

CITY OF EAST PROVIDENCE

**DOCKET-CITY COUNCIL MEETING & BUDGET WORKSHOP**

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/UC0YEW6s1RpjcKR47VMi1LA>

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<br>Rodericks |  |  |
|--------------------------------|--|--|

**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<br>President Rego |     |     |
| Councilwoman Sousa             |     |     |
| Council President<br>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<br>President Rego |     |     |
| Councilwoman Sousa             |     |     |
| Council President<br>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<br>President Rego |     |     |
| Councilwoman Sousa             |     |     |
| Council President<br>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<br>President Rego |     |     |
| Councilwoman Sousa             |     |     |
| Council President<br>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<br>President Rego |     |     |
| Councilwoman Sousa             |     |     |
| Council President<br>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<br>President Rego |     |     |
| Councilwoman Sousa             |     |     |
| Council President<br>Rodericks |     |     |

**7. Sundays and Holidays**

Applicant name: Ashish Parikah

Business name: Popeyes Louisiana Kitchen

Business address: 40 Newport Avenue

| Member | Aye | Nay |
|--------|-----|-----|
|--------|-----|-----|

|                                |  |  |
|--------------------------------|--|--|
| Councilman Fogarty             |  |  |
| Councilman Lawson              |  |  |
| Council Vice<br>President Rego |  |  |
| Councilwoman Sousa             |  |  |
| Council President<br>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<br>President Rego |     |     |
| Councilwoman Sousa             |     |     |
| Council President<br>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<br>President Rego |     |     |
| Councilwoman Sousa             |     |     |
| Council President<br>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
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

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**XV. NEW BUSINESS**

**B. MAYOR COMMUNICATIONS**

1. Alzheimer's Awareness Proclamation

**C. REPORTS OF OTHER CITY OFFICIALS**

1. City Solicitor

**D. REPORT OF SCHOOL COMMITTEE LIAISON**



**E. 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 |     |     |

**F. 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<br>President Rego |     |     |
| Councilwoman Sousa             |     |     |
| Council President<br>Rodericks |     |     |

## **XVII. ADJOURNMENT**

| Member                         | Aye | Nay |
|--------------------------------|-----|-----|
| Councilman Fogarty             |     |     |
| Councilman Lawson              |     |     |
| Council Vice<br>President Rego |     |     |
| Councilwoman Sousa             |     |     |
| Council President<br>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 Billings 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 Shitterz -

**\*\*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\*)

Where IS ANY DATA that SAFETY is improved?... OR NOT  
(City Safety) Sensys G... speed cameras + FINES:  
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 driving behavior and TRAFFIC  
Examples: ① avoiding roads where cameras ARE  
② Bus riders/Kennedy plaza (?!\* )  
③ ~~local~~ 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 <sup>Rei</sup> 5 million \$\$ in General Fund from S.G. cameras should be used to gradually phase out, each camera (1,800 to col contract per camera?) over.

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 Sitate, 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 1<sup>st</sup> day of September 2023.*

Roberto L. DaSilva  
Mayor



# 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.