

CITY OF EAST PROVIDENCE
RHODE ISLAND
JOURNAL OF REGULAR COUNCIL MEETING

October 16, 2012

Council Chambers, City Hall, 145 Taunton Avenue, East Providence, RI 02914

7:00 P.M. Executive Session Room 101

7:30 P.M. Open Session

I. EXECUTIVE SESSION

The City Council of the City of East Providence will meet in Executive Session pursuant to RI General Laws § 42-46-5 (a) (2) and RI General Laws § 42-46-5 (a) (3)

A. New Claims

1. Philip & Patricia Abbatomarco
2. Tina Benros
3. Robert Gomes
4. Anthony Rose

B. Litigation

1. Tabatha Glavin vs City of East Providence
2. R.I. Council 94 and City of East Providence GR: Albert Quattrucci Termination

II. CALL TO ORDER

III. SALUTE TO THE FLAG

IV. TO APPROVE THE 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 these items unless a Council member so requests, in which event, the item will be removed from the "CONSENT CALENDAR" and will be considered in its normal sequence on the docket.

A. Letters

1. Coastal Resources Management Council October 2012 [Calendar](#).
2. [Letter](#) of resignation from Michael Bernstein from the Economic Development Commission.
3. [Notice](#) of Coastal Resources Management Council Administrative Procedures Act change proposals.
4. [Notice](#) of Coastal Resources Management Council Semi Monthly Meeting, Tuesday, October 9, 2012.
5. [Notice](#) of RI Ethics Commission consideration of proposed regulation regarding out of state travel.
6. [Notice](#) from RI DEM regarding an aquatic ecosystem restoration project to restore fish migration to the lower Ten Mile River via construction of a fish ladder.

B. Alcoholic Beverage Class F

1. Maria F. Lacerda, 17 Health Street (02914), St Martha's Church, Portuguese [Night](#), November 3, 2012.

C. Alcoholic Beverage Class F-1

1. St. Francis Xavier Church, 160 Orchard Street (02914), [Fundraiser](#) for Police Officer recovery (East Providence), October 20, 2012.
2. St. Francis Xavier Church, 160 Orchard Street (02914), [Calendar](#) Dinner and Dance (Youth Ministry), November 10, 2012.
3. St. Francis Xavier Church, 160 Orchard Street (02914), Portuguese School Christmas [Party](#), December 2, 2012.

D. Council Journals

1. Regular Meeting October 2, 2012

A motion to approve the Consent Calendar is made by Assistant Mayor Rose, seconded by Councilwoman Kleyla, and on a roll call vote it is unanimous.

V. PUBLIC COMMENT

1. Jim Briden, 17 Hollow Ridge Road (02916) - Pond View
2. Corliss Blanchard, Roger Williams Avenue (02916) - City Business
3. Freddie Rybka, 9 Cozzens Avenue (02915) - All Day K

VI. LICENSES REQUIRING PUBLIC HEARING

- A. Annual Alcoholic Beverage Renewals

CLASS A (RETAILER)

Barrington Liquors, Inc. 618 Warren Avenue

Clift's Liquors, Inc. 191 Willett Avenue

Cozy Corporation dba Brookfield Liquors 470 North Broadway

Liquor Depot East Providence, Inc. dba Wine & Spirits Depot 1925 Pawtucket Avenue Suite #5

Marvic Enterprises, Inc. dba Jordan's Liquors 199 Taunton Avenue

McGreens Fine Wine & Spirits, Inc. 1086 Willett Avenue

Riverside Liquors, Inc. 225 Bullocks Point Avenue

Town Liquor Co., Inc. dba Town Wine & Spirits 179 Newport Avenue

Warren Avenue Liquor Market, Inc. 208 Warren Avenue

B-FULL PRIVILEGE (VICTUALING)

141 Corp dba Uncle Tony's Pizza & Pasta 141 Newport Avenue

Agipari Enterprises Inc. dba Roosters Grill 664 Bullocks Point Avenue

Avenue N Restaurant Group, LLC dba Avenue N 20 Newman Avenue

B. Pinelli, Inc. dba B. Pinelli's 736 North Broadway

Ban Chiang, Inc. dba Siam Square Restaurant 1050 Willett Avenue

Broadway Lounge, Inc. dba Merrill Lounge 535 North Broadway

Cape Verdean Progressive Center 329 Grosvenor Avenue

Centre Court Inc., dba The Loft 55 Hospital Road

Chelo's of East Providence, Inc. 911 Warren Avenue

Chelo's of Newport Avenue, Inc. 45D Newport Avenue

China Gourmet, Inc. dba China Gourmet Restaurant 181 Willett Avenue

Cilantro Mexican Grill, LLC dba Cilantro Mexican Grill 430 Newport Avenue

Comedy Connection of RI, Inc. dba Comedy Connection 39 Warren Avenue

D L Enterprises, Inc dba East Bay Tavern 305 Lyon Avenue

Davenport's Bar & Grill, Inc. dba Davenport's Restaurant 1925 Pawtucket Avenue

Dolces Restaurant, Inc. dba Bovi's Town Tavern 287-289 Taunton Avenue

East Providence House of Pizza, LLC 187 Willett Avenue

East Providence Yacht Club, Inc. 9 Pier Road

El Azteca Mexican Restaurant, LLC dba El Azteca Mexican Restaurant 335 Newport Avenue

Golden Dragon, LLC dba Young China Restaurant 250 Warren Avenue

Hibachi Grill Supreme Buffet, Inc. 58 Newport Avenue

Holy Ghost Beneficial Brotherhood of Rhode Island 51 North Phillips Street

Holy Ghost Brotherhood of Charity 59 Bightridge Avenue

Ichigo Ichi, LLC dba Ichigo Ichie 5 Catamore Boulevard

K&G Enterprises, Inc. dba Restaurant La Camelia 92 Waterman Avenue

Lane Foods Company, LLC dba Gregg's Restaurant 1940 Pawtucket Avenue

Lees Restaurant and Lounge, Inc. dba Lees Restaurant and Lounge 376 Bullocks Point Avenue

Lincoln Bar & Grill, Inc. 24 Monroe Avenue

Little Lucy's Lunch, Inc. dba Red Bridge Tavern 22 Waterman Avenue

Loggia Luce Moderna 1112 99 Hicks Street

Lucky's American Bar & Grille, Inc. 1175 Warren Avenue

Mathias Enterprises, LTD dba Campino Restaurant & Sports Bar 218 Warren Avenue

Milho, Albertino dba Al's Place 28 Water Street (First Floor)

Milho, Albertino R. dba Madeira Restaurant 288-290 Warren Avenue

Milho, Albertino dba Milho Waterfront Banquet Hall 28 Water Street (Second Floor)

Our Place on North Broadway, LLC 525 North Broadway

P&G Bowling, Inc. dba East Prov Bowling Ctr. 80 Newport Avenue

Paiva's Restaurant Corp. dba O'Dinis Restaurant & Tavern 579 Warren Avenue

Pepper Dining, Inc. dba Chili's Grill & Bar 50 Highland Avenue

Portuguese American Athletic Club 281 Warren Avenue

PRPS, Inc. dba 2 Pauls 315 Waterman Avenue

Pub Ventures, Inc. dba Mulheam's Pub 507 North Broadway

PWRPJ, Inc. dba Rockin' Times 478 Waterman Avenue

Riviera Inn Dining and Banquet Company 580 North Broadway

SAZ, Inc. dba Town Pizza & Family Restaurant 949 Willett Avenue
Square One, LLC dba Oxford Tavern 446 Waterman Avenue
St. Angelo's Inc. dba St. Angelo's 1235 Wampanoag Trail
T&T'S 133 Club, Inc. dba 133 Club 29 Warren Avenue
Town Pub, Inc. 311 Taunton Avenue
Tropical Ilhas, Inc. 472 Waterman Avenue
Watchemoket Bar, Inc. dba Watchemoket Bar 31 Warren Avenue

C (SALOON)

Quattrucci, Carl & Arthur dba Monforte's Bar 493 Waterman Avenue

D-FULL PRIVILEGE

Agawam Hunt 15 Roger Williams Avenue
Columbus Club of Barrington 1 Viola Avenue
Columbus Club of East Providence 3200 Pawtucket Avenue
East Providence Athletic Club 118 Mauran Avenue
East Providence Fraternal Order of Eagles 1773 334 Waterman Avenue
East Providence Lodge of Elks 2337 60 Berkeley Street
Holy Ghost Brotherhood Mariense 846 Broadway
Metacomet Country Club 500 Veterans Memorial Parkway
Riverside Post Holding Co., Inc. 830 Willett Avenue
Riverside Sportsmans Association 1 Sportsman Drive
Squantum Association Squantum Club 947 Veterans Memorial Parkway
Teofilo Braga Club 26 Teofilo Braga Way
Trinity Brotherhood 146 Sutton Avenue
Wannamoissett Country Club 96 Hoyt Avenue

B-LIMITED (VICTUALING)

Ava Kerolos, Inc. dba Zoe's Pizza and Seafood 1022 South Broadway
Boston House of Pizza, Inc. 540-542 Taunton Avenue
Bowling Academy, Inc. 354 Taunton Avenue
Chen, Yun Yan dba Mei Sing Chinese Restaurant 2827 Pawtucket Avenue
East Providence Persy's Place, LLC dba Persy's Place 140 Newport Avenue
E B Dragon, LLC dba East Buffet Restaurant 52 Narragansett Park Drive
Farnsworth Café, LLC dba Farnsworth Cafe 302 Willett Avenue
Horton's Seafood, Inc. dba Horton's Seafood 809 Broadway
Jeon, Il Sun dba Sun & Moon Korean Restaurant 95 Warren Avenue
Jin Hua Chinese Restaurant, Inc. dba New Buffet Restaurant 1925 Pawtucket Avenue
JPCT Sports, LLC dba Tennis Rhode Island 70 Boyd Avenue
Pazi's Place, LLC dba Pazi's Place 380 Taunton Avenue

A motion to approve the Annual Alcoholic Beverage License Renewals is made by Assistant Mayor Rose, seconded by Councilwoman Kleyla and on a roll call vote it is unanimous.

B. Pawnbroker

1. The Gold Advance, Inc. DBA [The Gold Loan Co.](#), 329 Warren Avenue (02914), Dan Rocco Baldelli, 81 Windsong Road, Cumberland (02864).

A motion to approve the license is made by Assistant Mayor Rose, seconded by Councilwoman Kleyla and on a roll call vote it is unanimous.

C. Secondhand Miscellaneous

1. The Gold Advance, Inc. DBA [The Gold Loan Co.](#), 329 Warren Avenue (02914), Dan Rocco Baldelli, 81 Windsong Road, Cumberland (02864).

A motion to approve the license is made by Councilwoman Kleyla, seconded by Assistant Mayor Rose and on a roll call vote it is unanimous.

VII. LICENSES NOT REQUIRING PUBLIC HEARING

A. Holiday Sales

1. The Gold Advance, Inc. DBA [The Gold Loan Co.](#), 329 Warren Avenue (02914), Dan Rocco Baldelli, 81 Windsong Road, Cumberland (02864).

A motion to approve the license is made by Assistant Mayor Rose, seconded by Councilwoman Kleyla and on a roll call vote it is unanimous.

VIII. PUBLIC HEARING - ORDINANCES FINAL PASSAGE

A. An ordinance amending no parking on Bentley Street.

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"

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 adding thereto the following:

Bentley Street (east side) from Mauran Avenue to Juniper Street

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

Requested by: Mayor Rogers

A motion to approve the ordinance is made by Assistant Mayor Rose, seconded by Councilwoman Kleyla and on a roll call vote it is unanimous.

IX. NEW BUSINESS

A. City Managers Report (by City Manager Peter Graczykowski)

1. Departmental Activity [Update](#)
2. FY12-13 [Budget Presentation](#)

The City Manager reports that the Budget Commission is requesting Council input on the budget version which has been provided to the Council. All input will be forwarded from this meeting to the Budget Commission for the final hearing on the budget scheduled for this Thursday at 5:00 P.M. The City Manager stated that he and the Finance Department worked into the late hours last night to provide the Council with as much information as they could which is contained in the budget before them.

Mayor Rogers asks a question related to revenues and the inability to see the offset of Municipal Court in particular.

The City Manager acknowledges there is some information missing due to the inability of the old computer system. They did the best they could but that these problems will be fixed by next year's budget as the City moves to a newer system.

Assistant Mayor Rose asks why the totals revenues for Municipal Court are in the back of the book and not with the Clerk's Office budget. He adds that he personally went through all the deposit slips over the last year for the Court and that he has verified the numbers himself and with Finance Director Moore. The budget has these numbers off by about \$100,000, so it should reflect the additional revenue of \$100,000 brought in by the Court. He states this is why the consolidation took place and why it worked. Central Falls went bankrupt and kept their Municipal Court because the court brings in needed revenue, West Warwick, Warwick they all keep their courts for this reason. In addition the numbers the City is using in this budget only reflect 10 months of revenue from the Court meaning the revenue will be even greater when you factor in the remaining two months. The revenue will be around \$340,000.

The Finance Director said the current scenario is actually better for the Court because originally it was figured on less revenue and clearly there is more. It was also figured that there would be a lay off which due to the restructuring of the Clerk's office and a retirement which took place that lay off is no longer possible.

The City Manager stated the Court is a convenience for residents, it's operationally smart and officers are more likely to generate the revenue for a City Court. All of this and the revenue the Court generates should be relayed to the Budget Commission so that a policy decision can be made.

Assistant Mayor Rose said the office consolidation worked and through all the changes including Canvassing being put under the same roof, you don't hear a peep out of that office, they just do their job. We are succeeding and it is bringing in revenue. We are giving up streaming and middle school sports maybe some of the revenue the court generates can be used to fund other items in the budget.

The City Manager added that they have built in the Deputy City Clerk position and that no additional hires will be needed in the Clerk's office for the Municipal Court. If the Traffic portion of the court were transferred to the State the original savings no longer exist.

Mayor Rogers asked the Clerk to forward all correspondence from the Court and the Police Chief to the Budget Commission Chair.

Mayor Rogers asked where is the Carousel budget in the budget before them?

The Finance Director stated there are a number of smaller budgets within the budget that do not show up as their own entity but rather are all lumped together under trusts and grants.

Mayor Rogers asked if the Carousel was a City entity.

The City Manager stated the Carousel has a 501(c)(3) component. However, over the years it was heavily subsidized by the City. This last year many of those subsidies have been taken over by the Carousel such as utility bills. We have to make sure the City is getting reimbursed for its services.

The Mayor asked are they City employees or not?

The City Manager stated they are on City payroll but the City gets reimbursed for the payroll however they are under the City's insurance policy.

Mayor Rogers asked the City Manager if he was aware there was a court order granting the Carousel and all the surrounding land including Rose Larisa Park across the street and the strip of beach connected to it to the Carousel not the City.

Solicitor Andreoni confirmed this matter.

Mayor Rogers added that the Budget Commission is rumored out in the public to be planning to try to privatize the Carousel. The Carousel pays back the City for everything it is given during the course of the year. He requested ASAP that the Law Department research this and confirm that there is no way the Budget Commission can order a private vendor to take over the Carousel.

Solicitor Andreoni stated the Supreme Court order supersedes the Budget Commission's view of their authority.

Councilman Conley stated that for the record, he would like to know from both the Mayor and the City Manager, both of which sit on the Budget

Commission, if what is being said out there is merely rumor or has it been stated by the Budget Commission or any of the members in public or behind closed doors that this is their intention?

Mayor Rogers stated that his heart was with the Carousel, he fought in 1980 to make it stay and he has not been told anything directly, he is aware of the same rumors Councilman Conley is aware of.

The City Manager stated he resented the behind closed doors comment, everything is open to the public and all Budget Commission meetings take place as such. These are unsubstantiated rumors and there is nothing in the budget to suggest that it will be privatized.

Councilman Conley asked if anyone on the Budget Commission has said this.

The City Manager stated he does not speak for the Budget Commission but that the Councilman is welcome to speak with the Chair.

The Mayor stated he has not heard anything directly.

Councilman Conley stated that he is concerned regarding the evasiveness of the response.

Mayor Rogers stated he would be watching it like a hawk as he is for Municipal Court, however he would still like the Law Department to do the research even for use as to what the City or the City Council has or has not with regard to authority of the Carousel.

Councilman Conley stated it is very discouraging that we have to sit here in front of you as your elected official and know there is no action we can take that is going to impact the budget and they will be making those decisions. While I think we can share in the Budget Commission goals, it is important to identify where I think we as a community need to be. We do not have to sit silenced when they act demonstratively against our community's public interest. We share in the goals of a balanced budget and a 5 year plan. We do not have to agree with the method or the means to get there. The most discouraging moment has really been the attack and vilification of one of the most vulnerable of our community. Anyone in the public trust who purposely pits our special education population against the general education population of our schools and our entire community at large, to suggest any dollar we spend on special education is a dollar taken away from the general population is deplorable. Special education students and their parents are not asking for anything more than any other student in our community. They are simply asking we give the best education we can with the dollars available nothing more than that. To suggest wanting to provide special education students with the very best education we can give them is a disservice to the rest of our community is indescribably misguided. I regret they are even referred to as special education kids there is nothing special about simply providing them with the best education possible. They and their parents are not asking for anymore than they deserve. We can't have the Cadillac? Who said we are giving them the Cadillac? We have been putting them in the Chevy for some time. To suggest we need to balance our budget on their backs is unacceptable.

Regarding All Day K, yes it's expensive. We have to find and identify the deficiencies the data is absolutely overwhelming for All Day K, if we actually pay attention to the information. The best dollars you spend in education right now are in that early intervention. If you don't spend, you double the money and the cost later. Just ask the parents who have enjoyed and watched the successes of the children and friends of early intervention. It's been going on long enough. If you really want to save money then spend it where it's most important simply because you have a myopic bias and you refer to All Day K as babysitting doesn't make it correct.

Regarding Middle School Sports there has been a lot of back and forth of the history and chronology of what happened in our budget. The lack of diligence and lack of willingness to look at other ways to achieve efficiencies has resulted in the elimination. We need to save money is what we know. But is that the only way? I doubt it. The problem hasn't been a partnership discussion. The CDBG funding process is really when any pretense of a partnership with the Budget Commission broke down. We went through a charade and were led to believe that the people, here at public hearings, to speak to us, was a meaningful exercise to be taken seriously by the Budget Commission. No dollar difference in the decisions were made it was simply a matter of where the Budget Commission based its policy perspectives. They decided to where to place the money, after we were invited to hold the hearings. Bringing these groups back time and again, we were told the politicians ought to stop beating a dead horse.

Regarding Municipal Court, we heard tonight the operational issues part of the policy as well and the numbers as you have heard this evening don't even support the financial argument any more, that is going to be ignored as well.

It is very unsettling that I could not get a direct answer to the Carousel tonight. The Carousel is a cultural icon. I don't mean to denigrate the other important issues addressed but this defines the heart and soul of our community.

As an elected official, you feel like you are participating in a charade going door to door. It's discouraging to know that what we do here tonight cannot have any valid or legal impact upon that budget. The lip-service which was given to the notion that what we do or say here is meaningful was put to rest with the CDBG exercise. We were castigated for our participation. I'm not sure where this leaves us. A budget is numbers and we all agree with that mission and we can't be in deficits and our fiscal house in disarray for years. We need to do 5 year budgeting. However, a budget is also the most important policy document. Where you spend your dollars defines where you are and where you want to be. When you look at the bottom line numbers you look at how those allocations are being made. Our values as a community are not being validated in these communications.

Assistant Mayor Rose stated they have no skin in the game. No heart in our community. Here, in our own way, we are all here because we care about this city. I received this budget in an email last night. No disrespect to the work that went into it but where are these coming from? Municipal Court, Middle School Sports, Special Education, All Day K, every area you touched on effects all of us in this City, whether you have children or not. The Budget Commission is not here they come in, play with the numbers and are gone. We are here to do damage control and pick up the pieces.

Mayor Rogers asked for confirmation that the Canvassing Authority budget had been straightened out satisfactorily.

The Finance Director stated he believed it had.

Tom Riley, the Canvassing Authority Director came to the podium and stated it was but that the department was swamped with short of staff and budget. Adding that they had to take the money they needed out of postage as there was nowhere else to take it from.

The City Manager summarized the comments from all to bring back to the Budget Commission for the public hearing. They were Municipal Court, the Carousel rumors and the Canvassing Budget.

Assistant Mayor Rose asked do we have a substantial reason for the court to stay.

The City Manager replied yes, in view of the changes the decision should be revisited at the very least.

Mayor Rogers stated that a consensus is needed and he will filibuster if necessary.

The City Manager stated that he hoped the consensus would be to keep the court.

B. Reports of Other City Officials

1. Claims Committee Report (by Solicitor Orlando Andreoni)

Pursuant to R.I.G.L. § 42-46-5(a)(2), a motion is made by Councilman Rose and seconded by Councilwoman Kleyla to convene in closed session for the purposes of discussing claims & litigation. Upon a roll call vote: Mayor Rogers – Aye, Councilman Conley – Aye, Councilman DiGioia – Aye, Councilwoman Kleyla – Aye, Councilman Rose – Aye, motion is approved 5-0.

CLAIMS & LITIGATION REPORT

TUESDAY, OCTOBER 16, 2012; 7:00 P.M.; ROOM 101

NEW CLAIMS

PHILIP & PATRICIA ABBATOMARCO \$279.00

RM No. 12-051, Claim No. 12-037

Claim for reimbursement of expenses incurred as a result of a sewer block caused by roots from a City tree. See recommendation of the Director of Public Works.

Motion by: Councilman Rose
Seconded by: Councilwoman Kleyla

Motion: Approve the claim in the amount of \$279.00.

VOTE	MAYOR ROGERS	COUNCILMAN CONLEY	COUNCILMAN DiGIOIA	COUNCILWOMAN KLEYLA	COUNCILMAN ROSE
Aye	√	√	√	√	√
Nay					
Abstain					
Absent					

TINA BENROS \$140.18

RM No. 12-050, Claim No. 12-036

Claim for property damage sustained to claimant's tire after driving over metal debris on Veterans Memorial Parkway. See recommendation of the Director of Public Works.

Motion by: Councilman Conley
Seconded by: Councilwoman Kleyla

Motion: Refer the claim to United Water.

VOTE	MAYOR ROGERS	COUNCILMAN CONLEY	COUNCILMAN DiGIOIA	COUNCILWOMAN KLEYLA	COUNCILMAN ROSE
Aye	√	√	√	√	√
Nay					
Abstain					
Absent					

ROBERT GOMES \$69.00

RM No. 12-048, Claim No. 12-034

Claim for reimbursement of expenses incurred for damage to a kitchen faucet following work performed on Cotter Street by the Water Division. See recommendation of the Director of Public Works.

Motion by: Councilman Conley
Seconded by: Councilman DiGioia

Motion: Deny the claim.

VOTE	MAYOR ROGERS	COUNCILMAN CONLEY	COUNCILMAN DiGIOIA	COUNCILWOMAN KLEYLA	COUNCILMAN ROSE
Aye	√	√	√	√	√
Nay					
Abstain					
Absent					

ANTHONY ROSE \$100,000.00

RM No. 12-053, Claim No. 12-038

Claim for illegal search and seizure. Recommend referral to the insurance carrier.

Motion by: Councilman Conley
Seconded by: Councilwoman Kleyla

Motion: Refer the claim to the insurance carrier.

VOTE	MAYOR ROGERS	COUNCILMAN CONLEY	COUNCILMAN DiGIOIA	COUNCILWOMAN KLEYLA	COUNCILMAN ROSE
Aye	√	√	√	√	√
Nay					
Abstain					
Absent					

LITIGATION

Status Report

Motion by: Councilman Conley Seconded by: Councilman Rose

Motion: Receive as information.

VOTE	MAYOR ROGERS	COUNCILMAN CONLEY	COUNCILMAN DiGIOIA	COUNCILWOMAN KLEYLA	COUNCILMAN ROSE
Aye	√	√	√	√	√
Nay					
Abstain					
Absent					

R.I. COUNCIL 94 AND CITY OF EAST PROVIDENCE

GR: ALBERT QUATTRUCCI TERMINATION

AAA # 11 390 02268 10

Status Report

Motion by: Councilman Conley Seconded by: Councilwoman Kleyla

Motion: Defer the matter pending action by the Budget Commission.

VOTE	MAYOR ROGERS	COUNCILMAN CONLEY	COUNCILMAN DiGIOIA	COUNCILWOMAN KLEYLA	COUNCILMAN ROSE
Aye	√	√	√	√	√
Nay					
Abstain					
Absent					

A motion to approve the Claims Committee Report is made by Assistant Mayor Rose, seconded by Councilman Conley and on a roll call vote it is unanimous.

2. 7th Annual Freaky 5K Road Race (by Fire Chief Joseph Klucznik)

A motion to approve the event is made by Assistant Mayor Rose, seconded by Councilman DiGioia and on a roll call vote it is unanimous.

3. School Committee Update (by Council Liaison School Committee Member Chrissy Rossi)

The Finance Director stated that the School Budget is a bottom line budget and the School Committee can reallocate as they see fit. Ms. Rossi stated that \$4.5 million plus is being cut over last year's budget. If we don't keep it at 90 percent of last year's budget we can lose our federal funding as it is part of the No Child Left Behind Act and we are actually short \$1.7 million. Mayor Rogers asked the City Manager to provide this information to the Budget Commission. The City Manager stated he absolutely would at the public forum and any School Committee members should attend as we need to hear this type of input. Ms. Rossi worked at the podium with the Finance Director for a few minutes going over items that were not clear such as the All Day K issue and the funding to be lost as well as the closure of Oldham School next year. The City Manager suggested that they meet the next day to go over all the facts and figures in detail. Ms. Rossi closed by stating that the School Committee had nothing to do with putting this budget together and there is no way this budget will survive next year and we will end up in a deficit next year.

C. Council Members

1. Bi-Weekly Update (by Mayor Rogers)

- Cleanup of the Runnins Rivers

Mayor Rogers stated he is most interested in a time line as the people who live in this area are suffering. Director Boyle spoke and explained that two weeks ago David Bachrach and she met with staff for the CDBG disaster funds. She provided the description of the process and the funding which the City applied for and received up to this point. There is \$100,000 to remove Runnins River sediment and the invasive species to relieve the State Street area flooding which the Budget Commission approved. Director Boyle distributed a written time line. Adding that they are also working with MA EMA as the location is right on the state line. They expect to have the entire work completed by November 2013. Mayor Rogers requested the time line in bulleted version which he could deliver to the neighborhood. Director Boyle also stated that Congressman Cicilline's efforts via the Mayor have been very helpful and she would ask that soon to be State Senator Conley help us in that end result. Councilman Conley said to keep him in the loop.

- Status of Audit Management Letter

Mayor Rogers called on the City Manager to respond. The City Manager stated that for years these findings went unanswered and this is why the same findings kept coming back and they have become key findings. For reference attached to the Council packet is the response to the audit management letter under each of the findings you will see an update. Most will be remedied by the new financial system which will be in place in 6 months.

- Other [Issues](#)

2. Update on Community Garden Committee (by Assistant Mayor Rose)

Assistant Mayor Rose stated that over a period of time he has had quite a few people contact him to set up a committee on this issue. The Assistant Mayor read a letter from constituent on the topic.

Director Boyle spoke stating we have recently received a proposal referred to her by the City Manager. She hasn't had time to vet it yet but it is from the aid foundation at Hunts Mills and she will take a look at it and ultimately refer it to the City Council for their review. She added that a member on the Planning Department is on the Board of the Southside Community Land Trust and has offered to come and speak to the group. They have an excellent website on how to start a community garden, there are resources mentioned and non-profit organization start up grants which include free seeds and timbers for raised bed gardens.

3. Reminder of the Labor Day Parade Committee Meeting (by Assistant Mayor Rose)

Assistant Mayor Rose stated the first meeting of the Labor Day Parade Committee will be held November 14th at 6:00 P.M. and that it can held in one of the rooms at City Hall.

4. Law Department (by Assistant Mayor Rose)

Assistant Mayo Rose stated our hands are tied again as far as the Budget Commission coming in and trying to put an RFP together to outsource the City's legal services. It's going to be a huge problem and they will soon start to realize how much of a cost doing this could be, not just the legal fees but depending on the type of company coming in they might not be representing the City and taking care of the citizens.

Solicitor Andreoni stated he has submitted a report to the Budget Commission on why this is not legal.

5. Police Contract (by Assistant Mayor Rose)

Assistant Mayor Rose stated that the Budget Commission is negotiating the Police contract and a few issues need to be addressed. He knows the City can't comment on the negotiations however it should be noted the EPPD, over the past years, for the last four times their contracts were up, the department stepped up to the plate. They had no pay raises for the last 4 terms. They were one of the first to offer co-sharing for health care. Their contract didn't even need to be opened and when we had the issue with the State Police Audit they did some research and found that our department wasn't top heavy. It's a well run facility and we need to take this all into consideration when doing the contracts.

D. Resolutions

1. A Resolution in support of overturning the United States Supreme Court Ruling in Citizens United vs. Federal Election Commission

WHEREAS, we the people adopted and ratified the United States Constitution to protect the free speech and other rights of people not corporations; and

WHEREAS, corporations are not people but instead are entities created by the law of states and nations; and

WHEREAS, for the past three decades, a divided United States Supreme Court has erroneously transformed the First Amendment into a powerful tool for corporations seeking to evade and invalidate the people's laws; and

WHEREAS, this corporate misuse of the First Amendment and Constitution has reached an extreme conclusion in the United States Supreme Court's ruling in *Citizens United vs. Federal Election Commission*; and

WHEREAS, *Citizens United v. Federal Election Commission* overturned longstanding precedent prohibiting corporation from spending corporate general treasury funds in our elections; and

WHEREAS, *Citizens United v. Federal Election Commission* unleashes a torrent of corporate money in our political process unmatched by any campaign expenditure totals in United States history; and

WHEREAS, *Citizens United v. Federal Election Commission* purports to invalidate state laws and even state constitutional provisions separating corporate money from elections; and

WHEREAS, *Citizens United v. Federal Election Commission* presents a serious and direct threat to our republican democracy; and

WHEREAS, Article V of the United States Constitution empowers and obligates the people and states of the United States of America to use the constitutional amendment process to correct those egregiously wrong decisions of the United States Supreme Court that go to the heart of our democracy and republican self-government; and

WHEREAS, the people and states of the United States of America have strengthened the nation and preserved liberty and equality for all by using the amendment process throughout our history, including in seven of the ten decades of the 20th century and including to reverse seven erroneous Supreme Court decisions.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of East Providence calls upon the United States Congress to pass and send to the states for ratification a constitutional amendment to reverse *Citizens United v. Federal Election Commission* and to restore constitutional rights and fair elections to the people.

This resolution shall become effective upon its passage.

Requested by: Councilwoman Kleyla

A motion to approve the resolution is made by Councilwoman Kleyla, seconded by Assistant Mayor Rose and on a roll call vote the motion passes 4-1 with Councilman DiGioia voting Nay.

E. Introduction of Ordinances

1. An ordinance regarding a stop sign on Burnside Avenue at Harris Street.

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"

SECTION I. Section 18-269 entitled "Stop and yield intersections designated; when stops required" of Article IX entitled "Stop Intersections" of Chapter 18 entitled "Vehicles and Traffic" is amended by adding thereto the following:

Burnside Avenue (westbound traffic) at Harris Street

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

Requested By: Assistant Mayor Rose

Director Coutu stated the residents in the area are concerned as it is somewhat of a blind spot and a stop sign would be of benefit.

A motion to approve the ordinance for first passage is made by Assistant Mayor Rose, seconded by Councilwoman Kleyla and on a roll call vote it is unanimous.

D. Communications

1. Freddie Rybka, 9 Cozzens Avenue (02915) [requesting](#) to address the Council regarding the deterioration of the infrastructure of the City. Mr. Rybka stated that Pawtucket Avenue in the Riverside area has been all dug up by National Grid and he would like Director Coutu to get them back there as they did not fill in the holes they created correctly. Director Coutu stated he will check with RI DOT who would have given them the permits to get them back to inspect the areas and re-do the ones that need to be done and he will get that information to Mr. Rybka. Director Coutu also announced that the Pawtucket Avenue Bridge will reopen to pedestrians per the City's request to RI DOT.

X. ADJOURNMENT

A motion to approve the ordinance for first passage is made by Assistant Mayor Rose, seconded by Councilwoman Kleyla and on a roll call vote it is unanimous.

Approved By Council: November 20, 2012

Attest: _____

City Clerk

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