn't need the fourth. She did state that she needs adequate to look through the information and prepare.

Marc Furtado, who spoke on behalf of the Mayor's office referenced the Charter and the 45 days prior to the start of the new budget season and to ensure delivery of this budget proposal to the Council. Mr. Furtado said just now they are addressing the capital projects and that it is a process, but it is a priority to get the Council the budget process sooner than the 45 days.

Council Vice President Rodericks wanted clarification of the Charter about "where the buck stops". Solicitor Marcello stated that it stops with the Council, the Mayor can approve or reject. But the Council can override it with super majority.

Tentative dates for budget work session so far are set for:

June 27th at 7:00 p.m.

Mr. Furtado requested that they receive notice of which department the Council will be addressing, so they can prepare.

XII. CONTINUED BUSINESS 

a) Sewer Abatement Process and Discussion

(Councilman Mourato)

Councilman Mourato stated that it is very important that he receives feedback from everyone.

The first topic was Section 17-183 referenced and discussed.

Councilman Cahoon and Councilman Mourato spoke about a proper lookback period and the change of consumption. Councilwoman Sousa referenced a few different perspectives that could affect change of usage as well.

XIII. NEW BUSINESS

a. REPORTS OF OTHER CITY OFFICIALS

1. City Solicitor, Michael J. Marcello - Claims Committee Report

Claims Committee met to discuss new claims (please see the Item II (A) (B) (C) and (D)

Motion made by Council Vice President Rodericks to approve the report, seconded by Councilwoman Sousa. Motion passes unanimously.

2. CDBG 2019-2020 HUD Award Budget Recommendations

(David Bachrach, Community Development)

PUBLIC HEARING

FOR VOTE

Councilwoman Sousa voted to reward funding for all items that were recommended by David Bacharach for a total of \$735,234.00 for the 2019-2020

XIV. RESOLUTIONS

- a) **RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE THE INTERMUNICIPAL AGREEMENT BETWEEN THE TOWN OF SEEKONK, MASSACHUSETTS AND THE CITY OF EAST PROVIDENCE, RHODE ISLAND**
(By request from the Administration)
DISCUSSION ONLY

Fire Chief Elmasian was present to discuss this item and answer questions from the Council.

This is solely for the use of the East Providence training for interdepartmental training, but also make sure that there is a liability on the city side. Solicitor Marcello addressed the Council to advise the legal standpoint of this resolution, being that this is extra coverage for us.

- c) **RESOLUTION IN HONOR OF MILLER'S ROAST BEEF FOR ITS RECOGNITION AS THE JEFFREY BUTLAND FAMILY OWNED SMALL BUSINESS OF THE YEAR**

(Councilwoman Sousa)

FOR VOTE

Item tabled by Council President.

Councilwoman Sousa made the motion extend the meeting 15 minutes. Seconded by Councilman Mourato. Motion passes unanimously.

- d) **RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT FOR PROFESSIONAL SERVICES FOR THE STRATEGIC ASSESSMENT OF WASTEWATER OPERATING CONTRACT AND WHOLESALE SERVICE PROJECT**
(By request from the Administration)
DISCUSSION ONLY

Fire Chief Elmasian was present to discuss this item and answer questions from the Council. After an inspection of one of the fire trucks and was told that this particular fire truck needs to be taken off the road. The City cannot go to the manufacturer for this due to a previous agreement made. Council President Britto did make mention that this is not up for a vote and would like more time to vet it out in a proper manner.

Councilman Cahoon made the motion to extend the meeting by 15 minutes. Council Vice President Rodericks seconded the motion.

Motion passes unanimously.

Councilman Mourato asked for clarification regarding the purchase. Chief Elmasian stated that this is a bidding process. Councilwoman Sousa asked about the previous monies that were approved and the need for clarification. Chief Elmasian responded saying that the monies previously approved was not enough. Councilman Cahoon did mention that he would be willing to sponsor should the resolution arise.

Councilwoman Sousa made a motion to extend the meeting by another 15 minutes. Seconded by Councilman Cahoon. Motion passes unanimously.

- e) **RESOLUTION AUTHORIZING THE MAYOR TO ALLOCATE THE CAPITAL IMPROVEMENT ACCOUNT FOR THE PURCHASE OF A USED LADDER TRUCK FOR THE FIRE DEPARTMENT**
(By request from the Administration)
DISCUSSION ONLY

Councilman Cahoon moved to approve the resolution. Council Vice President Rodericks seconded the motion. Council Vice President questioned about if the taxes have been paid. Solicitor Marcello stated that he believes they are about over one year in back taxes. Conversation was had with the Council, and Solicitor Marcello's opinion is that he doesn't qualify for current exemptions in the Rhode Island statutes.

Motion fails 2-3.

Cahoon – aye

Mourato-nay

Sousa-nay

Rodericks-nay

Britto-aye

- f) **RESOLUTION IN SUPPORT OF PROPOSED LEGISLATION ALLOWING THE HERITAGE HARBOR FOUNDATION PERMANENT EXEMPTION FROM TAXATION**
(Sponsored by: Council President Britto)
FOR VOTE

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

XVI. ADJOURNMENT - FOR VOTE

Councilman Cahoon motions to adjourn. Council Vice President Rodericks seconds the motion.

Motion passes unanimously. Adjournment.

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

RESOLUTION NO.

RESOLUTION IN HONOR OF MILLER'S ROAST BEEF FOR ITS RECOGNITION AS THE JEFFREY BUTLAND FAMILY OWNED SMALL BUSINESS OF THE YEAR

WHEREAS, Miller's Roast Beef co-founders, Henry and Ruby Miller decided to follow their entrepreneurial dream of owning and operating their own restaurant in their community; and

WHEREAS, Miller's Roast Beef is a third-generation family business that opened its doors in 1972, and

WHEREAS, to this day, Miller's Roast Beef is still a family-owned and operated restaurant franchise business. Henry and Ruby's daughter Ruth (Miller) Graham and her husband Roger Graham, Sr. took over running the restaurant and were involved with the business until 2010; and

WHEREAS, in 2010, Roger Graham, Jr. and wife Gwendolyn Graham, who were both already involved with Miller's, decided to expand from their first East Providence location to a second location in Attleboro, Massachusetts; and

WHEREAS, Miller's Roast Beef strives to give back to as many causes as possible, specifically to help children and the military. Members of the next generation and Americans who have served our country have a special place in the hearts of the Miller's Roast Beef family; and

WHEREAS, Miller's Roast Beef also partners with community members by collaborating in larger benefits. One example is Miller's partnership with the East Providence Police Department every year by donating to the department's fundraiser for the Special Olympics called the Polar Plunge. They also sponsor and donate to the East Providence Central Little League, the Hennessey School Chance to Dance, the East Providence Chorus, the East Providence High School Yearly Book Scholarship, the Boys & Girls Club of East Providence, and regularly donate to any gift card requests, dining fundraisers, etc. for the East Providence schools.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of East Providence hereby honors Miller's Roast Beef for its recognition as the Jeffrey Butland Family Owned Small Business of the Year from the Rhode Island Small Business Administration.

Adopted by the City Council: _____

Attest:

City Clerk of East Providence, Rhode Island

Introduced by: Councilwoman Sousa