

- 38-A -

CITY OF PROVIDENCE  
RHODE ISLAND



CITY COUNCIL  
JOURNAL OF PROCEEDINGS

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No. 52 City Council Regular Meeting, November 21, 1996, 7:30 o'clock P.M. (E.S.T.)

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PRESIDING

COUNCIL PRESIDENT

EVELYN V. FARGNOLI

ROLL CALL

Present: Council President Fagnoli, Councilmen Allen, Clarkin, DeLuca, Councilwoman DiRuzzo, Councilmen Glavin, Igliozi, Jackson, Lombardi, Mancini, Councilwoman Nolan, Councilman Rollins, Councilwomen Romano, Williams and Young—15.

Absent: None.

1081

IN CITY COUNCIL

JAN 16, 1997

APPROVED:

*Richard L. Christ*  
CLERK

## INVOCATION

The Invocation is given by COUNCILMAN  
JOSEPH DeLUCA.

## PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

COUNCILMAN ROBERT M. CLARKIN  
leads the members of the City Council and  
the Assemblage in the Pledge of Allegiance  
to the Flag of the United States of America.

## APPROVAL OF RECORDS

The Journal of Proceedings No. 49 of the  
Regular Meeting of the City Council held  
October 3, 1996, and Posted November 15,  
1996, on that Bulletin Board located on the  
Ground Floor Level of City Hall, is  
Approved, on motion of COUNCILMAN IG-  
LIOZZI, seconded by COUNCILWOMAN  
DiRUZZO.

## APPOINTMENTS BY HIS HONOR THE MAYOR

Communication dated October 28, 1996, Informing the Honorable Members of the City Council that pursuant to Section 302(b) of the Providence Home Rule Charter of 1980, he is this day reappointing Ms. Renee Bailey of 108 Dexterdale Road, Providence, Rhode Island, as a Member of the Providence Economic Development Corporation for a term to expire in November, 1998.

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Communication dated October 28, 1996, Informing the Honorable Members of the City Council that pursuant to Section 302(b) of the Providence Home Rule Charter of 1980, he is this day reappointing Mr. Frank R. Benell, Jr., of 137 Dean Street, Providence, Rhode Island, as a Member of the Providence Economic Development Corporation for a term to expire in November, 1998.

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Communication dated October 28, 1996, Informing the Honorable Members of the City Council that pursuant to Section 302(b) of the Providence Home Rule Charter of 1980, he is this day reappointing Mr. Joseph Caffey of 69 Brenton Avenue, Providence, Rhode Island, as a Member of the Providence Economic Development Corporation for a term to expire in November, 1998.

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Communication dated October 28, 1996, Informing the Honorable Members of the City Council that pursuant to Section 302(b) of the Providence Home Rule Charter of 1980, he is this day reappointing Mr. Anthony Carcieri of 95 Chestnut Street, Providence, Rhode Island, as a Member of the Providence Economic Development Corporation for a term to expire in November, 1998.

Communication dated October 28, 1996, Informing the Honorable Members of the City Council that pursuant to Section 302(b) of the Providence Home Rule Charter of 1980, he is this day reappointing Mr. Kenneth R. Dulgarian of 285 Blackstone Boulevard, Providence, Rhode Island, as a Member of the Providence Economic Development Corporation for a term to expire in November, 1998.

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Communication dated October 28, 1996, Informing the Honorable Members of the City Council that pursuant to Section 302(b) of the Providence Home Rule Charter of 1980, he is this day reappointing Mr. Mark Harriman of 38 Pinehurst Avenue, Providence, Rhode Island, as a Member of the Providence Economic Development Corporation for a term to expire in November, 1998.

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Communication dated October 28, 1996, Informing the Honorable Members of the City Council that pursuant to Section 302(b) of the Providence Home Rule Charter of 1980, he is this day reappointing Mr. Gary N. Licht of 15 Alton Road, Providence, Rhode Island, as a Member of the Providence Economic Development Corporation for a term to expire in November, 1998.

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Communication dated October 28, 1996, Informing the Honorable Members of the City Council that pursuant to Section 302(b) of the Providence Home Rule Charter of 1980, he is this day reappointing Mr. Edward Odessa of 89 Faunce Drive, Providence, Rhode Island, as a Member of the Providence Economic Development Corporation for a term to expire in November, 1998.

**Severally Received, on motion of COUNCILMAN IGLIOZZI, seconded by COUNCILWOMAN WILLIAMS.**

**The motion to Receive is Unanimously Sustained.**

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Communication dated November 4, 1996, Informing the Honorable Members of the City Council that pursuant to Sections 302(b) and 1011 of the Providence Home Rule Charter of 1980, he is this day appointing Mr. Steven J. Antonson, Sr. of 113 Radcliffe Avenue, Providence, Rhode Island, as a Member of the Building Board of Review for a term to expire in January, 1997 and respectfully submits that same for approval. Mr. Antonson will fill the unexpired term of the late Caesar Floriani.

**Communication Received and Appointment Referred to the Committee on Finance, on motion of COUNCILMAN IGLIOZZI, seconded by COUNCILWOMAN WILLIAMS.**

**The motion to Receive and Refer is Unanimously Sustained.**

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Communication dated November 4, 1996, Informing the Honorable Members of the City Council that pursuant to Section 302(b) of the Providence Home Rule Charter of 1980 and 1994

Ordinance 365, Chapter 502.1, that he is this day reappointing Mr. Alan Chille of 102 Mount Pleasant Avenue, Providence, Rhode Island, as a Member of the Downcity District Review Commission for a term to expire in September, 1999.

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Communication dated November 6, 1996, Informing the Honorable Members of the City Council that pursuant to Section 302(b) of the Providence Home Rule Charter of 1980 and Ordinance No. 564, approved October 24, 1991, Section 501.1(c) he is this day reappointing Mr. Cornelis J. DeBoer of 107 Halsey Street, Providence, Rhode Island, as a Member of the Historic District Commission for a term to expire in September, 1999.

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Communication dated November 6, 1996, Informing the Honorable Members of the City Council that pursuant to Section 302(b) of the Providence Home Rule Charter of 1980 and Ordinance No. 564, approved October 24, 1991, Section 501.1(c) he is this day reappointing Mr. Bayard Clarke Schoettle of 4 University Avenue, Providence, Rhode Island, as a Member of the Historic District Commission for a term to expire in September, 1999.

**Severally Received.**

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## ELECTION OF CERTAIN CITY OFFICER

### ELECTION OF A MEMBER OF THE CITY COUNCIL TO THE CIVIC CENTER AUTHORITY:

COUNCIL PRESIDENT FARNOLI calls for Nominations for a Member of the City Council to serve on the Civic Center Authority.

COUNCILMAN IGLIOZZI nominates COUNCILMAN RONALD W. ALLEN and this nomination is seconded by COUNCILMAN GLAVIN and COUNCILMAN JACKSON.

COUNCIL PRESIDENT FARNOLI calls for further Nominations and there being

none, on motion of COUNCILMAN IGLIOZZI, seconded by COUNCILMAN GLAVIN and COUNCILMAN JACKSON it is voted that nominations be closed and the Clerk is directed to cast one ballot for COUNCILMAN RONALD W. ALLEN.

COUNCIL PRESIDENT FARNOLI thereupon declares COUNCILMAN RONALD W. ALLEN duly elected as a Member of the Civic Center Authority for the remainder of the term of Four Years, ending on the first Monday, in January, 1999.

## ORDINANCES SECOND READING

The following Ordinances were in City Council November 7, 1996, Read and Passed the First Time and are severally returned for Passage the Second Time:

An Ordinance Establishing a Tax Stabilization Program for Vargus Manufacturing Corporation, 735 Allens Avenue, Providence, Rhode Island, as Amended.

*Be it ordained by the City of Providence:*

*Whereas*, Section 21-169 of the Ordinances of the City of Providence grants authority to the City Council, pursuant to Section 44-3-9 of the General Laws of the State of Rhode Island, as amended,

to exempt property used for industrial purposes from the payment of property tax if the granting of the exemption meets certain conditions set forth in said Section of the Ordinances; and

*Whereas*, The Vargus Manufacturing Corporation has made application under, and has satisfied each condition of the above-mentioned Ordinance; and

*Whereas*, The Vargus Manufacturing Corpora-

tion is a commercial concern who intends to retain its facility in the City of Providence and agrees, as a condition of this tax treaty, to not reduce substantially its workforce in the City of Providence, on 735 Allens Avenue in Providence, Rhode Island, on Assessor's Plat 101, Lot 519 and ("Project"); and

*Whereas*, The project will cause an increase in the tax base of the City and will increase employment opportunity in the City; and

*Whereas*, It is in the interest of the residents of the City of Providence to grant such an exemption to induce the development and construction of the Project in the City, and such exemption will inure to benefit of the City;

*Be it ordained by the City of Providence:*

*Section 1.* That the findings set forth in the preceding *Whereas* Clauses are hereby made confirmed.

*Section 2.* As long as Vargas Manufacturing Corporation owns or operates the facility, it will continue to pay taxes on the facility. Vargas Manufacturing Corporation, its successors and assigns, agree that this property will be subject to taxation at the expiration of the tax treaty. Vargas Manufacturing Corporation also agrees not to transfer the property to a tax-exempt entity or to allow any transfer by any subsequent transferee to a tax-exempt entity during the term of the tax treaty. Vargas Manufacturing Corporation agrees to ensure that any transfer or successor will be able to make payments under the tax treaty. Vargas Manufacturing Corporation is also required as a condition precedent to this tax treaty to record notice of the requirement that the property covered by this Ordinance be transferred only to a tax-paying entity, as set forth herein; in the Land Evidence Records or the City of Providence. Notwithstanding this provision, in the event that the successor to the property does not make the payments under the tax treaty, Vargas Manufacturing Corporation will be responsible to make payments in lieu of taxes to

the City of Providence in the amounts set forth in the attached schedule. In the event that the property covered by this Ordinance is transferred to a tax-exempt entity, whether by Vargas Manufacturing Corporation or any subsequent transferee of such property, Vargas Manufacturing Corporation will be responsible to make payments in lieu of taxes to the City of Providence equal to the amount of taxes which would have been paid to the City of Providence if such prohibition against transfer to tax-exempt entity had not been violated. Notwithstanding anything to the contrary herein or in the tax treaty used in connection herewith, the provisions of this Section 2. shall continue to be given in full force and effect until such time as the same shall be amended or terminated by majority vote of the City Council of Providence.

*Section 3.* It shall be the goal of Vargas Manufacturing Corporation to award to Minority Business Enterprises as defined in Rhode Island General Laws, Section 37-14.1 ("MBE Act") no less than 10% of the dollar value of the construction costs for the Project (as determined in accordance with the rules and regulations promulgated pursuant to the MBE act). It shall be Vargas Manufacturing Corporation's further goal to award to woman business enterprises (WBE) no less than 10% of the dollar value of the construction costs for the project (as determined in accordance with Section 21-52 of the Code of Ordinances of the City of Providence). It shall be a further goal of Vargas Manufacturing Corporation to achieve a minimum level of 10% for minority and 10% for female employment.

*Section 4.* In making employment decisions for the facility located at 735 Allens Avenue, Vargas Manufacturing Corporation shall give preferential consideration to qualified employees/applicants who reside in Providence.

*Section 5.* The schedule listed below is based upon information provided to the Tax Assessor by Vargas Manufacturing Corporation including, but not limited to, estimated construction costs. In the event any of this information is inaccurate

or proves to be erroneous, this treaty shall be modified to reflect the accurate information.

*Section 6.* That the real and personal property taxes payable to the City by the Project during the term of this Ordinance shall be based upon the real and personal property tax rates in effect for the City's 1996 fiscal year.

*Section 7.* That the City, in accordance with Section 44-3-9 of the Rhode Island General Laws and Section 21-169 of the Code of Ordinances for the City of Providence, is hereby authorized to grant an exemption from the assessed valuation for tax purposes as of December 31, 1997 up to and including December 31, 2006 to The Vargas Manufacturing Corporation located on 735 Allens Avenue, Providence, Rhode Island, on a portion of Assessor's Plat 101, Lot 519, as provided in the above-mentioned Ordinance, in accordance with the schedule in Exhibit A.

*Section 8.* This Ordinance shall take effect upon its passage.

An Ordinance in Amendment of and the Compensation Plan for the City of Providence by amending Ordinance Chapter 1996-28, approved July 23, 1996, as amended relative to the Parks Department.

*Be it ordained by the City of Providence:*

*Section 1.* Add the following:

Fiscal Advisor Parks	\$23,000-\$30,571
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*Section 2.* This Ordinance shall take effect on its passage.

An Ordinance in Amendment of the Classes of Positions, the Maximum Number of Employees

in Certain Classes in the City Departments by amending Ordinance Chapter 1996-30, approved July 23, 1996, as amended, relative to the Parks Department.

*Be it ordained by the City of Providence:*

*Section 1.*

*Section 46. Office of the Parks Superintendent*  
— 15.

Add the following position:

1 Fiscal Advisor Parks

*Section 2.* This Ordinance shall take effect on its passage.

An Ordinance Establishing a Tax Stabilization Plan for the Village at Elmhurst, LLC., Smith Street, Providence, Rhode Island.

*Be it ordained by the City of Providence:*

*Whereas*, Section 21-169 of the Ordinances of the City of Providence grants authority to the City Council, pursuant to Section 44-3-9 of the General Laws of the State of Rhode Island, as amended, to exempt property used for industrial purposes from the payment of property tax if the granting of the exemption meets certain conditions set forth in said Section of the Ordinance; and

*Whereas*, The Village at Elmhurst, Roger Williams Realty Corp., has made application under, and has satisfied each condition of the above-mentioned Ordinance; and

*Whereas*, The Village at Elmhurst, Roger Williams Realty Corp., plans to locate and construct in the City, a new commercial concern, to wit: an assisted living facility consisting of 68 new assisted living apartments, in a two-story wood frame building located on Smith Street in

Providence, Rhode Island, on a portion of Assessor's Plat 82, Lots 287, 288 and 331 ("Project"); and

*Whereas*, The project will cause an increase in the tax base of the City and will increase employment opportunity in the City; and

*Whereas*, It is in the interest of the residents of the City of Providence to grant such an exemption to induce the development and construction of the Project in the City, and such exemption will inure to benefit of the City;

*Be it ordained by the City of Providence:*

*Section 1.* That the findings set forth in the preceding *Whereas* Clauses are hereby made confirmed.

*Section 2.* As long as Roger Williams Realty Corp. owns or operates the facility, it will continue to pay taxes on the facility. Roger Williams Realty Corp., its successors and assigns, agree that this property will be subject to taxation at the expiration of the tax treaty. Roger Williams Realty Corp. also agrees not to transfer the property to a tax-exempt entity or to allow any transfer by any subsequent transferee to a tax-exempt entity during the term of the tax treaty. Roger Williams Realty Corp. agrees to ensure that any transfer or successor will be able to make payments under the tax treaty. Roger Williams Realty Corp. is also required as a condition precedent to this tax treaty to record notice of the requirement that the property covered by this Ordinance be transferred only to a tax-paying entity, as set forth herein; in the Land Evidence Records or the City of Providence. Notwithstanding this provision, in the event that the successor to the property does not make the payments under the tax treaty, Roger Williams Realty Corp. will be responsible to make payments in lieu of taxes to the City of Providence in the amounts set forth in the attached schedule. In the event that the property covered by this Ordinance is transferred to a tax-exempt entity, whether by Roger Williams Realty Corp. or any subsequent transferee of such

property, Roger Williams Realty Corp. will be responsible to make payments in lieu of taxes to the City of Providence equal to the amount of taxes which would have been paid to the City of Providence if such prohibition against transfer to tax-exempt entity had not been violated. Notwithstanding anything to the contrary herein or in the tax treaty used in connection herewith, the provisions of this Section 2. shall continue to be given in full force and effect until such time as the same shall be amended or terminated by majority vote of the City Council of Providence.

*Section 3.* It shall be the goal of Roger Williams Realty Corp. to award to Minority Business Enterprises as defined in Rhode Island General Laws, Section 37-14.1 ("MBE Act") no less than 10% of the dollar value of the construction costs for the Project (as determined in accordance with the rules and regulations promulgated pursuant to the MBE act). It shall be Roger Williams Realty Corp.'s further goal to award to woman business enterprises (WBE) no less than 10% of the dollar value of the construction costs for the project (as determined in accordance with Section 21-52 of the Code of Ordinances of the City of Providence). It shall be a further goal of Roger Williams Realty Corp. to achieve a minimum level of 10% for minority and 10% for female employment.

*Section 4.* In making employment decisions, Roger Williams Realty Corp., shall give preferential consideration to qualified employees/applicants who reside in Providence.

*Section 5.* The schedule listed below is based upon information provided to the Tax Assessor by Roger Williams Realty Corp., including, but not limited to, estimated construction costs. In the event any of this information is inaccurate or proves to be erroneous, this treaty shall be modified to reflect the accurate information.

*Section 6.* That the real and personal property taxes payable to the City by the Project during the term of this Ordinance shall be based upon



the real and personal property tax rates in effect for the City's 1996 fiscal year.

*Section 7.* That the City, in accordance with Section 44-3-9 of the Rhode Island General Laws and Section 21-169 of the Code of Ordinances for the City of Providence, is hereby authorized to grant an exemption from the assessed valuation for tax purposes as of December 31, 1997 up to and including December 31, 2006 to Roger Williams Realty Corp., located on Smith Street, Providence, Rhode Island, on a portion of Assessor's Plat 82, Lots 287, 288 and 331, as provided in the above-mentioned Ordinance, in accordance with the schedule in Exhibit A.

*Section 8.* This Ordinance shall take effect upon its passage.

COUNCILMAN IGLIOZZI moves that "An Ordinance establishing a Tax Stabilization Plan for Vargus Manufacturing Corporation" be amended by deleting the word "Vargus" throughout the Ordinance and insert in lieu thereof the word "Vargas".

This motion is seconded by COUNCILWOMAN DiRUZZO.

COUNCILMAN IGLIOZZI moves that the Several Ordinances be Read and Passed the Second Time and that "An Ordinance establishing a Tax Stabilization Plan for Vargus Manufacturing Corporation" be Read and Passed the Second Time, as Amended.

This motion being seconded by COUNCILWOMAN DiRUZZO is Put to Vote and Passed by the following Roll Call Vote:

**Ayes:** Council President Fagnoli, Councilmen Allen, Clarkin, DeLuca, Councilwoman DiRuzzo, Councilmen Glavin, Igliazzi, Jackson, Mancini, Councilwomen Nolan, Romano, Williams and Young—13.

**Noes:** None.

**Absent:** Councilmen Lombardi and Rollins—2.

COUNCILMAN JACKSON desires to be recorded as voting "No" relative to "An Ordinance in Amendment of the Compensation Plan for the City of Providence by amending Ordinance Chapter 1996, approved July 23, 1996, as amended, relative to the Parks Department" and "An Ordinance in Amendment of the Classes of Positions, the Maximum Number of Employees in Certain Classes in the City Department, by amending Ordinance Chapter 1996-30, approved July 23, 1996, as amended, relative to the Parks Department".

**Recapitulation of Vote:**

**Ayes:** 12.

**Noes:** 1.

**Absent:** 2.

The motion for Passage the Second Time and the motion for Passage the Second Time as Amended, are Sustained.

## PRESENTATION OF ORDINANCES

**COUNCILMAN GLAVIN (By Request):**

An Ordinance in amendment of and in addition to Chapter 1996-23 of the Ordinances of the City of Providence, approved May 23, 1996 and entitled: "An Ordinance Approving and Adopting the Official Redevelopment Plan and the attached restrictions for the Douglas Avenue Revitalization Project" for additional acquisition.

**COUNCIL PRESIDENT FARGNOLI Refers the Ordinance to the Committee on Urban Redevelopment, Renewal and Planning.**

**The motion to Refer is Unanimously Sustained.**

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**COUNCILMAN IGLIOZZI (By Request):**

An Ordinance amending the City of Providence Zoning Ordinance Chapter 1994-24, No. 365, approved June 27, 1994, as amended.

**COUNCIL PRESIDENT FARGNOLI Refers the Ordinance to the Committee on Ordinances.**

**The motion to Refer is Unanimously Sustained.**

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**COUNCILMAN ROLLINS and COUNCILMAN ALLEN (By Request):**

An Ordinance amending Chapter 20 of the Ordinances of the City of Providence, entitled: "Redevelopment Areas" as amended.

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An Ordinance amending the Official Redevelopment Plan for the Special Vacant Lot Project, Chapter 1986-53, No. 561, approved October 23, 1986.

**COUNCIL PRESIDENT FARGNOLI Severally Refers the Ordinance to the Committee on Ordinances.**

**The motion to Refer is Unanimously Sustained.**

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## PRESENTATION OF RESOLUTIONS

**COUNCIL PRESIDENT FARGNOLI:**

Resolution Requesting the Traffic Engineer to study the feasibility of On Street Parking on Fulton Street for the Members of th Providence

City Council and to report such study back to the City Council as soon as practical.

*Resolved*, That the Traffic Engineer is requested to study the feasibility of On Street Parking on

Fultan Street for the Members of the Providence City Council and to report such study back to the City Council as soon as practical.

**Read and Passed, on motion of COUNCILMAN IGLIOZZI, seconded by COUNCILWOMAN DiRUZZO.**

**The motion for Passage is Unanimously Sustained.**

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**COUNCILMAN CLARKIN (By Request):**

Resolution Requesting the Traffic Engineer to cause the installation of Four Way "Stop" Signs at the intersection of Hope Street and Wickenden Street.

**COUNCIL PRESIDENT FARGNOLI Refers the Resolution to the Committee on Public Works.**

**The motion to Refer is Unanimously Sustained.**

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**COUNCILMAN CLARKIN:**

Resolution Congratulating Donald Pastine, Principal of Central High School upon taking a moral stand on the unfortunate incident involving the School relative to the State School Boy Soccer Championships.

*Resolved, That the Members of the City Council hereby extend their sincere congratulations to Donald Pastine, Principal of Central High School upon taking a moral stand on the unfortunate incident involving the School relative to the State School Boy Soccer Championships.*

**COUNCILWOMAN DiRUZZO (By Request):**

Resolution Requesting the Chief Electrical Inspector to replace the light (High Lumen) located on Pole No. 9 along Clarence Street.

*Resolved, That the Chief Electrical Inspector is requested to replace the light (High Lumen) located on Pole No. 9 along Clarence Street.*

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**COUNCILMAN GLAVIN (By Request):**

Resolution Requesting the Traffic Engineer to prohibit motor vehicle traffic along Benefit Street, from College Street to Waterman Street between the hours of 7:00 o'clock P.M. on Friday, November 1, 1996 to 2:00 o'clock A.M. on Saturday, November 2, 1996, for the Annual Artists' Ball.

*Resolved, That the Traffic Engineer is requested to prohibit motor vehicle traffic along Benefit Street, from College Street to Waterman Street between the hours of 7:00 o'clock P.M. on Friday, November 1, 1996 to 2:00 o'clock A.M. on Saturday, November 2, 1996, for the Annual Artists' Ball.*

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**COUNCILMAN IGLIOZZI (By Request):**

Resolution Authorizing the City of Providence to hereby accept as part of the public right of way, that parcel of land at the intersection of Union Avenue and Pocasset Avenue, identified as Lot 605 on Assessor's Plat 109.

*Whereas, The Providence Redevelopment Agency, in 1983, acquired a portion of the lot (AP 109 Lot 423, 308 Pocasset Avenue) located at the corner of Union Avenue and Pocasset Avenue to improve the turning radius;*

*Whereas*, The Providence Redevelopment Agency improved the turning radius by resetting curb stones and paving the street to round the corner in accordance with city highway standards; and,

*Whereas*, This public improvement has been part of the city street since 1984,

The City Council of the City of Providence hereby accepts as part of the public right of way the parcel of land at the intersection of Union Avenue and Pocasset Avenue identified as AP 109 Lot 605.

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**COUNCILMAN IGLIOZZI and COUNCILMAN LOMBARDI (By Request):**

Resolution Requesting the Director of Public Works to conduct a study to reconsider the City's Baiting Program.

*Resolved*, That the Director of Public Works is requested to conduct a study to reconsider the City's Baiting Program and that the bait be provided to residents by the Department of Public Works, Environmental Control Division to alleviate the Rodent Problem within the Seventh Ward.

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Resolution Requesting the Traffic Engineer to cause the installation of a sign stating "Providence/Cranston Line" on Crown Street indicating that this is the Providence Cranston City Line.

*Resolved*, That the Traffic Engineer is requested to cause the installation of a sign stating "Providence/Cranston Line" on Crown Street indicating that this is the Providence Cranston City Line.

**COUNCILMAN MANCINI (By Request):**

Resolution Requesting the Narragansett Electric Company to upgrade the street lighting along Vicksburg Street.

*Resolved*, That the Narragansett Electric Company is requested to upgrade the street lighting along Vicksburg Street.

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**COUNCILWOMAN YOUNG (By Request):**

Resolution Requesting the Chief Electrical Inspector to upgrade the street lighting along Mount Vernon Street due to the high crime rate in the area.

*Resolved*, That the Chief Electrical Inspector is requested to upgrade the street lighting along Mount Vernon Street due to the high crime rate in the area.

**COUNCILMAN IGLIOZZI** moves that "Resolution Requesting the Director of Public Works to conduct a study to reconsider the City's Baiting Program" be amended by deleting the words "Seventh Ward" and insert in lieu thereof, "the City of Providence".

This motion is seconded by **COUNCILWOMAN DiRUZZO**.

**COUNCILMAN IGLIOZZI** thereupon moves that the Several Resolutions be Read and Passed and that "resolution Requesting the Director of Public Works to conduct a study to reconsider the City's Baiting Program" be Read and Passed as Amended.

This motion being seconded by **COUNCILWOMAN DiRUZZO** is Put to Vote and Passed.

The motion for Passage and Passage as Amended, are Unanimously Sustained.

## REPORTS FROM COMMITTEES

### COUNCILMAN ROBERT M. CLARKIN, Chairman COMMITTEE ON PUBLIC WORKS

Transmits the following with recommendation the same be Severally Approved:

Resolution Ordering the abandonment of a portion of Brush Hill Road.

*Resolved, Decreed and Ordered:*

That the following named street shown as cross-hatched area on the accompanying plan entitled: "Providence, RI Department of Public Works Engineering Office, Street Line Section Plan No. 064547 dated April 11, 1996.

*viz:*

*Brush Hill Road*, (portions of) shown as cross-hatched area on accompanying plan and designated by the letters (A-B-C-D-A) having ceased to be useful to the public and is proposed to be abandoned as a Public Highway. Said Abandonment is specifically conditioned precedent upon the following: (1) Petitioner shall tender the amount of Five Thousand Dollars (\$5,000.00) in legal tender U.S. to the City of Providence, (2) The Petitioner shall convey an easement acceptable to NYNEX which will permit retention of its facilities in their existing location, together with the right to inspect, maintain, operate and replace the same and with twenty-four hour access to said facilities, or in the alternative should it be determined by the petitioner that any such facilities need be relocated in order to comply with an intended use, the petitioner shall assume all costs of relocation, (3) Any construction that might be undertaken on the premises shall be done in accordance with existing rule, regulation and law, (4) The Petitioner fully understands (and manifests that understanding by taking any affirmative action with respect to the abandoned area) that the extension of any utilities shall be

at his or her own expense, (5) Petitioner shall make a reasonable effort to secure the approval of the owner(s) of lots 238 and 239 in accordance with the vote of the City Plan Commission. And it is further

*Ordered*, That the Traffic Engineer be and he is hereby directed to cause a sign to be place on the above-named highway abandoned as aforesaid, having thereon the words, "Not a Public Highway," And it is further

*Ordered*, That after the entry of this order or decree the City Clerk shall cause a notice thereof to be published in a newspaper, published in the County of Providence at least once a week for three successive weeks and a further and personal notice shall be served by the City Sergeant upon every owner of land abutting the above-named highway which has been abandoned, who is known to reside within the State.

Resolution Ordering the abandonment of a portion of Bay Street.

*Resolved, Decreed and Ordered:*

That the following named street shown as cross-hatched area on the accompanying plan entitled: "Providence, RI Department of Public Works — Engineering Office, Street Line Section Plan No. 064571" dated November 14, 1995.

*viz:*

Bay Street, (portions of), shown as cross-hatched area on accompanying plan and designated by the letters (A-B-C-D-A) having ceased to be useful to the public and is proposed to be abandoned as a Public Highway. Said Abandonment is specifically conditioned precedent upon the following: (1) Petitioner shall tender the amount of Ten Thousand Dollars (\$10,000.00) in legal tender U.S. to the City of Providence, (2) The petitioner shall convey an easement acceptable to the Providence Water Supply Board which will permit retention of its facilities in their existing location, together with the right to inspect, maintain, operate and replace the same and with twenty-four hour access to said facilities, or in the alternative should it be determined by the petitioner that any such facilities need be relocated in order to comply with an intended use, the petitioner shall assume all costs of relocation, (3) The petitioner shall convey an easement acceptable to the Narragansett Electric Company which will permit retention of its facilities in their existing location, together with the right to inspect, maintain, operate and replace the same and with twenty-four hour access to said facilities, or in the alternative should it be determined by the petitioner that any such facilities need be relocated in order to comply with an intended use, the petitioner shall assume all costs of relocation, (4) Petitioner shall undertake no construction in, about or upon said premises without the express written consent of the Chief of the Providence Fire Department. Additionally, Petitioner recognizes the existence of sprinkler connections necessary to the Providence Fire Department and the Providence Fire Department shall have unimpeded access to said system and across the abandoned property twenty-four (24) hours per day. In the alternative, should the Chief of the Fire Department find that the creation of a "fire lane" so-called, is satisfactory for Department needs, then this condition shall be met by the creation of said fire lane, together with the assent of the petitioners thereto.

*Ordered*, That the Traffic Engineer be and he is hereby directed to cause a sign to be placed on the above-named highway abandoned as

aforesaid, having thereon the words, "Not a Public Highway," And it is further

*Ordered*, That after the entry of this order or decree the City Clerk shall cause a notice thereof to be published in a newspaper, published in the County of Providence at least once a week for three successive weeks and a further and personal notice shall be served by the City Sergeant upon every owner of land abutting the above-named highway which has been abandoned, who is known to reside within the State.

Resolution Extending Lancashire Street, from Glasgow Street to Cornwall Street.

*Now, therefore, be it Resolved*, That that portion of Lancashire Street referenced in Providence, RI Department of Public Works — Engineering Office, Street Line Section Plan No. 064568 dated October 25, 1995 and shown as the shaded area between points A, B, C, D, A shall be extended as a portion of the public highway. Said extension is expressly conditioned upon:

1.) All construction undertaken to extend said highway shall be performed in accordance with Department of Public Works rules and regulations governing road construction and in conformity with existing law;

2.) Acceptance of such street, if had at all, is specifically reserved until such time as the grading and construction of said location is completed. At such time the Council shall again consider said petition;

3.) No action shall be undertaken on the location which shall jeopardize in any manner existing utility lines, conduits, pipes, etc.; and

4.) Any extension of utilities shall be undertaken at the sole expense of any individual seeking such services. Any extension of said

services at municipal expense shall require the express approval of the Council.

Resolution permitting the erection of a seasonal structure at 186 Fountain Street.

*Whereas*, Petitioner Joshua Miller on behalf of Trinity Beerworks, Inc. located at 186 Fountain Street, Providence, Rhode Island seeks to undertake the construction of a seasonal structure for sidewalk seating adjacent to the aforementioned premises; and

*Whereas*, The Petitioner has secured the appropriate licenses/permits from the Department of Public Works; and

*Whereas*, The sidewalk cafe permit which petitioner possesses relates to temporary seating expansion only,

*Now, therefore, be it Resolved*, That Trinity Beerworks, Inc., the Petitioner, is granted permission to extend seating into the public way adjacent to both the Aborn and Fountain Streets sides of its location in accordance with the schematic attached as hereto at Exhibit "A." Said grant is expressly conditioned upon the following and petitioner assents to the conditions by undertaking any act to effect any permission granted hereunder: (1) The petitioner shall undertake all construction in accordance with the plans provided to the Department of Inspection and Standards, the Department of Public Works and to the City Council Committee on Public Works as those plans may have been amended by said departments or Council Committee, (2)

Said structure shall be erected not earlier than 15 April in each year nor dismantled not later than 15 November in each year, (3) Petitioner shall construct and maintain said structure in accordance with all rules and regulations applicable to sidewalk cafes promulgated by the Department of Public Works except for those which relate to the temporary nature of the seating; (4) Petitioner shall maintain the surrounding area in a clean and presentable manner, (5) The Petitioner shall in no way impede or hinder pedestrian and vehicular traffic other than to the extent of any encroachment permitted herein, (6) The Petitioner shall supply an insurance policy in an amount of not less than One Hundred Thousand Dollars (\$100,000.00) with the City of Providence, its agents, officers, servants and employees as additional named insured. Said policy shall be issued by a company licensed to do business in the State of Rhode Island, (7) Said permission granted herein shall extend for fifteen (15) years from the date of passage of this Resolution and shall not run with the land, (8) The petitioner acknowledges any representation made by him before any department or council committee is incorporated by reference herein, (9) The Petitioner shall execute in a form acceptable to the City Solicitor a hold harmless and indemnification agreement saving the City from liability from the erection, dismantling, maintenance or existence of said seasonal seating structure.

Severally Read and Collectively Passed, by a Unanimous Rising Vote, on motion of COUNCILMAN IGLIOZZI, seconded by COUNCILWOMAN DiRUZZO.

The motion for Passage is Unanimously Sustained.

**COUNCILMAN KEVIN JACKSON, Chairman  
COMMITTEE ON CITY PROPERTY**

Transmits the following with recommenda-  
tion the same be Approved as Amended:

Resolution Requesting the Providence Redevelopment Agency to acquire title of that vacant lot located along 60 Marion Avenue.

be assigned to Judith Savage of 65 Farragut Avenue; her property abuts the rear yard of 60 Marion Avenue.

*Whereas*, The Providence Redevelopment Agency is requested to condemn and take title to 60 Marion Avenue which is now a vacant lot, and

**Read and Passed, on motion of COUNCILMAN IGLIOZZI, seconded by COUNCILWOMAN DiRUZZO.**

*Whereas*, The house on this lot was recently demolished by the City of Providence,

**The motion for Passage is Unanimously Sustained.**

*Now, therefore, be it Resolved*, That title to same

Transmits the following with recommenda-  
tion the same be Approved:

Resolution Requesting His Honor the Mayor to transfer that property located at 236 Dudley Street, Plat 23, Lot 398 from the City of Providence to the Providence Redevelopment Agency for the sum of One Dollar (\$1.00).

Providence to the Providence Redevelopment Agency for the sum of One Dollar (\$1.00).

*Resolved*, That His Honor the Mayor is requested to transfer that property located at 236 Dudley Street, Plat 23, Lot 398 from the City of

**Read and Passed, on motion of COUNCILMAN IGLIOZZI, seconded by COUNCILWOMAN WILLIAMS.**

**The motion for Passage is Unanimously Sustained.**

**COUNCILWOMAN PATRICIA K. NOLAN, Chairwoman  
COMMITTEE ON FINANCE**

Transmits the following with recommenda-  
tion the same be Approved:

Resolution Requesting that the City Council retain the legal services of Kelly R. Sheridan, Esquire in an amount not to exceed Five

Thousand, Six Hundred Forty-Seven Dollars and Ten Cents (\$5,647.10).



*Resolved*, That the City Council is requested to retain Kelly R. Sheridan, Esquire, outside legal counsel of 10 Weybosset Street, Providence, Rhode Island 02903 to review the court decision relative to the Cost of Living Adjustment (COLA) regarding advice on any legal opinions, in an amount not to exceed Five Thousand, Six Hundred Forty-Seven Dollars and Ten Cents (\$5,647.10).

Severally Read and Collectively Passed, on motion of COUNCILMAN IGLIOZZI, seconded by COUNCILWOMAN DiRUZZO by the following Roll Call Vote:

Ayes: Council President Fagnoli, Coun-

cilmen Allen, Clarkin, DeLuca, Councilwoman DiRuzzo, Councilmen Glavin, Igliazzi, Jackson, Lombardi, Mancini, Councilwoman Nolan, Councilman Rollins, Councilwomen Romano, Williams and Young—15.

Noes: None.

Absent: None.

The motion for Passage is Unanimously Sustained.

## PERSONAL EXPRESSION

COUNCILMAN IGLIOZZI requests to speak on a Point of Personal Expression and states:

"There were two things that happened this week that involved the same issue as well as an issue that we are all going to be dealing with in the very near future and it really focused in on something unfortunately, that I have been really fighting for since 1989 to no avail. This week, I first and foremost saw that there was a press conference where the Chief Justice of our Municipal Court, that Chief Justice who is elected by this Council not appointed by the Mayor agreed to donate some of his time to the Housing Court, which is appointed by the Mayor and approved by the Council. That struck two chords with me. One, obviously is that I felt that maybe we deserved the courtesy of knowing that our elected Judge was going to do this before he did it but I applaud their efforts. The other chord which is really my particular problem is since 1989 I have asked the Housing Court each and every year for

those of you who know me and have seen me on the Finance Committee when are you going to put properties into Receivership? To my surprise each and every year when it is budget time and I used to say that I was going to vote again their budget and what happens like everything else is that we tend to regain relationships and trust in these people and beginning with Chief Justice McGuirl and told me it was going to be done, it was never done and to this day, zero. The third thing and before I give you my other comments is that I was also called by a newspaper reporter who indicated that the Administration is about to announce a quick use of the bond money to knock down quickly, abandoned housing and they asked my opinion on that. I said that well, the abandoned housing problem for those of you and most of you have, studied is a complex issue. It really involves four or five tools to do it effectively and anytime you pick one tool and you use one tools, you know what happens? You have the what happened to the Providence Plan Housing Corporation, a lot of money being used and wasted

which could be . . . if you used a number of tools. What am I talking about?

The way to address abandoned housing in an efficient fashion for those of you who have worked at it is as follows: You should immediately call code enforcement, they should come, they board it up they should clean it up and they should immediately do an inspection on the building and if the building is condemnable under the State Building Code, if the City has money at that point in time, you can have that building knocked down, razed and a lien put on that property for the demolition of the building. That's one step and you will know that as soon as the code enforcement people go there and analyze the structure of the building. So, within 48 hours you will know if you can have the quick fix or not. If you cannot have the quick fix and it is not condemnable under the Building Code, several things have to happen and they all have to happen concurrently to effectively solve the problem in 18 months. Did you hear me? In 18 months. If you want to solve a problem in the House in 18 months, if it is not condemnable under the State Building Code four things have to happen at the same time. One, PRA must in fact being condemnation proceedings under their statutory authority which as you all know they have to buy the house for the fair market value of the house which is more expensive, but ultimately solves the problem. Concurrently, with that and simultaneously with that effort the owner must be contacted and identified and as you know, I sponsored in the Legislature with Representative Smith, the legislation that know allows us to notify the Recorder of Deeds if the owner lives out of the State and that was something that I did in that regard. You contact the owner . . . if the owner cares about the property and is looking for loans, grants, help, they will give that person help and if they don't we keep PRA steam shovel their house to take it away from them if they don't . . . that's the leverage it has to happen at the same time because it takes 6 months for PRA to do that effectively.

Thirdly, you have to keep the pressure on at the Housing Court, by the way, not to collect

money, not to collect money, its not like a municipal ticket, that's not what we are asking the housing court, we are asking that the property be repaired the eyesore being removed. What concurrently must happen is that their attitude is going to change in that Court and it has to be focused on getting the property fixed. I'll waive your fine if you fix the property. If you don't fix the property concurrently with that . . . receivership will be filed and that takes six months. So if those four things . . . pressure to get the landlord to borrow or fix the property, pressure from the PRA to take the property, pressure from the Housing Court under the Receivership Statute and obviously, pressure from the Administration and the Council supporting those activities. You can solve any abandoned housing problem in 18 months. Well, you say why haven't you done it well, very simply, we have done everything that we could when we have the money from the Providence Plan Housing Corporation Bond and we are now getting new money of which I was a very strong supporter because the number one problem in my neighborhood is abandoned housing. When we do this I told a reporter, if there is a plan that attacks abandoned housing like that in place with all of those tools being brought to bear why am I concerned with that? Because I want it to be an equitable plan. Because some of us are going to have houses that do not reach the level of the Building Code but will get pushed aside and I'll see you two or three years from now unless someone goes down and begs and pleads to all of these departments. I've told you my plan and what I'm going to be looking for your support and I hope you support me on is as follows:

All those department must coordinate under the authority under one person someone either appointed by the Mayor or if the Mayor is not going to do it he's appointing our Judge to jobs, maybe we should be appointing an Administrator to jobs. Maybe we should call Mr. Ihenacho and appoint him the Super Don to Housing, I don't know . . . I'm just being facetious there but . . . the point that I am making is that those efforts must be coordinated and directed and

focused we must have them at the same time, simultaneously and you know what, you can solve any housing problem in less than 18 months. 18 months is when there are a lot of problems and I've had those kinds of things, where there is title problems, or ownership problems all those things I have taken all of the bumps by allowing us to serve notice on the Recorder of Deeds. That took a big bump out of the road when we couldn't find the owners from Boston and New York, Connecticut these management companies they used to hide behind. Now that big bump is out of the way but I don't think that we should take this money and squander it foolishly on quick fixes. So, while I am a steadfast explorer of the Mayor's concept of attacking abandoned housing I'm steadfast in supporting . . . the fact that he has asked help from Judge Caprio. The quick fix is not the answer. A comprehensive every tool must be directed at that problem and you know what? It is cheaper, it is more efficient and you know what? Your neighbors will see the problem removed in a reasonable period of time instead of all of you like me, talking to some people in the past for 36 months, month after month, we are getting to it we are doing this and we know that they are not . . . constituents that don't have any trust in what you say about what the City is doing. So I say all that because we have the new Bond money. We do have the funds now, the tools, the financial tool which is the fifth tool to get the job done and that should be the first priority in addition to the infrastructure and the other things that we are all concerned with but it is a number one priority of mine, it is why I was out there in front of the Bond issue from the beginning and that kind of comprehensive plan I would ask all of you, I am asking you in advance, to support that plan the Igliozzi plan, so that we have that done and that everyone gets an equitable use of the abandoned housing money in a quick fashion. That's what I'm asking, I'm laying it out tonight. I don't have a publicist or a million dollar staff, but that's my plan and I think that anyone that has dealt with this problem knows that this is the way to do it and those of you who were on the Council a couple of years experienced it with the Providence Plan Housing Corporation. The

problem was that we have to teach them how to use the City tools, the Housing Court does not what it can do I guess. The Housing Court is a big problem with me because I think that there focus is misdirected. It is not about collecting money, it's not like parking tickets, I'm not worried about the money I am worried about correcting the eyesore. I thank you for listening to me and I hope you support my plan."

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**COUNCILWOMAN NOLAN requests the Privilege of the Floor to speak on a Point of Personal Expression and states:**

"I completely support you Councilman Igliozzi and would like to tell you a story about one 12 unit apartment building located at 1517 Verndale Avenue for I would say probably 3 years, this has been on a consistent basis, it has been on the Housing Court for years and years. For about three years I have been following this house through the Housing Court and the house gets boarded up and first of all you have to know that the defendants never come into Court, especially if they are Corporations, they ever come into Court so you are dealing with constantly. The neighborhood group that I work with in Washington Park decided that they were going to target certain houses in the neighborhood and one of the houses that they targeted was 1517 Verndale Avenue and one of the Members of that group went to Court everytime that house appeared on the calendar. I went several times myself: What goes on in housing court you have to go to see to believe and you can't imagine how many cases the defendant doesn't even bother to appear. What the attorney should do at point is to file a judgment or . . . I'm not a lawyer but something should be done because they are in contempt, they are thumbing their nose at authority and they are doing absolutely nothing. I had conversations with the Judge, I had conversations with the Attorneys and finally, I said, I have to do something. I talked to the PRA and they decided to take the house . . . oh, meanwhile the guy went into

bankruptcy he came out of bankruptcy, the Judge issued a body warrant, first they couldn't find him for two months, he lives in the neighborhood, but they couldn't find him for two months and then the Judge lets him go. Go home, what are you going to do I'm going to clean it up, I'm going to clean it up. Four people in the courtroom came in and offered to purchase the property he turned it down and said it was not enough money. Meanwhile, the kids are getting in the drugs are being done. It is at the gateway of a street ruining that whole block for that neighborhood. Finally, I asked Tom Deller to step in to give me a hand and the PRA we went through a couple of weeks ago, you saw something come in for the condemnation of that property. Lo and behold I get a letter from this guys attorney the other day — "we would like to donate this property to the Elmwood Foundation". Three long years. We should not have to endure this kind of incompetence and I really don't know who is to blame. I am not going to blame the Code Enforcement, I'm not going to blame the Judge, I'm not going to blame the Solicitor's Office. Someone has to do something."

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**COUNCILMAN GLAVIN requests the privilege of the floor to speak on a point of personal expression and states:**

"There are some very interesting points that have been raised and I didn't have any intention of speaking but because of some of the issues that have been raised it is appropriate that I saw a few things and hope that the Council takes them in the spirit in which I mean them and I mean them in honest sincerity and frustration like all members of the Council. Earlier this evening we heard a bi monthly rap story. Almost every other Councilman has a rap story here and they are very true legitimate and sincere. I think that everyone can talk about the rat we see walking across the street or out of our yard. The City has a legitimate rat problem. Something that needs to be addressed on a more comprehensive basis

and it needs to be addressed on an on going basis. We come to the meetings here and we voice our concerns and expressions about some of these issues and because we are a part time body, we hope that the people who work full time for the City will either subscribe to our Resolutions, abide by them or whatever and all too often it does not happen. We also heard the Councilman from the Fifteenth Ward talk about the dumping problem and how that is not being addressed and how it is a serious problem. Members of this Council might remember about a year and a half — two years ago at the very beginning of this Council term, when I pointed out that the City of Providence has several hundred thousand dollars in uncollected environmental citations. I talked about the fact that we were writing a lot of tickets but absolutely nothing was being done to enforce these citations. I talked about it on a second occasions before this Council and everyone agreed with me and whatever and the point that I am trying to make is that when I hear that one of our Judges from the Municipal Court that is supposed to be enforcing the environmental citations is taking some of his time and going to the Housing Court I have a real management problem with that and it is just one management problems that I have with the Way that the City is run. Because unfortunately . . . the City on a Management Basis does not run the way that it should run. The point that Councilman Igliozi made is the point that I made about a year and a half ago. We are not in the fine collection business persay, that is not the ultimate goal of what we are looking to accomplish either through the Housing Court or the Municipal Court and I . . . specifically towards the environmental issues, the citations. It is important to enforce them because hopefully, by enforcing these citations we are going to change people's behavior and a big vacant piece of property in Councilwoman DiRuzzo's Ward is hopefilly going to get the attention of the property owner if he or she is going starts getting three or five hundred dollar citations and is made to pay them and the same thing with the Housing Court. Now when we get to the issue of the Housing Court, for many years now, numerous Council people have expressed

great frustration with the Housing Court and many times we all get very frustrated, particularly during Budget time we all get a little short tempered with each other sometime because we have heard some of these stories before and the problems reoccur and as I understand it on this Council many times, many cases, this Council has no one to blame sometime but themselves, because we sometime act as a paper tiger. If we really feel this strongly about the Housing Court, let us change it! Let us defend it! Let's not just keep talking about it, let's do it! How many times has this come up on this Council floor. Not once, twice or three times. It has come up numerous times. This type of situation with the Housing Court where the City of Providence is allocating a couple of hundred thousand dollars a year to operate it, if this City Council truly does not believe that it is not being effective in serving the needs of our neighborhoods, then we have an obligation to either change it or eliminate it. Maybe elimination is not the answer and maybe it needs to be restructured. Keep in mind that when we voted for the legislation for the Housing Court and I was one of the people who helped write it, we authorized up to 3 Judges of the Housing Court and of course early on we did not anticipate that we were going to have three but I think the political reality of the situation being that's what happened and I think that there was a great interest on the part of the Council to really address this problem and to really put the resources into 3 Judges and I'm not saying that they may not have had some successes, I received a full packet tonight, I don't know if other people did talking about all of the Housing Court cases and I have seen the same property owners and the same addresses on these calendars for I don't know how many years. I, like the Councilman from the Ninth Ward and many of your members here have gone to the Housing Court and sometime I am the only person sitting in the audience. I was correctly pointed out and sometime there is one of two innocent property owner to actually come down and answer the summons or the warrant, whatever they are sent and I really believe that this Council is overly sincere about the housing problem but if we are really going to attack this

problem it has to be done. It has to be done comprehensively and maybe the Finance Committee or whatever, the appropriate committee should take this as an action item for a particular period of time. In particular now before we get into the Budget Season and their time is consumed with that so when budget season comes some time of consensus from this Council has come forward to say I listen it is budget time this council does not feel this Court has had the impact on the City that it should and we no longer fund this Court and hopefully involve the City Administration and the Mayor so that they understand the feeling and the substance of why a decision like this could be made. Otherwise these same type of frustrations are going to continue to be exhibited on this Council for the next several years and nothing is going to change and the last thing that I want to touch on is the infamous 50 million dollar bond issue. It is no secret that Councilman Glavin had very mixed feelings about his 50 million dollar bond issue, not because he does not recognize the City has many capital needs but is very concerned with the City's financial posture and the recent drop in our bond rating, what impact this is going to have on the City long term especially as we continue to grope for new and fresh sources of revenue to fund our City's Budget. The Budget issue went before the voters and the voters have passed it the voters have spoken and I have no problem with that. What I am concerned about is that even before this bond issued passed there was a fairly strong consensus on this Council that there really was no total comprehensive plan of how we were going to spend this money. So I get quite concerned when I hear . . . these statements coming from the Administration that . . . "the people of the City of Providence gave me 50 Million Dollars, I got to go out and spend it" or No. 2, "we are going to go and tear all of these houses down"

We clearly do not have a comprehensive plan on how to spend this money. I have said to many Council People individually and I have said on this Council floor collectively, this Council should approach the spending of this 50 Million Dollars with great caution based upon and agreed upon

a list of priorities that we feel are in the best interest of the people of the City of Providence. I think that it would be a tragic mistake to spend 50 million dollars in the next 12 to 18 months. I truly believe that without having a legitimate long range plan in affect. I think that we have seen quite clearly from the 27.5 million dollars that we are now paying back from the Providence Plan where you can spend a whole bunch of money and not necessarily have a great deal to show for it. I also know . . . and I know it will happen in the Finance Committee. I have mentioned it to the Finance Committee Chairperson, I know exactly what is going to happen.

The parade is going to happen and they all will come marching in and the plan is going to be dumped on us and we are going to have to spend this money and this is what we have to do and there will be great temptation for this Council to buy into that. It will take great discipline for this Council not to do that and I sincerely hope we had the discipline not to do that. You know, it is appropriate to note, just to put back on the table that we are almost into December of 1996, five or six months into the fiscal year, without one labor union in the City of Providence with a signed, agreed to collectively bargaining agreement. How anyone will straighten this mess out

frankly, is beyond me. Because we are . . . how are we going to decide where the last contract ended and where the new one begins is going to be a great deal of . . . for the attorneys involved. But, these issues are real and legitimate ladies and gentlemen and before we go off on an unchecked spending with 50 million dollars no matter how well intentioned and I truly believe that the Mayor's intentions are the same as this Council, to do good in the various neighborhoods in the City of Providence. I believe we need to exercise great discipline and great caution and have a plan that this Council feels very comfortable with before we go into bond anticipation notes or which is what I think is going to happen because I think the City is going to delay going to bond as long as they can in hopes of doing something to resurrect our bond rating which again, I don't know if Copperfield is around, but maybe he can come forward and help us out with a little magic act, but I think that with all of the facts there before us it will take . . . I don't know what it will take to raise the City's bond rating again. But, these things are very, very critical serious long term issues that I think intertwine with many of the very fine comments that have been made this evening and something that this Council will have to think long and hard about in the last several months.

**COUNCIL PRESIDENT FARGNOLI**  
excuses herself from the meeting at this time  
and relinquishes the Chair to Council President Pro Tempore Lombardi.

**COUNCIL PRESIDENT PRO TEMPORE**  
**LOMBARDI in the CHAIR.**

**COUNCILMAN IGLIOZZI:** "Mr. President, I just want to correct the record I just was informed that I guess I misrepresented the fact that the Municipal Court Judge is handling Housing Court matter, I guess he is not he is only handling Environmental Matters, so I misunderstood the Press Release and I retract my statement to the

Chief Justice and I retract my statement regarding to the Mayor in that regard and I publicly apologize for that misstatement but I misunderstood the Press Conference so I retract that portion of my comments and I thank you for listening to me again."

**COUNCIL PRESIDENT PRO TEMPORE LOMBARDI:** "Just by definition Mr. Leader, that is that the Environmental Tickets jurisdiction lies with the Municipal Court, not with the Housing Court and I indicated that to Councilwoman DiRuzzo."

**COUNCILMAN GLAVIN:** "If that be the case I also would like my comments to reflect that because I was expressing my concern about the Municipal Court assisting the Housing Court based upon previous comments so let the correction... clearly my comments are... justly recorded."

**LOMBARDI:** "If I may and I don't want to be out of line, but I think that your comments are very pertinent and to the point and I think there is a comprehensive problem that has to be dealt... a myriad of problems that have to be dealt in a comprehensive way that people have to sit down and everyone has to work together. I agree certainly with what you said, you have been trying since 1988 or 1989, and I've certainly joined in with you and that just simply isn't happening because you have to attack it in a variety of ways."

**COUNCIL PRESIDENT PRO TEMPORE**

## REPORT FROM COMMITTEE

### COUNCILWOMAN PATRICIA K. NOLAN, Chairwoman COMMITTEE ON FINANCE

The following is transmitted with recommendation the same be received:

Recommendation from the Committee on Finance pursuant to Chapter 1996-36, No. 533 relative to a six month extension of Residency for a City Employee.

Received.

## COMMUNICATIONS AND REPORTS

**FROM COUNCILMAN RONALD W. ALLEN:**

Communication dated November 12, 1996, informing Council President Evelyn V. Fagnoli of his interest in being appointed to the Residency Commission, same being in accordance with Ordinance No. 533, approved October 15, 1996.

Received.

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**FROM COUNCILMAN KEVIN JACKSON:**

Communication, dated November 12, 1996, Informing Council President Evelyn V. Fagnoli of his interest in being appointed to the Residency Commission, same being in accordance with Ordinance No. 533, approved October 15, 1996.

Received.

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**FROM THE CITY ASSESSOR:**

Certificates (Nos. 11A and 12A), recommending that the same be severally canceled pursuant to the provisions of Sections 14 and 15 of Title 44, Chapter 7 of the General Laws of the State of Rhode Island, 1956, as amended.

**COUNCIL PRESIDENT PRO TEMPORE LOMBARDI Refers the Certificates to the Committee on Claims and Pending Suits.**

**The motion to Refer is Unanimously Sustained.**

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**FROM KPMG:**

Report relative to the City of Providence, General Purpose Finance Statements and Supplementary Financial Information for the year ended June 30, 1995.

Received.

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**FROM SAMUEL J. SHAMOON, ASSOCIATE DIRECTOR OF PLANNING:**

Report dated November 8, 1996 relative to the Brown University Master Plan, as amended.

Received.

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## FROM THE CLERK'S DESK

### **Petitions for Compensation for Injuries and Damages, viz;**

John Simon

Beverly J. Souza Estate

East Coast Souvenir Co., Inc

Dorothy S. Kay

Tia N.Kha

Michael E. and Nicolina Maguelli

Maria F. Rego

Lisa Rae Ramos

George Georganits

Sally Caputo

Barbara Winters

Sharon G. Pace

Michele P. Gravier

**COUNCIL PRESIDENT PRO TEMPORE LOMBARDI Refers the Several Petitions to the Committee on Claims and Pending Suits.**

**The motion to Refer is Unanimously Sustained.**

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## PRESENTATION OF CITATIONS

### *"In Congratulations"*

### **COUNCIL PRESIDENT FARGNOLI and the MEMBERS of the CITY COUNCIL:**

#### **Citations Extending Congratulations.**

*Resolved*, That the Members of the City Council extend their sincere congratulations to the families of the following:

Giovanni DelRicci, in recognition of the celebration of his 100th Birthday, born on December 17, 1896.

Rafael Acevedo, in recognition of his many charitable acts which have helped the Hispanic Community to succeed, prosper and flourish.

Leona Duffy, in recognition of the celebration of her 40th Anniversary of employment at the Department of Employment and Training.

Miquel DeJesus, in recognition of his many charitable acts which have helped the Hispanic Community to succeed, prosper and flourish.

**Severally Read and Collectively Passed, on motion of COUNCILMAN IGLIOZZI, seconded by COUNCILWOMAN DiRUZZO.**

**The motion for Passage is Unanimously Sustained.**

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## PRESENTATION OF RESOLUTIONS

### "In Memoriam"

**COUNCIL PRESIDENT FARGNOLI and  
the MEMBERS of the CITY COUNCIL:**

Resolutions Extending Sympathy.

*Resolved*, That the Members of the City Council  
extend their sincere sympathy to the families of  
the following:

Pasquale DeBlasio

Roberta L. Pagliaro

Angelo Mancini

Teresa Fraioli

Mary D. Sousa Falcoa

Peter Iannuccilli

Carmine "Minnie Stew" Ruggiero

Violet J. Prata

Maria C. Pine

Gilda S. DeLuca

Natallina "Nellie" Parisi

Teresa Orabona

Elvira Dora Conte

Thomas Palombo

Carmine N. Baldino

Luigi "Louie" Iodice

Guirino "Guido" Zoglio

Sandra L. Tucci

Theresa Heaney

Margaret J. Pombo

James J. Heelan

Antonio Caliri

Martha Oahlstrom

Thomas Lanzi

**Severally Read and Collectively Passed,  
by a Unanimous Rising Vote, on motion of  
COUNCILMAN IGLIOZZI, seconded by  
COUNCILWOMAN DIRUZZO.**

**The motion for Passage is Unanimously  
Sustained.**

## MATTERS NOT APPEARING ON THE PRINTED DOCKET

COUNCILMAN IGLIOZZI at this time moves that the City Council consider the following item from the October 17, 1996 Docket of the City Council Meeting entitled: "Communication from Narragansett Electric Company dated September 30, 1996 Informing the Providence City Council of the proposed relocation cables in Charles Street and in the vicinity of the Amtrak Tracks."

There is no second to this motion.

COUNCILMAN GLAVIN: Point of order.

COUNCILMAN IGLIOZZI: I believe it states that any item following the next meeting of...

COUNCIL PRESIDENT PRO TEMPORE LOMBARDI requests a ruling from the City Solicitor.

COUNCILMAN IGLIOZZI: Mr. President Pro Tempore, everyone in their docket has a memorandum from the City Clerk explaining...

CITY CLERK CLEMENT: No, may I explain. I have only placed those in the the leaderships folders.

COUNCILMAN IGLIOZZI: There is a memorandum from the City Clerk indicating that the matter was inadvertently received and should have been received and referred to the Committee on the City Property and the Committee on Public Works. So, anytime that an item is on a prior docket under Robert Rules of Order which supplant our rules when our rules don't speak to it, any item that is handled in a previous meeting you can take up at a following meeting, the

next meeting providing that the majority who supported it, whichever way it went, vote to reconsider it. That's under Roberts Rules of Order.

COUNCILWOMAN NOLAN: Point of order. Will you please read it to us so we know what you are talking about?

COUNCIL PRESIDENT PRO TEMPORE LOMBARDI: Mr. Majority Leader, before we go any further, would you like the Solicitor to explain what is going on here maybe that will help some of the Council members?

CITY SOLICITOR MANSOLILLO: I would first recommend to the... that he... this is a matter that the Council was not informed of when the Docket was printed. So that in order to make sure that it is properly before the body, that a motion be made to suspend the docket rule and to then introduce it because it is a matter that...they were not informed of it prior to it.

COUNCIL PRESIDENT PRO TEMPORE LOMBARDI: In addition, would everyone like a copy of what is going on?

COUNCILMAN IGLIOZZI: Well, Mr. President, I don't have a copy of it and this is a perfect example of where we should have copies of it in everyone's docket and I don't have one, but it was a simple matter of something being received and should have been referred to Committee. My position at this point since that is not prepared unless someone has the objection that we let it be handled to the next meeting. Put it on the docket again at the next meeting.

CITY CLERK CLEMENT: If I may, can I explain What happened was, on the October

17th Docket, there was a matter on there on there relative to Narragansett Electric Company putting in some cable in the Charles Street Section and by Amtrak. What happened was it was supposed to be jointly referred to the Committee City Property and Public Works because they deal with those areas. What happened was that it was Received instead of being jointly referred to those Committees and I asked the Majority Leader tonight if he could . . . I had a memo typed up today and I had it placed in the Leaderships folders indicating this fact and I asked the Majority Leader if he could have the item re-considered so that way that item could be sent to its proper Committee.

**COUNCILMAN GLAVIN:** Through the Chair. Could we accomplish the same goal by either one, taking the matter off the docket? Or, number two, from an internal basis, seeing it has already been received by the City Clerk, it is in the form of a communication now, there is nothing wrong with the Clerk transmitting that Communication to the appropriate committees. I don't have any objection to the issue, I am just trying to figure this out procedurally trying to figure out the best way of doing it.

**COUNCIL PRESIDENT PRO TEMPORE LOMBARDI:** Councilman Glavin has brought up a good alternative. Mr. Solicitor would you like to respond to that is that something we can do properly without running afoul of the Charter?

After further discussion and debate, the City Clerk informs that he will place the item on the December Docket.

**COUNCILMAN GLAVIN:** The reason that I raise the point of order was I was concerned how Roberts Rules of Order could allow us to reconsider an item from a previous meeting . . . and the Rhode Island

Open Meetings Law, provides for the 48 hour notice.

**CITY SOLICITOR MANSOLILLO:** Clearly the easiest way if you had it in front of you was to vote to take it off the docket which is legal under the rules of procedure of this body. Then, at that point when you had decided that the matter is before you, then a motion if made to reconsider and at that point you go from there. But, because the matter was not officially before you even though you can take up a matter that was before you before at the subsequent meeting, you have to agree that you want to take it up?

**COUNCIL PRESIDENT PRO TEMPORE LOMBARDI:** What's the Council's pleasure, are you withdrawing the motion, ok. Withdrawn?

**COUNCILMAN IGLIOZZI:** There is also an issue raised by our rules regarding a meeting that falls on a Holiday and the next Council Meeting December 5th which is the first day of Hanukkah at Sundown. On that occasion one of two things can happen, either the Council Meeting is scheduled for the next day which is Friday, or we have to agree to a new date certain. So, at this time, I would to Suspend Rule 2 (b) of the Rules of the City Council for the purpose of scheduling the next Council Meeting on a day other than provided in said Rule 2 (b).

This motion is seconded by **COUNCILWOMAN DiRUZZO**.

**COUNCILMAN IGLIOZZI** moves that the next meeting of the City Council be held on Wednesday, December 4, 1996 at 7:30 o'clock P.M. (EST).

This motion being seconded by **COUNCILWOMAN DiRUZZO** is put to vote and passed.