

**CITY OF EAST PROVIDENCE**  
DOCKET-REGULAR COUNCIL MEETING  
TUESDAY, MARCH 17, 2020

**CALL TO ORDER: 6:00 P.M.**

(PLEASE NOTE THIS IS A DIFFERENT START TIME THAN THE NORMAL SCHEDULED TIME)  
*Council May Call Executive Session in Room 101*

**PLEASE NOTE OPEN SESSION WILL BEGIN AT 6:30 P.M.**

(INSTEAD OF THE NORMAL START TIME OF 7:00 P.M.)

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

**City Council:**

Council President, Robert Britto - Ward 1  
Council Vice-President: Bob Rodericks - At Large  
Councilwoman Anna Sousa - Ward 2  
Councilman Nate Cahoon - Ward 3  
Councilman Ricardo Mourato - Ward 4

**I. CALL TO ORDER**  
**II. INVOCATION**

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

Member	Aye	Nay
Cahoon		
Mourato		
Rodericks		
Sousa		
Britto		

**a) Litigation**

1. GeoNova vs. The City of East Providence

C.A. NO. PB-09-5341

Status Update

**b) Collective Bargaining**

Review, Discussion and Vote: Proposed Memorandum of Understanding Between the City of East Providence and International Brotherhood of Police Officers Local 569 Regarding Detectives Work Schedule

**c) New Claims**

1. Elizabeth Airozo
2. Paula Butterworth

**d) Sewer Charge Abatements**

1. Paula Mallozzi

**III. OPEN SESSION**

**IV. PLEDGE OF ALLEGIANCE**

**V. MOTION TO SEAL THE MINUTES FROM EXECUTIVE SESSION**

Member	Aye	Nay
Cahoon		
Mourato		
Rodericks		
Sousa		
Britto		

**VI. CONSENT CALENDAR**

All items under, "Consent Calendar" are considered to be of a routine and noncontroversial nature by the City Council and will be enacted by one motion. There will be no separate discussion on the items unless a Council members so requests, in which event the item will be removed from said Consent Calendar and will be considered in its normal sequence in the docket.

1. Council Journals: March 6<sup>th</sup> – Special Meeting

2. University Orthopedics 5K Race – May 9, 2020

1 Kettle Point Drive, East Providence, RI 02914

3. Tax Abatements from February 20, 2020 Tax Board of Review Meeting

<b>2019</b>	<b>\$609.07</b>
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4. Tax Cancellations/Abatements – From Assessor’s Office

2018	\$107.25
2019	\$44,660.62
<b>Totals</b>	<b>\$44,767.87</b>

Member	Aye	Nay
Cahoon		
Mourato		
Rodericks		
Sousa		
Britto		

**VII. LICENSE APPROVALS NOT REQUIRING PUBLIC HEARING**

**a) APPLICATION FOR VICTUALING LICENSE – CLASS 2**

**Ponto Um Take Out - Claricleia Luiz De Sousa**

**234 Warren Avenue #5**

**East Providence, RI 02914**

Member	Aye	Nay
Cahoon		
Mourato		
Rodericks		
Sousa		
Britto		

**b) APPLICATION FOR HOLIDAY SALES LICENSE**

**Ponto Um Take Out – Claricleia Luiz De Sousa**

**234 Warren Avenue #5**

**East Providence, RI 02914**

Member	Aye	Nay
Cahoon		
Mourato		
Rodericks		
Sousa		
Britto		

**c) APPLICATION FOR ONE DAY ENTERTAINMENT LICENSE**

**Applicant: Judy de Perla**

Date of Event: 06/13/2020

Member	Aye	Nay
Cahoon		
Mourato		
Rodericks		
Sousa		
Britto		

**d) APPLICATION FOR SPECIAL EVENT – ALCOHOLIC BEVERAGE, CLASS F**

**Applicant: Judy de Perla**

**Location of Entertainment: 1336 Pawtucket Avenue – 02916**

**Date of Event: 06/13/2020**

Member	Aye	Nay
Cahoon		
Mourato		
Rodericks		
Sousa		
Britto		

**e) BLOCK PARTY APPLICATION**

**Applicant: Judy de Perla**

**Location of Entertainment: 1336 Pawtucket Avenue – 02916**

**Date of Event: 06/13/2020**

Member	Aye	Nay
Cahoon		
Mourato		
Rodericks		
Sousa		
Britto		

**VIII. CITY COUNCIL TO CONVENE AS BOARD OF LICENSES**

**1. SHOW CAUSE HEARINGS**

**a) Dispositions**

A) Liquor Plus, 1015 South Broadway – 02914

Member	Aye	Nay
Cahoon		
Mourato		
Rodericks		
Sousa		
Britto		

**b) Hearings**

A) Riverside Liquors, 225 Bullocks Point Avenue – 02915

Member	Aye	Nay
Cahoon		
Mourato		
Rodericks		
Sousa		
Britto		

B) Town Wine and Spirits, 179 Newport Avenue – 02916

Member	Aye	Nay
Cahoon		
Mourato		

Rodericks		
Sousa		
Britto		

**IX. COMMUNICATIONS**

**1. "APPROPRIATE ACCESS TO PLEASANT STREET PARKING LOT" FIRST BAPTIST CHURCH – PASTOR GARY COLEMAN**

**PUBLIC COMMENT**

All persons wishing to make public comment shall sign a public comment sheet stating their name, address and the subject of their docket related item to speak on. This sheet shall be available on a desk at the entrance of the City Hall Chambers no later than forty five (45) minutes before the call to order of any regularly scheduled council meeting and shall be delivered by the City Clerk to the presiding officer no earlier than five (5) minutes before the call to order of the meeting. Each speaker will be limited to three (3) minutes. The order of the speakers will be on a first come, first serve basis and the maximum time for public comment shall be limited to thirty (30) minutes per meeting.

**IX. MAYORAL APPOINTMENTS NOT REQUIRING COUNCIL APPROVAL (COMMUNICATION ONLY)**

- a) [Economic](#) Development Commission – Jakub Lus
- b) [Carousel](#) Commission – Lumena Rodrigues
- c) [Economic](#) Development Commission – Tom Brun
- d) [Carousel](#) Commission – Bruce Rogers

**X. MAYORAL APPOINTMENT REQUIRING COUNCIL APPROVAL**

- a) [Zoning](#) Board – Gary Pascoa

**Current Seat: Alternate**

**New Seat: Regular Member**

Member	Aye	Nay
Cahoon		
Mourato		
Rodericks		
Sousa		
Britto		

**XI. MAYOR COMMUNICATIONS**

**1. Update on East Providence Fire Academy – Increase in Number of Entering Candidates as a Result of Expected Retirements**

**XII. COUNCIL COMMUNICATIONS**

- a) **Update: (W/MBE) Women and Minority Business Enterprise High School Oversight Committee**

Council President Britto

- b) **Discussion: Receipt and review of Planning Board [recommendation](#), (memo dated March 10, 2020) for proposed short term rental ordinance - Potential Council vote and review, acceptance and adoption for future consideration**

Councilman Mourato and Council Vice President Rodericks

- c) **Women’s History Month Recognitions**

Councilwoman Sousa

**XIII. NEW BUSINESS**

- a) Reports of Other City Officials

**1. Claims Committee Report – Solicitor, Michael J. Marcello**

**2. Presentation: Community Development Block Grant (CDBG) Program Request for Proposal (Deadline: 04/03/2020) – David Bachrach**

Member	Aye	Nay
Cahoon		
Mourato		
Rodericks		
Sousa		

Britto		
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**b) RESOLUTIONS**

1. [RESOLUTION](#) AUTHORIZING THE GRANTING OF AN EASEMENT TO INSTALL AN ELECTRIC DISTRIBUTION SYSTEM FOR THE NEW EAST PROVIDENCE HIGH SCHOOL AS WELL AS THE GRANT OF EASEMENT.

**Sponsored by: Council Vice President Rodericks**

**For full language of the 03/17/2020 resolution (online):**

<https://clerkshq.com/eastprovidence-ri>

Member	Aye	Nay
Cahoon		
Mourato		
Rodericks		
Sousa		
Britto		

2. [RESOLUTION](#) AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT AMENDMENT FOR CONTINUED ASSISTANCE WITH PROFESSIONAL SERVICES FOR THE STRATEGIC ASSESSMENT OF THE WASTEWATER OPERATING CONTRACT AND WHOLESALE SERVICE PROJECT

**Sponsored by: Council Vice President Rodericks**

**For full language of the 03/7/2020 resolution (online):**

<https://clerkshq.com/eastprovidence-ri>

Member	Aye	Nay
Cahoon		
Mourato		
Rodericks		
Sousa		
Britto		

3. [RESOLUTION](#) AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT ADDENDUM FOR CONTINUED ENGINEERING AND WETLAND CONSULTING SERVICES RELATED TO THE RUNNINS RIVER TRIBUTARY RESTORATION PROJECT

**Sponsored by: Council Vice President Rodericks**

**For full language of the 03/17/resolution (online):** <https://clerkshq.com/eastprovidence-ri>

Member	Aye	Nay
Cahoon		
Mourato		
Rodericks		
Sousa		
Britto		

4. [RESOLUTION](#) AUTHORIZING THE GRANTING OF AN EASEMENT TO CONSTRUCT A TEMPORARY POOL AND WEIR SYSTEM DOWNSTREAM OF THE HUNT'S MILL DAM FISH LADDER

**Council President Britto**

**For full language of the 03/17/2020 resolution (online):**

<https://clerkshq.com/eastprovidence-ri>

Member	Aye	Nay
Cahoon		
Mourato		
Rodericks		
Sousa		
Britto		

**c) INTRODUCTION OF ORDINANCES**

1. **ORDINANCES FOR FIRST AND FINAL PASSAGE – PUBLIC HEARING**

- a) **ORDINANCE** OF THE COUNCIL OF THE CITY OF EAST PROVIDENCE APPROPRIATING \$6,000 FOR THE SUPPORT OF HUNTS MILL DOG PARK

**Sponsored by: Council President Britto**

For full language of the 03/17/2020 ordinance (online): <https://clerkshq.com/eastprovidence-ri>

Member	Aye	Nay
Cahoon		
Mourato		
Rodericks		
Sousa		
Britto		

- b) **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”

**Sponsored by: Councilman Mourato and Councilwoman Sousa**

For full language of the 03/17/2020 ordinance (online): <https://clerkshq.com/eastprovidence-ri>

Member	Aye	Nay
Cahoon		
Mourato		
Rodericks		
Sousa		
Britto		

XIV. RECONVENE IN EXECUTIVE SESSION (if necessary)

XV. ADJOURNMENT

Member	Aye	Nay
Cahoon		
Mourato		
Rodericks		
Sousa		
Britto		

*If communication assistance is needed or any other accommodations to ensure equal participation, please contact the City Clerk, Samantha Burnett at 401.435.759*



# City of East Providence Mayor's Office

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*East Providence City Hall*  
145 TAUNTON AVENUE  
EAST PROVIDENCE, RHODE ISLAND 02914-4505  
TEL. (401) 435-7521 FAX (401) 438-1719 TDD (401) 431-1633  
WWW.EASTPROVIDENCERI.NET

Mar. 10, 2020

Robert Britto  
President  
East Providence City Council  
145 Taunton Ave.  
East Providence, RI 02914-4505

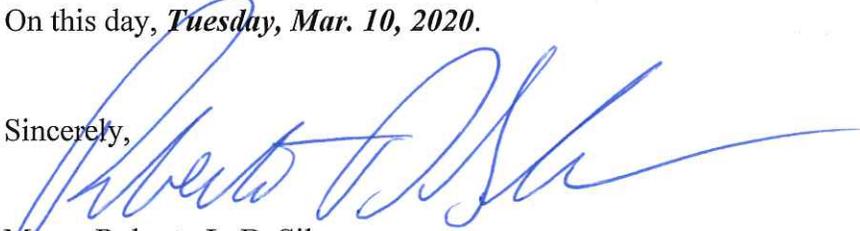
Dear Council President Britto,

I hereby appoint ***Jakub Lis*** to the **Economic Development Commission** pursuant to Article III Sec. 3-5(b) of the Charter of the City of East Providence.

*Pursuant to:* Chapter 2 Sec. 2-116 through Sec. 2-150.

On this day, ***Tuesday, Mar. 10, 2020.***

Sincerely,

  
Mayor Roberto L. DaSilva  
CC:/Samantha Burnett, City Clerk



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Mar. 10, 2020

Robert Britto  
President  
East Providence City Council  
145 Taunton Ave.  
East Providence, RI 02914-4505

Dear Council President Britto,

I hereby appoint **Lumena Rodrigues** to the **Carousel Park Commission** pursuant to Article III Sec. 3-5(b) of the Charter of the City of East Providence.  
This appointment is for the Ward 4 position.

*Pursuant to:* 2-51 through Sec. 2-65.

On this day, **Tuesday, Mar. 10, 2020.**

Sincerely,

  
Mayor Roberto L. DaSilva  
CC:/Samantha Burnett, City Clerk



# City of East Providence Mayor's Office

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WWW.EASTPROVIDENCERI.NET

Mar.10, 2020

Robert Britto  
President  
East Providence City Council  
145 Taunton Ave.  
East Providence, RI 02914-4505

Dear Council President Britto,

I hereby appoint **Thomas Brun** to the **Economic Development Commission** pursuant to Article III Sec. 3-5(b) of the Charter of the City of East Providence.

*Pursuant to:* Chapter 2 Sec. 2-116 through Sec. 2-150.

On this day, **Tuesday, Mar. 10, 2020.**

Sincerely,

  
Mayor Roberto L. DaSilva  
CC:/Samantha Burnett, City Clerk



# City of East Providence Mayor's Office

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*East Providence City Hall*  
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Mar. 10, 2020

Robert Britto  
President  
East Providence City Council  
145 Taunton Ave.  
East Providence, RI 02914-4505

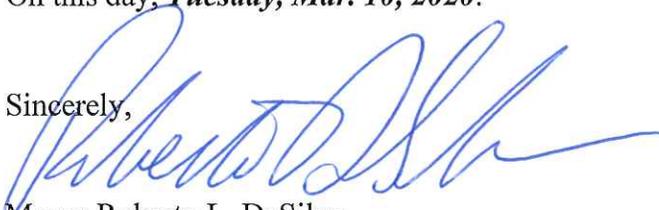
Dear Council President Britto,

I hereby appoint **Bruce Rogers** to the **Carousel Park Commission** pursuant to Article III Sec. 3-5(b) of the Charter of the City of East Providence.  
This appointment is for the Ward 2 position.

*Pursuant to:* 2-51 through Sec. 2-65.

On this day, **Tuesday, Mar. 10, 2020.**

Sincerely,

  
Mayor Roberto L. DaSilva  
CC:/Samantha Burnett, City Clerk



# City of East Providence Mayor's Office

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Mar. 17, 2020

Robert Britto  
President  
East Providence City Council  
145 Taunton Ave.  
East Providence, RI 02914-4505

Dear Council President Britto,

I hereby nominate *Gary Pascoa* to the **Zoning Board of Review** pursuant to *Article II Sec. 2-14* of the Charter of the City of East Providence.  
This appointment is for the Ward 3 position.

*Pursuant to:* East Providence Charter, *Article II Sec. 2-14.*

On this day, *Tuesday, Mar. 17, 2020.*

Sincerely,

Mayor Roberto L. DaSilva  
CC:/Samantha Burnett, City Clerk



# City of East Providence Planning Department

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ROBERTO L. DASILVA  
MAYOR

WILLIAM J. FAZIOLI  
DIRECTOR OF PLANNING & ECONOMIC DEVELOPMENT

## MEMORANDUM

March 10, 2020

To: City Council

From: Planning Department *wf*

Re: Recommendation to the City Council to amend Chapter 19 of the City's Zoning Ordinance to require a temporary use permit for short-term rentals.

Section 19-73 of Zoning requires that the Planning Board review and provide an advisory opinion to the City Council for all requests to amend current zoning. Specifically, the Planning Board provides to the City Council a statement of the general consistency of a proposed amendment to the City's Comprehensive Plan (including goals and policy statements), consideration of the general purposes of Section 19-2 of Zoning, and a statement indicating whether a comprehensive plan amendment is necessary.

At the March 9, 2020 Planning Board meeting, the Planning Board on a 5-0 vote recommended that the City Council adopt the draft ordinance based upon the finding that the ordinance is consistent with the City's Comprehensive Plan and that positive findings were found on the standards of section 19-2 of Zoning.

Cc: Roberto L. DaSilva, Mayor  
City Council  
Michael J. Marcello, City Solicitor  
Edward Pimentel, Zoning Officer

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CITY OF EAST PROVIDENCE

CHAPTER

AN ORDINANCE IN AMENDMENT OF CHAPTER 19 OF THE REVISED  
ORDINANCES OF THE CITY OF EAST PROVIDENCE, RHODE ISLAND 1998,  
AS AMENDED, ENTITLED "ZONING"

**SECTION I.** Section 19-1 entitled "Definitions" of Article I entitled "In General" of Chapter 19 entitled "Zoning" is hereby amended by adding thereto the following:

*Short-term rental* means the offering of or occupancy or use of, all or portions of a dwelling unit by anyone other than the owner for a fee for a period of fewer than 28 consecutive calendar days.

*Temporary Use Permit* means a temporary use permit that confers a temporary privilege to operate beyond the defined permissible uses in any zoning district.

**SECTION II.** Article III entitled "District Regulations" of Chapter 19 entitled "Zoning" is hereby amended by adding thereto the following:

Sec. 19-103 Temporary Use Permit.

- a. A Temporary use permit that confers a temporary privilege to operate beyond the defined permissible uses in any zoning district. Temporary Use Permits are subject to the following provisions:
  1. Temporary use permits shall automatically expire on January 1 of each year.
  2. The fee for a temporary use permit shall be set by the Zoning Officer.
  3. A temporary use permit may be revoked at any time by the Zoning Officer.
  4. Applications for Temporary Use Permits shall be submitted to the Zoning Officer.

Temporary Use Permits shall only issue if:

    - i. Unless expressly allowed by this Ordinance, the temporary use or structure complies with the yard and bulk requirements of the district in which it is located.
    - ii. The temporary use does not cause, or threaten to cause, an on-site or off-site threat to the public health, safety, and welfare.
    - iii. The temporary use is operated in accordance with such restrictions and conditions as the Police and Fire Department may require. If required as a condition of approval, the operator of the temporary use shall employ appropriate security personnel.
    - iv. The temporary use does not conflict with another previously authorized temporary use.
    - v. The Applicant shows proof of ownership in the relevant property.

- vi. If the relevant property contains public property, the Applicant shall acquire written permission from the Director of the Department of Public Works for use of said property, subject to any conditions set by the City.
  
- b. Short-Term Rental. The offering of or occupancy or use of, all or portions of a dwelling unit by anyone other than the owner for a fee for a period of fewer than 28 consecutive calendar days.
  - 1. A dwelling unit in a single-family, two-family, three family, semi-detached, or multi-family dwelling may be used as a short-term rental, subject to the following standards:
    - i. Properties used as short-term rentals in Residential districts must be owner-occupied.
    - ii. The owner must supply all of the following within the dwelling unit:
      - 1. Visible printed materials with diagrams of all points of egress, written in English, Spanish, and Portuguese.
      - 2. Clearly marked visible fire extinguisher(s).

**SECTION III.** This ordinance shall take effect upon passage and all ordinances and parts of ordinances inconsistent herewith are hereby repealed.

Adopted: \_\_\_\_\_

Attest:

\_\_\_\_\_  
City Clerk of the City of East Providence, Rhode Island

Introduced by: Council Vice President Rodericks

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CITY OF EAST PROVIDENCE

CHAPTER

AN ORDINANCE IN AMENDMENT OF CHAPTER 19 OF THE REVISED  
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**SECTION II.** Article III entitled "District Regulations" of Chapter 19 entitled "Zoning" is hereby amended by adding thereto the following:

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  1. Temporary use permits shall automatically expire on January 1 of each year.
  2. The fee for a temporary use permit shall be set by the ~~Director of the Planning Department~~Zoning Officer.
  3. A temporary use permit may be revoked at any time by the Zoning Officer.
  4. Applications for Temporary Use Permits shall be submitted to the ~~Department of Planning~~Zoning Officer. Temporary Use Permits shall only issue if:
    - i. Unless expressly allowed by this Ordinance, the temporary use or structure complies with the yard and bulk requirements of the district in which it is located.
    - ii. The temporary use does not cause, or threaten to cause, an on-site or off-site threat to the public health, safety, and welfare.
    - iii. The temporary use is operated in accordance with such restrictions and conditions as the Police and Fire Department may require. If required as a condition of approval, the operator of the temporary use shall employ appropriate security personnel.
    - iv. The temporary use does not conflict with another previously authorized temporary use.
    - v. The Applicant shows proof of ownership in the relevant property.

- vi. If the relevant property contains public property, the Applicant shall acquire written permission from the Director of the Department of Public Works for use of said property, subject to any conditions set by the City.
  
- b. Short-Term Rental. The offering of or occupancy or use of, all or portions of a dwelling unit by anyone other than the owner for a fee for a period of fewer than 28 consecutive calendar days.
  - 1. A dwelling unit in a single-family, two-family, three family, semi-detached, or multi-family dwelling may be used as a short-term rental, subject to the following standards:
    - i. Properties used as short-term rentals in Residential districts must be owner-occupied.
    - ii. The owner must supply all of the following within the dwelling unit:
      - 1. Visible printed materials with diagrams of all points of egress, written in English, Spanish, and Portuguese.
      - 2. Clearly marked visible fire extinguisher(s).

**SECTION III.** This ordinance shall take effect upon passage and all ordinances and parts of ordinances inconsistent herewith are hereby repealed.

Adopted: \_\_\_\_\_

Attest:

\_\_\_\_\_  
City Clerk of the City of East Providence, Rhode Island

Introduced by: Council Vice President Rodericks

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS**

**CITY OF EAST PROVIDENCE**

**RESOLUTION NO.**

**RESOLUTION AUTHORIZING THE GRANTING OF AN  
EASEMENT TO INSTALL AN ELECTRIC DISTRIBUTION SYSTEM  
FOR THE NEW EAST PROVIDENCE HIGH SCHOOL**

**WHEREAS**, Narragansett Electric Company desires to install, construct, reconstruct, repair, replace, add to, maintain and operate an overhead and underground distribution system for the purpose of supplying electric service to the new East Providence High School located at 2000 Pawtucket Avenue; and

**WHEREAS**, to accomplish the installation of the electric distribution system, an easement is necessary over City-owned property as set forth in the Grant of Easement attached hereto as Exhibit A; and

**WHEREAS**, Rhode Island General Laws §45-2-4 empowers the City Council to grant interest in property.

**NOW, THEREFORE BE IT RESOLVED,**

(1) The City Council of the City of East Providence authorizes the granting of an easement to install an electric distribution system to the new East Providence High School;

(2) The Mayor, by and through the office of the City Solicitor, is hereby empowered to take all necessary steps to grant and perfect an easement consistent with the Grant of Easement attached hereto as Exhibit A.

This Resolution shall take effect upon passage.

Adopted by the City Council: \_\_\_\_\_

Attest:

\_\_\_\_\_  
City Clerk of East Providence, Rhode Island

Introduced by: Council Vice President Rodericks

## GRANT OF EASEMENT

THE CITY OF EAST PROVIDENCE, a municipal corporation with a principal business at 145 Taunton Ave, East Providence, RI 02914 (“Grantor”) for consideration paid, grants to THE NARRAGANSETT ELECTRIC COMPANY, a Rhode Island corporation having a principal place of business at 280 Melrose Street, Providence, Rhode Island 02907, (“Grantee”), its successors and assigns, with Quitclaim Covenants, a perpetual right and easement as described in Section 1 below (“Easement”) in, under, through, over, across, and upon the Grantor’s land, as described in Section 2 below (“Grantor’s Land”).

### **Section 1 – Description of Easement**

The “Easement” granted by the Grantor to the Grantee consists of the perpetual right and easement:

- a) To install, construct, reconstruct, repair, replace, add to, maintain and operate an overhead and underground distribution system (“Distribution System”) for the distribution of electric current to include lines of Poles and Padmounted transformers, together with all the necessary wires, cables, conduits, transformers, handholes, pedestals, switches, anchors, guys, equipment, fixtures and appurtenances installed therein and attached thereto, in, under, through, over, across and upon the Grantor’s land, as may from time to time be required for the purpose of supplying electric service to the Grantor’s Land and land of others adjoining the Grantor’s Land;
- b) To clear and keep cleared from time to time the portions of the Grantor’s Land wherein the Distribution System is located of such trees, shrubs, bushes, above ground and below ground structures, objects and surfaces as may in the opinion and judgment of the Grantee, its successors and assigns, interfere with the safe and proper operation of the Distribution System;
- c) To make such excavation or excavations as may be reasonable and necessary to construct, reconstruct, repair and remove the Distribution System. But the Grantee shall properly backfill any excavation and restore the surface of the Grantor’s Land in as good condition as before the excavation was made; and
- d) To pass over and across the Grantor’s Land as reasonable and necessary for all the purposes described in this Section.

### **Section 2 – Description of Grantor’s Land**

The “Grantor’s Land” consists of land situated on the easterly side of Pawtucket Avenue in the City of East Providence, County of Providence, State of Rhode Island, designated as Lots 1 and 5, Block 6, East Providence Tax Assessor’s Map 406, being those certain tracts or parcels of land conveyed to the Grantor by deeds recorded with the Records of Land Evidence in East Providence on June 13, 2014, in Book 3580, P 157 and January 16, 1950, in Book 140, Page 473.

WR#28645283

Address of Grantee:  
Narragansett El., 280 Melrose Street, Providence, RI 02907

After recording return to:  
Peter Espinal  
National Grid  
Service Company, Inc.  
280 Melrose Street  
Providence, RI 02907

### **Section 3 – Location of the Distribution System**

The “Distribution System” shall extend from a pole, which is located on abutting property of the Providence Country Day School to the south, in a general easterly direction to a proposed line of Poles which will be located within certain portions of Grantor’s land, the “Distribution System” shall then extend in a general northerly direction to Proposed Padmounted Transformers which are to be located within certain portions of the Grantor’s Land. The “Distribution System” shall also extend in a general easterly direction from pole #9040, which is located on the easterly side of Pawtucket Avenue, to a line of Poles which will be located within certain portions of Grantor’s land, the “Distribution System” shall then extend in a general easterly direction to a Padmounted Transformer which are to be located within certain portions of the Grantor’s Land, with an easement area around all padmounted transformers measuring fifteen (15) feet wide by fifteen (15) feet deep, said Distribution System shall be located within an easement area fifteen (15) feet wide, the centerline of the Distribution System being the centerline of the easement area, all as approximately shown on a sketch attached hereto as “Exhibit A”, copies of which are in the possession of the Grantor and the Grantee herein. Final definitive locations of said “Distribution System” shall become established by the installation and erection thereof by the Grantee. Said Distribution System shall be located in a location on the Grantor’s Land mutually satisfactory to the Grantor and to the Grantee and such location shall become established by and upon the installation thereof by the Grantee. The Grantor, for itself, its successors and assigns, covenant and agrees with the Grantee, for itself, its successors and assigns, that this Grant of Easement and the location of the Overhead System and Underground System may not be changed or modified without the written consent of the Grantee, its successors and assigns, which consent may be withheld by the Grantee in its sole discretion.

### **Section 4 – Distribution System Ownership**

It is agreed that the Distribution System shall remain the property of the Grantee, its successors and assigns, and that the Grantee, its successors and assigns shall pay all taxes assessed thereon.

### **Section 5 – As-Built Plan**

Following such installation, Grantor may, at its sole cost and expense, prepare and submit to Grantee for review and approval an “as-built” plan in recordable form showing the permanent locations of the Poles and Padmounted Transformers, following which Grantor and Grantee, at Grantor's sole expense, may enter into an amendment to this easement to establish such permanent locations with such plan attached.

**IN WITNESS WHEREOF**, THE CITY OF EAST PROVIDENCE has caused these presents to be signed by its proper officer for that purpose duly authorized this \_\_\_\_ day of \_\_\_\_\_, 2020.

In the presence of:

THE CITY OF EAST PROVIDENCE

\_\_\_\_\_  
  
\_\_\_\_\_

\_\_\_\_\_  
By: \_\_\_\_\_  
Its: \_\_\_\_\_

**STATE OF** \_\_\_\_\_  
**COUNTY OF** \_\_\_\_\_

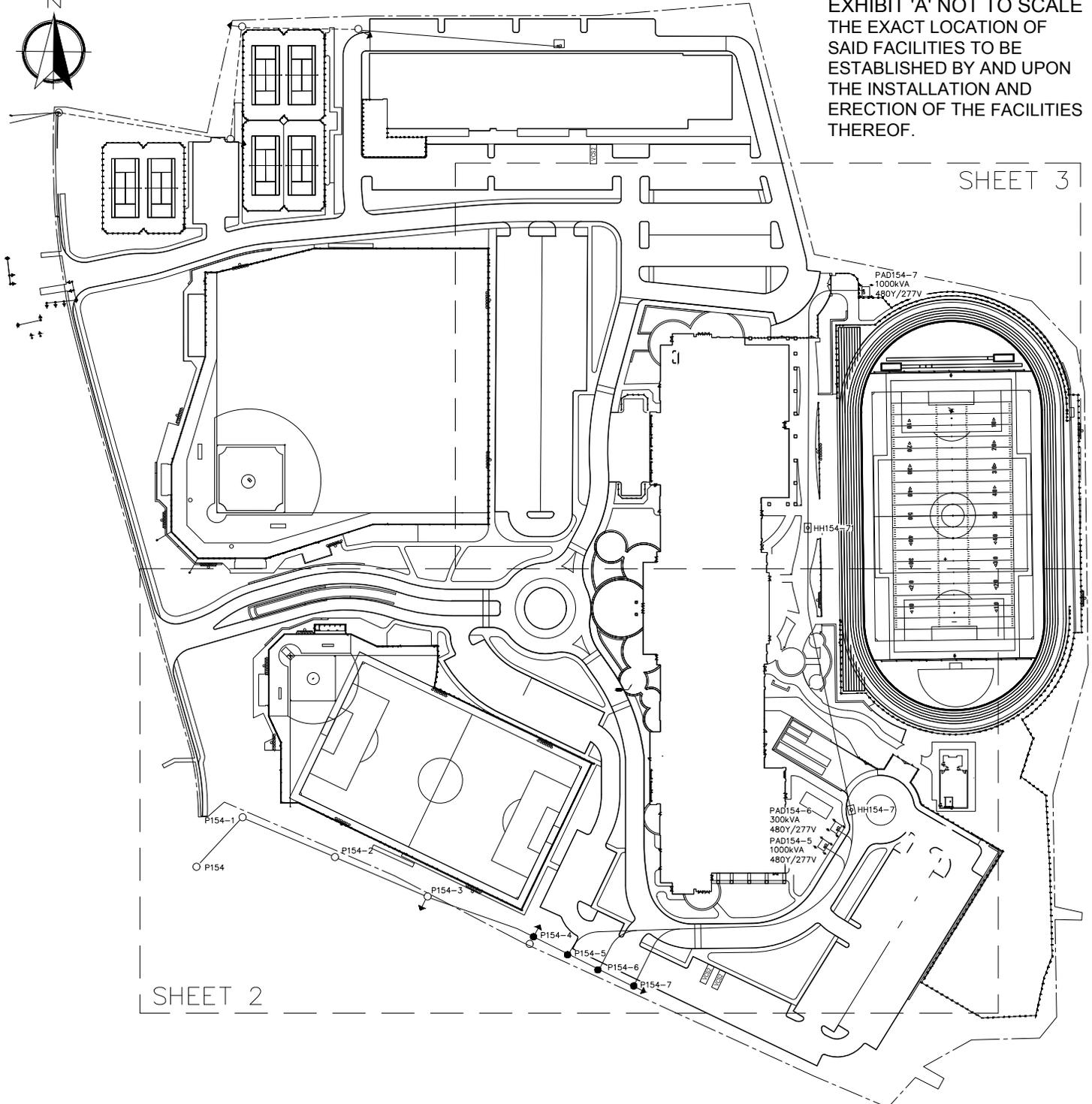
In \_\_\_\_\_ in said County on the \_\_\_\_ day of \_\_\_\_\_, 2020, before me personally appeared the above named \_\_\_\_\_, to me known and known by me to be the party executing the foregoing instrument and he/she/they acknowledged said instrument, by him/her/they executed, to be his/her free act and deed individually and in said capacity.

\_\_\_\_\_  
Notary Public  
Printed Name: \_\_\_\_\_  
My Commission expires: \_\_\_\_\_



EXHIBIT 'A' NOT TO SCALE  
 THE EXACT LOCATION OF  
 SAID FACILITIES TO BE  
 ESTABLISHED BY AND UPON  
 THE INSTALLATION AND  
 ERECTION OF THE FACILITIES  
 THEREOF.

SHEET 3



SHEET 2

LEGEND

-  TRANSFORMER PAD
-  HEAVY DUTY HANDHOLE
-  EXISTING POLE
-  PROPOSED POLE
-  ANCHOR
-  PROPOSED BOLLARD
-  EXISTING OH LINE
-  PROPOSED OH LINE
-  EXISTING UG
-  PROPOSED 4IN. PVC CONDUIT

EAST PROVIDENCE HIGH SCHOOL  
 EASEMENT

2000 PROVIDENCE AVE.  
 SHEET 1 OF 3

EAST PROVIDENCE RI.

Date: 1.7.2020

Designer: W.HUNT

W/R: 28645283

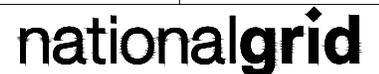
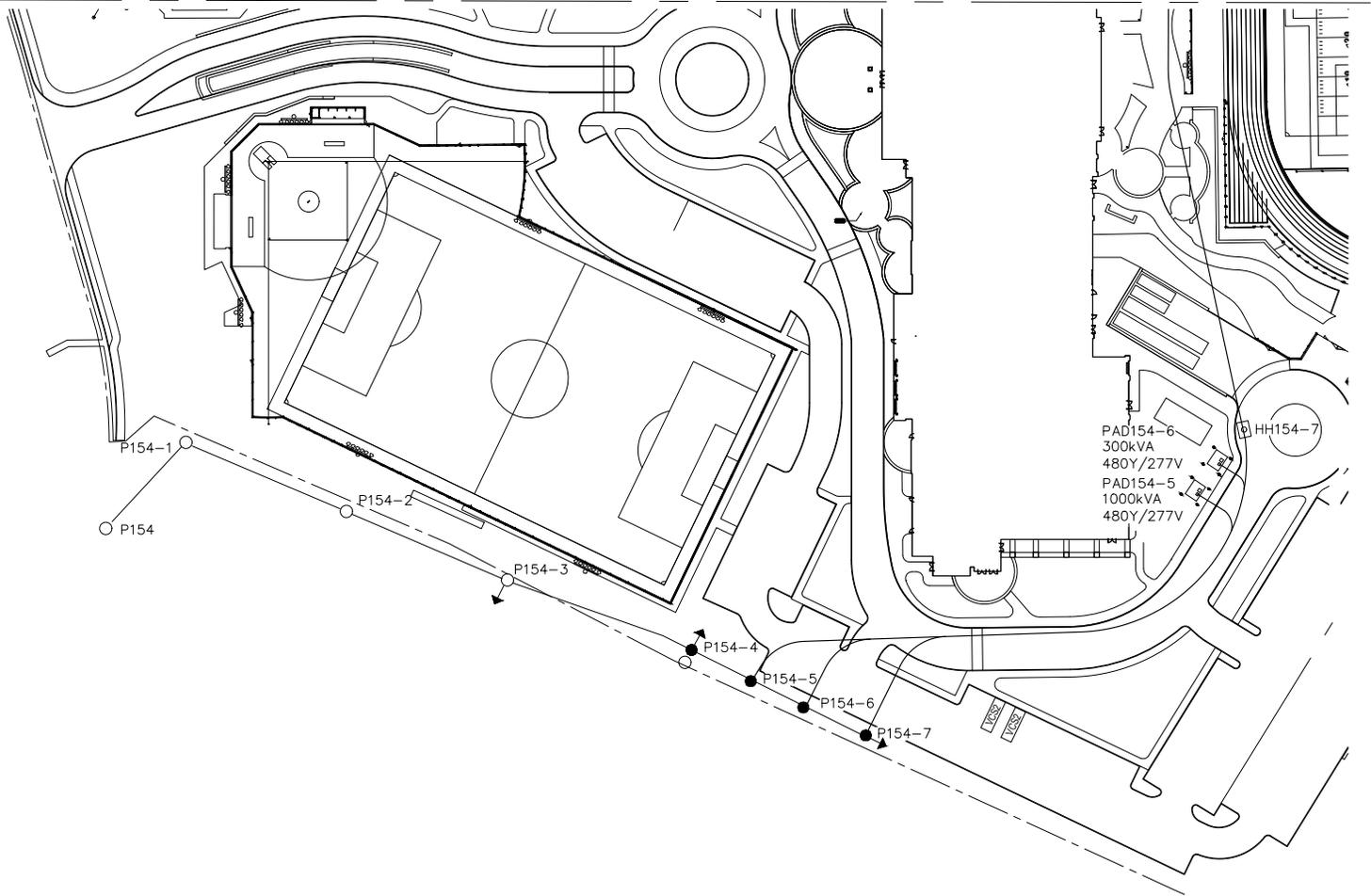




EXHIBIT 'A' NOT TO SCALE  
 THE EXACT LOCATION OF  
 SAID FACILITIES TO BE  
 ESTABLISHED BY AND UPON  
 THE INSTALLATION AND  
 ERECTION OF THE FACILITIES  
 THEREOF.

MATCHLINE SHEET 3



LEGEND

-  TRANSFORMER PAD
-  HEAVY DUTY HANDHOLE
-  EXISTING POLE
-  PROPOSED POLE
-  ANCHOR
-  PROPOSED BOLLARD
-  PROPOSED OH LINE
-  PROPOSED 4IN. PVC CONDUIT

EAST PROVIDENCE HIGH SCHOOL  
 EASEMENT

2000 PROVIDENCE AVE.  
 SHEET 2 OF 3

EAST PROVIDENCE RI.

Date: 1.7.2020  
 Designer: W.HUNT  
 W/R: 28645283

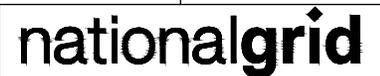
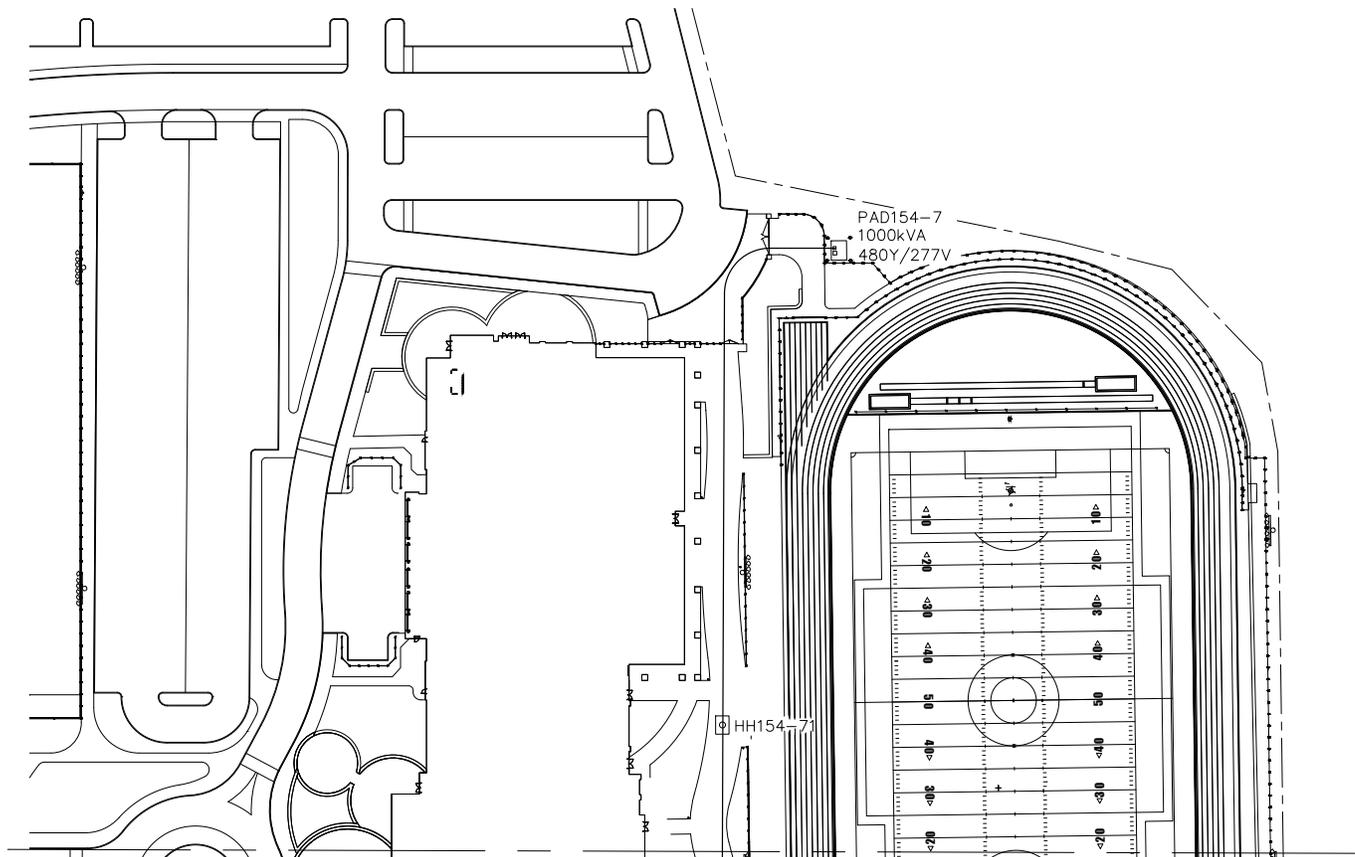




EXHIBIT 'A' NOT TO SCALE  
 THE EXACT LOCATION OF  
 SAID FACILITIES TO BE  
 ESTABLISHED BY AND UPON  
 THE INSTALLATION AND  
 ERECTION OF THE FACILITIES  
 THEREOF.



MATCHLINE SHEET 2

LEGEND

- B TRANSFORMER PAD
- H HEAVY DUTY HANDHOLE
- EXISTING POLE
- PROPOSED POLE
- ← ANCHOR
- PROPOSED BOLLARD
- PROPOSED OH LINE
- PROPOSED 4IN. PVC CONDUIT

EAST PROVIDENCE HIGH SCHOOL  
 EASEMENT

2000 PROVIDENCE AVE.  
 SHEET 3 OF 3

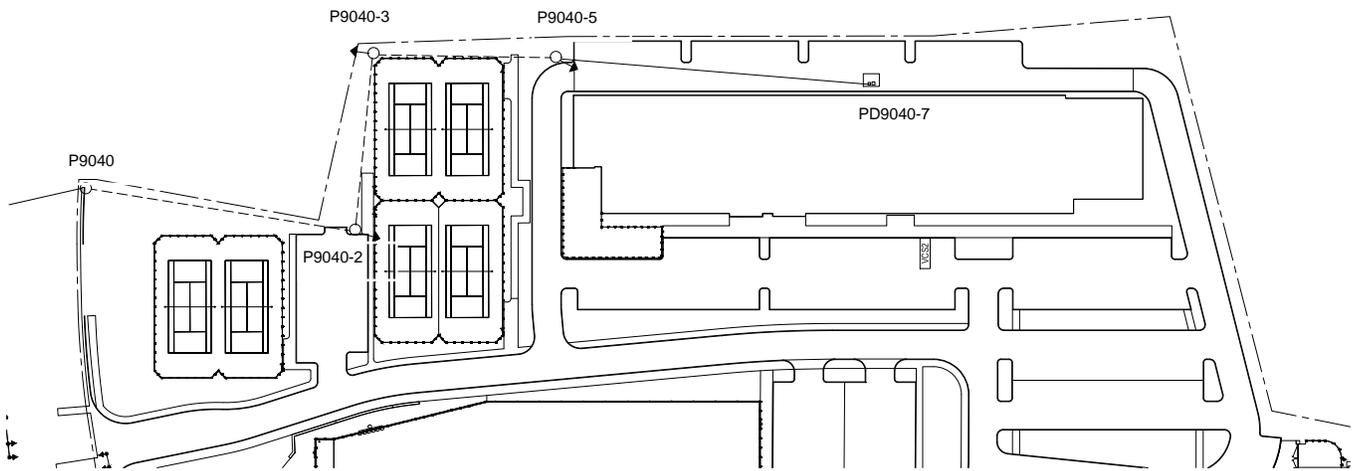
EAST PROVIDENCE RI.

Date: 1.7.2020  
 Designer: W.HUNT  
 W/R: 28645283





EXHIBIT 'A' NOT TO SCALE  
THE EXACT LOCATION OF  
SAID FACILITIES TO BE  
ESTABLISHED BY AND UPON  
THE INSTALLATION AND  
ERECTION OF THE FACILITIES  
THEREOF.



LEGEND

-  TRANSFORMER PAD
-  ANCHOR
-  POLE
-  OH LINE
-  UG

EAST PROVIDENCE HIGH SCHOOL  
EASEMENT

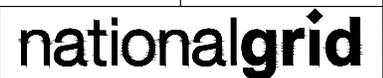
2000 PROVIDENCE AVE.

EAST PROVIDENCE RI.

Date: 1.7.2020

Designer: W.HUNT

W/R: 28645283



**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS**

**CITY OF EAST PROVIDENCE**

**RESOLUTION NO.**

**RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO  
A CONTRACT AMENDMENT FOR CONTINUED ASSISTANCE WITH  
PROFESSIONAL SERVICES FOR THE STRATEGIC ASSESSMENT OF  
THE WASTEWATER OPERATING CONTRACT  
AND WHOLESALE SERVICE PROJECT**

**WHEREAS**, on June 27, 2019, the City entered into an agreement with Arcadis U.S. Inc. under the City's Request for Qualifications for Professional Consulting Services for Wastewater Operations to assist with a Strategic Assessment of the Wastewater Operating Contract and Wholesale Service; and

**WHEREAS**, the City desires to amend the Agreement to include amended services with Arcadis U.S. Inc. for continued work on the project; and

**WHEREAS**, Arcadis's revised scope of amended services for the project consists of conducting an independent staffing review of the Water Pollution Control Facility and tributary sewer system, assisting the City with review of the Suez renewal proposal, and assisting the City with tasks related to the Wastewater System Contract Operations contract renewal on an as-needed basis as requested by the City; and

**WHEREAS**, the City Council approved the initial contract in the amount of \$64,520.00. The cost of Arcadis's amended services is estimated to be \$38,475.00.

**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 contract amendment between Arcadis U.S., Inc. and the City of East Providence attached hereto for continued assistance with professional services on the Strategic Assessment of Wastewater Operating Contract and Wholesale Service project.

Adopted by the City Council: \_\_\_\_\_

Attest:

\_\_\_\_\_  
City Clerk of East Providence, Rhode Island

Introduced by:

**AMENDMENT No. 1**

An **Agreement** was executed on June 27, 2019 between City of East Providence, RI [**Client**], having its principal place of business at 145 Taunton Avenue, East Providence, RI 02914, and Arcadis U.S., Inc. [**Arcadis**], having its principal place of business at 630 Plaza Drive, Highlands Ranch, Colorado 80129 and having an office at 500 Edgewater Drive, Suite 511, Wakefield, MA 01880.

Under the Agreement, Arcadis provides certain professional engineering services related to Strategic Assessment of Wastewater Operating Contract and Wholesale Service [**Assignment**] at the East Providence [**Site**], Rhode Island [**State**].

Client and Arcadis now desire to amend the Agreement to include the amended Services as described below.

In consideration of the mutual promises in the Agreement, Client and Arcadis agree to amend the Agreement as the following:

**1. Scope of Amended Services.**

**Task 1 – Staffing Assessment and Technical Memorandum**

Arcadis will conduct an independent staffing review of the East Providence Water Pollution Control Facility (WPCF) and tributary sewer system. The staffing review includes a site visit of the WPCF and 7 of the City's 27 sanitary sewer pump stations and interviews with staff. The assessment will evaluate current staffing conditions and make recommendations for future staffing needs. Deliverables include a draft and final "East Providence Water Pollution Control Authority Staffing Assessment".

**Task 2 – Suez Contract Review and Contract Negotiations**

Arcadis will assist the City with review of the Suez Renewal Proposal. Arcadis will evaluate the proposal and provide written comments and recommendations.

**Task 3 – Additional As-Needed Transition Assistance**

Arcadis will assist the City with tasks related to the Wastewater System Contract Operations contract renewal on an as-needed basis as requested by the City.

**2. Schedule of Amended Services.**

This work will be completed within six (6) months of notice to proceed.

**AMENDMENT No. 1**

**3. Compensation for Amended Services.**

Task Description	Person Hours					Project Costs		
	Technical Expert	Principal in Charge/ Senior Consultant	Senior Engineer	Engineer	Total Hours	Total Labor Costs	Other Direct Costs	Total Costs
Task 1 -Staffing Assessment and Technical Memo	-	25	16	19	60	\$ 11,255	\$ 1,280	\$ 12,535
Task 2 - Suez Contract Review and Contract Negotiations	2	10	10	4	26	\$ 5,240	\$ -	\$ 5,240
Task 3 - Additional As-Needed Transition Assistance	2	24	40	44	110	\$ 19,300	\$ 1,400	\$ 20,700
<b>Subtotals</b>	<b>4</b>	<b>59</b>	<b>66</b>	<b>67</b>	<b>196</b>	<b>\$ 35,795</b>	<b>\$ 2,680</b>	<b>\$ 38,475</b>

**Other Provisions.** Except as amended herein, all other provisions, terms and conditions in the Agreement shall remain in full force and effect.

**Execution Authority.** This Amendment to the Agreement is a valid and authorized undertaking of Client and Arcadis. The representatives of Client and Arcadis who have signed below have been authorized to do so.

IN WITNESS WHEREOF, the parties hereto have made and executed this Amendment to the Agreement as of this date:  
 \_\_\_\_\_, 2020.

CLIENT

Arcadis U.S., Inc.

By \_\_\_\_\_

By  \_\_\_\_\_

Robert DaSilva

Jennifer Kelly Lachmayr

Title \_\_\_\_\_

Title \_\_\_\_\_

Mayor

Vice President

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS**

**CITY OF EAST PROVIDENCE**

**RESOLUTION NO.**

**RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO  
A CONTRACT ADDENDUM FOR CONTINUED ENGINEERING  
AND WETLAND CONSULTING SERVICES RELATED TO THE  
RUNNINS RIVER TRIBUTARY RESTORATION PROJECT**

**WHEREAS**, on March 3, 2018, the City entered into an agreement with GZA GeoEnvironmental, Inc. to provide engineering and wetland consulting services related to the proposed channel improvements to a tributary of the Runnins River; and

**WHEREAS**, the City desires to enter into a contract addendum with GZA GeoEnvironmental, Inc. for continued engineering and wetland consulting services; and

**WHEREAS**, GZA's contract addendum includes additional engineering services requested by RIDEM for a wetlands application. The addendum also includes additional hours and time associated with the application review process; and

**WHEREAS**, the City recently obtained the final Right-of-Entry Agreement from a private property owner to allow this application to proceed with RIDEM; and

**WHEREAS**, the fee associated with this addendum is \$20,000.00 and increases the contract from \$49,500 to \$69,500. Funding is provided within the Capital Improvement Fund.

**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 contract addendum between GZA GeoEnvironmental, Inc. and the City of East Providence attached hereto for continued engineering and wetland consulting services related to the Runnins River Tributary Restoration Project.

Adopted by the City Council: \_\_\_\_\_

Attest:

\_\_\_\_\_  
City Clerk of East Providence, Rhode Island

Introduced by:



GZA GeoEnvironmental, Inc.  
 1350 Main Street, Suite 1400, Springfield, Massachusetts 01103  
 413-726-2100

# CHANGE ORDER# 01

<b>To:</b> Stephen Coutu	<b>Job Name:</b> Runnins River Restoration	<b>Date:</b> 10/31/2019
<b>Client Information:</b> City of East Providence DPW	<b>Job Location:</b> East Providence	<b>Project No.:</b> 15.0166666.00
<b>Client Phone/Email:</b> (401) 435-7701 Scoutu@cityofeastprov.com	<b>Existing Contract Amount:</b> \$49,500 <b>P.O./Contract Date:</b> 5/3/2018	

**Change Order Information:**

Unanticipated and out-of-scope design changes and field explorations were required after progress meeting with RIDEM. These changes came after about half of the design was complete. GZA hereby requests a change order in the not-to-exceed amount of \$20,000 on a time and materials basis, for these out-of-scope services. If future unanticipated work requires GZA fees beyond this amount, we will contact you before the increased budget is exceeded.

This Change Order will cover work already completed, including design and field work, and redevelopment of an H&H report. The Project is currently at 106% of contract value with an overage of about \$3,000. This requested Change Order amount is expected to cover anticipated work to finalize the incomplete submission of the permit application to RIDEM.

<b>Contract Information:</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Lump Sum	T&M	Total Contract Change Amount	Estimated Contract Change Amount
	<input checked="" type="checkbox"/> Increase	<input type="checkbox"/> Decrease	by this Change Order:	\$ 20,000
	Net change by previous Change Orders:			\$ 0
	Original Contract Amount:			\$ 49,500
	Revised Contract Amount including this Change Order:			\$ 69,500

NOTE: This Change Order becomes part of and in conformance with the existing contract. In all other respects, the Agreement remains the same.

<b>GZA GEOENVIRONMENTAL, INC.</b>		<b>CITY OF EAST PROVIDENCE</b>	
Printed Name:	Seth Taylor	Printed Name:	Stephen Coutu
Date:	10/31/2019	Date:	
Signature:	<i>Seth Taylor</i>	Signature:	

Please return one signed copy to GZA.



Proactive by Design

GEOTECHNICAL

ENVIRONMENTAL

ECOLOGICAL

WATER

CONSTRUCTION  
MANAGEMENT

2350 Main Street  
Suite 2700  
Springfield, MA 01103  
413.726.2100  
www.gza.com



March 5, 2018 (Revised 3/26/18)  
GZA File No. 15.P000147,18

Stephen Coutu  
Director of Public Works  
14 Taunton Ave.  
East Providence, RI 02914

RE: Runnins River Tributary – Stream Restoration Project – East Providence, RI. Phase I scope of services, and estimates for Phase 2 and Phase 3.

Dear Steve:

As per your request, GZA GeoEnvironmental, Inc. (GZA) is providing this scope and fee estimate to support the City of East Providence in design and permitting the restoration of the unnamed tributary to Runnins River restoring the stream channel by removing the dense common reed (*Phragmites australis*) growth and associated accumulated sediment. This scope is intended to supplement the invasive species management work of GZA currently under active permit in this area. The goal of these combined efforts is to restore flow-through the dense marsh to allow water to more quickly pass through the wetland system, ultimately to the culvert beneath Warren Avenue. Based on conversations with you as well as feedback from RI-DEM during initial discussions of this project, GZA proposes to do this project in three (3) Phases, Phase I being the design and permitting, Phase II being the construction and Phase III being any long-term monitoring required by RI-DEM during the permitting process. A detailed final proposed scope is provided only for Phase I in this scope of service. However, a general outline and approximate cost for Phases II and III is included for your planning and budgetary purposes.

#### SCOPE OF SERVICES

##### Phase I: Design and Permitting

##### Task 1: Feasibility and Design

Under this task, GZA will review site conditions and develop a plan showing the extent (length, depth and width) of a proposed channel restoration and project the permitting process and timeline needed to implement this project. The actual permitting with RI-DEM and the Army Corps of Engineers is outlined in Task 2 below. This initial task will entail site review by GZA water resource engineers and wetland scientists to determine the extent of needed channel restoration, at this time estimated to be up to 1,000 linear feet. It is assumed that no site survey will be needed and that City topo or LIDAR data will be sufficient. This task will include the following subtasks.

1. **Data Collection:** In field investigation will be limited to probing of the stream channel to locate the approximate centerline, thickness of sediment and width of original channel. GPS points will be taken of the existing stream centerline. Limited investigation will be performed up and downstream of the occluded channel, only to the extent needed to tie the proposed channel restoration into existing defined channel up and downstream of the project area. At this time, it is unknown if sediment sampling or testing will be needed and this scope does not include time or costs to collect, characterize and analyze sediment samples.



Proactive by Design

March 26, 2018

Runnins River Tributary Restoration – Phase I Scope of Services

Page | 2

2. *H&H Modeling and Conceptual Design:* Limited modeling of the watershed will be performed to predict potential water surface elevations and velocities within the proposed restoration channel to assess storm flow conditions and potential channel stability. GZA will prepare a hydrologic and hydraulic analysis to evaluate potential peak flow rates to the proposed restoration channel during the 1-, 2-, and 25-year storm recurrence intervals and corresponding water surface elevations and velocities within the proposed channel cross-section.
3. *Feasibility Evaluation & Report:* A feasibility report and preliminary project plans will be prepared as part of this task which will also show the extent of wetland impact as well as potential staging and access locations.
4. *Phase II & III Development:* GZA will review project design with RI-DEM and prepare and finalize the Phase II and III scope of services and fee estimate.

#### Task 2: Permitting

Under this task, GZA will use the work performed as part of Phase I to update the plans and develop RI-DEM permit submittal packages as required. At this time, we anticipate that impacts will be under 1,000 CY of dredged material and 5,000 SF of Impact (1,000 feet of channel, 5 feet wide) will require the submittal of a PCN to the US ACOE to the wetland to qualify under US ACOE GP10 for wetland restoration. A water quality certification and wetlands application with RI-DEM are anticipated and scoped under this task. GZA will support the application process including coordination with regulatory personnel and participation in any required field meeting.

#### Optional Task 2A: Sediment Sampling and Disposal Analysis

GZA will conduct sediment sampling within the area to be dredged, sampling at up to 6 locations and compositing samples of similar apparent grain size and soil composition based upon field observations. Samples will be shallow to the depth of anticipated dredging (<18"). Samples will be submitted to a RI approved testing laboratory and analyzed for grain size distribution. Typically, additional testing for contaminants is only required if sediments consist of  $\geq 10\%$  fines passing the 200 sieve. However, the regulatory authorities can request additional testing if they suspect the presence of potential contaminants within the sediments. For purposes of this task, we have estimated analytical costs of up to \$3000.00 assuming that both grain size and additional contaminant testing will be required for two composited samples. These prices assume TCLP analysis will not be required by the regulators. Additional analytical costs would apply should such be required. Based upon the results of the analysis, GZA will prepare a sediment report summarizing the sediment characterization and outlining any permitting or disposal implications.

#### Phase II – Construction

##### Task 1: Construction Oversight (NOT UNDER THIS CONTRACT – Scope and Fee TBD)

This task will include the cost to implement the permitted plan developed and approved under Phase I and Phase II (Task 1). At this time the exact extent of the channel dredging is not known, nor is the cost to dispose of the sediments (on site or off-site) known. Further any conditions of the approval under Task 2 are unknown, such as the degree of required construction oversight by a wetland specialist. Approximate estimates for a 1,000' LF channel restoration, removing about 18" depth of sediment (<1,000 CY) and the material taken off site to be composted with no additional disposal



Pronctive by Design

March 26, 2018

Runnins River Tributary Restoration – Phase I Scope of Services

Page | 3

requirements needed. Details may emerge in the design and permitting process that modify these assumptions. For your our current estimate to complete this task is \$50,000.00-\$100,000.00.

### PHASE III – Long Term Monitoring

#### Task 1: Long Term Monitoring and Reporting (NOT UNER THIS CONTRACT – Scope and Fee TBD)

The requirements of this task are contingent on the permit issued under Phase II Task 1. The extent of this task will be better known after the RI-DEM meeting under Phase I, Task 1. At this time, we assume there will be some level of effort to monitor and report on the stream restoration, likely for 2-3 years. An estimate of \$5,000.00 to \$10,000.00 for this task should be assumed for planning purposes.

### SCHEDULE

GZA will schedule the work upon receipt of a contract with the City. We will maintain regular communication with you so that issues and concerns are addressed on a timely basis. It is estimated that field investigations will occur in April or May, plans and report developed May-June and a meeting with RI-DEM occurring in August, after these plans as well as a year 2 follow-up report from the invasive species treatment project is prepared and submitted. Future work under a different scope will occur in the Fall-Winter of 2018 for permitting and if approved construction on the stream restoration will occur during the summer of 2019.

### BUDGET AND BASIS OF BILLINGS

GZA proposed to conduct the work under this scope (PHASE I – TASK 1 and 2 ONLY) for a total lump sum fee of \$49,500.00, which covers direct and indirect costs include mileage and reproduction.

Task 2A (Sediment Sampling), if approved and required would be done for a total lump sum fee of \$5500.00

### ASSUMPTIONS

This proposal assumes that:

- This design uses available topographical data obtained from GIS or the City;
- This scope does not cover the cost to analyze sediment; and
- This Scope does not cover Phases II or III, which will be conducted under a separate scope of services at a later date.

### CONDITIONS OF ENGAGEMENT

Terms and Conditions are assumed to be those currently in force between the City and GZA for other ongoing projects.

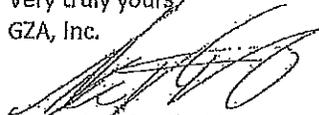


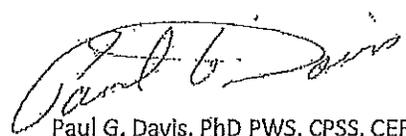
Proactive by Design

ACCEPTANCE

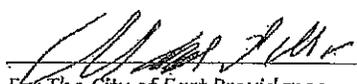
Acceptance of this Proposal may be indicated by signing in the appropriate space and returning one copy to us. We appreciate the opportunity to continue work with the City on this restoration effort. Should you have any questions regarding this scope of services, do not hesitate to contact this office.

Very truly yours,  
GZA, Inc.

  
Steven D. Riberdy, MS, PWS, CWB, CE, CERP  
Senior Ecologist

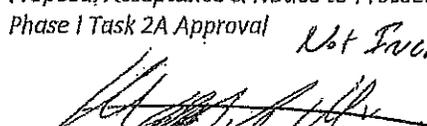
  
Paul G. Davis, PhD PWS, CPSS, CERP  
Principal-In-Charge

Proposal Acceptance & Notice to Proceed:  
Phase I Task 1 and 2 Approval

  
\_\_\_\_\_  
For The City of East Providence

5/3/18  
\_\_\_\_\_  
Date

Proposal Acceptance & Notice to Proceed:  
Phase I Task 2A Approval

  
\_\_\_\_\_  
For The City of East Providence

*Not Included at this time.*  
5/3/18  
\_\_\_\_\_  
Date

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS**

**CITY OF EAST PROVIDENCE**

**RESOLUTION NO.**

**RESOLUTION AUTHORIZING THE GRANTING OF AN  
EASEMENT TO CONSTRUCT A TEMPORARY POOL AND WEIR  
SYSTEM DOWNSTREAM OF THE HUNT'S MILL DAM FISH LADDER**

**WHEREAS**, the City is the owner of property adjoining Ten Mile River at the so-called Hunt's Mill Dam at Hunts Mill Road; and

**WHEREAS**, the Department of Environmental Management desires to acquire certain easements through portions of the premises for the purpose of staging material and accessing the Ten Mile River downstream of the Hunt's Mill Dam fish ladder in order to construct a temporary pool and weir system to adjust the flow of the fish ladder to facilitate fish passage for migrating river fish and eel; and

**WHEREAS**, to accomplish the construction of a temporary pool and weir system, an easement is necessary over City-owned property as set forth in the Easement Agreement attached hereto as Exhibit A; and

**WHEREAS**, Rhode Island General Laws §45-2-4 empowers the City Council to grant interest in property.

**NOW, THEREFORE BE IT RESOLVED,**

- (1) The City Council of the City of East Providence authorizes the granting of an easement to construct a temporary pool and weir system at the Hunt's Mill Dam fish ladder;
- (2) The Mayor, by and through the office of the City Solicitor, is hereby empowered to take all necessary steps to grant and perfect an easement consistent with the Easement Agreement attached hereto as Exhibit A.

This Resolution shall take effect upon passage.

Adopted by the City Council: \_\_\_\_\_

Attest:

\_\_\_\_\_  
City Clerk of East Providence, Rhode Island

Introduced by:

## EASEMENT AGREEMENT

This EASEMENT AGREEMENT (the "Agreement") is made and entered into as of the \_\_\_\_ day of \_\_\_\_\_, 2020, by and between The City of East Providence, with a mailing address of 145 Taunton Avenue, East Providence, RI 02914 (hereinafter referred to as the "GRANTOR".) and the STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS, DEPARTMENT OF ENVIRONMENTAL MANAGEMENT, with an address of 235 Promenade Street, Providence, RI 02908 (hereinafter referred to as the "STATE").

WHEREAS, GRANTOR is the owner of East Providence tax assessor's parcel 505-1-1, and the adjoining Ten Mile River, at the so-called Hunt's Mill Dam at Hunts Mills Road, in the City of East Providence, County of Providence, State of Rhode Island, hereinafter referred to as the "Premises", which real property is bounded and described in Exhibit "A" attached hereto and made a part hereof.

WHEREAS, the STATE desires to acquire certain easements through portions of the Premises for the purpose of staging materials and accessing the Ten Mile River downstream of the Hunt's Mill Dam fish ladder in order to construct a temporary pool and weir system to adjust the flow of the fish ladder to facilitate fish passage for migrating river fish and eel.

NOW THEREFORE, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the GRANTOR grants to the STATE, its successors and assigns, on the terms and conditions contained herein:

A. The temporary easement and right of way for the purposes of accessing a portion of East Providence tax assessor's parcel 505-1-1 and the Ten Mile River (hereinafter referred to as the "Temporary Easement Area") to construct a temporary pool and weir system downstream

of the Hunt's Mill Dam Fish Ladder all within the area described on Exhibit "A" attached hereto. Temporary easement will consist of access from Hunt's Mill Road, through parcel 505-1-1 owned by GRANTOR, to the Ten Mile River, together with a staging area on parcel 505-1-1. The temporary easement shall commence upon written notification by STATE to GRANTOR of the commencement of construction and shall terminate upon removal of the temporary weirs, no later than one year after the commencement of this Easement, unless mutually agreed to in writing by STATE and GRANTOR. Upon termination of the rights granted herein the STATE shall have no further rights to access the Premises absent further written agreement between the parties.

It is the intention and agreement of the parties hereto that:

1. The STATE shall restore the Temporary Easement Area to substantially the same condition as said areas existed prior to any such construction.
2. The exercise of the rights under this Agreement shall be at the sole cost and expense of the STATE.
3. The STATE shall be entitled to enter upon the Temporary Easement Area with such servants, agents, employees, contractors, machinery and equipment as may be required for the purpose of constructing a temporary pool and weir system in the Ten Mile River.
4. The STATE may cut and remove selected vegetation and debris on the Premises that may injure, endanger or interfere with the construction and of the temporary weirs.
5. The STATE'S fittings, appliances, equipment and appurtenances now or hereafter attached to and located on the Easement Areas shall remain the property of the STATE.
6. The STATE, subject to the limitations contained within the Rhode Island Tort Claims Act under R.I. Gen. Laws § 9-31-1, et seq., shall, at all times, protect and save, hold harmless and indemnify GRANTOR, its successors and assigns against and from: all claims, loss,

costs, and damages caused by the STATE or the STATE'S agents, employees, servants, invitees, or visitors including but not limited to any violation of federal or state environmental laws or regulations which result in the contamination or recontamination of the subject or contiguous land.

7. This Agreement is executed, delivered and accepted upon the express terms, covenants and conditions contained herein, which terms, covenants and conditions shall be binding upon and inure to the benefit of the parties hereto and their successors, and assigns. This Agreement is intended to be governed by and construed in accordance with the laws of the State of Rhode Island. This Agreement may not be amended or modified except pursuant to a written agreement signed by the parties hereto.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals the day and year first above written.

WITNESS:

STATE OF RHODE ISLAND,  
DEPARTMENT OF ENVIRONMENTAL  
MANAGEMENT

\_\_\_\_\_

By:

\_\_\_\_\_  
Janet Coit, Director

CITY OF EAST PROVIDENCE

\_\_\_\_\_

By:

\_\_\_\_\_  
Roberto DaSilva, Mayor

Approved this \_\_\_ day of \_\_\_\_\_, 2020, by the State Properties Committee.

APPROVED  
AS TO TERMS AND  
CONDITIONS:

\_\_\_\_\_  
Chairman, State Properties Committee

APPROVED AS  
TO FORM:

\_\_\_\_\_  
Attorney General

APPROVED AS TO  
SUBSTANCE:

\_\_\_\_\_  
Director of Administration

APPROVED:

\_\_\_\_\_  
Public Member, State Properties Committee

APPROVED:

\_\_\_\_\_  
Public Member, State Properties Committee

**STATE OF RHODE ISLAND  
COUNTY OF PROVIDENCE**

In Providence, in said County and State, on the \_\_\_\_\_ day of \_\_\_\_\_, 2020, before me personally appeared Janet Coit, the Director of the STATE OF RHODE ISLAND, DEPARTMENT OF ENVIRONMENTAL MANAGEMENT, to me known and known by me to be the party executing the foregoing instrument for and on behalf of the STATE OF RHODE ISLAND, DEPARTMENT OF ENVIRONMENTAL MANAGEMENT and she acknowledged said instrument by her executed to be her free act and deed, her free act and deed in her capacity as aforesaid, and the free act and deed of the STATE OF RHODE ISLAND, DEPARTMENT OF ENVIRONMENTAL MANAGEMENT.

\_\_\_\_\_  
Notary Public  
My Commission Expires: \_\_\_\_\_

**STATE OF RHODE ISLAND  
COUNTY OF PROVIDENCE**

In \_\_\_\_\_, in said County and State, on the \_\_\_\_\_ day of \_\_\_\_\_, 2020, before me personally appeared Roberto DaSilva., Mayor of the CITY OF EAST PROVIDENCE, to me known and known by me to be the party executing the foregoing instrument on behalf of the CITY OF EAST PROVIDENCE and he acknowledged said instrument by him executed to be his free act and deed, his free act and deed in his capacity as aforesaid, and the free act and deed of the CITY OF EAST PROVIDENCE.

\_\_\_\_\_  
Notary Public  
My Commission Expires: \_\_\_\_\_

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS**

**CITY OF EAST PROVIDENCE**

**CHAPTER**

**ORDINANCE OF THE COUNCIL OF THE CITY OF EAST PROVIDENCE APPROPRIATING  
\$6,000 FOR THE SUPPORT OF HUNTS MILL DOG PARK**

**THE COUNCIL OF THE CITY OF EAST PROVIDENCE HEREBY ORDAINS:**

**SECTION I.** The Capital Budget for the fiscal year ending October 31, 2020 was established to amount to **\$3,690,897**

**SECTION II.** As of the passage of this Ordinance, said Capital Budget has appropriated the following funds to the following Capital Projects:

Account Name	Capital Project	Appropriated Funds
Capital – Finance	Tax Collection/Assessment Software	127,500
Capital – Finance	Accounting System – Includes HR and Payroll	125,000
Capital – Planning	Soccer Field – Match for DEM Grant	150,000
Capital – Planning	Splash Pad – Match for RIDEM Grant	26,000
Capital – Planning	Arts Grant	50,000
Capital – Engineering	Runnings River Channel Improvement	100,000
Capital – Engineering	Taunton Ave Drainage Improvements	125,000
Capital – Engineering	Pedestrian Signal Improvements	50,000
Capital – Public Buildings	Replace Indoor Sprinkler System at Weaver Library	200,000
Capital – Police	4 Police Cruisers	200,000
Capital – Police	Parking Lot Expansion	100,000
Capital – Fire	Replace Cardiac Monitors	80,422
Capital – Fire	Lease Payment For 3 Engine Trucks	247,966
Capital – Fire	Replace Station 3 Floor Day Area and Hallway	39,431
Capital – Fire	Replace Station 3 Air Conditioning	35,000
Capital – Fire	Ductless AC System for Station	10,000
Capital – Pierce Field	Basketball Court Renovation	250,000
Capital – Pierce Field	Baseball Scoreboard and Sound System	45,000
Capital – Parks	Riverside Rec / Delfemine Field	100,000
Capital – Carousel	Structural Stabilization Phase 1	50,000
Capital – Carousel	Ice Skating Rink Acquisition and Installation	100,000
Capital – Carousel	Year Round Concession Building	150,000
	<b>Subtotal</b>	<b>\$2,361,319</b>

**SECTION III.** As of the advertisement of this Ordinance, there is an unencumbered and unallocated balance of funds remaining in the Capital Budget in an amount equal to: **\$1,329,578.**

**SECTION IV.** The purpose of this Ordinance is to allocate seventy-five thousand dollars (**\$75,000**) of the remaining unencumbered and unallocated Capital Budget to the **Parks Department** following Capital Project:

- Enhancements to Townie Pride Park, further known as Jones Pond, such enhancements may include any of the following, to the extent they are supported by the Landscaping Plan attached hereto:
  - Stabilizing any eroded walls
  - Creating a permanent stone or brick walking path
  - Natural stadium seating in the grass area
  - Dredging the pond to clear debris
  - Develop borders around the pond to address flooding issues
  - Improvements to handicap accessibility
  - Water fountain at center of pond
  - A deck on the water usable as a stage
  - Winter skating pond

**SECTION V.** This ordinance shall take effect upon its passage and all ordinances and parts of ordinances inconsistent herewith are hereby repealed.

Adopted:

Attest:

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City Clerk of the City of East Providence, Rhode Island

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

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.** Section 8-2 entitled “Operation without license or permit generally” of Article I entitled “In General” of Chapter 8 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled “Licenses and Business Regulations” is hereby amended to read as follows:

**Sec. 8-2. Operation without license or permit generally; Violations of the conditions upon which a license or permit was granted.**

- (a) Any person or entity who operates, conducts or carries on a business without first obtaining a license or permit, whenever a license or permit is required by the provisions of this Revision or any other chapter or city ordinance before operating, conducting or carrying on such business, ~~such person shall be punished as provided in section 1-16~~ or any person or entity who has obtained a license or permit but has violated the conditions upon which such license or permit was granted or violated some other provision or law, or where the use of such license or permit has otherwise created an unreasonable nuisance, such person or entity shall be subject to a show cause hearing before the City Council.
- a. When any proper authority is presented with evidence that a violation of this section has occurred, such authority shall submit the evidence in writing to the office of the City Solicitor.
  - b. The office of the City Solicitor shall bring a petition to show cause before the Council whenever there is sufficient evidence to support a violation of this section.

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

Given first passage and referred to at 7:30 p.m. for a hearing and  
consideration of final passage; and adopted

Attest:

\_\_\_\_\_  
City Clerk of East Providence, Rhode Island

Introduced by: Councilman Mourato and Councilwoman Sousa