

CITY OF EAST PROVIDENCE

DOCKET—REGULAR COUNCIL MEETING

TUESDAY, MAY 7, 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

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)

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) Pending Claim

Richard E. Kirby

RM No. 16-119, Claim No. 19-038


Status Update

D) New Claims – FOR THE VOTE

1. BRUCE & GEORGE ABRAMS
2. DAVID AMARAL
3. PRISCILLA CARVALHO
4. ANTONIO DaCOSTA
5. GAIL CHUNG HICKS
6. ADELIA PANDOLFI
7. THELMA PELTIER
8. MICHELLE PIERSON

E) SEWER CHARGE ABATEMENTS – FOR THE VOTE

1. ROBYN BOUDREAU
2. ALBERTINA COELHO
3. JON DIGRANES
4. RICHARD FISHPAW
5. ARTHUR FRANCIS
6. MARY J. LYONS
7. JUSTINA PINA
8. DAVID RIVET

III. OPEN SESSION Motion to seal the minutes from Executive Session by Council Vice President Rodericks. Seconded by Councilwoman Sousa. Motion passes unanimously. 

IV. PLEDGE OF ALLEGIANCE

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. Council Journals

B. Cancellations/Abatements

C. Tent License

EAST PROVIDENCE HERITAGE DAYS

Alba Curti

610 Waterman Ave 02914

D. Carnival License –
EAST PROVIDENCE HERITAGE DAYS
Alba Curti
610 Waterman Ave 02914

E. Special Event – Alcoholic Beverage – Class F-1 (fee waived)
EAST PROVIDENCE HERITAGE DAYS
Alba Curti
610 Waterman Ave 02914

Motion to approve the consent calendar by Council Vice President Rodericks. Seconded by Councilman Mourato. Motion passes unanimously.

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

a) **Peddler’s License – PALAGIS 2000, INC**

Carlos Alberto Aboleda N.
55 Bacon Street, Patwucket, RI 02860

Party was present before the Council and sworn in by Council President Britto. Applicant’s paperwork is complete with the City Clerk. No questions were asked. No concerns. Motion to approve by Councilman Cahoon. Seconded by Councilwoman Sousa. Motion passes unanimously.

b) **Hawker License – PHANTOM FIREWORKS EASTERN REGION, LLC.**

Joshua Nielsen
141 Newport Avenue, 02916

Party was present before the Council and sworn in by Council President Britto. Applicant’s paperwork is complete with the City Clerk. No questions were asked. No concerns. Councilman Cahoon asked about the location. Mr. Nielsen stated that everything will be located inside the old Uncle Tony’s restaurant and that there was a container for storage that is in alignment with fire code. Mr. Nielsen stated that there has been no previous issues. Council Vice President Rodericks made the motion to approve. Councilwoman Sousa seconded the motion. Motion passes unanimously.

c) **Victualing License, Class 3 – JAYA’S RESTAURANT/MAHANADI INDIAN RESTAURANT**

DBA JAYA’S RESTAURANT
MARIMUTHU MUNIYASAMY
615 Waterman Avenue, 02914

Party was present before the Council and sworn in by Solicitor Marcello. Applicant’s paperwork is complete with the City Clerk. Councilman Cahoon asked if c and d could be bundled for approval. Solicitor Marcello stated that was fine. Councilman Cahoon made the motion to approve. Motion seconded by Councilwoman Sousa. Motion passes unanimously.

d) **Holiday Sales License – JAYA’S RESTAURANT/MAHANADI INDIAN RESTAURANT**

MARIMUTHU MUNIYASAMY
615 Waterman Avenue, 02914
See notes under Item d.

VII. **LICENSES REQUIRING PUBLIC HEARING – FOR THE VOTE** 

i) **BV License – EL MARIACHI**

736 North Broadway, 02914
Magallan, Inc.
Jose Lopez

Party was present before the Council and sworn in by Solicitor Marcello. Applicant’s paperwork is complete with the City Clerk. Public hearing time for comment offered three times by Council President Britto. No parties approached for public hearing. Motion to approve by Council Vice President Rodericks. Motion seconded by Councilwoman Sousa. Motion passes unanimously.

VIII. **COMMUNICATIONS** 

i) 10th Annual Brown Play School 5K Run Approval (May 19, 2019)

FOR THE VOTE
(Zachary Pereira)

Party was present before the Council. Police has been contacted and approved. Councilwoman Sousa asked about the route. Mr. Pereira stated that it is the same route as the Freaky 5k. Motion to approve by Councilwoman Sousa. Motion seconded by Councilwoman Sousa. Motion passes unanimously.

ii) Green, LLC Presentation on Green Energy Credits

Party was presented before the Council with product information on their energy credit program. Marc Furtado introduced Green LLC, at the request of the mayor, and before they enter negotiations, they were presented to the Council to answer any questions. Council President Britto made mention that this is only for discussion only and not for a vote. Hannah Marini and Tara Pinici were presenters from Green LLC.

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. **George Smith spoke on “Comments and Questions” – Spoke regarding the water system and how come there wasn’t any public comment offered on it. President Britto did mention that it was open for public comment. City Clerk, Samantha Burnett, confirmed that it was open for public comment and that she can provide a reference point in the last meeting to which it was offered. Questions were asked by Mr. Smith regarding the interconnections for the Bristol County Water Authority. Both Solicitor Marcello, Councilman Mourato and Council President Britto addressed Mr. Smith’s inquires to the best of their ability.**

2. **Jason Rafferty spoke on , “Wire Drop – Riverside Renaissance Movement and “Waterfront Commission”**

3. **K. Eric Drop spoke on two items: “Wire Drop” and the “Waterfront Commission”**

IX. APPOINTMENTS – FOR VOTE

a) Melissa Spurr – Economic Development Commission

(Sponsored by: Councilman Cahoon)

Unanimous consent made to move this before the Green LLC presentation.

Councilman Cahoon presented, as this is a mayoral appointment with Council approval.

Motion to approve Ms. Spurr's appoint made by Councilman Cahoon. Motion seconded by Councilman Mourato. Motion passes unanimously.

X. COUNCIL MEMBER COMMUNICATIONS

a) Waterfront Commission Discussion-Status and Project Updates

(Council Vice-President Bob Rodericks)

Bill Fazioli, Chairman-Waterfront Commission

Bill Fazioli, Chairman-Waterfront Commission, Diane Feather, Acting Planning Director and Executive Director –Waterfront Commission, Pamela Sherrill presented to the Council. Council Vice President Rodericks introduced the topic. Mr. Fazioli updated the projects such as Colonial Mills moving to Rumford, Residences at Bold Point, Kettle Point, University Orthopedics and Bold Point Concert Series.

b) Rhode Island Ethics Commission Training – Code of Ethics

(Council President Britto)

Council President Britto stated it would be good for the Boards and Commissions and elected officials within the City to have a 45 minute- 1 hour presentation on Rhode Island Ethics through the Ethics Commission.

c) City Council/Mayor Charter Provisions and Legal Interpretation

(Councilman Cahoon)

Councilman Cahoon spoke on the various items that were presented themselves in most recent Council meetings. Concerns with the Solicitor's memo, Councilman Cahoon had a difference in opinion than the City Solicitor and did not read the Charter the same way. Councilman Cahoon has sat down with the Mayor to discuss this and hear his concerns. Councilman Cahoon mentioned that this is something to resolve this is nothing short of a resolution, ordinance, or memorandum of agreement and proposed that the Council talk through this, sit down, list the things that they are looking for and sit with the mayor and do the same. Councilman Cahoon did suggest that it may be a good idea for both the Council and Mayor have their own individual counsel for this scenario.

d) Department Heads Aid to Inquiry for Council Legislation (Charter Inquiry)

(Councilman Mourato)

Councilman Mourato spoke regarding the importance of having department heads consistently being available for Council meetings as needed, as they provide additional insight to helping the Council formulate legislation. Out of 20 municipalities asked about this scenario of requesting department heads at meetings, they all allow this. After discussion with the Mayor and other members of the Council, they decided to keep this item in mind and what can be done to resolve the concerns by both the Mayor and Council.

e) Police Department Accreditation Process for East Providence

(Councilman Mourato)

Councilman Mourato stated that deductibles will go up for any police department that is not accredited. For East Providence, this will look like a deductible increase of \$2,500 to \$75,000 per incident involving a police officer.

Marc Furtado stated that it has been in the works for the last 18 months, according to Chief Nebus. Five people are assigned to the accreditation process. No finishing date was known.

f) Riverside Power Drop for Community Events

(Councilman Mourato)

Councilman Mourato thanked Steve Coutu and Riverside Renaissance Movement for their assistance.

g) Constituent Concerns Regarding Public Traffic Safety

(Councilwoman Sousa)

Deferring to next council meeting for further discussion. This item came as a request from constituents. John, Mary Street and Taunton Avenue were discussed. Councilwoman Sousa mentioned possibly erecting "wrong way" or "one way" signs. Six accidents have happened from Waterman Avenue to the Family Dollar Store just this year alone.

h) 2019 East Providence Day of Portugal Flag raising event

(Councilwoman Sousa)

Please see the Resolution Item C for the discussion.

i) Rumford Bake Off at Hunt's Mills – May

(Council President Britto)

Sunday, May 12, 2019 is the date of the bake off, with over 47 adults and 12 children have registered for this event. Open House for the new Educational Center will be going on during this time.

j) National Nurses Week – May 6-12, 2019.

(Councilwoman Sousa)

Councilwoman took a moment to recognize the nurses in our community, naming the school nurses in the school district and the Senior Center and thanking them for their service.

k) K-Rob Plaque Dedication Announcement

(Council Vice President Rodericks)

Council Vice President Rodericks announced the Ceremony along with the Winterfest Committee. Saturday, May 18, 2019 at noon at Ona Moniz Park.

XI. ORDINANCES

a) SECOND PASSAGE AND PUBLIC HEARING:

AN ORDINANCE IN AMENDMENT OF CHAPTER 7 OF THE REVISED ORDINANCES OF THE CITY OF EAST PROVIDENCE, RHODE ISLAND, AMENDED, ENTITLED "HEALTH AND SANITATION" – FOR THE VOTE

Councilwoman Sousa spoke on this ordinance, with a 6 month "phase out" of plastic take out bags.

George Smith, resident, exercised his public comment right to speak on this ordinance. Three offers were offered for public comment by Council President Britto. No other approached the podium to speak. Public comment was then closed.

Council discussion to

Councilwoman Sousa made a motion to approve the ordinance as stated. Motion seconded by Council Vice President Rodericks. Motion passes unanimously.

MOTION TO EXTEND THE MEETING BY 15 MINUTES (PAST 10:00 P.M.) BY COUNCILWOMAN SOUSA, SECONDED BY COUNCILMAN MOURATO.
MOTION PASSES UNANIMOUSLY.

b) **AN ORDINANCE IN AMENDMENT OF CHAPTER 13 OF THE REVISED ORDINANCES OF THE CITY OF EAST PROVIDENCE, RHODE ISLAND, 1998, AS AMENDED, ENTITLED "PUBLIC PLACES" – FOR THE VOTE**

(Sponsored by: Council President Britto)

SEE ATTACHED FOR FULL ORDINANCE

Michael Carlozzi, Director of Library Services was present. This ordinance's intention was to allow the Board of Trustees for the Library sets the fines/fee structure. Question posed by Councilwoman Sousa for clarification of the ordinance. Solicitor Marcello responded to her question. Motion to approve made by Council Vice President Rodericks. Seconded Councilwoman Sousa. Motion passes unanimously.

c) **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" – FOR THE VOTE**

(Sponsored by: Councilwoman Sousa and Councilman Cahoon)

Motion made by Councilwoman Sousa to table the ordinance to a later date, to allow ample time to discuss. Seconded by Councilman Mourato. Motion passes unanimously.

SEE ATTACHED FOR FULL ORDINANCE

XII. CONTINUED BUSINESS

a) **Bristol County Water Authority Pipeline Alternatives – FOR THE VOTE**

(Council Vice President Rodericks)

Steve Coutu, Director-Department of Public Works for the City of East Providence was present to answer any remaining questions. This discussion in conjunction with Item 14, Resolution, Item D. Please refer to that item for the record of the vote.

b) **Sewer Abatement Process and Discussion**

(Councilman Mourato)

Councilman Mourato tabled discussion to a future session.

XIII. NEW BUSINESS

a. **REPORTS OF OTHER CITY OFFICIALS**

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

XIV. RESOLUTIONS

a) **RESOLUTION AUTHORIZING ADDITIONAL FUNDING ASSOCIATED WITH THE RUNNINS RIVER--WARREN AVENUE CULVERT PROJECT – FOR THE VOTE**



(Councilwoman Sousa)

Councilwoman Sousa invited Mr. Coutu to the podium to speak on the nature of the resolution. Mr. Coutu stated that most of the work has been done on this project. J.H. Lynch is scheduled to begin on July 15, 2019, which they are anticipating a low flow period. All permits are in place. Meeting with Town of Seekonk is scheduled in the next week. Councilwoman Sousa motioned to approve this resolution. Motion was seconded by Council Vice President Rodericks. Motion passes unanimously.

SEE ATTACHED FOR FULL RESOLUTION

b) **RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE THE SOLID WASTE AND RECYCLING SERVICES AGREEMENT BETWEEN THE RHODE ISLAND RESOURCE RECOVERY CORPORATION AND THE CITY OF EAST PROVIDENCE – FOR THE VOTE**

(Council President Britto)

RI Resource Recovery enter into a contract agreement with municipalities, negotiation did occur with our City, saving about \$30,000. City Solicitor Marcello confirmed the review of the contract.

Motion to approve by Council Vice President Rodericks. Seconded by Councilman Cahoon. Motion passes unanimously.

SEE ATTACHED FOR FULL RESOLUTION

c) **RESOLUTION IN CELEBRATION OF THE DAY OF PORTUGAL –FOR THE VOTE**

(Councilwoman Sousa)

Councilwoman Sousa announced this will be the 3rd year East Providence will be celebrating with the State of Rhode Island to celebrate the Day of Portugal, which is Monday, June 3, 2019 at 11:30 a.m. the event is open to the community. Traditional pastries, flag raising and a celebration of the Portuguese ancestry.

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

SEE ATTACHED FOR FULL RESOLUTION

d) **RESOLUTION ESTABLISHING A WATER TRANSMISSION INTERCONNECTION BETWEEN THE BRISTOL COUNTY WATER AUTHORITY AND THE CITY OF EAST PROVIDENCE**

(Sponsored by: Council President Britto, Council Vice President Rodericks, Councilman Cahoon, Councilman Mourato, Councilwoman Sousa)

Councilman Cahoon stated that the item the Council seemed to move forward on, in the best interest of the City was Option 3. Councilman Cahoon made the motion to approve. The motion was seconded by Councilman Mourato. Motion passes unanimously.

XV. **Reconvene in Executive Session (if necessary) to Complete Items Under Section II, Executive Session**
Councilman Cahoon made the motion to reconvene into Executive Session. Prior to the vote, Councilwoman Sousa thanked and recognized the teachers in our community during Teacher Appreciation Week.
Motion seconded by Council Vice President Rodericks. Motion passes unanimously.

XVI. **ADJOURNMENT - FOR THE VOTE**
Motion to adjourn made by Councilman Cahoon, seconded by Council Vice President Rodericks. Motion passes unanimously. Meeting adjourned.

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 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

CHAPTER

AN ORDINANCE IN AMENDMENT OF CHAPTER 13 OF THE
REVISED ORDINANCES OF THE CITY OF EAST PROVIDENCE,
RHODE ISLAND, 1998, AS AMENDED, ENTITLED "PUBLIC PLACES"

THE COUNCIL OF THE CITY OF EAST PROVIDENCE HEREBY ORDAINS:

SECTION I. Article IV entitled "Library" of Chapter 13 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled "Public Places" is amended by **deleting** therefrom Sec. 13-161 entitled "Library fees".

Sec. 13-161. Library fees.

The fees for overdue library material are hereby fixed as follows:

- (1) — Books (per day).....\$0.10
- (2) — Audio books (per day).....0.10
- (3) — CD's, videos, DVD's (per day).....2.00
- (4) — Museum passes (per day).....5.00
- (5) — Miscellaneous library fees:
 - a. — Printing from computers (per page)..... 0.15
 - b. — Library card replacement.....1.00
 - c. — Use of meeting room (plus custodial fee).....75.00

SECTION II. 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 at 7:00 PM for consideration of
final passage; and adopted

Attest:

City Clerk of the City of East Providence, Rhode Island

Introduced by: Council President Britto

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CITY OF EAST PROVIDENCE

CHAPTER

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"

THE COUNCIL OF THE CITY OF EAST PROVIDENCE HEREBY ORDAINS:

SECTION I. Sec. 14-40 entitled "Removal of snow and ice" of Article III entitled "Sidewalks" 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. 14-40. Removal of snow and ice.

(a) *Definitions.* For the purpose of this section, the following definitions shall apply:

(1) *Sidewalk* means any portion of the sidewalk area which has been made smooth by the application of cement, concrete, asphalt, brick, or other substance, or compacted and made smooth.

(2) *Sidewalk area* means that portion of the street between the property line and the curb line of the street which is set aside, laid out or used for pedestrian traffic.

(3) *School pedestrian area* means any sidewalk or sidewalk area abutting within two-hundred (200) feet of the property on which any public or private school resides.

(4) *Curb cut* means any break in the curb line between a sidewalk or sidewalk area, a street, highway or public place.

~~(b) —Removal of snow and ice required. The owner, occupant or any person having the care of any building or lot of land bordering on any street, highway, square or public space within the city where there is a sidewalk shall, within the first 24 hours after any snow has ceased to fall, remove the snow and ice from said sidewalk.~~

~~(c) —Depositing snow. Snow and ice removed from a sidewalk, private yard or private driveway shall not be thrown or deposited on any street, sidewalk or any real property of another property owner.~~

~~(d) — Penalties. All violations of this section shall be subject to a written warning placed upon the front entrance of the property for a first offense following the 24 hour period after any snow has ceased to fall. A fine of \$25.00 for a second offense, and a fine of \$75.00 for a third and subsequent offenses. If snow and ice is not cleared following 48 hours after any snow has ceased to fall, and a written warning has been issued, a fine of \$25.00 will follow. If snow and ice is not cleared following 72 hours after any snow has ceased to fall and the issuance of a written warning, a fine of \$75.00 will follow. Any additional 24 hour periods beyond the first 72 hours will be followed with an additional \$25.00 fine for each day snow and ice remains on the sidewalk.~~

(b) All owners or persons having care of any property bordering any street, highway, or public place within the city shall, within the first 24 hours after the end of any snowfall, or the fall or deposit of snow and ice on the sidewalk or sidewalk area bordering said property, from any cause whatsoever shall:

(1) Remove, or cause to be removed all snow or ice from a path not less than three (3) feet in width from the entire length of said sidewalk or sidewalk area.

(2) Remove, or cause to be removed all snow or ice from any curb cut in said sidewalk or sidewalk area.

(3) For corner lots, remove or cause to be removed all snow or ice from a path not less than three (3) feet in width, extending the length of the sidewalk or sidewalk area, and including the street curbs occurring at the intersection forming the street corner.

(4) Remove, or cause to be removed all snow and ice from a path not less than three (3) feet in width from any street curb abutting a painted crosswalk.

(5) Remove or cause to be removed all snow or ice deposited on or within one (1) foot of any fire hydrant on the sidewalk or sidewalk area bordering said property.

(6) Not cause any snow or ice removed from any sidewalk, sidewalk area, curb cut, street curb, or driveway to be deposited in any street, highway or public place; or upon a sidewalk or sidewalk area bordering another owner's property.

(7) Treat any such area from which snow or ice has been removed with sand, salt or other suitable material.

(c) Penalties for violation. All violations of this section shall be subject to a written notice issued by the city, placed upon the property in violation of this ordinance. Issued notices will be accompanied by fines as follows:

(1) If snow and ice is not cleared in accordance with this section within the first 24 hours after the end of any snowfall, or the fall or deposit of snow or ice, the property owner shall be fined \$25.00.

(2) For the first 24-hour period occurring after a written notice is issued that snow and ice is not cleared in accordance with this section, the property owner shall be issued a second notice, and fined an additional \$75.00.

(3) For each 24-hour period occurring after a second notice is issued that snow and ice is not cleared in accordance with this section, the property owner shall be issues an additional notice and fined an additional \$25.00.

(4) For all violations of this section occurring within a school pedestrian area, the fines established within subsection (c) of this ordinance shall be doubled.

(d) Hardship. Any owner or person having care of any property bordering any street, highway, or public place within the city, who is physically incapable of removing snow or ice, or who lacks the financial means to pay for the removal of snow or ice in accordance with this section, may apply to the Director of Public Works for a hardship waiver from this ordinance. Upon such application, the Director of Public Works will recommend approval or denial of the hardship waiver to the City Council. The City Council shall approve or deny the hardship waiver.

(e) If said owner or person having care of any property bordering any street, highway, or public place within the city is physically disabled or has a prior medical condition that would prevent him or her from shoveling snow and/or is unable to shovel snow, no fine shall be imposed for failing to remove snow if said owner or person having care of any property provides the City with a letter from his or her doctor attesting to the fact that the person is physically unable to shovel snow. At which time, a request for community service can be offered and provided, if available.

(f) City discretion. The city may at its discretion remove the snow and ice from the sidewalk if the owner, ~~occupant~~ or person refuses to comply with subsection (b), or if the owner or person has been granted a hardship waiver in accordance with subsection (d). If the city and/or its agents remove the snow and ice, the city may recover the actual costs of such removal from the property owner or person having the care of the property, unless such person has been granted a hardship waiver in accordance with subsection (d).

SECTION II. 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
hearing and consideration of final passage; and adopted

at 7:00 P.M. for a

Attest:

City Clerk of the City of East Providence, Rhode Island

Introduced by: Councilwoman Sousa & Councilman Cahoon

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CITY OF EAST PROVIDENCE

RESOLUTION NO.

**RESOLUTION AUTHORIZING ADDITIONAL FUNDING
ASSOCIATED WITH THE RUNNINS RIVER--WARREN AVENUE
CULVERT PROJECT**

WHEREAS, significant flooding events have occurred within the State Street neighborhood due to lack of capacity of the Warren Avenue culvert; and

WHEREAS, on September 19, 2018, the City of East Providence and the Town of Seekonk, Massachusetts entered into a Maintenance Agreement regarding the Runnins River--Warren Avenue Culvert Project; and

WHEREAS, the Agreement sets out the terms and conditions of the City's installation of certain drainage facilities being two (2) culverts and related appurtenances across a portion of the road located within the Town of Seekonk near the Runnins River for the purpose of draining water; and

WHEREAS, the project was scheduled to commence in Summer of 2018 but the contractor was unable to secure a road opening permit from the Town of Seekonk until late October and the project was postponed until the Summer of 2019; and

WHEREAS, the change order for all of the additional engineering and construction changes in the amount of \$118,720.00 increases the contract amount from \$944,169.30 to \$1,062,889.30; and

WHEREAS, part of the funding for this project came from a R.I. Department of Environmental Management grant.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of East Providence hereby authorizes the Mayor to enter into the necessary contract(s) in an amount not to exceed \$118,720.00 for the Runnins River--Warren Avenue Culvert Project.

Adopted by the City Council: _____

Attest:

City Clerk of East Providence, Rhode Island

Introduced by: Councilwoman Sousa

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CITY OF EAST PROVIDENCE

RESOLUTION NO.

**RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE
THE SOLID WASTE AND RECYCLING SERVICES AGREEMENT
BETWEEN THE RHODE ISLAND RESOURCE RECOVERY CORPORATION
AND THE CITY OF EAST PROVIDENCE**

WHEREAS, the current Solid Waste and Recycling Services Agreement with Rhode Island's cities and towns will expire as of June 30, 2019; and

WHEREAS, Rhode Island Resource Recovery Corporation has worked with public works directors and recycling coordinators to update the Agreement for FY 2020 and 2021; and

WHEREAS, the Agreement is a standard contract that allows municipalities to deliver solid waste to the Rhode Island Resource Recovery Corporation for disposal and sets the disposal/tipping fees for same.

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 execute the Solid Waste and Recycling Services Agreement with the Rhode Island Resource Recovery Corporation beginning on the date of execution and ending on June 30, 2021.

Adopted by the City Council: _____

Attest:

City Clerk of East Providence, Rhode Island

Introduced by: Council President Britto

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CITY OF EAST PROVIDENCE

RESOLUTION NO.

RESOLUTION IN CELEBRATION OF THE DAY OF PORTUGAL

WHEREAS, the Day of Portugal is a national holiday celebrated by the Portuguese nation every year on June 10th; and

WHEREAS, the date of June 10th also celebrates the life of Luis Vaz de Camões, Portugal's national poet, who wrote 'Os Lusíadas,' Portugal's national epic poem celebrating the memorable 15th century Portuguese historic achievements; and

WHEREAS, the Day of Portugal for the Portuguese people living abroad is the time to celebrate their heritage and ethnic pride; and

WHEREAS, the City of East Providence wishes to celebrate the contribution of the Portuguese people to the United States, the State of Rhode Island, and the City of East Providence.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of East Providence hereby proclaims the week of June 10th as a celebration of Portuguese heritage and ethnic pride by the raising and flying of the Portuguese flag at East Providence City Hall each and every year during this period in celebration of the Day of Portugal.

Adopted by the City Council: _____

Attest:

City Clerk of East Providence, Rhode Island

Requested by: Councilwoman Sousa

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CITY OF EAST PROVIDENCE

RESOLUTION NO.

RESOLUTION ESTABLISHING A WATER TRANSMISSION
INTERCONNECTION BETWEEN THE BRISTOL COUNTY WATER AUTHORITY AND THE
CITY OF EAST PROVIDENCE

WHEREAS, BCWA, at its sole expense, proposes to engineer, construct, and install a 24" water transmission main that will connect the BCWA and East Providence water systems; and

~~WHEREAS, the Bristol County Water Authority (BCWA) has proposed an interconnection with the City of East Providence's water transmission lines; and~~

WHEREAS, the establishment of a new and secure water transmission interconnection will protect the customers of the Bristol County Water Authority as well as the residents of the City of East Providence from losing their source of water if there were a failure of the current water supply or an interruption of the supply from the pipelines crossing Narragansett Bay that provide water to the BCWA, the City of East Providence and their customers; and

WHEREAS, the establishment of an interconnection between BCWA and the City of East Providence will also allow for the inspection and condition assessment of the pipelines crossing Narragansett Bay that supply the City with its source of potable water; and

WHEREAS, the City of East Providence City Council met with the BCWA on March 26, 2019, ~~and BCWA presented for their initial presentation of~~ two options for the route of the interconnection (Alternative 1 and Alternative 2); and

~~WHEREAS, the establishment of an interconnection between BCWA and the City of East Providence will allow for the inspection and condition assessment of the cross bay pipelines that supply the City with its source of potable water; and~~

~~WHEREAS, BCWA proposes to engineer, construct, and install a 24" water transmission main that will connect the BCWA and East Providence water systems at their sole expense; and~~

WHEREAS, the City of East Providence City Council held a public hearing on the BCWA's proposal on April 23, 2019 and heard public comment on the proposals.

NOW, THEREFORE BE IT RESOLVED, the City Council of the City of East Providence declares as follows:

The City Council endorses BCWA Alternative 2 as the most efficient and least disruptive route for the proposed interconnection as attached hereto.

The Mayor is authorized, acting by and through the Department of Public Works, and the Law Department, if necessary, to take all necessary steps necessary to assist the BCWA for the installation of the interconnection on the route as outlined in Alternative 2, including, but not limited to:

- Granting the BCWA all necessary easements through property owned by the City and assisting BCWA in obtaining any other easements needed, including but not limited to assistance in expanding any easements currently granted to the City within the route of Alternative 2;
- Providing traffic control during construction; and

- [Assisting with public education and notification of construction activities.](#)

The BCWA is requested to provide periodic written updates to the City Council and the Mayor, at least on a quarterly basis, on the progress of the interconnection.

This Resolution shall become effective upon passage.

Adopted by the City Council: _____

Attest:

City Clerk of East Providence, Rhode Island

Introduced by: Council President Britto, Council Vice President Rodericks, Councilman Cahoon,
Councilman Mourato, Councilwoman Sousa