

**AMENDED**

**MONDAY, FEBRUARY 18, 2019  
WOONSOCKET CITY COUNCIL AGENDA  
CITY COUNCIL PRESIDENT DANIEL M. GENDRON PRESIDING  
7:00 P.M. – HARRIS HALL  
169 MAIN STREET, WOONSOCKET, RHODE ISLAND 02895**

**REGULAR MEETING**

1. **ROLL CALL**
2. **PRAYER**
3. **PLEDGE OF ALLEGIANCE**
4. **AGENDA FOR BOARD OF LICENSE COMMISSIONERS**  
19 LC 06 Application of licenses and renewal of licenses (listing attached).
5. **CITIZENS GOOD AND WELFARE**  
(Please limit comments to five minutes)
6. **APPROVAL/CORRECTION OF MINUTES OF REGULAR MEETING HELD FEBRUARY 4<sup>TH</sup>**
7. **CONSENT AGENDA**  
All items on the consent agenda are indicated with an asterisk (\*).
8. **COMMUNICATIONS FROM MAYOR**  
None.
9. **COMMUNICATIONS FROM CITY OFFICERS**  
19 CO 05\* From Public Works Director regarding granting permission to install a water meter pit and water service.  
19 CO 06\* A communication from Planning Board Chairman submitting response to request for advice and recommendation re: Zoning, Section 4.5.
10. **COMMUNICATIONS AND PETITIONS**  
19 CP 07\* Monthly odor report from Jacobs Engineering Group.
11. **GOOD AND WELFARE**  
(Five minute limit, per Council Rules of Order)
12. **ORDINANCES PASSED FOR THE FIRST TIME FEBRUARY 4<sup>TH</sup>**  
19 O 08 Amending Chapter 13, Entitled "Licenses and Permits" of the Code of Ordinances of the City of Woonsocket.-Sierra  
19 O 09 Ordinance to amend the existing Homestead Exemption Policy and outline procedures for its application.-Gendron
13. **NEW ORDINANCES**  
19 O 10 Authorizing installation of a water meter pit for Map E4 Lot 23-396, Saint Francis Street.-Gendron

- 19 O 11 Authorization to sell the property located at Plat 1, Lot 291 on the corner of Cherry Hill Avenue and Scotia Street, Woonsocket, Rhode Island.-Gendron
- 19 O 12 In amendment of Chapter 17 Entitled, "Traffic" of the Code of Ordinances, City of Woonsocket.-Gendron
- 19 O 13 Appropriation Ordinance for the redemption of the City of Woonsocket, Rhode Island General Obligation Bonds dated May 26, 2005.-Gendron

**14. NEW RESOLUTIONS**

- 19 R 20 Authorizing the cancellation of certain taxes.-Gendron
- 19 R 21 In support of House Bill H-5281 and Senate Bill S-98.-Brown
- 19 R 22 Granting permission to use City property.-Gendron
- 19 R 23 Authorizing, approving and directing the engagement of certain law firms to represent the City of Woonsocket in potential litigation against contributors of opioid addition crisis.-Gendron
- 19 R 24 Authorizing the Finance Director to enter into a three (3) year lease agreement for two (2) 2019 Harley Davidson Motorcycles.-Gendron

**15. ADJOURNMENT**

For additional information or to request interpreter services, or other special services for the hearing impaired, please contact City Clerk Christina Harmon-Duarte three days prior to the meeting at (401) 762-6400, or by the Thursday prior to the meeting.

Posted February 14, 2019 (Amended)

**AGENDA FOR BOARD OF LICENSE COMMISSIONERS**

**NEW LICENSES**

**CLASS F LIQUOR**

Museum of Work & Culture, 42 South Main Street (March 21, 2019)

**CLASS F LICENSE AND ENTERTAINMENT**

Watloa Xoke Xayyaram Buddhist Temple, 459 River Street (May 4, 5, Aug 31 & Sept 1) – Live Band

**RENEWALS**

**QUARTERLY ENTERTAINMENT LICENSE**

St. Joseph Veterans Association, 99 Louise Street (Live, DJ, Karaoke)

Monday, February 4, 2019

At a regular meeting of the City Council, in the City of Woonsocket, County of Providence, State of Rhode Island in Harris Hall on Monday, February 4, 2019 at 7 P.M.

All members are present.

The prayer is read by the Clerk. The Pledge of Allegiance is given by the assembly.

19 LC 04 An application for transfer of Class BV license from Cooky's Bar & Grill Inc. to 3 Q Holdings at 1689 Mendon Road, which was advertised for hearing on this date, is read by title, and

Upon motion of Councilman Cournoyer seconded by Councilors Sierra and Ward it is voted that the license transfer be granted, a roll call vote on same being unanimous.

Upon motion of Councilman Ward seconded by Councilman Cournoyer it is voted that the public hearing be and it is hereby adjourned at 7:05 P.M. Atty. Andrew Cagen and Mike Drainville addressed the council.

19 LC 05 Upon motion of Councilwoman Sierra seconded by Councilors Brien and Ward it is voted that the following licenses be granted, a voice vote on same being unanimous: 1 application for Class F license, 1 application for Class F1 license and entertainment, 1 application for tobacco sales license, 1 application for renewal of police constable license and 1 application for renewal of private detective license.

The following persons addressed the council under citizens good and welfare: Charles Lemoine and Larry Poitras.

Upon motion of Councilman Brien seconded by Councilman Ward it is voted that the minutes of the regular meeting held January 22<sup>nd</sup> be approved as submitted, a voice vote on same being unanimous.

Upon motion of Councilman Brien seconded by Councilwoman Sierra it is voted to dispense with the regular order of business and take up the following resolution:

19 R 18 A resolution appointing Steven R. Laramée as a member of the Zoning Board of Review is read by title, and

Upon motion of Councilman Brien seconded by Councilmen Cournoyer and Soucy it is voted that the resolution be passed, a voice vote on same being unanimous.

Upon motion of Councilman Ward seconded by Councilwoman Sierra it is voted that the consent agenda be approved as submitted, a voice vote on same being unanimous.

The following communication was listed on the consent agenda:

19 CO 04 A communication from Public Works Director regarding appointment of Tree Warden.

19 CP 06 A request of David Silvia to address the City Council regarding clearing of snow off city streets is read by title. Mr. Silvia was not present.

The following remarks are made under good and welfare:

Councilwoman Sierra passed.

Councilman Soucy congratulated the Patriots and also Mike Drainville of 3Q Holdings.

Councilman Ward passed.

President Gendron passed.

Councilman Brien passed.

Councilwoman Brown passed.

Councilman Cournoyer passed.

18 O 66 An ordinance in amendment of Code of Ordinances, Appendix C entitled "Zoning" (Various miscellaneous changes) which was passed for the first time on January 22<sup>nd</sup>, is read by title, and

Upon motion of Councilman Cournoyer seconded by Councilors Sierra and Ward it is voted that the ordinance be passed, a roll call vote on same being unanimous.

19 O 07 An ordinance in amendment of Chapter 14 entitled "Miscellaneous Offenses" of the Code of Ordinances, City of Woonsocket, which was passed for the first time on January 22<sup>nd</sup>, is read by title and

Upon motion of Councilman Cournoyer seconded by Councilman Ward it is voted that the ordinance be passed, a roll call vote on same being unanimous.

19 O 08 An ordinance amending Chapter 13 entitled "Licenses and Permits" of the Code of Ordinances, City of Woonsocket, which was passed for the first time on January 22<sup>nd</sup>, is read by title, and

A motion is made by Councilwoman Sierra seconded by Councilmen Soucy and Ward that the ordinance be passed, however, before this is voted on

Upon motion of Councilwoman Sierra seconded by Councilman Cournoyer it is voted to amend as follows: In Section 1, 13-13.6 in sixth line after (Building) delete "or" and insert "and/or" and also in Section 1, 1313.10 insert "The Police Department has jurisdiction over this section of the Ordinance and is responsible for the enforcement" at the end of the paragraph. This amendment is voted on and passed unanimously on a roll call vote. The ordinance, as amended, is then voted on and passed for the first time unanimously.

19 O 09 An ordinance to amend the existing Homestead Exemption Policy and outline procedures for its application is read by title, and

A motion is made by Councilman Cournoyer seconded by Councilmen Brien and Ward that the ordinance be passed, however before this is voted on

Upon motion of Councilman Cournoyer seconded by Councilmen Brien and Ward it is voted to amend the ordinance as follows: In Exhibit A, Section E, insert "who" after "thereafter". This amendment is voted on and passed unanimously on a roll call vote. The ordinance, as amended, is then voted on and passed for the first time unanimously.

19 R 02 A resolution authorizing the adoption of the 2018 Woonsocket Hazard Mitigation Plan update, which was tabled at the meeting of January 7<sup>th</sup>, is read by title, and

Upon motion of Councilman Soucy seconded by Councilman Brien it is voted that the resolution be passed, a voice vote on same being unanimous.

- 19 R 14 A resolution authorizing the cancellation of certain taxes is read by title, and  
Upon motion of Councilman Ward seconded by Councilwomen Brown and Sierra it is voted that the resolution be passed, a voice vote on same being unanimous.
- 19 R 15 A resolution granting permission to use City property is read by title, and  
Upon motion of Councilman Ward seconded by Councilman Brien it is voted that the resolution be passed, a voice vote on same being unanimous. Councilors Gendron and Soucy recused themselves from this vote.
- 19 R 16 A resolution appointing Donald Sepe as Tree Warden for the City of Woonsocket is read by title, and  
Upon motion of Councilman Ward seconded by Councilmen Brien and Cournoyer it is voted that the resolution be tabled, a voice vote on same being unanimous.
- 19 R 17 A resolution authorizing Mayor or her designee to execute an agreement with Atlas Pyro Vision Environment Group Inc. for fireworks display to be held in July 2019 for Independence Day is read by title, and  
Upon motion of Councilwoman Sierra seconded by Councilors Cournoyer and Ward it is voted that the resolution be passed, a voice vote on same being unanimous.
- 19 R 19 A resolution instructing the administration to issue a request for proposal in connection with environmental consulting services is read by title, and  
Upon motion of Councilman Brien seconded by Councilman Ward it is voted that the resolution be passed, a voice vote on same being unanimous.  
Upon motion of Councilman Ward seconded by Councilman Soucy it is voted that the meeting be and it is hereby adjourned at 7:35 P.M.

Attest:

Christina Harmon Duarte

City Clerk



City of Woonsocket  
Department of Public Works  
Engineering Division

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Lisa Baldelli-Hunt  
Mayor

Steven D'Agostino  
Director

February 1, 2019

The Honorable City Council  
Legislative Chambers  
City Hall - 169 Main Street  
Woonsocket, RI 02895

**Subject: Granting Permission to Install a Water Meter Pit and Water Service**

Dear Councilors:

Before you this evening is legislation to allow the installation of a water meter pit and a water service for a proposed dwelling on Division Street and Saint Francis Street on Map E4 Lot 23-396. If approved by the City Council, the present property owner will install the water meter pit and water service within the City's Right of Way on Division Street and Saint Francis Street.

The dwelling requires the water service to be installed prior to, or at the same as being constructed.

The water meter pit and water service will then become the ownership and maintenance responsibility of the present and future property owners.

The Department of Public Works, Engineering Division and Water Division have reviewed the plans and find them acceptable.

Sincerely,

Steven D'Agostino  
Director of Public Works



*City of Woonsocket, Rhode Island*

**WOONSOCKET PLANNING BOARD**

c/o Department of Planning & Development  
 City Hall • 169 Main Street • Post Office Box B  
 Woonsocket, Rhode Island 02895-4379

**RESPONSE TO REQUEST FOR ADVICE & RECOMMENDATION  
 FROM THE CITY COUNCIL**

**19-O-05 • In Amendment of the Code of Ordinances  
 of the City of Woonsocket, Rhode Island,  
 Appendix C, Entitled “Zoning” Section 4.5**

**I. STATEMENT OF PURPOSE**

Regarding a proposed Amendment to the City of Woonsocket, Rhode Island’s Zoning Ordinance, as enacted December 19, 1994 and amended November 17, 2017, the City Council of the City of Woonsocket, Rhode Island, pursuant to § 45-24-52 *Adoption – Review by planning board or commission* of the Rhode Island Zoning Enabling Act of 1991, and §17.2 *Planning Board Review and Recommendations* of the *Zoning Ordinance of the City of Woonsocket* has referred the above titled matter to the Woonsocket Planning Board, created by *Chapter X Article 6* of the *Woonsocket Home Rule Charter*, in accordance with §§ “(e) *Submit an opinion on all proposed amendments to the city zoning ordinance, to the city council and the mayor, and report to the city council or to the mayor or any matter that may be referred to the planning board by the city council or by the mayor*” for advice and recommendation.

After a public hearing conducted by the Woonsocket Planning Board at its meeting on February 5<sup>th</sup>, 2019, which was duly advertised and posted in accordance with the Rhode Island Open Meetings Act (R.I.G.L. 42-46), testimony was received on the above referenced matter, duly resolved, based by facts admitted in evidence, as follows:

**II. FINDINGS OF FACTS**

That the subject matter was received by the Woonsocket City Council at their regular meeting on Monday, January 7<sup>th</sup>, 2019, where it was received, placed on file, ordered advertised in accordance with R.I.G.L. 45-24-53, referred to the Woonsocket Planning Board and the Associate Director of the Rhode Island Department of Administration; all of which was accomplished.



That the Woonsocket Planning Board received an explanation of the purpose and effect of the proposed ordinance titled above from the City Planner/Administrative Officer and the staff of the Department of Planning & Development at their regularly scheduled meeting on Tuesday, February 5<sup>th</sup>, 2019.

That the City Planner/Administrative Officer and staff of the Department of Planning & Development briefed the Planning Board at the aforementioned meeting on the compliance and consistency of the titled matter with the provisions of the Woonsocket Comprehensive Plan 2012 and the “*general purposes of zoning ordinances*” as outlined in R.I.G.L. 45-24-30 and §§1.2 & 1.3 of the Zoning Ordinance of the City of Woonsocket as enacted December 19, 1994 and amended to November 17<sup>th</sup>, 2017, as follows:

*(3) Providing for orderly growth and development that recognizes:*

*(i) The goals and patterns of land use contained in the comprehensive plan of the city or town adopted pursuant to chapter 22.2 of this title;*

The Planning Board is not satisfied that the proposed amendment is consistent with the goals and patterns of land use contained in the Woonsocket Comprehensive Plan 2012 as recommended by the Planning Board on February 1, 2012, enacted by the Woonsocket City Council on April 4, 2012, and approved by the Director of the Rhode Island Department of Administration on April 24, 2012. The Planning Board does not believe that the proposed Amendment promulgates the enactment of such legislation as consistent with the goals and objectives of the plan by providing governance of such uses in a reasoned and responsible manner. The proposed amendment will neither “*allow for flexible development by increasing options available to property owners*” nor “*effectively implement the Goals of the City while protecting the rights of the individual*” as stated in Goals LU-1 and LU-5, respectively, by providing an additional barrier to full zoning approval. The property owners, being the City, the State of Rhode Island, or the federal government, should have full authority to place a public or semi-public use where they feel is appropriate and with the assistance of the comprehensive plan and qualified members of the city’s administration. The approval of city council for all local, state, and federal uses within passive and active public recreation zones complies with Goal LU-5 of the comprehensive plan which aims “*to protect Woonsocket’s few remaining natural areas and preserve and enhance the physical remains and sites associated with its cultural heritage.*”

*(vi) The availability and capacity of existing and planned public and/or private services and facilities*

The Planning Board believes that this proposed amendment could detain future planned public services by restricting the availability of the city to place and open public services in areas throughout the city underserved by the particular use.

*(vii) The use of innovative development regulations and techniques*

The Planning Board acknowledges that approval by the city council to allow specific uses in certain land use zones exists in the Woonsocket Zoning Ordinance; however, no use is currently subject to approval by city council in all zones and they do not believe that the city council should remove the complete authority of the Zoning Board of Review for three uses.

*(14) Providing for efficient review of development proposals, to clarify and expedite the zoning approval process.*

The Planning Board is not convinced that the proposed ordinance in requiring all municipal, state, and federal uses to be approved by the city council will be efficient, clarify, or expedite the zoning approval process. Adding an additional step to gaining full zoning approval to these three uses in all zones has the potential to delay and/or cancel certain projects which will be beneficial to the city and its residents.

*(15) Providing for procedures for the administration of the zoning ordinance, including, but not limited to, variances, special-use permits, and, where adopted, procedures for modifications.*

The Planning Board is satisfied that the proposed amendment establishes a reasoned and responsible series of procedures under the provisions of the Zoning Ordinance to provide for community-wide input into the regulatory process. The Planning Board is not satisfied; however, that the proposed amendment continues to allow for the city, state, and federal governments to put forth projects within the City of Woonsocket without undue regulatory procedures.

- That the Woonsocket Planning Board agrees with the recommendations of the City Planner/Administrative Officer and the staff of the Department of Planning & Development in these conclusions.
- That remonstrants appeared before the Woonsocket Planning Board to address the titled matter.
- That there are questions raised about the proposed ordinance and its compliance with state statutes for which the Woonsocket Comprehensive, Plan Zoning Ordinance, and Subdivision Regulations must be in adherence to. Legal review must be secured to confirm whether the proposed ordinance adheres to these statutes.

MOTION made by Member Pratt and seconded by Member Eappen that in accordance with the procedures for Amendments to the Zoning Ordinance of the City of Woonsocket, Rhode Island, the Woonsocket Planning Board hereby finds the proposed Amendment entitled "*In Amendment of the Code of Ordinances of the City of Woonsocket, R.I. Appendix C, Entitled "Zoning" Section 4.5* is **not** consistent with Woonsocket Comprehensive Plan Amendment 2012 and the General Purposes of Zoning Ordinances as contained in R.I.G.L. 45-24-30.

Vote on the Motion:

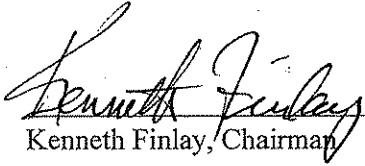
Secretary Crisafulli	absent
Member Eappen	yes
Chairman Finlay	yes
Vice Chairman Lima	absent
Member Pratt	yes

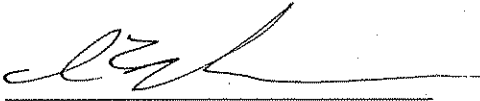
Vote: 3-0-2

III. CERTIFICATION

This is to certify that the above statement of *Finding of Facts & Decision* reflects the action of the Woonsocket Planning Board at their regularly scheduled meeting of February 05, 2019, a quorum being present throughout, in accordance with *R.I.G.L. §45-24-52* and *§17.2* of the *Zoning Ordinance of the City of Woonsocket, Rhode Island*, As Amended. This is true and accurate recording of such action and is intended to be a part of the official record of the Woonsocket Planning Board.

Certified:

  
Kenneth Finlay, Chairman  
Woonsocket Planning Board

  
Ian McElwee, City Planner  
Administrative Officer

Dated: February 6<sup>th</sup>, 2019

Jacobs

Jacobs Engineering Group

11 Cumberland Hill Rd

Woonsocket RI 02895

Tel 401.356.1468

Fax 401.356.1478

February 1, 2019

The Honorable City Council  
City Hall  
Legislative Chambers  
169 Main Street  
Woonsocket, RI 02895

**Subject: January 2019 Odor Report**

Dear Councilors,

There were no odor complaints filed with the Woonsocket Regional Wastewater Commission during the month of January 2019.

I've attached graphs of monthly odor complaints received since January of 2016 and yearly complaints received since 2008. I've also attached the monthly odor complaint log which outlines the details of the complaints as well as the possible or probable root causes.

If you have any questions or require additional information, please call me at 401.356.1468.

Respectfully,



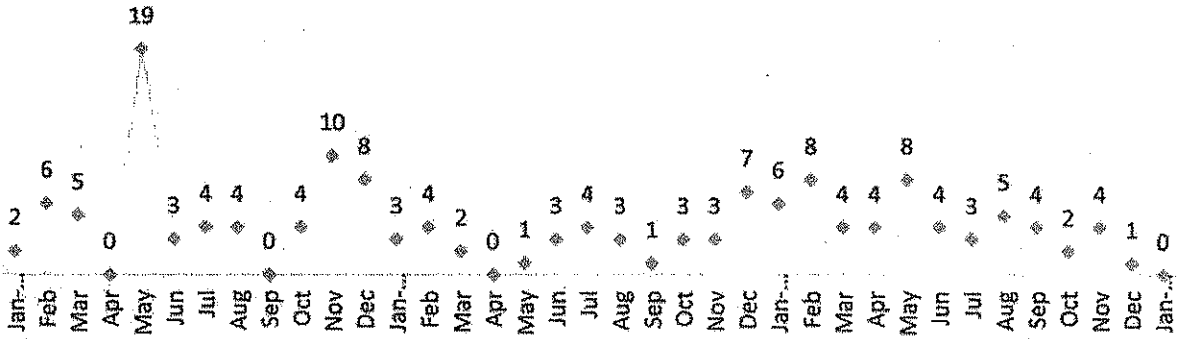
Jim Lauzon  
Jacobs Engineering Group Project Manager

cc: Steve D'Agostino, City of Woonsocket  
Jon Pratt, City of Woonsocket  
Christina Duarte, City of Woonsocket  
Kevin Handley, Synagro Assistant Plant Manager  
Nick Quigley, Synagro Plant Manager  
Alex Pinto, RIDEM, Office of Water Resources  
Karen Peltier, RIDEM, Office of Air Resources  
Chris John, RIDEM Office of Compliance  
Laurie Toscano, Weston & Sampson  
Kevin Dahl, CH2M  
File

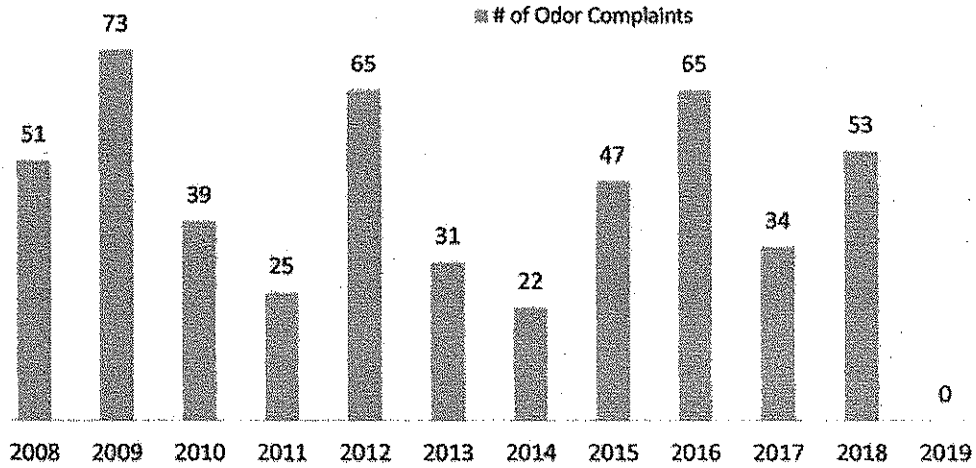
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**Att: Monthly and Yearly odor complaint graphs**

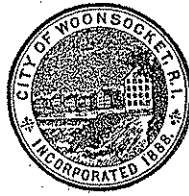
### Woonsocket Odor Complaints by Month



### Woonsocket Odor Complaints by Year



City of Woonsocket  
Rhode Island



January 22, A.D. 2019

Ordinance  
Chapter

**AMENDING CHAPTER 13, ENTITLED "LICENSES AND PERMITS",  
OF THE CODE OF ORDINANCES OF THE CITY OF WOONSOCKET**

- WHEREAS,** the City wishes to create a safe and inviting environment for all residents and visitors; and
- WHEREAS,** the City currently hosts established and permanent businesses offering fireworks; and
- WHEREAS,** the current legislation lacks restrictions to adequately support public safety; and
- WHEREAS,** the current legislation requires expansion and enforcement of the City's zoning laws and public safety requirements.

**IT IS ORDAINED BY THE CITY COUNCIL OF THE  
CITY OF WOONSOCKET AS FOLLOWS:**

**SECTION 1.** That Chapter 13, Article 1, Section 13-13 Fireworks – Temporary License for Sales and Use is added to the Woonsocket City Code with the following language:

**13-13 FIREWORKS**

**SECTION**

- 13-13.1. Definitions.
- 13-13.2. Permits and permit fees.
- 13-13.3. Permit revocation.
- 13-13.4. Permissible fireworks.
- 13-13.5. Storing and structures.
- 13-13.6. Limitations on structures.
- 13-13.7. Location of fireworks outlets.
- 13-13.8. Parking for retail fireworks sales site.
- 13-13.9. Additional standards for fireworks retailers.
- 13-13.10. Unlawful sale to certain children and other persons; unlawful use of Fireworks.
- 13-13.11. Exemptions.
- 13-13.12. Violations and penalty.

### 13-13.1. Definitions.

- (1) As used in this chapter, unless the content otherwise requires:
- (a) "Fireworks" means any composition or device for the purpose of producing a visible or an audible effect by combustion, deflagration, or detonation, and which meets the definition of:
    - (i) All articles of fireworks classified as 1.4G, or referred to as "Consumer Fireworks", or "Class C Common Fireworks,"
    - (ii) Theatrical and novelty, classified as 1.4S, or
    - (iii) Display fireworks, classified as 1.3G, as set forth in the U.S. Department of Transportation's (DOT) Hazardous Materials Regulation, Title 49, Code of Federal Regulations (CFR), Parts 171-180.
    - (iv) Exceptions:
      - (A) Toy caps for use in toy pistols, toy canes, or toy guns, and novelties and trick noisemakers manufactured in accordance with DOT regulations, 49 CFR 173.100(p), and packed and shipped according to those regulations;
      - (B) Model rockets and model rocket motors designed sold, and used for the purpose of propelling recoverable aero models.
      - (C) Propelling or expelling charges consisting of a mixture of sulfur, charcoal, saltpeter are not considered as designed to produce audible effects.
  - (b) "Mobile Retailer" means a vendor operating from motor vehicles, trailers, bicycles, or motorbikes.
  - (c) "Permit" means the written authority of the City of Woonsocket issued under the authority of this section.
  - (d) "Person" means any individual, firm, partnership, or corporation.
  - (e) "Retailer" means any person engaged in the business of making retail sales of fireworks to the general public.
  - (f) "Sale" means an exchange of articles of fireworks for money and also includes barter, exchange, gift, or offer and each such transaction made by any person, whether as principal, proprietor, salesperson, agent, association, co-partnership, or one (1) or more individual(s),
  - (g) "Temporary Outdoor Fireworks license" means a license issued to sell fireworks outdoors for a certain period of time not to exceed thirty (30) days.
- (2) Singular words and plural words used in the singular include the plural and the plural as singular.

### 13-13.2. Permits and permit fees.

- (1) It is unlawful for any person to sell or to offer for sale in the City of Woonsocket any item of fireworks without first securing a Permit issued by the City of Woonsocket.
- (a) Permits are not transferable.
  - (b) A permit (to sell fireworks to the general public) is valid only from June 20 through July 9
  - (c) The permit fee for retail permits is \$500
- (2) A permit to sell fireworks in the City of Woonsocket must be obtained at least 30 days prior to the date on which the applicant begins making sales.
- Each application shall contain the following:
- (a) The application must include the name, address, and telephone number of applicant.
  - (b) The applicant must be the natural person who will operate or be responsible for sales.
  - (c) The applicant is liable for all violations of this chapter by persons under his/her supervision.
- (3) A person that applies for a retail fireworks permit must show proof that a state sales tax number has been obtained for sales tax purposes.
- (4) A diagram must be submitted with the application that includes the dimensions of the lot, size and location of structure, setback of structure from the right-of-way, location of other structures in the area that are occupied, location and number of parking places, location of any nearby residences, location of the nearest fuel outlets, and location of other fireworks outlets if located within 750 feet of a retail structure.

*This review shall be done and approved* before the permit will be issued. After the application has been submitted and approved, the Woonsocket Fire Marshall, Building Official, and Zoning Official or their designee shall inspect the site for compliance with applicable codes and ordinances.

All re-inspection fees in accordance with Woonsocket Code of Ordinances Section 8-34.2 (C) (ii) shall be applicable for all redundant inspections.

(5) Mobile vendors are not permitted.

(6) Flashing signs are not permitted.

(7) One double-faced freestanding sign is permitted; however, each sign face may not exceed the square footage allowed in the zoning district the temporary structure is located.

(8) The application must contain evidence that general liability insurance has been obtained by applicant naming the City of Woonsocket as additional insured for at least \$2,000,000 for each occurrence, whether in respect to bodily injury liability or property damage liability or bodily injury liability and property damage liability combined.

(9) The application must disclose the location where the applicant will conduct the business of selling fireworks and the dates for which the right to do business is desired.

(10) Applicant shall pay \$100 cleanup deposit per location, which shall be refunded after the fireworks season or used by the city to clean up the retail fireworks site if needed.

#### **13-13.3. Permit revocation.**

(1) The Woonsocket Fire Marshall, Building Official, and Zoning Official or their designees may revoke any permit upon failure of retailer to correct any of the following conditions within thirty six (36) hours after the Woonsocket Fire Marshall, Building Official, and Zoning Official gives written notice.

(a) When the permittee or the permittee's operator violates any lawful rule, regulation, or order of the, Woonsocket Fire Marshall, Building Official, and/or Zoning Official.

(b) When the permittee's application contains any false or untrue statements.

(c) When the permittee fails to timely file any report or pay any tax, fee, fine, or charge.

(d) When the permittee or the permittee's operator violates any fireworks ordinance or statute.

(2) When any activities of the permittee constitute a distinct hazard to life or property, the Woonsocket Fire Marshall, Building Official, and Zoning Official, may revoke the permit immediately.

(3) Revocation of permits may be appealed to the City of Woonsocket's Board of Licensees in accordance with section 13-53.

#### **13-13.4. Permissible fireworks.**

(1) It is unlawful for any individual, firm, partnership, or corporation to sell or use fireworks within the City of Woonsocket, except as provided in this chapter, any "fireworks" as defined in § 13-13.(1) (a), other than the following:

(a) Those items classified by the U.S. Department of Transportation as 1.4G Consumer Fireworks, or

(b) Those items that comply with the construction, chemical composition, and labeling regulations promulgated by the United States Consumer Product Safety Commission and permitted for use by the general public under its regulations.

#### **13-13.5. Storing and structures.**

No person may smoke within a structure where fireworks are sold. No person selling fireworks may permit the presence of lighted cigars, cigarettes, or pipes within a structure where fireworks



are offered for sale. At all places where fireworks are stored or sold, there must be posted signs with the words "Fireworks- No Smoking" in letters not less than four (4) inches high. An inspected and currently tagged fire extinguisher with a minimum 2A 10BC rating approved and one pressurized water type fire extinguisher must be present at each retail fireworks site. Fireworks sold at retail may be sold only from a freestanding structure. Fireworks must be stored at least ten (10) feet away from windows and other areas where the sun may shine through. Fireworks are not permitted to be stored in residential districts, except for personal use.

#### **13-13.6. Limitations on structures.**

Tents meeting the current adopted Life Safety Code (NFPA 101) and the National Electric Code may be used for the retail sale of fireworks. Provisions shall include but not limited to ground fault interrupter protection must be used for power cords that supply power to tents and other outdoor structures. Electrical wiring inside tents and other outdoor locations shall be securely installed, without splices, and lamps shall be protected from accidental breakage by a suitable fixture or guard. An inspection by the City's Building Department personnel (Building or Electrical Inspector) is required before the vendor can begin selling fireworks. No structure from which fireworks are sold may exceed 3,200 square feet. Fireworks may not be stored in a permanent building unless the building has a sprinkler system and is constructed of non-flammable materials such as metal or concrete block.

#### **13-13.7. Location of fireworks outlets.**

Fireworks sales structures must be no closer than 60 feet from any occupied building. Fireworks sales are permissible only on commercial/industrial property as approved by the Planning Department and the sales structure must be located a minimum of 45' from the right of way. Any fireworks sales structure must be at least 150 feet from a residence.

#### **13-13.8. Parking for retail fireworks sales site.**

The site for a fireworks retailer shall be improved to provide at least twelve (12) graveled or paved parking places for off street and right-of-way customer parking. In addition, the retail fireworks site must provide for an on-site turn-around area so that backing of vehicles onto the street will not be necessary. In addition to the 12 parking spaces needed for the temporary fireworks use the primary use of the property shall remain compliant with the Woonsocket Zoning Ordinance Section 5.1-3 Parking Space Requirement by Use. Any property that has received any variance for parking from the Woonsocket Zoning Board of Review is prohibited from obtaining an Outdoor Fireworks Permit.

#### **13.13.9. Additional standards for fireworks retailers.**

(1) Any site for a fireworks retailer must be located so that all parts of the structure and fireworks inventory on the site are no closer than 30 feet to any fuel source (including overgrown or dried grass)

(a) All parts of the structure(s) displaying and storing fireworks shall be located on asphalt, pavement, crushed stone or any similar non-flammable material.

(2) The parcel in which a fireworks retail use is required shall be a minimum of seven hundred and fifty (750) feet from other similar uses. This distance shall be measured in a straight line from structure to structure. Priority shall be given to the retailer who obtained a permit the previous year at the same location.

#### **13.13.10. Unlawful sale to certain children and other persons; unlawful use of fireworks.**

It is unlawful to offer for sale or to sell any fireworks to children under the age of sixteen (16) years of age or to any intoxicated person. It is unlawful to explode or ignite fireworks within six hundred (600) feet of any church, assisted living facility, nursing home, hospital, funeral home, public or private school academic structure, or within two hundred (200) feet of where fireworks are stored, sold, or offered for sale. It is unlawful to ignite or discharge any permissible articles of fireworks within or throw them from a motor vehicle.

It is unlawful to place or throw any ignited article of fireworks into or at a motor vehicle, or at or near any person or group of persons. It is unlawful to ignite fireworks on another person's private property unless permission is obtained from the owner or occupant of the property. It is unlawful to launch fireworks onto property of persons who have not given permission. It is unlawful to use fireworks at times, places, or in any manner that endangers other persons. It is unlawful to ignite fireworks during an open burning ban declared by the City of Woonsocket Fire Department, except for public (and/or group) displays for which permits have been granted.

**13-13.11. Exclusions. Nothing in this chapter prohibits:**

- (1) The indoor sales and set up of a fireworks displays by an establishment that primarily sells retail goods 365 days a year. This entity is allowed to display and sell fireworks outside of their establishment under their current retail license. A temporary sales permit for fireworks is not needed, but any display that is placed in the parking lot must still comply with the Woonsocket Zoning Ordinance Section 5.1-3 Parking Space Requirement by Use.
- (2) The sale of any kind of fireworks that are to be shipped directly out of the corporate limits of the city in accordance with the regulations of the United States Department of Transportation covering the transportation of explosives and other dangerous articles by motor, rail, and water.
- (3) The sale, transportation, handling, or use of industrial pyrotechnic devices or fireworks, such as railroad torpedoes, fuses, automotive, aeronautical, and marine flares and smoke signals.
- (4) The sale or use of blank cartridges for theater, for signal or ceremonial purposes, in athletics or sporting events, or legal power tools.
- (5) The transportation, handling, or use of any pyrotechnic devices by the armed forces of the United States.
- (6) The use of pyrotechnics in training by the fire service, law enforcement, or similar government agencies.
- (7) The use of fireworks for agricultural purposes under conditions approved by the fire chief or his designee.
- (8) Supervised displays of fireworks as provided for in this chapter.

**13-13.12. Violations and penalties.**

Violations of any provision of this chapter shall be subject to a penalty of up to \$5,000 (five-thousand dollars) per violation.

**SECTION 2.** This Ordinance shall take effect on the eleventh consecutive day following its passage by the City Council as provided in Chapter III, Section 9 of the Woonsocket Home Rule Charter and all Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

**SECTION 3.** Upon passage of this ordinance the City Clerk shall forward a copy of this ordinance to the Woonsocket Police and Fire Chief as well as to the current address of any vendor/operator who have received a temporary license to sell fireworks in the city over the last two years.

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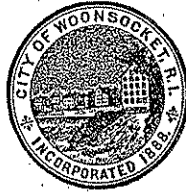
Denise Sierra  
City Council

IN CITY COUNCIL January 22, 2019 - Read by title and passed for the first time unanimously.

IN CITY COUNCIL February 4, 2019 - Read by title, amended, and passed for the first time unanimously.

AMENDMENT: In Section 1, 13.13.6 should read (Building and/or Electrical Inspector). In Section 1; 13.13.10 insert "The Police Department has jurisdiction over this section of the Ordinance and is responsible for the enforcement" at the end of the paragraph.

# City of Woonsocket Rhode Island



February 4, A.D. 2019

## Ordinance Chapter

### ORDINANCE TO AMEND THE EXISTING HOMESTEAD EXEMPTION POLICY AND OUTLINE PROCEDURES FOR ITS APPLICATION

- WHEREAS,** Rhode Island state law enables the City of Woonsocket to classify property for purposes of taxation and a homestead exemption for eligible City residents; and
- WHEREAS,** the homestead exemption has historically only been verified and/or reviewed upon the transfer of properties after the original application has been granted; and
- WHEREAS,** other municipalities have used the homestead exemption processes to ensure proper registration of resident's motor vehicles within the City; and
- WHEREAS,** the City Council previously passed 17 O 04 and procedural changes have subsequently been made by the Law Department requiring a new ordinance to modify 17 O 04.

### IT IS ORDAINED BY THE CITY COUNCIL OF THE CITY OF WOONSOCKET AS FOLLOWS:

- SECTION 1.** Section 2-14 of the Code of Ordinances is amended as attached in (Exhibit A).
- SECTION 2.** This Ordinance shall take effect on the eleventh consecutive day following its passage by the City Council as provided in Chapter III, Section 9 of the Woonsocket Home Rule Charter and all Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

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Daniel M. Gendron  
City Council President  
By request of the Administration

IN CITY COUNCIL February 4, 2019 – Read by title, amended and passed for the first time unanimously.

AMENDMENT: In Exhibit A(E) insert “who” after “thereafter”.

## Sec. 2-14. TAX CLASSIFICATION/HOMESTEAD EXEMPTION/PROCEDURE

A. Pursuant to R.I.G.L. § 44-5-75 and R.I.G.L. § 44-5-74.1, the City of Woonsocket shall adopt a system of property tax classification and annually fix the amount, by separate ordinance, of an owner-occupied homestead exemption from local taxation on eligible real property used for residential purposes and which is owner-occupied as further defined herein.

B. All property within the City of Woonsocket shall be classified by the Tax Assessor in the following manner:

1. Class One: all ratable tangible personal property and motor vehicles;
2. Class Two: residential real estate with less than four (4) units;
3. Class Three: all commercial and industrial real estate and residential real estate with four (4) units or more, except as provided for in subsection (a).

(a) As to any residential real estate with four (4) units and wherein one or more of such units are occupied by the owner of the real estate, such four (4) unit residential real estate shall be classified as Class Two residential real estate. Said real estate shall be classified as Class Three if it fails to have at least one unit that is occupied by the owner of the real estate. An owner of residential real estate with four (4) units who is entitled to the Class Two residential real estate classification pursuant to this section shall annually file a declaration of such owner-occupied status with the tax assessor. The assessor shall prepare an appropriate form for the making of such declaration.

C. To be eligible for a homestead exemption, the property in question must be classified as a Class 2 property and satisfy the following on an annual basis:

1. Effective as to the assessment date of December 31 at midnight, an applicant must file with the city assessor no later than January 31 a homestead application, together with a declaration, and present evidence, under oath, as to the owner-occupied or non-owner-occupied status together with any other proof of residency or ownership and the ownership of all motor vehicles registered either with the State of Rhode Island or with any foreign state, and to provide that information in any manner which may be required by the city assessor

For good cause, the city assessor may accept applications for owner-occupied status after the filing deadline for the current or previous year's taxes only.

2. Only natural person(s) are qualified to receive a type C(1) owner-occupied residential real estate rate as set forth in section C(1) of this ordinance. Real property which is partially or wholly owned by a business, an institution, a nonprofit organization, a financial institution that has foreclosed on real estate, including, without limitation, HUD and Rhode Island Housing and Mortgage Finance Corporation, or any other such public or private entity, do not qualify for a

type C(1) owner-occupied real estate rate; provided, however, that with respect to the application of the owner-occupied real estate rate to taxes assessed as of December 31, 2014, the city assessor may, accept an application and grant a type C(1) owner-occupied real estate rate to an entity and its shareholder(s)/member(s)/owner(s), as the case may be, upon receiving a sworn declaration from said person(s) that he/she/they primarily resided in the subject real estate as of December 31, and that the ownership of the subject property is in said entity's name solely for estate planning purposes.

3. Applicants may qualify for only (1) type of owner-occupied real estate rate in the city at any one (1) point in time. In addition, an owner of real estate in the City of Woonsocket must meet all of the following requirements in order to qualify for a type C(1) owner-occupied rate:
  - a. Neither the owner-occupied rate applicant nor the applicant's spouse is receiving an owner-occupied rate for another piece of real property, located elsewhere in the State of Rhode Island, or in any other state of the United States, for the same period of time the owner is seeking the owner-occupied rate for property owned in Woonsocket, unless during that time the owner is either legally separated or divorced from the spouse during some or all of the period in which they are claiming more than one (1) owner-occupied rate;
  - b. The owner-occupied rate applicant, and the owner-occupied rate applicant's spouse, is paying the Woonsocket excise tax due on each and every motor vehicle owned by either one when that vehicle is garaged more than thirty (30) days in the State of Rhode Island, unless (i) the vehicle is registered in the name of the applicant's spouse, and (ii) the owner-occupied-rate applicant and the spouse are either legally separated or divorced;
  - c. The owner-occupied rate applicant has filed with the Woonsocket Tax Assessor a current listing of all motor vehicles with foreign registrations that the applicant owns as required by R.I.G.L. § 31-7-1. If a homeowner currently receiving the owner-occupied rate has at least one (1) motor vehicle registered to the same address as the property receiving the rate, then the tax assessor shall presume that these requirements have been complied with; however, the tax assessor shall have the authority to investigate whether other circumstances (such as the ownership of additional motor vehicles registered elsewhere) indicate noncompliance that overcomes this presumption. If a homeowner currently receiving the owner-occupied rate does not have any motor vehicles registered to the same address, the tax assessor may take appropriate action to ascertain compliance with these requirements and to revoke the owner-occupied rate, both prospectively and retroactively as necessary.
  - d. The owner-occupied homestead rate attaches to the owner(s) of the real property not to the real property itself. The homestead rate shall not be granted for vacant land or any portion of mixed use-property (ie residential/commercial) regardless of the number of units occupied for residential purposes.

- e. The city assessor shall deny an application for the owner-occupied rate if the city assessor determines that an execution of record based upon a judgment of the Municipal Court for a minimum housing violation(s) against the applicant remains unsatisfied.
- f. Upon purchase of a residence, a homeowner may apply for a type (C-1) owner-occupied real estate tax rate effective as of the date of purchase for the current tax year, notwithstanding the fact that applicant did not own the property as of December 31 of the prior year. The exemption will be granted pro rata for the number of days the applicant owns the property during the fiscal year in which the home is purchased. In the event the property granted an owner-occupied rate is sold or transferred during the year for which the owner-occupied rate is claimed, the applicable rate is void for that portion of the year following the sale or transfer should the new buyer not qualify for the owner-occupied rate. The buyer or transferee shall be liable to the city for any tax benefit received after the date of sale or transfer.
- g. If the taxpayer knowingly gives misinformation as to ownership and/or occupancy of the real estate and/or ownership of motor vehicles on his/her application for an owner-occupied rate, the city assessor may, in such event, remove the owner-occupied rate and apply the non-owner occupied rate and recalculate the tax for the period in question and in addition charge the taxpayer the maximum interest permitted by law. If the taxpayer provides incorrect information, knowingly or not, the city assessor may remove the owner-occupied rate and apply the non-owner occupied rate and may impose back taxes up to the full amount owed for the period in question.
- h. The city assessor is empowered to promulgate any further rules and regulations which he/she deems necessary to carry out the intent and purpose of this section as it relates to the owner-occupied and non-owner occupied rates including but not limited to the creation of the necessary applications and forms to implement the intent of this Ordinance.

D. The Tax Assessor shall have the authority to send a communication in conjunction with a mortgage application from a buyer to a financial institution to reflect what an estimated property tax bill would be for a subject property if, and when a valid and accepted proposed homestead exemption is sought and accepted. Any communication from the Tax Assessor shall include the following language:

"The Tax Assessor has estimated the potential tax bill for this property based upon the application or the City's current homestead exemption. It is an ESTIMATE only and is contingent on the applicant/homeowner meeting all of the legal requirements or the exemption as set forth in the applicable law and/or the municipal code. Homestead exemptions and rates are subject to change and modification by the City's governing body."

E. Effective as of the assessment date of December 31, 2016 at midnight, the application requirements defined in Section C-1 for taxpayers as of December 31, 2016 at midnight or

thereafter already enjoy an eligible homestead exemption that was validly issued pursuant to the terms of Ordinance 15 O78 are as follows:

Effective as to the assessment date of December 31 at midnight, the city assessor will review the homestead exemption applications on file to confirm the current status and eligibility for the upcoming tax year. If a property transferred, or vehicles are no longer registered in the City of Woonsocket, the city assessor will require the present owner to file a new homestead application, together with a declaration, and present evidence, under oath, as to the owner-occupied or non-owner-occupied status together with any other proof of residency or ownership and the ownership of all motor vehicles registered either with the State of Rhode Island or with any foreign state, and to provide that information in any manner which may be required by the city assessor. Such application, declaration and supporting documentation will need to be filed no later than March 15<sup>th</sup> prior to the issuance of tax bills, or as determined by the city assessor.

Notwithstanding the provisions of this Ordinance, any homeowner may apply for a type (a) owner occupied real estate tax rate effective as of the filing date of the Homestead application for the current tax year. The exemption will be granted pro rata based upon the number calendar days beginning with the application filing date through December 31.

**City of Woonsocket  
Rhode Island**



February 18, A.D. 2019

**Ordinance  
Chapter**

**AUTHORIZING INSTALLATION OF A WATER METER PIT FOR  
MAP E4 LOT 23-396, SAINT FRANCIS STREET**

- WHEREAS,** a request has been made by the property owner of Map E4 Lot 23-396 to install new water service to a proposed dwelling on St. Francis Street; and
- WHEREAS,** the water service will require an underground water meter pit to be installed in Division Street and St. Francis Street, a City of Woonsocket public right-of-way; and
- WHEREAS,** the Engineering Division and the Water Division have reviewed and approved the plan for the necessary water service work; and
- WHEREAS,** the dwelling is proposed and will require the underground water meter pit and water service be installed prior to, or at same time as being constructed; and
- WHEREAS,** the present or future property owner of this dwelling will be responsible for all maintenance for said water meter pit and water service.

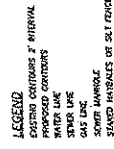
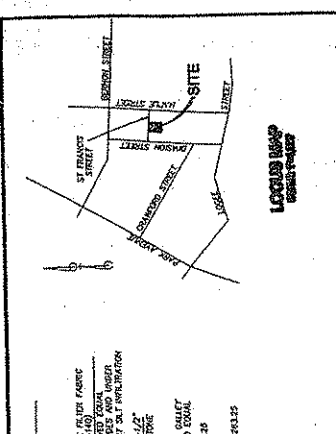
**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL  
OF THE CITY OF WOONSOCKET, RHODE ISLAND, AS FOLLOWS:**

- Section 1.** That the City Council of the City of Woonsocket is hereby authorizing the installation a water meter pit and a water service in Division Street and Saint Francis Street for the dwelling on Map E4 Lot 23-396, as shown on the attached Exhibit A.
- Section 2.** This Ordinance shall take effect upon its passage by the City Council as provided in Chapter III, Section 10 of the Woonsocket Home Rule Charter and all ordinances inconsistent herewith are hereby repealed.

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Daniel Gendron, City Council President  
'By Request of the Administration'





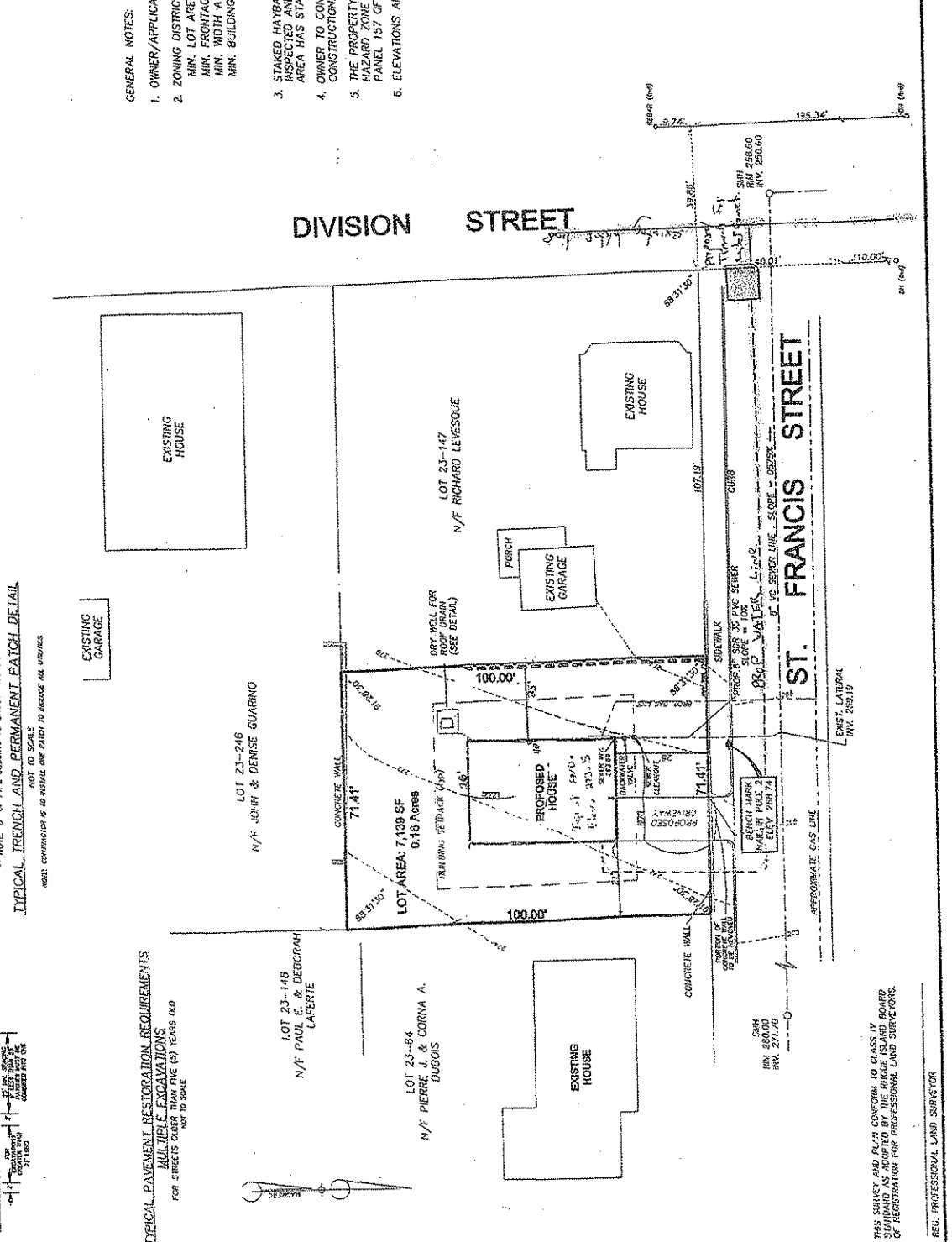
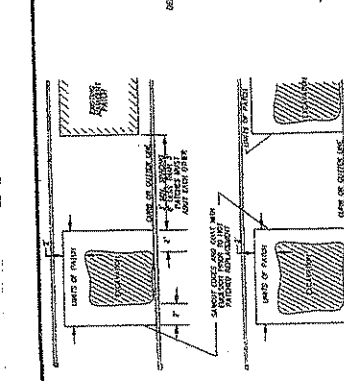
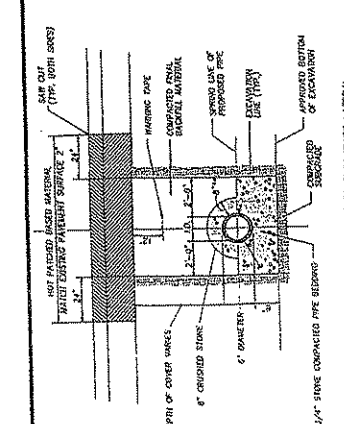
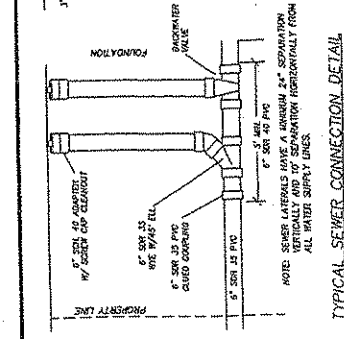
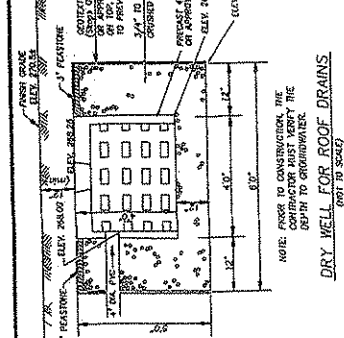
- GENERAL NOTES:**
1. OWNER/APPLICANT: BRIAN COUTCHER
  2. ZONING DISTRICT: R-2  
MIN. LOT AREA: 6,000 S.F.  
MIN. FRONTAGE: 60'  
MIN. WIDTH AT BUILDING LINE: 60'  
MIN. BUILDING SETBACKS: FRONT: 20'  
SIDE: 10'  
REAR: 25'
  3. STAKED MANHOLE/SUT FENCE TO BE MAINTAINED BY CONTRACTOR AND REPEATED AND REPLACED AS NECESSARY UNTIL WORK IS COMPLETE AND AREA HAS STABILIZED.
  4. OWNER TO CONTACT DISSAFE (888-344-7233) PRIOR TO START OF CONSTRUCTION.
  5. THE PROPERTY SHOWN IS NOT LOCATED WITHIN A DESIGNATED FLOOD HAZARD ZONE AS DELINEATED ON THE FEMA FLOOD INSURANCE RATE MAP, PANEL 157 OF 451, MAP NO. 4400700157G, DATED MARCH 2, 2009.
  6. ELEVATIONS ARE BASED ON WOODSOCKET SEWER DATUM.

**SITE PLAN FOR  
BRIAN COUTCHER  
TAX MAP E-4, LOT 23-396  
WOODSOCKET, RHODE ISLAND  
APRIL, 2016**

SCALE: 1 INCH EQUALS 20 FEET

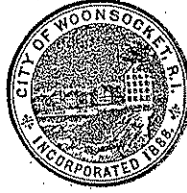


MARC N. NYBERG ASSOCIATES, INC.  
LAND SURVEYORS AND PLANNERS  
601 GREAT ROAD, UNIT 106  
NORTH SMITHFIELD, RHODE ISLAND 02886  
TEL: (401) 702-4070 FAX: (401) 702-5271



THIS SURVEY AND PLAN CONFORM TO CLASS IV STANDARD AS ADOPTED BY THE RHODE ISLAND BOARD OF REGISTRATION FOR PROFESSIONAL LAND SURVEYORS  
REG. PROFESSIONAL LAND SURVEYOR

City of Woonsocket  
Rhode Island



February 18, A.D. 2019

Ordinance

Chapter

**AUTHORIZATION TO SELL THE PROPERTY LOCATED AT  
PLAT 1, LOT 291 ON THE CORNER OF CHERRY HILL AVENUE AND  
SCOTIA STREET, WOONSOCKET, RHODE ISLAND**

**WHEREAS,** the City of Woonsocket owns a small vacant lot located at the corner of Cherry Hill Avenue and Scotia Street identified as Plat 1, Lot 291 (the "Property") consisting of 0.24 acres; and

**WHEREAS,** the City has an interested buyer who has agreed to pay Thirty-Three Thousand Four Hundred Dollars (\$33,400.00).

**IT IS ORDAINED BY THE CITY COUNCIL OF THE  
CITY OF WOONSOCKET AS FOLLOWS:**

**SECTION 1.** The City Council agrees to sell the Property located at Plat 1, Lot 291 on the corner of Cherry Hill Avenue and Scotia Street, Woonsocket, Rhode Island to Michael Perron of North Smithfield, Rhode Island.

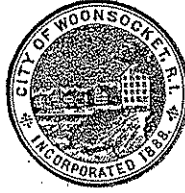
**SECTION 2.** The City Council authorizes the Mayor and/or her designee to sell the property located at Plat 1, Lot 291 on the corner of Cherry Hill Avenue and Scotia Street, Woonsocket, Rhode Island for the amount of Thirty-Three Thousand Four Hundred Dollars (\$33,400.00) and to execute any and all documents to perform the same including a deed with the stipulation that only a single family dwelling may be built on the Property.

**SECTION 3.** This Ordinance shall take effect on the eleventh consecutive day following its passage by the City Council as provided in Chapter III, Section 9 of the Woonsocket Home Rule Charter and all Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

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Daniel M. Gendron  
City Council President  
By Request of the Administration

City of Woonsocket  
Rhode Island



February 18, A.D. 2019

Ordinance

Chapter

**IN AMENDMENT OF CHAPTER 17 ENTITLED, "TRAFFIC"  
OF THE CODE OF ORDINANCES, CITY OF WOONSOCKET**

**WHEREAS,** It has been determined to be in the best interest for the businesses, residents and visitors to the City to allow for more time to park on Main Street in the downtown area.

**IT IS ORDAINED BY THE CITY COUNCIL OF THE  
CITY OF WOONSOCKET AS FOLLOWS:**

**SECTION 1.** That Section 17-98, entitled "Two-hour limit" is hereby amended by adding the following:

Main Street, easterly side, from Bernon Street to number 129 Main Street, except where prohibited.

**SECTION 2.** That Section 17-99, entitled "One-hour limit" is hereby amended by deleting (1) and adding (2) the following:

~~(1)Main Street, easterly side, from Bernon Street to Court Street, except where prohibited.~~

(2)Main Street, 80 feet located in front of 169 Main Street, known as Woonsocket City Hall

**SECTION 3.** This Ordinance shall take effect on the eleventh consecutive day following its passage by the City Council as provided in Chapter III, Section 9 of the Woonsocket Home Rule Charter and all Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

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Daniel M. Gendron  
City Council President  
By Request of the Administration

**City of Woonsocket  
Rhode Island**



February 18, A.D. 2019

**Ordinance**

**Chapter**

**APPROPRIATION ORDINANCE FOR THE REDEMPTION  
OF THE CITY OF WOONSOCKET, RHODE ISLAND  
GENERAL OBLIGATION BONDS DATED MAY 26, 2005**

**WHEREAS**, there is presently an outstanding principal debt balance of \$2,505,000 in connection with the \$8,755,000 City of Woonsocket, Rhode Island General Obligation Bonds dated May 26, 2005 (the "Series 2005 Bonds") issued in the amount of \$5,000,000 pursuant to Chapter 20 of the Public Laws of 2004 and a resolution passed by the City Council on June 21, 2004, for the purpose of financing the closure of the Davison Avenue Landfill, the development of public recreation facilities thereon and the financing of certain costs of issuance of the Series 2005 Bonds, and issued in the amount of \$3,755,000 pursuant to Section 45-12-5.2 of the Rhode Island General Laws and a resolution passed by the City Council on September 20, 2004, to provide funds for the current refunding of the outstanding balance of the City's \$6,400,000 General Obligation Water Bonds dated March 1, 1994; and

**WHEREAS**, the Series 2005 Bonds are callable and subject to prepayment without any prepayment penalty prior to their stated dates of maturity pursuant to the terms of the Series 2005 Bonds and Section 45-12-5.1 of the Rhode Island General Laws; and

**WHEREAS**, the City wishes to redeem the outstanding principal balance of the Series 2005 Bonds and pay the accrued interest thereon, along with the fees and expenses arising from such redemption; and

**WHEREAS**, such redemption of the Series 2005 Bonds would result in a savings to the city and would be in the City's best interest.

**IT IS ORDAINED BY THE CITY COUNCIL OF  
THE CITY OF WOONSOCKET AS FOLLOWS:**

**SECTION 1.** That funds be appropriated from the City's unassigned fund balance (i.e. surplus) in an amount necessary to redeem the outstanding principal, accrued interest and related redemption fees (i.e. "Available Funds") of the Series 2005 Bonds as follows:

**REVENUE\***

Operating Income

NONE

\$ 0.00

Other Financing Sources

Use of General Fund -FY2018 Unassigned

Fund Balance

\$ 2,560,875.00

**TOTAL INCOME**

**\$ 2,560,875.00**

**EXPENDITURES\***

Redemption of Series 2005 Bonds

Principal

\$ 2,505,000.00

Accrued Interest (from 3/1/2019 to 5/1/2019)

\$ 20,875.00

Incurred Fees

Bond Counsel, Advisor and Paying Agent

\$35,000.00

**TOTAL EXPENDITURES**

**\$ 2,560,875.00**

**SURPLUS/DEFICIT**

**\$ 0.00**

\*Assuming a redemption of the Series 2005 Bonds as of May 1, 2019.  
Incurred Fees are estimated

**SECTION 2.** That the Director of Finance be authorized to transfer and disburse the Available Funds as needed to redeem the outstanding principal amount of the Series 2005 Bonds as set forth above;

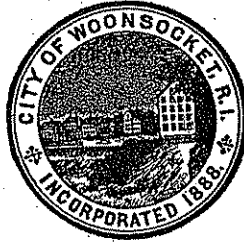
**SECTION 3.** That the Mayor, City Treasurer and Finance Director, each acting singly, be, and each hereby is, authorized, empowered and directed to execute any and all documents, instruments and agreements on behalf of the City and to do and perform all things which any of them shall deem necessary to effectuate the redemption of the Series 2005 Bonds, including, without limitation, the giving of notice to The Depository Trust Company or its nominee, and publishing a copy of said notice in newspapers, in accordance with the terms of the Series 2005 Bonds, the execution and performance thereof to be conclusive evidence that the same are hereby authorized; and

**SECTION 4.** This Ordinance shall take effect upon its passage by the City Council as provided in Chapter III, Section 9 of the Woonsocket Home Rule Charter and all Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

\_\_\_\_\_  
Daniel M. Gendron, City Council President  
By request of the Administration

# City of Woonsocket Rhode Island

19 R 20



February 18, 2019 A.D.

## Resolution

### AUTHORIZING THE CANCELLATION OF CERTAIN TAXES

WHEREAS, The City Assessor, recommends that the said taxes be cancelled and/or refunded in the amount as respectively and particularly set forth in said report.

IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE  
CITY OF WOONSOCKET AS FOLLOWS:

Section 1: That the said above described report be incorporated in and attached to this resolution and that the said report be made a part and parcel hereof.

Section 2: That the City Council hereby orders that said taxes be cancelled and/or refunded.

Section 3: That the City Clerk of the City Council shall, upon the passage of this resolution forthwith certify to the City Treasurer and Tax Collector, of this city, that the taxes specified and itemized in said report have been cancelled and abated in the amounts as respectively and particularly set forth in said report; and that the Finance Director of the city of Woonsocket is hereby authorized, on the passage of this resolution, to make refunds in the amount or amounts as respectively and particularly set forth in said report.

Section 4: This resolution shall take effect upon passage.

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Daniel M Gendron  
By request of The Administration

ASSESSOR'S  
ABATEMENT CODES

<u>CODE</u>	<u>REASON</u>
50	- Erroneously assessed due to incorrect field data/incorrect classification
51	- Veteran/Blind/Elderly Exemption not applied
52	- Incorrect amount abated on previous abatement listing or error on prior certification
53	- Non-Utilization Tax assessed subsequent to sale of property or/assessed in error
54	- Homestead Exemption not applied/incorrectly classified
55	- Tax Exempt.
56	- Inventory exempt due to wholesaler's exemption
57	- Legal Residence – Out of Town – Prior to Assessment Date
58	- Registration Cancelled – Vehicle sold
59	- Vehicle traded in, or repossessed, and/stolen not recovered
61	- Vehicle garaged and/or registered out of City/State
62	- Double taxation on vehicle
63	- Over assessed on vehicle/registry error
64	- Incorrect year/model/make of vehicle
65	- Vehicle destroyed in accident
66	- Should have been tax lien
67	- Business relocated out of City prior to assessment date
68	- Double taxation on Business/over overassessed on business
69	- Out of Business – prior to assessment date/business sold to new owner & recertified
70	- Company erroneously included manufacturing equip/inv in their report of valuation
71	- Company erroneously included, leasehold expenses, cash and other expenses, and/or overstated their assets
72	- Removal of porches, decks, garages, pools, sheds or underground tanks
73	- Double taxation on Real Estate
74	- Over assessed due to adjustment in degree of building completion as of December 31 <sup>st</sup>
75	- Over assessed due to error in computation of valuation which was not in conformity with surrounding properties
76	- Building (s) demolished prior to assessment date
77	- Property was assessed at incorrect tax year/ incorrect tax rate/ incorrect field data
78	- Adjustment to property valuation due to extreme deterioration prior to assessment date
79	- Property sustained fire damage – prior to assessment date
80	- 5 +5 Plan
81	- Party deceased prior to assessment date
82	- Per Order of the City Council
83	- Original abatement was approved and granted last year, but not carried forward for this year's tax roll
84	- Per advice & recommendation of Law Dept.
85	- Per Court Order
86	- First Appeal/Submitted by the Tax Board of Assessment Review
87	- Wrong party – recertified//wrong classification-recertified
88	- Tax Exempt – Interstate Commerce Vehicles – Equipment assessed to tax exempt entity.
89	- Value reduced by R.I. Vehicle Value Commission
90	- Property taken over by the State for highway purposes
91	- Tax Settlement Agreement / "PILOT " Agreement / Option Agreement
92	- Bankruptcy
93	- Lot dropped and added to another lot
94	- Job Incentive Creation Program Exemption
95	- Due to the new software system an abatement must be done prior to a recertification of taxes
96	- Pro-Rated Homestead Exemption
97	- Assessment adjustment due to supporting documentation submitted by taxpayer
98	- Remove Homestead Exemption / recertified exemption credit
99	- Motor Vehicle Phase Out

# Woonsocket, RI

Amendment Report Abatement

Status Pending

Page 1

M00-4127-47

2015A MV Tax Roll

SAMPSON YVONNE M  
11 STATE STREET APT L  
NORTH KINGSTOWN RI 02852

Multiple Items

57 LEGAL RESIDENCE OUT OF  
TOWN

Posting Date / /

Transaction Date / /

Report Printed 02/13/2019 09:30:50 AM

\$188.61

\$188.61

Total



City of Woonsocket  
Rhode Island



February 18, A.D. 2019

## Resolution

### IN SUPPORT OF HOUSE BILL H-5182 AND SENATE BILL S-98

**WHEREAS**, Rhode Island General Law § 3-7 establishes retail licenses for the sale of alcoholic beverages for cities and towns; and

**WHEREAS**, several small business owners would like to hold public events that have alcoholic beverages for sale or a tasting to entice customers into their retail establishments; and

**WHEREAS**, the Woonsocket City Council is in support of these house and senate bills, which would grant cities and towns the option of granting a special events liquor license which would permit one day of alcoholic beverages for sale per month.

### **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WOONSOCKET, AS FOLLOWS:**

**Section 1.** We respectfully request that the Woonsocket delegation to the General Assembly support the passage of H-5182 and S-98 to allow special events liquor licenses for cities and towns.

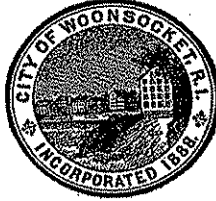
**Section 2.** That the City Clerk is hereby directed to forward an electronic copy of this resolution to all Representatives and Senators representing the City of Woonsocket, the Honorable Nicholas A. Mattiello, Speaker of the Rhode Island House of Representatives, the Honorable Dominick J. Ruggiero, President of the Rhode Island Senate, and the Honorable Governor Gina M. Raimondo.

**Section 3.** This resolution shall take effect upon passage.

---

Julia A. Brown, City Council

# City of Woonsocket Rhode Island



## Resolution

February 18, A.D. 2019

### **GRANTING PERMISSION TO USE CITY PROPERTY**

**WHEREAS**, The Hartford Marathon Foundation wishes to utilize certain roadways through the City, as shown on the attached maps, on Saturday, August 24, 2019, from 5:00am to 10:30am, for the purpose of holding a TriState Endurance Relay Race.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL  
OF THE CITY OF WOONSOCKET, RHODE ISLAND, AS FOLLOWS:**

**Section 1.** The Hartford Marathon Foundation is hereby permitted to utilize certain roadways through the City on Saturday, August 24, 2019 from 5:00am to 10:30am, for the purpose of holding a TriState Endurance Relay Race.

**Section 2.** This Resolution shall take effect immediately upon its passage by the City Council and is subject to any conditions that the Public Safety Department may impose and payment of all associated costs as determined by the Director of Public Works.

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Daniel M. Gendron  
City Council President



Hartford Marathon Foundation
41 Sequin Drive, Glastonbury, CT 06033
P: 860-652-8866 | F: 860-652-8145
www.hartfordmarathon.com

February 5, 2019

Woonsocket City Council
City Hall \* 169 Main Street
Woonsocket, RI 02895

Request To Use Town For Athletic Event – TriState Endurance Relay Run – Saturday, August 24th, 2019

Dear City Council,

The Hartford Marathon Foundation (HMF) requests permission to traverse the City of Woonsocket for the staging of the inaugural TriState Endurance Relay Race on Saturday, August 24th, 2019. The event is an 18 stage relay run, that will start at Pratt Dam in Lincoln, RI and finish at Mortensen Riverfront Park, in Hartford, CT. The 95-mile journey will traverse 20 towns and 3 states. Teams of 6 members will begin between 4 am and 9 am (depending on their projected pace) and exchanging the "baton" roughly every 5 miles to their teammates. Runners will be instructed to obey all local traffic laws as they make their way along the route. Roads are not requested to be closed to vehicle traffic, however police coordination is requested as deemed necessary to allow for safe passage of runners at key intersections. The event concept was developed by HMF and East Coast Greenway advocates as a way to showcase the extensive multi-use trail network's accomplishments and accessibility through Rhode Island, Massachusetts, and Connecticut. Please find a copy of the overall course map for the event, as well an enlarged close up of the route in Woonsocket. We project that our impact to the city will be between 5 AM and 10:30 AM, and will include the utilization of the following:

- City streets (See course map)
• River's Edge Recreation Complex/Veterans Park (Exchange Zone)
• World War II Memorial State Park
• Cold Spring Park
• Blackstone River Bikeway

The Hartford Marathon Foundation is a not-for-profit organization that produces health and fitness events throughout Southern New England including the Eversource Hartford Marathon and many others.

Thank you for considering this request. If you have any questions, please contact me.

Sincerely,

Matt Anderson
Director of Operations

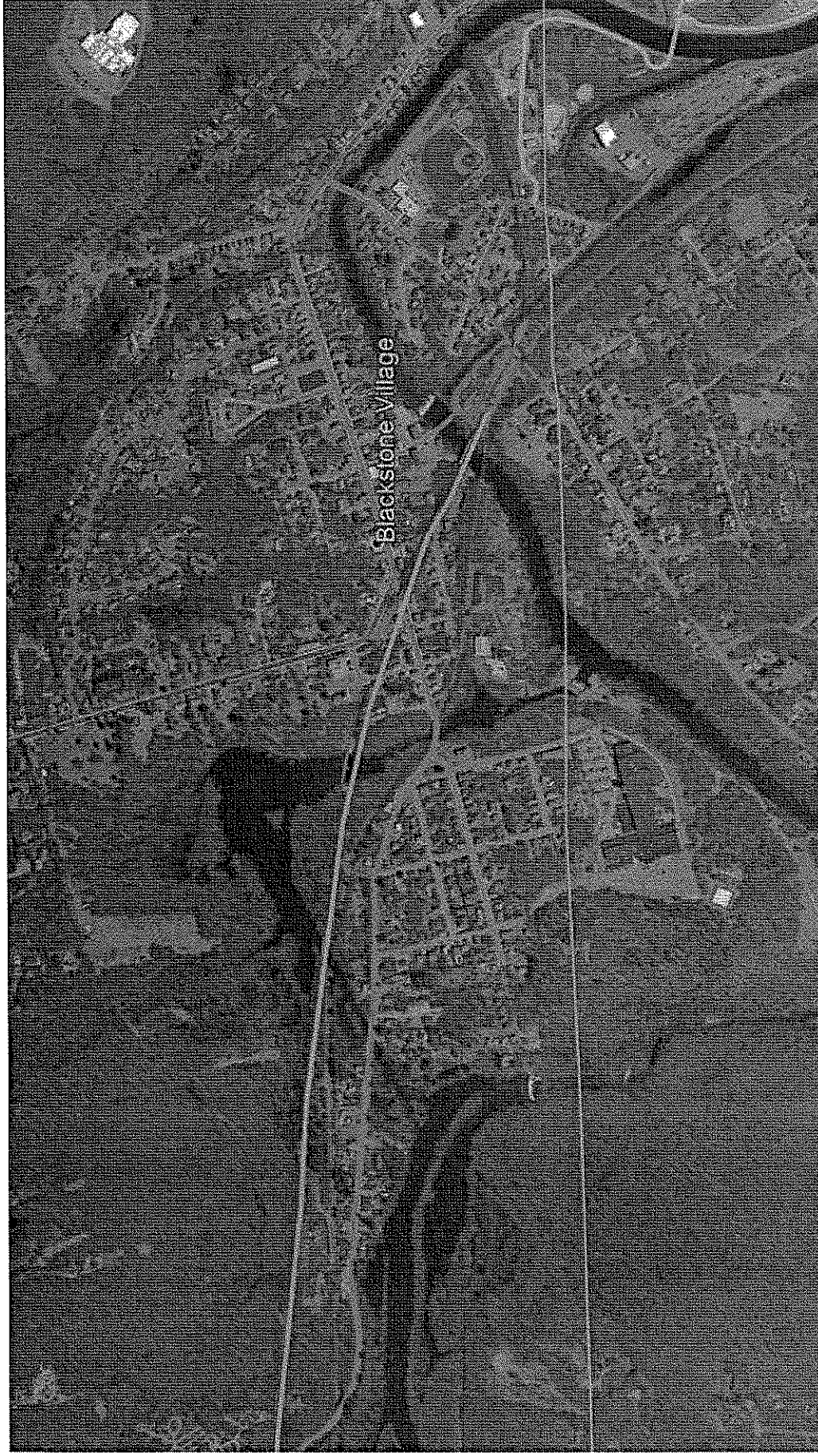
Attachment(s): Tri-state Endurance Relay Run Course Map
Woonsocket Course Map

Woonsocket Event Approval: Yes \_\_\_\_\_ | No \_\_\_\_\_ | Need Further Information \_\_\_\_\_

Signature: \_\_\_\_\_ Title: \_\_\_\_\_

**Tristate Endurance Relay Run: Blackstone, Massachusetts - Enlarged Map**

Blue = On Road | Green = On Trail

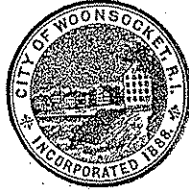


**Tristate Endurance Relay Run: Proposed Overall Route**

Blue = On Road | Green = On Trail



City of Woonsocket  
Rhode Island



February 18, A.D. 2019

Resolution

**AUTHORIZING, APPROVING AND DIRECTING THE ENGAGEMENT  
OF CERTAIN LAW FIRMS TO REPRESENT THE CITY OF  
WOONSOCKET IN POTENTIAL LITIGATION AGAINST  
CONTRIBUTORS OF OPIOID ADDICTION CRISIS**

- WHEREAS,** the City of Woonsocket is experiencing serious opioid use as a result of the ready availability of the drug and its abuse; and
- WHEREAS,** the City of Woonsocket desires to retain the Law Firms identified herein to advise and represent the City of Woonsocket regarding litigation and the award of damages from the contributors of opioids within the City of Woonsocket; and
- WHEREAS,** the City Administration is desirous to engage the services of said law firm to litigate against the manufacturers and distributors responsible for the opioid crises.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF  
THE CITY OF WOONSOCKET, RHODE ISLAND, AS FOLLOWS:**

- SECTION 1.** The City Council of the City of Woonsocket, hereby authorizes and approves the employment of the law firms identified in the Legal Services Agreement, attached hereto and incorporated herein as **Exhibit "A"** (herein referred to as the "Law Firms") to represent the City of Woonsocket in potential litigation against contributors of the Opioid addiction crises.
- SECTION 2.** The City Council hereby authorizes and approves, or confirms authorization and approval, of the Legal Services Agreement, substantially in the form attached hereto and incorporated herein by reference thereto as **Exhibit "A"**, and directs the authorized executor of the City of Woonsocket to execute and enter into the Legal Services Agreement with the Law Firms, setting forth the scope of the work to be performed by the Law Firms, including litigation against contributors to the Opioid addiction crises within the City of Woonsocket and the terms and conditions of the employment of the Law Firms. The Legal Services Agreement may be amended, after approval of this Resolution, without further action of the City Council, with the approval of the authorized executor, whose signature on the Legal Services Agreement shall be evidence of such approval.

**SECTION 3.** If any section, paragraph or provision of this Resolution shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this Resolution.

**SECTION 4.** This Resolution shall take effect immediately upon its passage by the City Council.

---

Daniel M. Gendron  
City Council President  
By Request of the Administration

## LEGAL SERVICES AGREEMENT

RE: City of Woonsocket, Rhode Island civil suit against those legally responsible for the wrongful distribution of prescription opiates and damages caused thereby.

The City of Woonsocket, Rhode Island (hereinafter "CLIENT") hereby retains outside counsel, pursuant to the Rhode Island Disciplinary Rules of Professional Conduct, on a contingent fee basis, to pursue all civil remedies against those in the chain of distribution of prescription opiates responsible for the opioid epidemic which is plaguing Woonsocket, Rhode Island, including, but not limited to, filing a claim for public nuisance to abate the damages caused thereby. CLIENT consents to the participation of the following firms (hereinafter "FIRMS"):

HAMEL, WAXLER, ALLEN & COLLINS  
395 Smith Street  
Providence, Rhode Island

THE LAW OFFICE OF LUCAS MAGAZINE, PLLC  
8606 Government Drive  
New Port Richey, Florida

BARON & BUDD, PC  
3102 Oak Lawn Avenue, Suite 1100  
Dallas, Texas

LEVIN, PAPANTONIO, THOMAS, MITCHELL, RAFFERTY & PROCTOR, PA  
316 South Baylen Street  
Pensacola, Florida

GREENE, KETCHUM, FARRELL, BAILEY & TWEEL, LLP  
419 11th Street  
Huntington, West Virginia

HILL PETERSON CARPER BEE & DEITZLER PLLC  
500 Tracy Way  
Charleston, West Virginia

MCHUGH FULLER LAW GROUP  
97 Elias Whiddon Road  
Hattiesburg, Mississippi

POWELL & MAJESTRO, PLLC  
405 Capitol Street, P-1200  
Charleston, West Virginia



In consideration, CLIENT agrees to pay twenty-five percent (25%) of the total gross recovery in favor of the CLIENT as an attorney fee whether the claim is resolved by compromise, settlement, or trial and verdict (and appeal). The gross recovery shall be calculated on the amount obtained before the deduction of costs and expenses. Total fees, costs and expenses to be charged by the Firm to the Client shall not exceed fifty percent (50%) of the gross recovery. CLIENT grants the Firm an interest in a fee based on the gross recovery. If a court awards attorneys' fees, the Firm shall receive an amount no greater than twenty-five percent (25%) of the gross recovery. **There is no fee if there is no recovery.**

The FIRMS shall advance all necessary litigation expenses necessary to prosecute these claims. All such litigation expenses, including the reasonable internal costs of electronically stored information (ESI) and electronic discovery generally or the direct costs incurred from any outside contractor for those services, will be deducted from any recovery after the contingent fee is calculated; provided that the aggregate sum total of such fees, costs and expenses to be deducted from any recovery to be paid by and /or reimbursed by the Client shall be limited to, and in no event exceed, fifty percent (50%) of the gross recovery, with fees being capped at twenty-five percent (25%) of the gross recovery and costs and expenses being capped at no more than twenty-five percent (25%) of the gross recovery, provided further that the Client will only reimburse for actual costs and expenses incurred, with such costs and expenses being supported by reasonable documentation. For the avoidance of doubt, the reimbursement of actual costs and expenses may be less than twenty-five percent (25%) of the gross recovery. **There is no reimbursement of litigation costs and expenses if there is no recovery.**

The CLIENT acknowledges this fee is reasonable given the time and labor required, the novelty and difficulty of the questions involved, and the skill requisite to perform the legal service properly, the likelihood this employment will preclude other employment by the Firm, the fee customarily charged in the locality for similar legal services, the anticipated (contingent) litigation expenses and the anticipated results obtained, the experience, reputation, and ability of the lawyer or lawyers performing the services and the fact that the fee is contingent upon a successful recovery.

This litigation is intended to address a significant problem in the community. The litigation focuses on the wholesale distributors and manufacturers of opioids and their role in the diversion of millions of prescription opiates into the illicit market which has resulted in opioid addiction, abuse, morbidity and mortality. There is no easy solution and no precedent for such an action against this sector of the industry. Many of the facts of the case are locked behind closed doors. The billion-dollar industry denies liability. The litigation will be very expensive and the litigation expenses will be advanced by the Firm with limited reimbursement as noted above contingent upon a successful recovery. The outcome is uncertain, as is all civil litigation, with compensation contingent upon a successful recovery. Consequently, there must be a clear understanding between the CLIENT and the FIRMS regarding the definition of a "successful recovery."

The Firm intends to present a damage model designed to abate the public health and safety crisis. This damage model may take the form of money damages and/or equitable remedies (e.g., an abatement fund). The purpose of the lawsuit is to seek reimbursement of the costs incurred in the past fighting the opioid epidemic and/or recover the funds necessary to

abate the health and safety crisis caused by the unlawful conduct of the wholesale distributors and manufacturers of opioids. The CLIENT agrees to compensate the Firm, contingent upon prevailing, by paying 25% of any settlement/resolution/judgment, in favor of the CLIENT, whether it takes the form of monetary damages or equitable relief. For instance, if the remedy is in the form of monetary damages, CLIENT agrees to pay 25% of the gross amount to Firm as compensation and then reimburse the reasonable litigation expenses up to a maximum of 25% of the gross recovery. If the remedy is in the form of equitable relief (e.g., abatement fund), CLIENT agrees to pay 25% of the gross value of the equitable relief to the Firm as compensation and then reimburse the reasonable documented litigation costs and expenses up to a maximum of 25% of the gross recovery, with the payments of both the fee and expenses being paid out of the abatement fund. For the avoidance of doubt, no payments will be paid by the City unless the City actually receives recovery funds to fund such payments. To be clear, the Firm shall not be paid nor receive reimbursement from public funds unless required by law. However, any judgment arising from successful prosecution of the case, or any consideration arising from a settlement of the matter, whether monetary or equitable, shall not be considered public funds for purposes of calculating the contingent fee unless required by law. Under no circumstances shall the CLIENT be obligated to pay any attorneys fee or any litigation expenses except from moneys received from defendant(s) pursuant to the resolution of the CLIENT's claims. If the defendant(s) expend their own resources to abate the public health and safety crisis in exchange for a release of liability, then the Firm will be paid the designated contingent fee from the resources expended by the defendant(s). CLIENT acknowledges this is a necessary condition required by the Firm to dedicate their time and invest their resources on a contingent basis to this enormous project. If the defendant(s) negotiate a release of liability, then the Firm should be compensated based upon the consideration offered to induce the dismissal of the lawsuit.

The division of fees, expenses and labor between the FIRMS will be decided by private agreement between the law firms and subject to approval by the CLIENT. Any division of fees will be governed by the Rhode Island Disciplinary Rules of Professional Conduct including: (1) the division of fees is in proportion to the services performed by each lawyer or each lawyer assumes joint responsibility for the representation of the CLIENT in writing; (2) the CLIENT is advised of the share that each lawyer is to receive and does not object to the participation of all the lawyers involved; and (3) the total fee is reasonable.

The FIRMS shall appoint a contact person to keep the CLIENT reasonably informed about the status of the matter in a manner deemed appropriate by the CLIENT. The CLIENT at all times shall retain the authority to decide the disposition of the case and personally oversee and maintain absolute control of the litigation.

Upon conclusion of this matter, the FIRMS shall provide the CLIENT with a written statement stating the outcome of the matter and, if there is a recovery, showing the remittance to the client and the method of its determination. The closing statement shall specify the manner in which the compensation was determined under the agreement, any costs and expenses deducted by the lawyer from the judgment or settlement involved, and, if applicable, the actual division of the lawyers' fees with a lawyer not in the same firm, as required in Rule 1.5 of the Rhode Island Disciplinary Rules of Professional Conduct. The closing statement shall be signed by the CLIENT and each attorney among whom the fee is being divided.

Nothing in this Agreement and nothing in the FIRMS' statement to the CLIENT may be construed as a promise or guarantee about the outcome of this matter. The FIRMS make no such promises or guarantees. FIRMS' comments about the outcome of this matter are expressions of opinion only and the FIRMS make no guarantee as to the outcome of any litigation, settlement or trial proceedings.

SIGNED, this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

---

Lisa Baldilli-Hunt  
Mayor  
City of Woonsocket  
169 Main Street  
Woonsocket, RI 02895

Accepted:

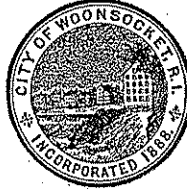
By: \_\_\_\_\_  
Eva-Marie Mancuso, Esq., Hamel, Waxler, Allen & Collins

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Archie Lamb, Esq., Levin, Papantonio, Thomas, Mitchell, Rafferty & Proctor, PA

Date: \_\_\_\_\_

City of Woonsocket  
Rhode Island



February 18, A.D. 2019

Resolution

**AUTHORIZING THE FINANCE DIRECTOR TO ENTER INTO A  
THREE (3) YEAR LEASE AGREEMENT FOR TWO (2)  
2019 HARLEY DAVIDSON MOTORCYCLES**

**WHEREAS,** The City of Woonsocket went out for competitive bidding (Bid #5869) for two (2) motorcycle leases, which resulted in the lowest bidder being Seacoast Harley-Davidson of North Hampton, NH; and

**WHEREAS,** The City of Woonsocket's Finance Director requests authorization to enter into a Lease Agreement for two new 2019 Harley Davidson Model FLHTP Motorcycles for use by the City's Police Department.

**IT IS RESOLVED BY THE CITY COUNCIL OF THE  
CITY OF WOONSOCKET AS FOLLOWS:**

**SECTION 1.** The Woonsocket City Council hereby authorizes the Finance Director to enter into a three (3) year Lease Agreement, detailed in Exhibit A, with annual payments in the amount of Ten Thousand Dollars (\$10,000). General Fund Account #1010-05255-55574 Police Department's Lease/Purchase account will be the funding source.

**SECTION 2.** This Resolution shall take effect immediately upon passage by the City Council.

---

Daniel M. Gendron, City Council President  
By request of the Administration

Exhibit A

LEASE AGREEMENT

LEASE DATE: March 1, 2019

LESSOR NAME AND ADDRESS:

LESSEE NAME AND ADDRESS:

SEACOAST HARLEY-DAVIDSON  
17 LAFAYETTE ROAD  
NORTH HAMPTON NH 03862

WOONSOCKET POLICE DEPT.  
242 CLINTON STREET  
WOONSOCKET RI 02895

BY SIGNING THIS LEASE AGREEMENT, THE LESSEE LEASES FROM THE LESSOR THE FOLLOWING EQUIPMENT UNDER THE AGREEMENTS IN THIS LEASE AGREEMENT.

EQUIPMENT DESCRIPTION

<u>QTY</u>	<u>YEAR</u>	<u>MAKE</u>	<u>MODEL</u>	<u>MOTORCYCLES EQUIPPED WITH:</u>
2	2019	H-D	FLHTP (Black)	DEPT. OWNED LED SYSTEM

VIN # 1HD1FMP18KB633229  
# 1HD1FMP10KB634438

USE: POLICE

SECTION 1

INSURANCE: The Lessee must insure the motorcycle for the term of this Lease Agreement. This insurance will be in the name of the Lessee and must name the Lessor as additional insured, for both liability and physical damage insurance. The Policy will include comprehensive, fire, theft with a deductible amount of not more than \$250, and liability insurance with limits of not less than \$250,000 for any one person, for bodily injury or death, and \$100,000 for property damage. Such insurance shall provide for not less than ten (10) days written notice of CANCELLATION to both loss Payee and Lessor. If (1) by prior agreement, or, (2) By cancellation of Lessee's insurance. If the Lessor has to buy the insurance, the Lessee must pay back to the Lessor the cost of the insurance). The Lessee must still pay rent for the vehicle during the term of this Lease Agreement, even in the event, the vehicle is lost, damaged, or destroyed.

If the Department is self-insured, please check box and provide letter stating as such.

**VEHICLE MAINTENANCE AND OPERATING COSTS:** The Lessee will provide and pay for all gas, oil and other necessary fluids for the vehicle, as well as keeping the vehicle in good order and seeing to all needed, but minimum maintenance set forth as follows:

- 1.) Factory scheduled maintenance starting at 500 miles; 2,500 miles and thereafter every 2,500 miles in accordance with the recommended factory maintenance schedule program and by a factory authorized Harley-Davidson dealer.  
Factory scheduled maintenance is included in the cost of the lease.

The Lessee agrees to have services and/or repairs to the vehicle performed by Seacoast Harley-Davidson, except in such circumstances as Seacoast Harley-Davidson is unable to perform said services and/or repairs and the Lessee has been so informed. The lessee shall also be responsible for all damages to the motorcycle not considered normal wear and tear. This will include, but is not limited to, dents in painted parts and concealed damages. At the time of the lease turn-in, the Lessee will be responsible for the replacement of parts that are worn past inspection standards, ie: brakes, tires, etc.

**RETURN OF THE VEHICLE:** At the end of this Lease Agreement, the Lessee will return the vehicle to Lessor's address shown above or to such other place as the Lessor may direct, unless Lessee purchases the vehicle under the provisions of this Lease Agreement. If Lessee keeps possession of the vehicle past the expiration of the Lease Agreement term, the Lessee shall continue to pay the monthly payments as specified in this Lease Agreement. However, specific arrangement should be made within a (30) thirty-day period. The Lessee shall also pay the Lessor any damages, which the Lessor may be due, because the Lessee failed to return the vehicle or make proper arrangements at Lease Agreement End.

## SECTION II

- 1.) **TERM OF LEASE AGREEMENT:** Three year lease  
March 1, 2019 through February 28, 2022  
Total amount of Lease per unit, per year \$5,000.00  
(x 2 = \$10,000.00 per year)  
Factory scheduled maintenance is included in the cost of the lease.
- 2.) **PAYMENT SCHEDULE OPTION:** Price per year

A. Annual	\$ 10,000.00	<input checked="" type="checkbox"/>
B. Semi-Annual	\$ 5,000.00	<input type="checkbox"/>
C. (7) Monthly Payments of	\$ 1,428.57	<input type="checkbox"/>
- 3.) Terms of Payment will be acknowledged with the signing of the Lease.
- 4.) **LATE CHARGE:** The Lessee will pay a late charge on each payment that is not made within ten (10) days of the agreed upon due date. The late charge is five percent (5%) of the payment.

### SECTION III

#### TERMINATION:

This Lease Agreement shall terminate when all three of the following have been accomplished:

- 1.) THE LEASE AGREEMENT TERM HAS ENDED.
- 2.) THE VEHICLE HAS BEEN RETURNED.
- 3.) ALL AMOUNTS OWED TO LESSOR HAVE BEEN PAID.

DEFAULT: If the Lessee fails to make the payment under this Lease Agreement when it is due, or if the Lessee fails to keep any other agreement in this Lease Agreement, the Lessor may terminate this Lease Agreement and take back the equipment. The Lessor may go onto the Lessee's property to retake the vehicle. Even if the Lessor retakes the vehicle, the Lessee must still pay at once the monthly payments for the rest of the Lease Agreement Term and any other amounts that the Lessee owes under this Lease Agreement, in excess of what the Lessor would have invested in the equipment at the end of the Lease Agreement Term. The Lessee must also pay all expense paid by the Lessor to enforce the Lessor's right under this Lease Agreement, including reasonable attorney's fees as permitted by the law and damaged caused to the Lessor because of Lessee's default.

TAXES: The Lessee will pay all sales, use, excise, and other taxes and all fees and charges that are levied on the vehicle during the term of this Lease Agreement. The Lessee will also pay all taxes that are charged to the Lessor by reason of the Lessor's interest in the vehicle, except for income taxes.

REGISTRATION: The vehicle will be registered to the Lessee. The Lessee will be responsible for all registration costs.

TITLE: This vehicle will be titled in the name of the Lessor.

VEHICLE USE: The Lessee will obey all laws in using the vehicle. The Lessee will not, without written permission from Lessor, use the vehicle in a state other than the state where it was first titled and registered for more than thirty (30) days. The Lessee shall be allowed to mark vehicles with vinyl lettering to identify it as a Department vehicle.

INDEMNITY: To the extent permitted by law, the Lessee will indemnify the Lessor and the Assignee from any loss or damage to the vehicle or its contents during the term of this Rental Agreement. To the extent permitted by law, the Lessee will also indemnify the Lessor and the Assignee from all claims, losses and costs arising out of the use or condition of the vehicle. The Lessee will pay all fines imposed on the vehicle during the term of the Lease Agreement. If the Lessee fails to pay the fines and the Lessor pays, the Lessee will pay the Lessor a \$20.00 administration charge for each time the Lessor must pay a fine, in addition to the fine or penalty imposed.



**GENERAL:** This Lease Agreement sets forth all of the Agreements of the Lessor and the Lessee for the Lease Agreement of the vehicle. There is no other Agreement. The only way this Lease Agreement can be changed is by a new Lease Agreement signed by the Lessor. The law that will apply to this Lease Agreement is the last state where Lessor's place of business is, as set forth on the front of this Lease Agreement.

**NOTICE TO THE LESSEE:** Do not sign this Lease Agreement before you have read it. You will be given a completed copy of this Lease Agreement.

THE LESSEE STATES THAT BY SIGNING THIS LEASE AGREEMENT HE OR SHE HAS BEEN GIVEN A COMPLETED COPY OF THE LEASE AGREEMENT AND NOTICE OF ASSIGNMENT OF THIS LEASE AGREEMENT BY THE LESSOR TO A PARTY OF HIS CHOICE.

WOONSOCKET RI POLICE DEPARTMENT  
"LESSEE"

DATE: \_\_\_\_\_

BY: \_\_\_\_\_  
Title \_\_\_\_\_

THE LESSOR ACCEPTS THIS LEASE AGREEMENT. THE LESSOR ASSIGNS THIS LEASE AGREEMENT TO A PARTY OF ITS OWN CHOOSING UNDER THE ASSIGNMENT SHOWN ON THE COVER PAGE OF THIS LEASE AGREEMENT.

SEACOAST HARLEY-DAVIDSON  
"LESSOR"

DATE: \_\_\_\_\_

BY: \_\_\_\_\_  
Alan Contois, President