

CITY OF EAST PROVIDENCE

DOCKET-CITY COUNCIL MEETING & BUDGET WORKSHOP
AMENDED

TUESDAY, SEPTEMBER 12, 2023

CALL TO ORDER: 6:30 P.M.

145 TAUNTON AVENUE-CITY COUNCIL CHAMBERS
EAST PROVIDENCE, RHODE ISLAND

EXECUTIVE SESSION: CONFERENCE ROOM A

OPEN SESSION WILL IMMEDIATELY FOLLOW EXECUTIVE SESSION

Notice: The meeting will also be viewable live at:

<https://www.youtube.com/channel/UC0YEW6s1RpjckR47VMil1LA>

City Council:

Council President, Bob Rodericks – At Large

Council Vice-President: Frank Rego – Ward 1

Councilwoman Anna Sousa - Ward 2

Councilman Frank Fogarty - Ward 3

Councilman Rick Lawson - Ward 4

City Solicitor, Michael Marcello

City Clerk, Jill Seppa

I. CALL TO ORDER

Roll Call

Councilman Fogarty _____ Councilman Lawson _____ Council Vice President Rego _____
Councilwoman Sousa _____ Council President Rodericks _____

II. SALUTE TO THE FLAG

III. EXECUTIVE SESSION

The City Council of East Providence may meet in Executive Session,
pursuant to RIGL §42-46-5 (a)(2)

A. New Claims

1. Antonio Barbosa

B. Litigation

Richard E. Kirby v. City of East Providence (PC-201906124) litigation update,
case analysis with Attorney Mark Reynolds.

IV. RECONVENE TO OPEN SESSION

Councilman Fogarty _____ Councilman Lawson _____ Council Vice President Rego _____
 Councilwoman Sousa _____ Council President Rodericks _____

V. MOTION TO SEAL EXECUTIVE SESSION MINUTES

Member	Aye	Nay
Councilman Fogarty		
Councilman Lawson		
Council Vice President Rego		
Councilwoman Sousa		
Council President Rodericks		

VI. CONSENT CALENDAR - For discussion and possible vote

A. COUNCIL JOURNALS:

1. August 15, 2023 - Regular meeting minutes
2. August 15, 2023 – Executive session Minutes
3. August 22, 2023 – Regular meeting minutes
4. August 29, 2023 – Regular meeting minutes

VII. LICENSES - For discussion and possible vote

A. Motion to bundle licenses C1-C9

Member	Aye	Nay
Councilman Fogarty		
Councilman Lawson		
Council Vice President Rego		
Councilwoman Sousa		
Council President Rodericks		

B. Motion to approve licenses C1-C9

(Discussion and possible vote)

Member	Aye	Nay
Councilman Fogarty		
Councilman Lawson		
Council Vice President Rego		
Councilwoman Sousa		

Council President Rodericks		
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C. NON-PUBLIC HEARING

1. Victualling Class III (25 seats and under)-New

Applicant name: Welington Oliveira

Business name: Imperial Picanha

Business Address: 1049-55 S Broadway

Member	Aye	Nay
Councilman Fogarty		
Councilman Lawson		
Council Vice President Rego		
Councilwoman Sousa		
Council President Rodericks		

2. Sundays and Holidays

Applicant name: Welington Oliveira

Business name: Imperial Picanha

Business Address: 1049-55 S Broadway

Member	Aye	Nay
Councilman Fogarty		
Councilman Lawson		
Council Vice President Rego		
Councilwoman Sousa		
Council President Rodericks		

3. Kennel-New

Applicant name: Megan Abreu

Business name: Chibi's Choice Dog Grooming & Supply

Business address: 141 Newport Avenue

Member	Aye	Nay
Councilman Fogarty		
Councilman Lawson		
Council Vice President Rego		
Councilwoman Sousa		
Council President Rodericks		

4. Private Detective-New

Applicant name: Andrea Powers

Business name: Powers & Assoc.

Business address: 82 County Road #34, Mattapoisett, MA 02739

Member	Aye	Nay
Councilman Fogarty		
Councilman Lawson		
Council Vice President Rego		
Councilwoman Sousa		
Council President Rodericks		

5. Special Events One Day Entertainment License

Applicant name: Captain Michael Repoza

Event: Cops and Rodders

Event Location: 750 Waterman Avenue

Entertainment: Car Show with DJ

Event Date and time: September 16, 2023 8:00am-4:00pm

Member	Aye	Nay
Councilman Fogarty		
Councilman Lawson		
Council Vice President Rego		
Councilwoman Sousa		
Council President Rodericks		

6. Road Race

Applicant: Igus (5K Family Fun Walk)

Location: Igus headquarters and Ten Mile River Greenway Path

Date and time: October 14, 2023 9:00am-2:00pm

Member	Aye	Nay
Councilman Fogarty		
Councilman Lawson		
Council Vice President Rego		
Councilwoman Sousa		
Council President Rodericks		

7. Sundays and Holidays

Applicant name: Ashish Parikah

Business name: Popeyes Louisiana Kitchen

Business address: 40 Newport Avenue

Member	Aye	Nay
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Councilman Fogarty		
Councilman Lawson		
Council Vice President Rego		
Councilwoman Sousa		
Council President Rodericks		

8. Victualling Class II (25-50 people)

Applicant name: Ashish Parikah

Business name: Popeyes Louisiana Kitchen

Business address: 40 Newport Avenue

Member	Aye	Nay
Councilman Fogarty		
Councilman Lawson		
Council Vice President Rego		
Councilwoman Sousa		
Council President Rodericks		

9. Peddler Driver

Applicant name: Andy Semedo

Business name: Semedo's Rentals (Jet Ski)

Applicant address: 50 Industrial Circle, Ste 112, Lincoln RI 02865

Member	Aye	Nay
Councilman Fogarty		
Councilman Lawson		
Council Vice President Rego		
Councilwoman Sousa		
Council President Rodericks		

D. PUBLIC HEARING

VIII. PROCLAMATIONS & PRESENTATIONS

IX. COMMUNICATIONS

Any person who submits a communication to the Council and wishes to speak on it must indicate this in writing no later than 4:00 p.m. the Thursday prior to the next regularly scheduled

Council meeting. A person who lists more than one topic on their communication will be allowed to speak on the first one listed.

1. *Nancy Hale – discussion related to safety improvements and prevention of accidents related to East Providence School Zone Cameras*
2. *William M Lewis-Water billing; usage for a restaurant, bar and other commercial properties.*

X. PUBLIC COMMENT

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

XI. APPOINTMENTS –

1. Appointment to the City Council Crescent Park Committee – Cathy Baker – Councilman Lawson

Member	Aye	Nay
Councilman Fogarty		
Councilman Lawson		
Council Vice President Rego		
Councilwoman Sousa		
Council President Rodericks		

XII. COUNCIL MEMBERS -none

XIII. PUBLIC HEARINGS – Ordinance for first and final passage and second passage - For discussion and possible vote

1. **An ordinance in the amendment of Chapter 18 of the City of East Providence, Rhode Island, 1998, as amended, entitled “Vehicles and Traffic”**

Summary: removal of No Parking, Troughton Place

Sponsor: Council President Rodericks and Councilwoman Sousa

Member	Aye	Nay
Councilman Fogarty		
Councilman Lawson		
Council Vice President Rego		
Councilwoman Sousa		
Council President Rodericks		

2. **An ordinance of the Council of the City of East Providence appropriating up to \$2,500,000 toward the renovation of the East Providence police station located at 750 Waterman Avenue**

Summary: to be funded from Federal ARPA funds.

Sponsor: Council Vice President Rego, Councilman Lawson, Councilwoman Sousa, Councilman Fogarty

Member	Aye	Nay
Councilman Fogarty		
Councilman Lawson		
Council Vice President Rego		
Councilwoman Sousa		
Council President Rodericks		

XIV. CONTINUED BUSINESS

FY 2024 Mayor Proposed Budget – Council Review

1. Workshop – Discussion Only

Link to the Mayors presented FY24 budget, printed copies are available in the Clerks office:

<https://stories.opengov.com/eastprovidenceri/published/veWMfZIm14u>

1. City Government
 - City Council
 - Mayor’s Office
 - City Clerk
 - Law
 - Canvassing
 - Capital

2. City Operations
 - Finance Controls & Accounts
 - Tax Collection
 - Tax Assessment
 - Human Resources
 - EEOC/Affirmative Action
 - Information Technology
 - Miscellaneous
 - Debt Service
 - Capital

3. Community Development
 - Planning & Economic Development
4. Community Services
 - **Recreation ***
 - **Pierce Stadium ***
 - **Carousel ***
 - **Library ***
 - **Senior Center***
5. Public Works
 - **Public Works Director***
 - **Building Inspection ***
 - **Engineering ***
 - **Highway/Parks***
 - **Streetlights***
 - **Refuse Disposal***
 - **Public Buildings ***
 - **Central Garage ***
6. Public Safety
 - Police Department
 - Animal Shelter
 - Harbormaster
 - Fire Department
 - Public Safety Communications
7. Enterprise Fund
 - **Wastewater Pollution Control ***
 - **Water Utilities***

*primarily intended to be discussed

XV. NEW BUSINESS

B. MAYOR COMMUNICATIONS

1. Alzheimer's Awareness Proclamation
2. Mayor's message of disapproval and veto of appropriation of ARPA funds for a citywide utility box art project, as passed by the City Council on August 15, 2023 entitled "An ordinance of the council of the City of East Providence appropriating up to \$50,000 for a Citywide utility box art project."
3. Mayor's message of disapproval and veto of appropriation of ARPA funds for the former Oldham school, as passed by the City Council on August 15, 2023 entitled

"An ordinance of the council of the City of East Providence appropriating up to \$1,000,000 for the former Oldham school building on Bullocks Point Avenue."

4. Mayor's message of disapproval and veto of appropriation of ARPA funds for the Pierce Field football stadium, as passed by the City Council on August 15, 2023 entitled "An ordinance of the council of the City of East Providence appropriating up to \$550,000 to replace the walking track at Pierce Field football stadium."
5. Mayor's message of disapproval and veto of appropriation of ARPA funds for a splashpad in Riverside, as passed by the City Council on August 15, 2023 entitled "An ordinance of the council of the City of East Providence appropriating up to \$200,000 for a splash pad in Riverside."
6. Mayor's message of disapproval and veto of appropriation of ARPA funds for Townie Pride Park, as passed by the City Council on August 15, 2023 entitled "An ordinance of the council of the City of East Providence appropriating up to \$450,000 for improvements to Townie Pride Park."
7. Mayor's message of disapproval and veto of appropriation of ARPA funds for sewer and drain improvements citywide, as passed by the City Council on August 15, 2023 entitled "An ordinance of the council of the City of East Providence appropriating up to \$5,000,000 for improvements to the infrastructure of sewers and drains citywide."
8. Mayor's message of disapproval and veto of appropriation of ARPA funds for placemaking citywide, as passed by the City Council on August 15, 2023 entitled "An ordinance of the council of the City of East Providence appropriating up to \$550,000 for placemaking throughout the city."

C. REPORTS OF OTHER CITY OFFICIALS

1. City Solicitor

D. REPORT OF SCHOOL COMMITTEE LIAISON

E. COUNCIL ITEMS

1. Council consideration of mayor's message of disapproval and veto of appropriation of ARPA funds for a citywide utility box art project, as passed by the City Council on August 15, 2023 entitled "An ordinance of the council of the City of East Providence appropriating up to \$50,000 for a Citywide utility box art project." – *possible vote to override- City Council*

Member	Aye	Nay
Councilman Fogarty		
Councilman Lawson		
Council Vice President Rego		
Councilwoman Sousa		

Council President Rodericks		
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2. Council consideration of mayor's message of disapproval and veto of appropriation of ARPA funds for the former Oldham school, as passed by the City Council on August 15, 2023 entitled "An ordinance of the council of the City of East Providence appropriating up to \$1,000,000 for the former Oldham school building on Bullocks Point Avenue." *possible vote to override- City Council*

Member	Aye	Nay
Councilman Fogarty		
Councilman Lawson		
Council Vice President Rego		
Councilwoman Sousa		
Council President Rodericks		

3. Council consideration of mayor's message of disapproval and veto of appropriation of ARPA funds for the Pierce Field football stadium, as passed by the City Council on August 15, 2023 entitled "An ordinance of the council of the City of East Providence appropriating up to \$550,000 to replace the walking track at Pierce Field football stadium." – *possible vote to override- City Council*

Member	Aye	Nay
Councilman Fogarty		
Councilman Lawson		
Council Vice President Rego		
Councilwoman Sousa		
Council President Rodericks		

4. Council consideration of mayor's message of disapproval and veto of appropriation of ARPA funds for a splashpad in Riverside, as passed by the City Council on August 15, 2023 entitled "An ordinance of the council of the City of East Providence appropriating up to \$200,000 for a splash pad in Riverside." – *possible vote to override- City Council*

Member	Aye	Nay
Councilman Fogarty		
Councilman Lawson		
Council Vice President Rego		
Councilwoman Sousa		
Council President Rodericks		

5. Council consideration of mayor's message of disapproval and veto of appropriation of ARPA funds for Townie Pride Park, as passed by the City Council on August 15, 2023 entitled "An ordinance of the council of the City of East Providence appropriating up to \$450,000 for improvements to Townie Pride Park." – *possible vote to override- City Council*

Member	Aye	Nay
Councilman Fogarty		
Councilman Lawson		
Council Vice President Rego		
Councilwoman Sousa		
Council President Rodericks		

6. Council consideration of mayor's message of disapproval and veto of appropriation of ARPA funds for sewer and drain improvements citywide, as passed by the City Council on August 15, 2023 entitled "An ordinance of the council of the City of East Providence appropriating up to \$5,000,000 for improvements to the infrastructure of sewers and drains citywide." – *possible vote to override- City Council*

Member	Aye	Nay
Councilman Fogarty		
Councilman Lawson		
Council Vice President Rego		
Councilwoman Sousa		
Council President Rodericks		

7. Council consideration Mayor's message of disapproval and veto of appropriation of ARPA funds for placemaking citywide, as passed by the City Council on August 15, 2023 entitled "An ordinance of the council of the City of East Providence appropriating up to \$550,000 for placemaking throughout the city." – *possible vote to override- City Council*

Member	Aye	Nay
Councilman Fogarty		
Councilman Lawson		
Council Vice President Rego		
Councilwoman Sousa		
Council President Rodericks		

F. RESOLUTIONS - For discussion and possible vote

1. Resolution authorizing city council expenditure of funds for community Fallfest and Winterfest Celebrations-*Sponsor: Councilwoman Sousa*

Member	Aye	Nay
Councilman Fogarty		
Councilman Lawson		
Council Vice President Rego		
Councilwoman Sousa		
Council President Rodericks		

2. Resolution declaring its intent for the City of East Providence to transfer ownership of certain streetlights to the state of Rhode Island Department of Transportation – *Sponsor: Council President Rodericks*

Member	Aye	Nay
Councilman Fogarty		
Councilman Lawson		
Council Vice President Rego		
Councilwoman Sousa		
Council President Rodericks		

3. Resolution authorizing the mayor to enter into a change order with MAS Building & Bridge, Inc, for additional work related to the repair of the seawall located at Crescent Park (formerly Rose Larisa Park) – *Sponsor: Council President Rodericks*

Member	Aye	Nay
Councilman Fogarty		
Councilman Lawson		
Council Vice President Rego		
Councilwoman Sousa		
Council President Rodericks		

G. INTRODUCTION OF ORDINANCES - For discussion and possible vote

1. An ordinance in amendment of Chapter 8 of the revised ordinances of the City of East Providence, Rhode Island, 1998, as amended entitled "License and Business Regulations"

Summary: Sec. 8-522 "Wreckers and Towers" with proposed regulations

Sponsor: Council President Rodericks

Member	Aye	Nay
Councilman Fogarty		
Councilman Lawson		
Council Vice President Rego		
Councilwoman Sousa		
Council President Rodericks		

XVII. ADJOURNMENT

Member	Aye	Nay
Councilman Fogarty		
Councilman Lawson		
Council Vice President Rego		
Councilwoman Sousa		
Council President Rodericks		

If communication assistance is needed or any other accommodation to ensure equal participation, please contact the City Clerk's Office at 401.435.7590 at least 48 hours prior to the meeting date.

Communications

Docket Request – Communication

Name: William M Lewis

Address: 1175 WARREN AVE

Phone: 401-787-3128

Email Address: BillyLewis2724@Icloud.com

Council Meeting Date: 9/12/2023

Agenda Item: (limit one item for discussion, per person, per Council Meeting*)

WATER BILLING USAGE FOR A RESTAURANT
BAR, PUB, ETC.

**A person who lists more than one topic on their communication will be allowed to speak on the first one listed. (Council Rules of Procedure readopted: March 19, 2019)*

Describe point in detail or attach copies of handout for Council describing point, please try to be as specific as possible. Example: "Request for a new swing set at Pierce Field" is better than "Request for new playground equipment":

Adding A Deduct Media to All Water bills
THAT DO NOT GO INTO SHITTERS -

****NOTE: Requests must be submitted to the City Clerk's Office no later than Thursday, 4:00pm, prior to the Council Meeting date you are requesting.**

Docket Request – Communication

Name: Nancy E. Hale

Address: 889 Bullock's Point Ave
E.P., RI, 02914

Phone: 401-408-0228

Email Address: NA (yet) 😊😊

Council Meeting Date: Tuesday, August 12, 2023

Agenda Item: (limit one item for discussion, per person, per Council Meeting*)

(City Safety) Sensys G... Speed cameras + FINES

ANY DATA that SAFETY is improved? ... OR NOT

For example: How many people were harmed or how many accidents occurred PRIOR to S.G. cameras v.s. NOW

*A person who lists more than one topic on their communication will be allowed to speak on the first one listed. (Council Rules of Procedure readopted: March 19, 2019)

Describe point in detail or attach copies of handout for Council describing point, please try to be as specific as possible. Example: "Request for a new swing set at Pierce Field" is better than "Request for new playground equipment":

How ARE SPEED CAMERAS actually impacting our behavior and TR

Examples: ① avoiding roads where cameras ARE

② Bus riders/Kennedy plaza (?!*)

③ ~~the~~ impact on businesses near cameras...

**NOTE: Requests must be submitted to the City Clerk's Office no later than Thursday, 4:00pm, prior to the Council Meeting date you are requesting.

④ Re: 5 million \$\$ in general fund from S.G. camera should be used to gradually phase out, each camera (1,800 to col contract per camera?) def.

Where IS

Ordinances
Second/Final Passage

STATE OF RHODE ISLAND

CITY OF EAST PROVIDENCE

CHAPTER

AN ORDINANCE IN AMENDMENT OF CHAPTER 18 OF THE
REVISED ORDINANCES OF THE CITY OF EAST PROVIDENCE,
RHODE ISLAND, 1998, AS AMENDED, ENTITLED
"VEHICLES AND TRAFFIC"

THE COUNCIL OF THE CITY OF EAST PROVIDENCE HEREBY ORDAINS:

SECTION I. Section 18-307 entitled "Parking prohibited at all times" of Article X entitled "Stopping, Standing and Parking" of Chapter 18 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled "Vehicles and Traffic" is amended by deleting therefrom the following:

Troughton Place (east side) from a point 100 feet north of Grove Avenue northerly 75 feet

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 6:30 p.m. for a hearing and consideration of final passage; and adopted _____.

Attest:

City Clerk of East Providence, Rhode Island

Introduced by: Council President Rodericks, Councilwoman Sousa

STATE OF RHODE ISLAND

CITY OF EAST PROVIDENCE

CHAPTER

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF EAST PROVIDENCE
APPROPRIATING UP TO \$2,500,000 TOWARD THE RENOVATION OF THE
EAST PROVIDENCE POLICE STATION LOCATED AT 750 WATERMAN AVENUE**

THE COUNCIL OF THE CITY OF EAST PROVIDENCE HEREBY ORDAINS:

SECTION I. An appropriation not to exceed \$2,500,000 to be funded from Federal ARPA funds to be used toward the renovation of the East Providence Police Station located at 750 Waterman Avenue.

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 6:30 p.m. for a hearing and consideration of final passage and adopted _____.

Attest:

City Clerk of the City of East Providence, Rhode Island

Introduced by: Council Vice President Rego, Councilman Lawson, Councilman Fogarty,
Councilwoman Sousa

Mayors Communications

Proclamation



For the City of East Providence by His Honor
Mayor Roberto L. DaSilva

"Alzheimer's Awareness Month"

WHEREAS, Alzheimer's disease is an irreversible and progressive brain disease that slowly erodes precious memories, thinking skills and the ability to perform simple tasks; and

WHEREAS, Alzheimer's is the 7th-leading cause of death in the United States with nearly two-thirds of those being women; and

WHEREAS, worldwide, nearly 44 million people have Alzheimer's or related dementia; and

WHEREAS, in the United States, there are 5.3 million people living with the disease; and

WHEREAS, every 66 seconds someone develops the disease and unless a cure is found, by 2050, someone will develop the disease every 33 seconds leading to as many as 16 million people with the disease; and

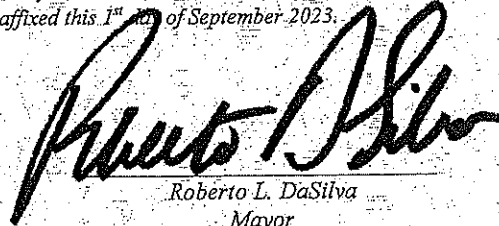
WHEREAS, the City of East Providence publicly expresses full support for all of those living with the disease and their caregivers and encourages everyone to get involved in the fight against the disease; and

WHEREAS, the City of East Providence recognizes those living in the community who may be battling the disease or its effects; and

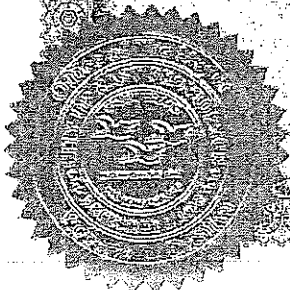
WHEREAS, we encourage all East Providence residents to take part in one of the five 2023 Alzheimer's Association "Walk to End Alzheimer's" walks in September/October, which will be held in Newport, Westerly, North Scituate, Providence and on Block Island.

THEREFORE, I, Mayor Roberto L. DaSilva, on behalf of the city of East Providence, do hereby proclaim September Alzheimer's Awareness Month and offer the City's support to those living with Alzheimer's disease.

In recognition whereof I have hereby set my hand and caused the Seal of the City of East Providence to be hereunto affixed this 1st day of September 2023.



Roberto L. DaSilva
Mayor





City of East Providence
Office of the Mayor
Roberto L. DaSilva

Sept. 7, 2023

Ms. Jill Seppa
East Providence City Clerk
145 Taunton Ave.
East Providence, RI 02914

Re: Veto

Dear Madam Clerk,

Attached please find ordinance of Chapter 894 of the Council of the City of East Providence appropriating up to \$50,000 for a citywide utility box art project, as adopted by the City Council on August 29, 2023, which I am returning to you having exercised my mayoral veto.

As required by the City Charter, I am enclosing my Message of Disapproval.

Prior to my submission, I have conferred with various members of the City Council.

Sincerely,

Roberto L. DaSilva
Mayor

CC: East Providence City Council



City of East Providence
Office of the Mayor
Roberto L. DaSilva

Sept. 7, 2023

Bob Rodericks
Council President
East Providence City Council
145 Taunton Ave.
East Providence, RI 02914

RE: Message of Disapproval

Dear Council President Rodericks and Members of the Council,

In accordance with Article III, section 3-6(b) I am returning to the City Council Chapter 894, "An Ordinance of the Council of the City of East Providence Appropriating Up to \$50,000 For A Citywide Utility Art Project" for the following reasons.

The Administration is and has been supportive of improving our City's aesthetics with the public display of art and artworks. The Ordinance proposes to allocate up to \$50,000 of federal American Rescue Plan Act money "to be used for a Citywide Utility Box Art Project."

The vast majority of the utility boxes within the City are either owned by the Rhode Island Department of Transportation or Rhode Island Energy. Permission from these entities would be needed before any such artwork could be placed on their property.

The proposed allocation, while admirable, comes before the necessary groundwork has been completed to determine its feasibility. In addition to the lack of property-owner authorization, the allocation of funds fails to identify or propose how entities or individuals would be chosen to paint the projects, whether the funds would be used to pay the artists directly and/or the costs of the supplies. Most importantly, once the boxes were painted, who would be responsible for their continued upkeep and preservation.

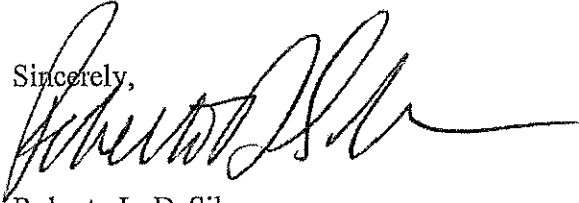
The ultimate answers to these questions would have preferably been ironed out with the assistance of administrative staff and others prior to the appropriation of any monies. No such collaboration or consultation was sought by the Council prior to the passage of the ordinances. Many of the department staffs are already engaged in other worthwhile and approved projects, and the Administration is also concerned that the City does not have the personnel to administer or oversee such an endeavor.

As the Council is aware, other communities, like the City of Pawtucket, have used Community Development Block Grant monies, to fund similar projects. The City of Providence program is run by the Avenue Concept, a separate 501c3 nonprofit, not the City. From their website, it looks like they have primarily used sponsorships to fund the program in the past.

By passing an ordinance prior to the necessary preliminary information or basic due diligence, the City has lost the necessary flexibility to use these funds, if necessary, for projects that have previously been properly vetted, undergone internal review, as well as final approval by the City Council. Additionally, as the Council is aware, these ARPA funds have a strict timeline and by sequestering these funds through an ordinance, the City is at risk of having to return the funds and also unable to use these funds to leverage future opportunities.

With these concerns in mind, I respectfully disapprove of this Ordinance and urge the City Council to sustain my veto to allow for a more thorough and collaborative process.

Sincerely,

A handwritten signature in black ink, appearing to read 'Roberto L. DaSilva', with a long horizontal flourish extending to the right.

Roberto L. DaSilva
Mayor

STATE OF RHODE ISLAND

CITY OF EAST PROVIDENCE

CHAPTER 894

AN ORDINANCE OF THE COUNCIL OF THE CITY OF EAST PROVIDENCE APPROPRIATING UP TO \$50,000 FOR A CITYWIDE UTILITY BOX ART PROJECT

THE COUNCIL OF THE CITY OF EAST PROVIDENCE HEREBY ORDAINS:

SECTION I. An appropriation not to exceed \$50,000 to be funded from Federal ARPA funds to be used for a Citywide Utility Box Art Project.

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 8/15/23 and referred to 8/29/23 at 6:30 p.m. for a hearing and consideration of final passage and adopted 8/29/23.

Attest:

Signature of Jill Seppa, City Clerk of the City of East Providence, Rhode Island

Introduced by: Councilwoman Sousa

VETO I HEREBY DISAPPROVE AND VETO. Signature of Mayor, DATE: 9/7/23

IN CITY COUNCIL FINAL READING READ AND PASSED Signature of President, PRESIDENT, CLERK



City of East Providence
Office of the Mayor
Roberto L. DaSilva

Sept. 7, 2023

Ms. Jill Seppa
East Providence City Clerk
145 Taunton Ave.
East Providence, RI 02914

Re: Veto

Dear Madam Clerk,

Attached please find ordinance of Chapter 896 of the Council of the City of East Providence appropriating up to \$1,000,000 for the former Oldham School building on Bullocks Point Avenue, as adopted by the City Council on August 29, 2023, which I am returning to you having exercised my mayoral veto.

As required by the City Charter, I am enclosing my Message of Disapproval.

Prior to my submission, I have conferred with various members of the City Council.

Sincerely,

Roberto L. DaSilva
Mayor

CC: East Providence City Council



City of East Providence
Office of the Mayor
Roberto L. DaSilva

Sept. 7, 2023

Bob Rodericks
Council President
East Providence City Council
145 Taunton Ave.
East Providence, RI 02914

RE: Message of Disapproval

Dear Council President Rodericks and Members of the Council,

In accordance with Article III, section 3-6(b) I am returning to the City Council Chapter 896, "An Ordinance of the Council of the City of East Providence Appropriating Up to \$1,000,000. For The Former Oldham School Building On Bullocks Point Avenue."

The Ordinance seeks to appropriate \$1 million dollars to be used for the roof, windows, and doors, and a feasibility study to convert the former Oldham School Building into a business incubator.

As you know, the City Council recently retook possession of the subject school from the East Providence School Department. The Administration recently issued a request for proposal seeking qualified potential developers to propose development ideas for this now defunct school.

The Administration believes it is premature to appropriate any ARPA monies for repairs or upkeep of the school which could be borne by a developer without the use of any public monies. The Administration is also aware of multiple funding sources to include historic tax credits, affordable housing tax credits, and potential grant funding opportunities that could be leveraged to make the desired updates to this building at no cost to the taxpayers of the City of East Providence while preserving ARPA funds for much needed improvements throughout the City. Furthermore, the \$1 million is being allocated without proper due diligence and without properly vetting the cost of repairs to this facility.

The Administration is committed to making sure that the building remains secure and stable while it is no longer in active use. In addition, the City is in the process of applying for an economic development grant that, if awarded, could be used in place of the appropriation already made. Prior to locking up one-time ARPA funds, the City Council should be certain that alternative funding sources have been exhausted.

By passing an ordinance prior to the necessary preliminary information or basic due diligence, the City has lost the necessary flexibility to use these funds, if necessary, for projects that have previously been properly vetted, undergone internal review, as well as final approval by the City Council. Additionally, as the Council is aware, these ARPA funds have a strict timeline and by sequestering these funds through an ordinance, the City is at risk of having to return the funds and also unable to use these funds to leverage future opportunities.

Per ARPA regulations, all monies allocated must be encumbered by December 31, 2024 and spent by December 31, 2026. Without even a basic idea of how much any repairs may cost, the City risks the forfeiture of these funds if it is unable to meet these deadlines or before a comprehensive development plan is in place.

With these concerns in mind, I respectfully disapprove of this Ordinance and urge the City Council to sustain my veto to allow for a more thorough and collaborative process that protects the interests of its residents and ensure the wise expenditure of public funds

Sincerely,

A handwritten signature in black ink, appearing to read 'Roberto L. DaSilva', with a long horizontal flourish extending to the right.

Roberto L. DaSilva
Mayor

STATE OF RHODE ISLAND

CITY OF EAST PROVIDENCE

CHAPTER 896

AN ORDINANCE OF THE COUNCIL OF THE CITY OF EAST PROVIDENCE APPROPRIATING UP TO \$1,000,000 FOR THE FORMER OLDHAM SCHOOL BUILDING ON BULLOCKS POINT AVENUE

THE COUNCIL OF THE CITY OF EAST PROVIDENCE HEREBY ORDAINS:

SECTION I. An appropriation not to exceed \$1,000,000 to be funded from Federal ARPA funds to be used for a roof, windows, doors, and a feasibility study to convert the former Oldham School building into a business incubator.

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 8/15/23 and referred to 8/29/23 at 6:30 p.m. for a hearing and consideration of final passage and adopted 8/29/23.

Attest:

Handwritten signature of Jill Sepp, City Clerk of the City of East Providence, Rhode Island.

Introduced by: Councilman Lawson

VETO I HEREBY DISAPPROVE AND VETO. Handwritten signature of Mayor, DATE: 9/7/2023.

IN CITY COUNCIL

FINAL READING READ AND PASSED. Handwritten signature of President.

CLERK



City of East Providence
Office of the Mayor
Roberto L. DaSilva

Sept. 7, 2023

Ms. Jill Seppa
East Providence City Clerk
145 Taunton Ave.
East Providence, RI 02914

Re: Veto

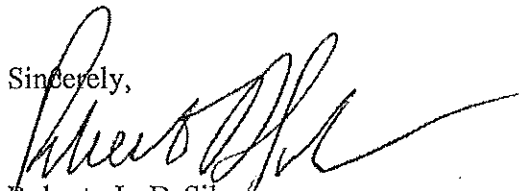
Dear Madam Clerk,

Attached please find ordinance of Chapter 897 of the Council of the City of East Providence appropriating up to \$550,000 to replace the walking track at Pierce Field football stadium, as adopted by the City Council on August 29, 2023, which I am returning to you having exercised my mayoral veto.

As required by the City Charter, I am enclosing my Message of Disapproval.

Prior to my submission, I have conferred with various members of the City Council.

Sincerely,



Roberto L. DaSilva
Mayor

CC: East Providence City Council



City of East Providence
Office of the Mayor
Roberto L. DaSilva

Sept. 7, 2023

Bob Rodericks
Council President
East Providence City Council
145 Taunton Ave.
East Providence, RI 02914

RE: Message of Disapproval

Dear Council President Rodericks and Members of the Council,

In accordance with Article III, section 3-6(b) I am returning to the City Council Chapter 897, "An Ordinance of the Council of the City of East Providence Appropriating Up to \$550,000 To Replace The Walking Track at Pierce Field Football Stadium."

Over the last several years, the City has made significant investments to approve what many consider a real gem of the City – Pierce Memorial Stadium. The complex was initially constructed under President's Roosevelt's Work Progress Administration (WPA). The WPA was designed to put people back to work in the midst of the Great Depression while improving public facilities like parks, playgrounds, and campsites and trails across the country.

Almost 100 years later, American Rescue Plan Act money, was passed at the urging of President Biden to help all Americans, to recover from the effects of the COVID-19 pandemic and jump start a slowing economy. These funds also allow municipalities to invest in transformational project that can be enjoyed by residents for generations to come.

Our Administration has been looking for alternative funding sources to make improvements to Pierce Memorial Stadium. A congressional earmark totaling \$2 million is making its way through Congress and has already passed the U.S. Senate.

The current council appropriation figure to replace the walking track has been put forward without any study or estimate as to what the actual cost would be. It is essentially a guesstimate and does not represent a sound manner to appropriate once in a lifetime federal funds. The proper procedure is to devise an agreed scope of work, obtain the necessary engineering/studies, and finally seek qualified bidders so that a true cost of can be determined.

Without such a process, the City risks embarking on a project that it cannot afford, or worse, complete with the remaining allocated funds. The correct process can be time consuming, but it is crucial to guard against wasteful or unsupported spending.

The Administration is not opposed to improving the walking track and is taking steps to secure alternative funding, but it must be done in a thoughtful and measured way. Furthermore, prior to using one-time ARPA funds, the City should be certain that other funding sources are exhausted.

By passing an ordinance prior to the necessary preliminary information or basic due diligence, the City has lost the necessary flexibility to use these funds, if necessary, for projects that have previously been properly vetted, undergone internal review, as well as final approval by the City Council. Additionally, as the Council is aware, these ARPA funds have a strict timeline and by sequestering these funds through an ordinance, the City is at risk of having to return the funds and also unable to use these funds to leverage future opportunities.

Per ARPA regulations, all monies allocated must be encumbered by December 31, 2024 and spent by December 31, 2026. Without even a basic idea of how much the replacement of Pierce's track would cost, the City risks the forfeiture of these funds if it is unable to meet these deadlines.

With these concerns in mind, I respectfully disapprove of this Ordinance and urge the City Council to sustain my Veto to allow for a more thorough and collaborative process that protects the interests of its residents and ensure the wise expenditure of public funds.

Sincerely,

A handwritten signature in black ink, appearing to read 'Roberto L. DaSilva', with a long horizontal flourish extending to the right.

Roberto L. DaSilva
Mayor

STATE OF RHODE ISLAND

CITY OF EAST PROVIDENCE

CHAPTER 897

AN ORDINANCE OF THE COUNCIL OF THE CITY OF EAST PROVIDENCE APPROPRIATING UP TO \$550,000 TO REPLACE THE WALKING TRACK AT PIERCE FIELD FOOTBALL STADIUM

THE COUNCIL OF THE CITY OF EAST PROVIDENCE HEREBY ORDAINS:

SECTION I. An appropriation not to exceed \$550,000 to be funded from Federal ARPA funds to be used to replace the walking track at Pierce Field Football Stadium. Remodel current ramp to an ADA compliance ramp to access the field.

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 8/15/23 and referred to 8/29/23 at 6:30 p.m. for a hearing and consideration of final passage and adopted 8/29/23.

Attest:

[Signature] City Clerk of the City of East Providence, Rhode Island

Introduced by: Councilwoman Sousa

IN CITY COUNCIL

FINAL READING READ AND PASSED

[Signature] PRESIDENT [Signature] CLERK

VETO I HEREBY DISAPPROVE AND VETO. [Signature] MAYOR DATE: 9/7/2023



City of East Providence
Office of the Mayor
Roberto L. DaSilva

Sept. 7, 2023

Ms. Jill Seppa
East Providence City Clerk
145 Taunton Ave.
East Providence, RI 02914

Re: Veto

Dear Madam Clerk,

Attached please find ordinance of Chapter 898 of the Council of the City of East Providence appropriating up to \$220,000 for a splash pad in Riverside, as adopted by the City Council on August 29, 2023, which I am returning to you having exercised my mayoral veto.

As required by the City Charter, I am enclosing my Message of Disapproval.

Prior to my submission, I have conferred with various members of the City Council.

Sincerely,

Roberto L. DaSilva
Mayor

CC: East Providence City Council



City of East Providence
Office of the Mayor
Roberto L. DaSilva

Sept. 7, 2023

Bob Rodericks
Council President
East Providence City Council
145 Taunton Ave.
East Providence, RI 02914

RE: Message of Disapproval

Dear Council President Rodericks and Members of the Council,

In accordance with Article III, section 3-6(b) I am returning to the City Council Chapter 898, "An Ordinance of the Council of the City of East Providence Appropriating Up to \$200,000 For A Splash Pad In Riverside."

The Ordinance seeks to appropriate \$ 200,000 to locate and construct a splash pad at an undesignated location in the Riverside section of East Providence. The Administration supports and recognizes that splash pads, as an alternative to public swimming pools, have become popular with families with young children.

Recognizing their popularity, the Administration was successful in securing a Rhode Island Department of Environmental Management recreational grant to construct a splash pad at Pierce Memorial Stadium Complex. The City of East Providence had previously been awarded a similar grant to construct a splash pad at the Onna Moniz-John Park. Our Administration intends to apply for a similar grant to construct a similar splash pad in Riverside. In fact, the city recently applied for grant funding for two projects through this grant funding opportunity – one being Kent Heights Park and the other a splash pad at Providence Avenue Park in Riverside. We were not awarded the grant, however it the Administration's intent to reapply for funding for that splash pad.

Prior to embarking on any public park improvements, the process generally requires a plan or vision for a splash park after consultation with our Parks and Recreation Department and other stakeholders. After an approved plan, including the selection of a suitable location, the City can then embark on getting the proper studies, permits, and approvals necessary to proceed. With complete information in hand, the City can solicit bids through a public and transparent bid process to ensure that there are sufficient monies available to not only start but complete the project.

No such process was followed prior to this appropriation being approved by the city council. In addition, the process can take several months to complete. Per ARPA regulations, all monies allocated must be encumbered by December 31, 2024 and spent by December 31, 2026.

By passing an ordinance prior to the necessary preliminary information or basic due diligence, the City has lost the necessary flexibility to use these funds, if necessary, for projects that have previously been properly vetted, undergone internal review, as well as final approval by the City Council. Additionally, as the Council is aware, these ARPA funds have a strict timeline and by sequestering these funds through an ordinance, the City is at risk of having to return the funds and also unable to use these funds to leverage future opportunities.

Per ARPA regulations, all monies allocated must be encumbered by December 31, 2024 and spent by December 31, 2026. Without even a basic idea of how or why these funds are to be used, the City risks the forfeiture of these funds if it is unable to meet these deadlines.

With these concerns in mind, I respectfully disapprove of this Ordinance and urge the City Council to sustain my veto to allow for a more thorough and collaborative process that protects the interests of its residents and ensure the wise expenditure of public funds.

Sincerely,



Roberto L. DaSilva
Mayor



City of East Providence
Office of the Mayor
Roberto L. DaSilva

Sept. 7, 2023

Ms. Jill Seppa
East Providence City Clerk
145 Taunton Ave.
East Providence, RI 02914

Re: Veto

Dear Madam Clerk,

Attached please find ordinance of Chapter 899 of the Council of the City of East Providence appropriating up to \$450,000 for improvements to Townie Pride Park, as adopted by the City Council on August 29, 2023, which I am returning to you having exercised my mayoral veto.

As required by the City Charter, I am enclosing my Message of Disapproval.

Prior to my submission, I have conferred with various members of the City Council.

Sincerely,

Roberto L. DaSilva
Mayor

CC: East Providence City Council



City of East Providence
Office of the Mayor
Roberto L. DaSilva

Sept. 7, 2023

Bob Rodericks
Council President
East Providence City Council
145 Taunton Ave.
East Providence, RI 02914

RE: Message of Disapproval

Dear Council President Rodericks and Members of the Council,

In accordance with Article III, section 3-6(b) I am returning to the City Council Chapter 899, "An Ordinance of the Council of the City of East Providence Appropriating Up to \$450,000 For Improvements to Townie Pride Park" for the following reasons.

The Ordinance proposes to allocate up to \$450,000 of federal American Rescue Plan Act money for unspecified improvements to Town Pride Park. Over the last five years, with the support of the City Council, the Administration has made concerted efforts to improve the condition and upkeep of our municipal parks throughout the City. As recently as on September 7, 2023, the City dedicated a new skate park at Grassy Plains Park in the City's Riverside section with the help and assistance of capital improvement and ARPA funds.

Prior to embarking on any public improvements, the process generally requires a plan or vision for a park after consultation with our Park and Recreation Department, the Department of Public Works, and often engaging the public and other stakeholders to obtain public support and input as to what type of improvements are warranted or necessary.

Once an agreed-upon plan of action is embarked upon, the process would include completing the proper engineering studies, applying for any necessary permits, and generally coming up with a fully vetted proposal and scope of work. Once that process is completed, the City is able to seek bids on a project to ensure that it is feasible and affordable.

This represents the best practice to ensure the taxpayer monies are spent wisely and efficiently. No such vetting process was followed prior to the passage of this ordinance, nor has the City Council collectively, or individually, conferred with the Administration, city department heads, or any expert consultants as to how to spend the funds for the park's benefit.

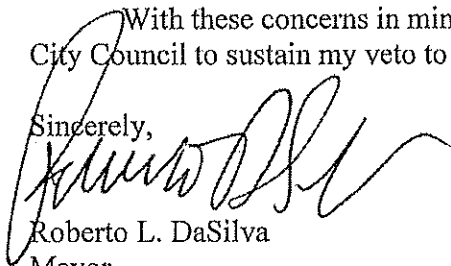
As the Council President has publicly stated, this is putting the cart before the horse and not the best method of spending money on a public project whose parameters are unknown. By passing an ordinance prior to the necessary preliminary information or basic due diligence, the City has lost the necessary flexibility to use these funds, if necessary, for projects that have previously been properly vetted, undergone internal review, as well as received final approval by the City Council.

By passing an ordinance prior to the necessary preliminary information or basic due diligence, the City has lost the necessary flexibility to use these funds, if necessary, for projects that have previously been properly vetted, undergone internal review, as well as final approval by the City Council. Additionally, as the Council is aware, these ARPA funds have a strict timeline and by sequestering these funds through an ordinance, the City is at risk of having to return the funds and also unable to use these funds to leverage future opportunities.

Per ARPA regulations, all monies allocated must be encumbered by December 31, 2024 and spent by December 31, 2026. Without even a basic idea of how or why these funds are to be used, the City risks the forfeiture of these funds if it is unable to meet these deadlines.

With these concerns in mind, I respectfully disapprove of this Ordinance and urge the City Council to sustain my veto to allow for a more thorough and collaborative process.

Sincerely,



Roberto L. DaSilva
Mayor

STATE OF RHODE ISLAND

CITY OF EAST PROVIDENCE

CHAPTER 899

AN ORDINANCE OF THE COUNCIL OF THE CITY OF EAST PROVIDENCE
APPROPRIATING UP TO \$450,000 FOR IMPROVEMENTS TO
TOWNIE PRIDE PARK

THE COUNCIL OF THE CITY OF EAST PROVIDENCE HEREBY ORDAINS:

SECTION I. An appropriation not to exceed \$450,000 to be funded from Federal ARPA funds to be used for improvements to Townie Pride Park including securing the parameter, installing fixed benches, a cobblestone, brick or cement walking path around the pond, and define the parking lot. Additionally, funds if available would provide landscaping.

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 8/15/23 and referred to 8/29/23 at 6:30 p.m. for a hearing and consideration of final passage and adopted 8/29/23.

Attest:

Jim Seppa
City Clerk of the City of East Providence, Rhode Island

Introduced by: Councilwoman Sousa

**IN CITY
COUNCIL**

FINAL READING
READ AND PASSED

Howell
PRESIDENT

Jim Seppa
CLERK

VETO
I HEREBY DISAPPROVE AND VETO.
Howell
MAYOR
DATE: 9/7/2023



City of East Providence
Office of the Mayor
Roberto L. DaSilva

Sept. 7, 2023

Ms. Jill Seppa
East Providence City Clerk
145 Taunton Ave.
East Providence, RI 02914

Re: Veto

Dear Madam Clerk,

Attached please find ordinance of Chapter 900 of the Council of the City of East Providence appropriating up to \$5,000,000 for needed improvements to the infrastructure of sewers and drains citywide, as adopted by the City Council on August 29, 2023, which I am returning to you having exercised my mayoral veto.

As required by the City Charter, I am enclosing my Message of Disapproval.

Prior to my submission, I have conferred with various members of the City Council.

Sincerely,

A handwritten signature in black ink, appearing to read "Roberto L. DaSilva", written over a horizontal line.

Roberto L. DaSilva
Mayor

CC: East Providence City Council



City of East Providence
Office of the Mayor
Roberto L. DaSilva

Sept. 7, 2023

Bob Rodericks
Council President
East Providence City Council
145 Taunton Ave.
East Providence, RI 02914

RE: Message of Disapproval

Dear Council President Rodericks and Members of the Council,

In accordance with Article III, section 3-6(b) I am returning to the City Council Chapter 900, "An Ordinance of the Council of the City of East Providence Appropriating Up to \$5,000,000 For Needed Improvements to the Infrastructure of Sewers and Drains Citywide"

The Ordinance seeks to appropriate an amount not to exceed \$5,000,000 for "needed improvements to the infrastructure of sewers and drains citywide as a response to ongoing drainage issues."

While the appropriation is in line with approved expenditures per the American Rescue Plan Act rule "to make necessary investments in water, sewer, or broadband infrastructure," these types of projects often require extensive pre-award study, engineering, and permitting and consultation.

The Administration's point person for such projects is Department of Public Works Director Daniel Borges who has successfully overseen such projects in the City in the past. Prior to the passage of this Ordinance, the City Council, either collectively or individually, did not consult with him related to potential projects or the costs associated with them.

As such, an appropriation is being allocated, which will unnecessarily tie up funds without a specific project or plan for use of the funds. Prior to embarking on any public improvements, the process generally requires a plan for a specific project, pre-construction studies, and the solicitation of cost estimates for said projects. This process was not followed in this instance, and it is not even clear how many, if any, unspecified improvements, can be made with these monies.

The Administration is committed to continue to make improvements to our City's water and sewer infrastructure, but it must continue to do so by following recognized

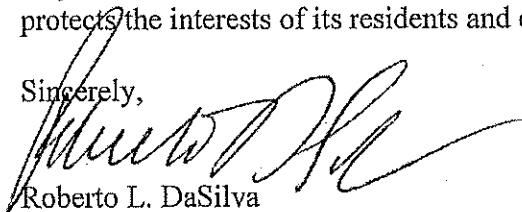
procedures. Simply allocating a sum of money without any basis or specific project in mind is not a wise use of once-in-a generation federal dollars.

Most importantly, sewer and drain projects often require extensive engineering, design, hydraulic studies, and permitting from federal and state agencies. This process can often take two to three years from start to finish. Given the strict timelines for the allocation and use of ARPA monies, there may not be enough time to expend these funds for unspecified projects that are not shovel ready.

Per ARPA regulations, all monies allocated must be encumbered by December 31, 2024 and spent by December 31, 2026. Without even a basic idea of the improvements to be made, the City risks the forfeiture of these funds if it is unable to meet these deadlines or before a comprehensive sewer/water/drainage plan is in place.

With these concerns in mind, I respectfully disapprove of this Ordinance and urge the City Council to sustain my veto to allow for a more thorough and collaborative process that protects the interests of its residents and ensure the wise expenditure of public funds.

Sincerely,

A handwritten signature in black ink, appearing to read 'Roberto L. DaSilva', written over the word 'Sincerely,'.

Roberto L. DaSilva
Mayor

STATE OF RHODE ISLAND

CITY OF EAST PROVIDENCE

CHAPTER 900

AN ORDINANCE OF THE COUNCIL OF THE CITY OF EAST PROVIDENCE APPROPRIATING UP TO 5,000,000 FOR NEEDED IMPROVEMENTS TO THE INFRASTRUCTURE OF SEWERS AND DRAINS CITYWIDE

THE COUNCIL OF THE CITY OF EAST PROVIDENCE HEREBY ORDAINS:

SECTION I. An appropriation not to exceed \$5,000,000 to be funded from Federal ARPA funds to be used for needed improvements to the infrastructure of sewers and drains citywide as a response to ongoing drainage issues. This would address the areas of highest priority as informed by the Director of PublicWorks who is charged with managing the placement and oversight.

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 8/15/23 and referred to 8/29/23 at 6:30 p.m. for a hearing and consideration of final passage and adopted 8/29/23.

Attest:

[Signature] City Clerk of the City of East Providence, Rhode Island

Introduced by: Councilman Fogarty

IN CITY COUNCIL

VETO I HEREBY DISAPPROVE AND VETO. [Signature] MAYOR DATE: 9/7/2023

FINAL READING READ AND PASSED [Signature] PRESIDENT [Signature] CLERK



City of East Providence
Office of the Mayor
Roberto L. DaSilva

Sept. 7, 2023

Ms. Jill Seppa
East Providence City Clerk
145 Taunton Ave.
East Providence, RI 02914

Re: Veto

Dear Madam Clerk,

Attached please find ordinance of Chapter 902 of the Council of the City of East Providence appropriating up to \$550,000 for placemaking throughout the City, as adopted by the City Council on August 29, 2023, which I am returning to you having exercised my mayoral veto.

As required by the City Charter, I am enclosing my Message of Disapproval.

Prior to my submission, I have conferred with various members of the City Council.

Sincerely,

Roberto L. DaSilva
Mayor

CC: East Providence City Council



City of East Providence
Office of the Mayor
Roberto L. DaSilva

Sept. 7, 2023

Bob Rodericks
Council President
East Providence City Council
145 Taunton Ave.
East Providence, RI 02914

RE: Message of Disapproval

Dear Council President Rodericks and Members of the Council,

In accordance with Article III, section 3-6(b) I am returning to the City Council Chapter 902, "An Ordinance of the Council of the City of East Providence Appropriating Up to \$550,000 For Placemaking Throughout the City."

The Ordinance seeks to appropriate an amount not to exceed \$550,000 from American Rescue Plan Act funds for placemaking to be used for signage and other banner-like marking in the City. While the Administration is supportive of improvements to highlight places and events in the City, these placemaking signs are not long-term capital investments that will have a long shelf life.

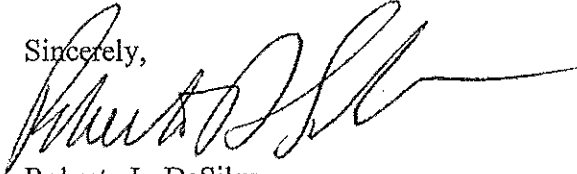
This one-time ARPA funding should be used for capital investment that will have a transformational impact on residents' educational opportunities, workforce development and public health. Such placemaking signage is designed to support economic development, but allocating more than half of \$1 million without a plan or any basis for the costs, is not a wise use of limited and one-time ARPA funds.

The City has already expended ARPA funds for placemaking activities without having to resort to sequestering an extraordinary amount of money and placing those funds in a use or lose scenario. The City is also committed to seeking alternative funding sources for such placemaking efforts without the need to use ARPA funds.

By passing an ordinance without basic information, the City has lost the necessary flexibility to use these funds, if necessary, for projects that have previously been properly vetted, undergone internal review, as well as final approval by the City Council.

With these concerns in mind, I respectfully disapprove of this Ordinance and urge the City Council to sustain my veto to allow for a more thorough and collaborative process that protects the interests of its residents and ensure the wise expenditure of public funds.

Sincerely,

A handwritten signature in black ink, appearing to read 'Roberto L. DaSilva', with a long horizontal flourish extending to the right.

Roberto L. DaSilva
Mayor

STATE OF RHODE ISLAND

CITY OF EAST PROVIDENCE

CHAPTER 902

AN ORDINANCE OF THE COUNCIL OF THE CITY OF EAST PROVIDENCE APPROPRIATING UP TO \$550,000 FOR PLACEMAKING THROUGHOUT THE CITY

THE COUNCIL OF THE CITY OF EAST PROVIDENCE HEREBY ORDAINS:

SECTION I. An appropriation not to exceed \$550,000 to be funded from Federal ARPA funds to be used for placemaking throughout the City.

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 8/15/23 and referred to 8/29/23 at 6:30 p.m. for a hearing and consideration of final passage and adopted 8/29/23.

Attest:

Signature of City Clerk, City Clerk of the City of East Providence, Rhode Island

Introduced by: Councilman Lawson

VETO I HEREBY DISAPPROVE AND VETO. Signature of Mayor, MAYOR DATE: 9/7/2023

IN CITY COUNCIL

FINAL READING READ AND PASSED. Signature of President, PRESIDENT Signature of Clerk, CLERK

Resolutions

STATE OF RHODE ISLAND
CITY OF EAST PROVIDENCE
RESOLUTION NO.

**RESOLUTION AUTHORIZING CITY COUNCIL EXPENDITURE OF FUNDS
FOR COMMUNITY FALL FEST AND WINTER FEST CELEBRATIONS**

WHEREAS, on February 21, 2023, the City Council approved the passage of the amended Rules of Procedure of the City Council; and

WHEREAS, pursuant to Rule Five entitled Council Expenditures of the Rules of Procedure, Council members may not expend or commit the expenditure of any funds for goods or services above \$250.00 without the approval of the majority of the City Council; and

WHEREAS, Councilwoman Anna Sousa is seeking to use the money in the City Council Budget Fiscal Year 2023 in the amount of \$1500.00 for Community Fall Fest and Winter Fest celebrations.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of East Providence hereby authorizes the expenditure in the amount of \$1500.00 for Community Fall Fest and Winter Fest celebrations.

Adopted by the City Council: _____

Attest:

City Clerk of East Providence, Rhode Island

Introduced by: Councilwoman Sousa

STATE OF RHODE ISLAND

CITY OF EAST PROVIDENCE

RESOLUTION NO.

**RESOLUTION DECLARING ITS INTENT FOR THE CITY OF EAST PROVIDENCE
TO TRANSFER OWNERSHIP OF CERTAIN STREETLIGHTS TO THE STATE OF
RHODE ISLAND DEPARTMENT OF TRANSPORTATION**

WHEREAS, the City of East Providence, Rhode Island owns a number of streetlights within the City; and

WHEREAS, the State of Rhode Island Department of Transportation ("RIDOT") has offered to take exclusive ownership of certain streetlights (an inventory is attached as Exhibit A) for a nominal sum of One (\$1.00) Dollar, and RIDOT has agreed to cover all maintenance costs and obligations associated with the streetlights; and

WHEREAS, RIDOT has presented the City with a streetlight transfer agreement (attached as Exhibit B); and

WHEREAS, the continued ownership of the streetlights by the City of East Providence poses a burden to the taxpayers of the City of East Providence; and

WHEREAS, the City Council agrees that the above-referenced streetlights should be transferred to RIDOT; and

WHEREAS, the City of East Providence has converted all subject streetlights to the high efficiency standards required by RIDOT as a prerequisite to this transaction; and

NOW THEREFORE, be it hereby

RESOLVED: that the East Providence City Council declares its intention for the City of East Providence to transfer ownership of the streetlights identified in Exhibit A to RIDOT for the nominal sum of One (\$1.00) Dollar; and

BE IT FURTHER RESOLVED: the Mayor shall be authorized to execute the streetlight transfer agreement and all other necessary documents to effectuate the transfer of the streetlights identified in Exhibit A to RIDOT.

This Resolution shall take effect upon passage.

STATE OF RHODE ISLAND
CITY OF EAST PROVIDENCE

RESOLUTION NO.

**RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A
CHANGE ORDER WITH MAS BUILDING & BRIDGE, INC. FOR
ADDITIONAL WORK RELATED TO THE REPAIR OF THE SEAWALL
LOCATED AT CRESCENT PARK (FORMERLY ROSE LARISA PARK)**

WHEREAS, the City entered into a contract with MAS Building & Bridge, Inc. for repairs related to the seawall at Crescent Park (formerly Rose Larisa Park); and

WHEREAS, additional work will be required which includes changes to the block wall and railings at the wheel chair ramp; installation of higher safety railings; and drainage work along the southerly side of the property; and

WHEREAS, the total cost of the change order is \$47,383.82 and the City will be using ARPA or other available funding to complete the work; and

WHEREAS, the City would like to enter into a change order for the additional work in the amount of \$47,383.82.

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 enter into a change order with MAS Building & Bridge, Inc. for the additional work in the amount of \$47,383.82.

Adopted by the City Council: _____

Attest:

City Clerk of East Providence, Rhode Island

Introduced by: Council President Rodericks

Introduction of Ordinances

STATE OF RHODE ISLAND

CITY OF EAST PROVIDENCE

CHAPTER

AN ORDINANCE IN AMENDMENT OF CHAPTER 8 OF THE REVISED
ORDINANCES OF THE CITY OF EAST PROVIDENCE, RHODE ISLAND, 1998,
AS AMENDED ENTITLED "LICENSES AND BUSINESS REGULATIONS"

THE COUNCIL OF THE CITY OF EAST PROVIDENCE HEREBY ORDAINS:

SECTION I. Sec. 8-522 entitled "When police may select wrecker" of Article XIX entitled "Wrecker and Towing Services" of Chapter 8 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled, "Licenses and Business Regulations" is amended to read as follows:

Sec. 8-522. When police may select wrecker.

Whenever the owner or operator makes no selection of a specified wrecker service, the police department is authorized to call the wrecker service as indicated on the current wrecker tow list as provided by the East Providence Police Department. ~~service districts map as adopted by the city council.~~

SECTION II. Sec. 8-523 entitled "Procedure for licensing" of Article XIX entitled "Wrecker and Towing Services" of Chapter 8 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled "Licenses and Business Regulations" is amended to read as follows:

Sec. 8-523. Procedure for licensing.

- (a) Any person desiring to operate a wrecker or towing service in the city shall first be required to complete an application form containing the information provided for in this section. The application shall set forth the following information and any other pertinent information as may be required by the city council:
- (1) The name, home address, and proposed business address of the applicant;
 - (2) The location of applicant's place of business, the hours during which the business will be open for service, the number of and a description of the wreckers or towing trucks which will be owned by the applicant setting forth the serial number of each vehicle and if now owned, the name of the lessor. For the purpose of this chapter, "place of business" is defined as the actual location from where a wrecker or firm operates its wreckers and towing equipment;

- (3) Such other information as the city shall find reasonably necessary to effectuate the purpose and intent of this article.
 - (4) The applicant must hold a certificate of public convenience and necessity issued by the division of public utilities and carriers for the state.
- (b) The city council shall be the sole licensing authority and any person so designated by a majority of the city council shall serve in accordance with the duly promulgated regulations of the ~~city council~~ police department for wrecker and towing services and shall be required to renew application on a yearly basis. All licenses issued by the city council under this article shall terminate on November 30 of the year in which the license was granted.
- (c) Whenever an application is filed with the city clerk, the applicant shall pay at the time of filing of such application a license fee of \$25.00.

SECTION III. Sec. 8-524 entitled "Qualification for listing" of Article XIX entitled "Wrecker and Towing Services" of Chapter 8 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled "Licenses and Business Regulations is amended to read as follows:

Sec. 8-524. Qualification for listing.

Only licensed wrecker firms appointed by city council meeting all the requirements of this article and the regulations promulgated by the city ~~council~~ police department and operating such wrecker and towing service 24 hours per day, seven days per week, shall be included on the city police department call list. Any such wrecker service must be located within the corporate limits of the city and shall have been regularly engaged in such business for at least six months.

SECTION IV. Sec. 8-525 entitled "Quarterly inspection" of Article XIX entitled "Wrecker and Towing Services" of Chapter 8 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled "Licenses and Business Regulations is amended to read as follows:

Sec. 8-525. Quarterly inspection.

All tow equipment operated by wrecker firms shall may be inspected and approved quarterly by the wrecker inspector of the city.

SECTION V. Sec. 8-528 entitled "Regulations for wrecker and towing services" of Article XIX entitled, "Wrecker and Towing Services," of Chapter 8 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled, "Licenses and Business Regulations," is amended to read as follows:

Sec. 8-528. Regulations for wrecker and towing services.

The ~~city council~~ Chief of Police shall promulgate regulations for wrecker and towing services in the city. These regulations shall be effective upon a majority vote approving such regulations after a public hearing thereon and shall be duly filed in the office of the city clerk. Any termination of a tow company pursuant to the regulations for wrecker and towing services in the city promulgated by the Chief of Police may be appealed to the City of East Providence City Council in its capacity of board of licenses within five (5) business days upon receipt of written termination notice from the Chief of Police. The appeal shall be limited to mistake of fact or other errors of due process. The City Council shall defer to the opinion of the East Providence Police Department as to all subjective matters of public health, safety and general welfare.

SECTION VI. Article XIX entitled, "Wrecker and Towing Services," of Chapter 8 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled, "Licenses and Business Regulations," is amended by adding thereto the following:

Sec. 8-529. Compliance Required.

To be considered for approval by the Chief of Police, an applying tow company or person shall comply with the city licensing requirements set forth in section 8-523 of this Chapter and the terms, conditions and provisions of the rules and regulations of the city police department, which shall also apply to and be binding upon companies and/or persons already on said approved tow list.

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

Given first passage _____ and referred to _____ at 6:30 p.m. for a hearing and consideration of final passage; and adopted _____.

Attest:

City Clerk of East Providence, Rhode Island

Introduced by:

CITY OF EAST PROVIDENCE RULES AND REGULATIONS FOR TOW COMPANIES

ELIGIBILITY AND OPERATION FOR CITY TOW LIST:

The East Providence Police Department shall engage the services of tow companies appropriately licensed by the State of Rhode Island Division of Public Utilities and Carriers and City of East Providence.

Tow Company Responsibilities:

- A. Company must make formal application to the Chief of Police for consideration on the approved list. Every Contractor will provide the Chief of Police with the name, date of birth, social security number and home address of all drivers who will be employed and towing for the Police Department. Background checks will be conducted to ensure the drivers do not have any criminal record which would disqualify them from towing for the East Providence Police.
- B. Companies filing an application to tow for the city shall provide to the East Providence Police Department, at the time of application and on January 1 of every year thereafter, the following:
 - a. A copy of the "Certificate of Operating Authority" from the State of Rhode Island Division of Public Utilities and Carriers, authorizing the company to operate a tow service with an area of coverage, including East Providence as an area, as a minimum of coverage.
 - b. A copy of the tariff filed with the State of Rhode Island Division of Public Utilities and Carriers, containing the rates and charges for the transportation of property and other services.
 - c. Copies of current insurance certificates in which the East Providence Police Department and the City of East Providence are listed as a certificate holder, with the following minimum requirements.
 - i. A Scheduled Auto Liability Policy with a minimum combined single limit of \$1,000,000
 - ii. A Garage Keeper's Legal Liability Policy with a \$50,000 minimum and effective dates
 - iii. A Worker's Compensation Policy with effective dates
 - iv. A Cargo Policy with limits of at least \$50,000 with effective dates listed
 - v. Copies of registration certificates for vehicles used for towing
 - vi. Copies of company business cards
- C. The Contractor, during all times of this Agreement, shall have all licenses required by the State of Rhode Island for carrying out the requirements of this agreement. The Contractor during all times to be on the tow list must maintain a license in good standing to operate in East Providence as required by ordinance. Likewise, all insurance policies shall be in effect and to the limits of insurability as described in Section U.

- D. The Contractor shall guarantee to provide twenty-four (24) hour service, seven (7) days a week throughout the year, and to accept and promptly respond within a twenty (20) minute time period or lose that turn on the Tow List rotation. The twenty (20) minute response time will begin from the time the Contractor and/or their answering service receives the call for service.
- E. The tow schedule implemented will be a call for call rotation. The company shall respond per incident. If a tow company has been contacted for service by the City, the company must fulfill its obligation to respond.
- a. If a company is unable to provide sufficient equipment to handle a department request, the next company on the tow list will be called to assist.
 - b. If a company is uncertain whether it will be unable to respond to a request within the 20 minute time frame, the company must immediately and affirmatively inform the East Providence Police Department, and the call shall go to the next available company on the tow list. Tow companies are not allowed to have other tow company's respond for a tow on their behalf. This is strictly prohibited and will be a violation of their agreement. Any violation of this provision will result in a seven (7) day suspension from the tow list. Any subsequent violation will result in removal from the city tow list.
 - c. If a company is unable to respond to a request, the call will go to the next available company on the tow list, and the rotation will continue from that point.

Three (3) misses in a thirty (30) day period will be subject to Section Q of these regulations. The City recognizes there may be times under exigent circumstances that prevent the Contractor from arriving at the scene within the twenty(20) minute time frame. When this occurs, the Chief of Police or his designee will evaluate this on a case-by-case basis to determine if a violation has taken place.

- F. The Contractor guarantees to provide an approved storage facility within the City of East Providence with the following requirements:
- a) For an applying or "new" company, the outside storage area must be a minimum of 10,000 sq. ft. at the same location. For an existing company of said list, Section P herein shall apply.
 - b) This area must be zoned in accordance to all City and State ordinances and laws.
 - c) The area must be owned or be under a multiple year lease (refer to Section P).
- G. **All tow vehicles shall contain the following equipment:**
- a. A broom and receptacle to pick up and store debris;
 - b. One (1) five (5) pound fire extinguisher;

- c. One (1) first aid kit approved by the Department of Transportation;
 - d. One (1) five (5) TON hydraulic jack;
 - e. A set of flares approved by the Department of Transportation;
 - f. Two-way communications;
 - g. Flashing amber lights on all tow trucks and car carriers in which will be visible not less than five hundred (500) feet. This section is also a requirement under the Rhode Island Motor Vehicles Laws, Section 31-24-31;
 - h. Proof of registration; Each truck must be registered to the Certified Tow Company and registered within the City of East Providence. Tow companies shall not use or lease equipment from another tow company. Leasing from organizations such as Ford Motor Co., GMAC, etc. is acceptable;
 - i. Chains, slings, hooks, cable, and all equipment necessary to safely recover and tow vehicles ordered removed by the town;
 - j. Every motor vehicle used for the purpose of towing motor vehicles shall display, in sharp color contrast to the background, and be of such size, shape, and color as to be readily legible during daylight hours, from a distance of fifty (50) feet while the vehicle is not in motion; the name, address and telephone number of the registered owner shall be displayed on both sides of the vehicle. This section is also a requirement under the Rhode Island Motor Vehicle Laws, Section 31-22-23.
- H. Said Contractor shall have the responsibility to remove all glass and debris at the accident scene from the roadway at the time of rendering services in accordance with R.I.G.L. §31-22-9 and East Providence Code of Ordinances §8-527 as each may be amended from time to time. Said Contractor shall have a large broom and receptacle for the purpose of removing debris. Contractor will not place debris inside the vehicle being towed. If a Contractor or his agent refuses or fails to comply with this section H, the Police shall have the option to call the next tow company on the rotation list to complete that particular tow. Also, for repeat failures, breaches or violations, the Contractor will be subject to the procedures and sanctions of Section Q of these rules and regulations.
- I. Each Contractor agrees not to solicit any repair work nor refer repair work to others without the written consent of the vehicle owner or his authorized agent.
- J.

- a. Each said Contractor agrees to surrender and release the towed vehicle to the owner or his duly authorized agent immediately upon which the registered and/or legal owner has exercised his or her right to retake possession during business hours by appearing, proving ownership, and paying all charges due the certificated tower pursuant to its published tariff.
- b. Unless otherwise provided by Rhode Island Division of Public Utilities and Carriers City Ordinances or State Law, the days and times to effectuate the said release shall be as follows: The lot shall be open for business to release the vehicle the same hours it is open to receive the vehicle; and, there shall be posted on the outside of the office of the lot the business hours.
- c. Said Contractor agrees to charge only the towing and storage fees specified by the State of Rhode Island Division of Public Utilities and Carriers.
- d. Payment of authorized charges shall be by cash, certified check, standard money order, bank cashier's check, or by major credit card, provided the same is accepted and in use at the tow company involved.
- e. Each said Contractor agrees to display the current PUC Regulations that specifies the towing and storage charges of a towed vehicle. This regulation will be displayed conspicuously to the view of the owner of the towed vehicle, and in the immediate area where the normal business is conducted by said towing firm on releasing towed vehicles. Also, any member of the East Providence Police Department shall have the authority to inspect a towing company that is governed by these regulations for compliance of a posted regulation describing towing fees.
- f. The Administrative Services Commander is directed to compile and maintain a log book of all missed, unexcused, assigned tows (including for each the date, time, tow company, location and type of vehicle involved). At the end of each month, the Administrative Services Commander shall submit a list of the missed or unexcused assigned tows to the Chief of Police.
- g. Notice:
 - i. Contractor removing an abandoned or unattended vehicle shall notify within two (2) hours thereof, the East Providence Police Department, and shall provide:
 1. The year, make, model, and serial number of the vehicle;
 2. The name, address, and telephone number of the certificated tower; and
 3. The street address or location from which the vehicle was towed.

- ii. Contractor removing an abandoned or unattended vehicle shall notify within fourteen (14) days thereof, by registered mail, return receipt requested, the last-known registered owner of the vehicle and all lienholders of record at the address shown in the records of the appropriate registry in the state in which the vehicle is registered that the vehicle has been taken into custody. The notice shall be substantially in the form provided in R.I.G.L. § 39-12.1-13 and shall describe:
 1. (1) The year, make, model, and serial number of the vehicle;
 2. The name, address, and telephone number of the certificated tower;
 3. That the vehicle is in the possession of that certificated tower;
 4. That recovery, towing, and storage charges are accruing as a legal liability of the registered and/or legal owner;
 5. That the certificated tower claims a possessory lien for all recovery, towing, and storage charges;
 6. That the registered and/or legal owner may retake possession at any time during business hours by appearing, proving ownership, and paying all charges due the certificated tower pursuant to its published tariff;
 7. That should the registered and/or legal owner consider that the original taking was improper or not legally justified, he or she has a right to file an administrative complaint pursuant to chapter 12 of this title to contest the original taking;
 8. That if no claim is filed and the vehicle is not claimed and possession retaken or arranged for within thirty (30) days of the mailing of the notice, the lien will be foreclosed and the vehicle will be sold at public auction;
 9. That the proceeds of the sale shall be first applied to recovery, towing, and storage charges with any excess proceeds being deposited as provided in accordance with R.I.G.L. § 39-12.1-9(d)(3);
 10. That any recovery, towing, and storage charges in excess of the sale proceeds shall remain as a civil obligation of the registered and/or legal owner.
- iii. Contractor shall provide to East Providence Police Department all information of new employees or agents who may serve as an operator of a tow vehicle; and Contractor shall provide notice to East Providence Police Department of termination of employment of any operator of a tow vehicle.

- K. Each tow company agrees to make no unsolicited response at the scene of an accident or abandonment. Only the owner, his agent or the Police shall be the source of such request for towing.
- L. With respect to abandoned vehicles towed, the said Contractor will comply with Chapter 42 of Title 31 of Rhode Island General Laws as amended (Entitled "Abandoned Motor Vehicles"); and will also comply with any other pertinent or applicable State or Federal statutes.
- M. Each Contractor agrees to make the tow book and all release forms available to the Chief of Police or his designee.
- N. Each Contractor agrees to hold a Rhode Island Department of Public Utilities Certificate with an area of coverage, including East Providence as an area, as a minimum of coverage.
- O. No said Contractor or person on the City's approved Tow List shall effectuate the transfer of the said company's Public Utilities Certificate to a prospective purchaser, nor shall any transfer of ownership in whole or in part entitle "the purchaser" to remain on the said City's Tow List, unless and until the prospective purchaser is approved by the City Council after the prospective purchaser shall have applied to the City Council to remain on the said Tow List in accordance with these regulations and the appropriate City Ordinances.
- P.
- a. Grandfather Clause; Area Requirements. The requirement (set forth in Section F) that a "new" or applying company must provide an approved storage facility with an outside storage area containing a minimum of 10,000 square feet at the same location shall not apply retroactively to an "existing company" on the City's said approved List.
 - b. If an existing Contractor on the said City's Authorized Tow List, currently meets all requirements as to land area and equipment, has his real estate property involuntarily condemned or taken by eminent domain which results in the said company's possessing less than the required land area, such an occurrence will not automatically result in the said company's removal from the authorized Tow List for said reason. Nevertheless, said Contractor shall have a grace period of at least sixty (60) days to show cause to the City Council at an informal hearing as to said Contractor's continuing capability and resources to continue the effective operation of the towing and storage of motor vehicles to the reasonable satisfaction of the City.
- Q.
- a. Any Contractor on the said City's Authorized Tow List which fails to adhere to or comply with these rules and regulations or with the pertinent ordinances, or which shall violate or breach the same, then said Contractor shall be subject to be summoned and

attend an informal hearing to be conducted by the City Council, to show cause why the said company should not be suspended for a reasonable period or terminated and removed from said Authorized Tow List. The Contractor affected may be represented by an attorney. Representatives of the East Providence Police Department will present the case with respect to breaches or violations of these rules and regulations, or of the pertinent ordinances or refusal or failure to comply or abide therewith at the conclusion of said hearing, sanctions may be enforced in accordance with the pertinent ordinances, including but not limited to the following sanctions and penalties:

Schedule of Offenses	Sanctions or Penalty
First offense of an ordinance or regulation involving no criminal charges	Generally a written warning or a temporary suspension from the Tow List not to exceed seven (7) days; or sanction or penalty as provided in the ordinance, if applicable.
Second offense of the ordinances or regulations list occurring within a twelve (12) month period	Temporary suspension from Tow List not to exceed sixty (60) days; or as provided in the ordinance
Violations or offenses exceeding the foregoing schedule	As provided in the ordinances or these regulations including long-term suspension or termination from Tow List

Cause for termination or removal from the tow schedule:

1. Failure to fulfill responsibilities as expressed in this policy
2. Three or more “failures to respond” or “respond promptly to requests for towing service”, in a six-month period
3. Assignment or delegation to other tow companies as provided in Section E(b).

Failure to respond may include:

1. Refusal of the tow company to accept a towing assignment
2. Failure to appear at the assigned location within 20 minutes of accepting a tow
3. Inability of the police dispatcher or officer in charge to establish contact with the tow operator

- b. No termination of a tow company shall be made until the tow company has received written notice from the Chief of Police setting forth the specific reasons for such termination. The tow company may appeal any such termination to the City of East Providence City Council in its capacity of board of licenses within 5 business days upon receipt of the termination notice. The appeal shall be limited to mistake of fact or other errors of due process. The City Council shall defer to the opinion of the East Providence Police Department as to all subjective matters of public health, safety and general welfare.
- c. It is understood that the foregoing general guidelines in this Section Q are to be in effect until and unless the same are modified by the City in a promulgation of an amendment or

revision of the rules and regulations. Further, these guidelines are not intended nor are they to be construed as pre-empting or revising pertinent applicable City ordinances or State law.

- R. The Contractor shall utilize the tow, storage and mileage rates as established by the Public Utility Commission.

- S. The Contractor shall save and hold the City harmless from and indemnify the City against any and all injury, loss or damage and all claims for injury, loss or damage of whatever nature caused by or resulting from (1) any act, omission or negligence of the tower, or any of the agents of the tow company, employees, servants, assigns or contractors and (2) any failure on the part of the Contractor to comply with its obligations and responsibilities under the terms of this agreement. This indemnity and hold harmless agreement shall include indemnity against all costs, expenses (including reasonable attorney's fees) and liabilities incurred in connection with any such injury, loss or damage or any such claim or any proceeding brought thereon or the defense thereof.

- T. It is agreed to by both parties that any lawsuit or legal dispute arising out of the interpretation of or any action taken as a result of the terms of this Agreement, shall be resolved by the jurisdiction of the State of Rhode Island court system.

- U. The Contractor shall maintain the following insurance:
 - a. Public liability insurance with a combined single limit of \$500,000.00 dollars for personal injury and property damage including without limitations, damage to towed vehicles due to negligence in towing, theft, fire loss or vandalism sustained while the vehicle is in storage.

 - b. Automobile liability insurance that has a combined single limit for personal injury and property damage of \$500,000.00.

 - c. Workmen's Compensation in the statutory amounts.

The Contractor shall furnish evidence of all insurance coverage to the City of East Providence. The City of East Providence shall be listed on all required policies as an additional named insured.

- V. Personal property not attached to the vehicle may be removed prior to the tow or during the Contractors regular business hours by the owner of the towed vehicle.