

CITY OF PROVIDENCE RHODE ISLAND



CITY COUNCIL JOURNAL OF PROCEEDINGS

No. 25 City Council Regular Meeting, Thursday, October 2, 2003, 7:30 o'clock P.M. (E.D.T.)

PRESIDING
COUNCIL PRESIDENT
JOHN J. LOMBARDI

IN CITY COUNCIL
APR 25 2005

APPROVED:

CLERK:

ROLL CALL

Present: Council President Lombardi,
Councilmen Allen, Aponte, Butler, Deluca,
Councilwoman DiRuzzo, Councilmen Hassett,
Igliazzi, Jackson, Luna, Mancini, Councilwoman
Romano, Councilman Segal, Councilwoman
Williams - 14.

Absent: Councilwoman Young - 1.

Also Present: Bruce D. Tedesco, Deputy City
Solicitor, Michael R. Clement, City Clerk, Claire
E. Bestwick, First Deputy City Clerk and
Jennifer L. Emidy, Assistant Clerk.

INVOCATION

The Invocation is given by COUNCILMAN
LUIS A. APONTE.

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

JASON COGGESHALL leads the Members of
the City Council and the Assemblage in the
Pledge of Allegiance to the Flag of the United
States of America.

JASON COGGESHALL

APPROVAL OF RECORDS

The Journal of Proceedings No. 10 of the
Special Meeting of the City Council held May 1,
2003 and posted on that Bulletin Board located
on the Ground Floor Level of City Hall, are
approved, as printed, on Motion of
COUNCILMAN APONTE, seconded by
COUNCILWOMAN WILLIAMS.

ORDINANCE SECOND READING

**The Following Ordinance was in City Council
September 18, 2003, Read and Passed the First Time
and is Returned for Passage the Second Time:**

An Ordinance to Adopt the Payment in Lieu of Taxes Agreement by and between the City of Providence and Tockwotton Home.

Be it ordained by the City of Providence:

Whereas, Tockwotton Home is a 501(c)(3) non-profit corporation organized under the laws of Rhode Island, by legislative charter, in 1857 ("Tockwotton"):

Whereas, Tockwotton is exempt from federal and state income taxation pursuant to I.R.C. 9501(c)(3) and property taxation by state legislative charter:

Whereas, Tockwotton owns properties located at 75 East Street in Providence, Rhode Island as further described as Plat 17, Lot 110, as recorded in the Land Evidence Records at City Hall, Providence Rhode Island (the "Property");

Whereas, in 1864 Tockwotton constructed a brick building upon the Property in order to provide quality care to its residents which building has been expanded over time, and is furnished with personal property for its operations (collectively the improvements and furnishings now existing or hereinafter built or furnished on and/or to the Property shall be referred to as the "Facilities");

Whereas, the City, since 1994 has issued annual tax assessments to Tockwotton regarding the Property and the Facilities;

Whereas, Tockwotton has annually appealed the assessment to the Board of Tax Assessment Review for the City of Providence and has filed Complaint in the Superior Court seeking a declaratory judgment asserting that any and all attempts by the City to levy or collect taxes on the Property or the Facilities are unlawful and a nullity; and

Whereas, the parties seek to settle and permanently resolve this dispute by establishing an annual PILOT Payment and agreeing that the

Property and Facilities are tax exempt.

Now, therefore, be it ordained by the City of Providence:

Section 1. The City Council of the City of Providence hereby adopts the Payment in Lieu of Taxes Agreement in the form substantially as attached hereto a Exhibit A (the "Agreement") as being in the best interest of the City and its citizens.

Section 2. The City Council agrees to support legislation in the form substantially attached to the Agreement as Exhibit "1", in order to finalize the intent of the Agreement.

Section 2. This Ordinance shall take effect immediately upon passage.

COUNCILMAN APONTE Moves Passage of the foregoing Ordinance the Second Time, seconded by COUNCILWOMAN WILLIAMS, by the following Roll Call Vote:

Ayes: Council President Lombardi, Councilmen Allen, Aponte, Butler, Deluca, Councilwoman DiRuzzo, Councilmen Hassett, Igliozzi, Jackson, Luna, Mancini, Councilwoman Romano, Councilman Segal, and Councilwoman Williams - 14.

Nays: None.

Absent: Councilwoman Young - 1.

The Motion for Passage the Second Time is Sustained.

COUNCIL PRESIDENT LOMBARDI relinquishes the Chair.

ACTING COUNCIL PRESIDENT DiRUZZO in the Chair.

PRESENTATION OF ORDINANCES

COUNCIL PRESIDENT LOMBARDI:

An Ordinance in Amendment of Chapter 13 of the Code of Ordinances of the City of Providence, Rhode Island, As Amended, Entitled: "Buildings and Building Regulations."

An Ordinance in Amendment of Article 2 Entitled: "Administration" of the Code of Ordinances of the City of Providence."

COUNCIL PRESIDENT LOMBARDI and COUNCILWOMAN YOUNG:

An Ordinance Relating to Anti-Bullying in the workplace.

COUNCILMAN APONTE Moves to Dispense with the Reading of the foregoing matters.

ACTING COUNCIL PRESIDENT DiRUZZO Refers the Several Ordinances to the Committee on Ordinances.

COUNCIL PRESIDENT LOMBARDI returns to the Chair.

PRESENTATION OF RESOLUTIONS

COUNCILMAN APONTE and COUNCILMAN HASSETT (By Request):

Resolution Requesting to cancel or abate in whole, the taxes assessed upon Assessor's Plat 8, Lot 10 (Lippitt Hill), in the amount of (\$1.00), to the Providence Redevelopment Agency and requesting the City Council cancel or abate, in whole, the taxes assessed upon the mentioned property, in accordance with Rhode Island General Law Section 44-7-23, or any taxes accrued including 2002 taxes.

COUNCILMAN APONTE (By Request):

Resolution Requesting to abate the taxes on Assessor's Plat 48, Lot 1096 (265 Oxford Street), in the amount of Three Thousand Two Hundred Forty Five Dollars and Fifty Nine (\$3,245.59) Cents and any interest accrued.

COUNCILMAN APONTE Moves to dispense with the Readings of the foregoing matters.

COUNCIL PRESIDENT LOMBARDI Refers the Several Resolutions to the Committee on Finance.

**COUNCILMAN DeLUCA, COUNCILMAN LUNA,
COUNCILMAN JACKSON, COUNCILMAN
HASSETT, COUNCILMAN MANCINI and
COUNCILWOMAN YOUNG (By Request):**

Resolution in Support of the Town's General Assembly delegation to introduce legislation which will expand the definition of veterans to cover all VFW qualifications.

Whereas, The Town of Middletown provides tax relief to qualifying veterans, and

Whereas, The definition used to determine eligibility is fixed and mandated by Rhode Island General Law and does not mirror the definitions utilized by various veterans' organizations, principally, VFW, Veterans of Foreign Wars, and

Whereas, The Town of Middletown desires to extend tax relief to its veterans in a fair and consistent manner and is aware that an amendment to state law is the only means by which this may be accomplished.

Now, therefore, be it resolved, That the City Council of the City of Providence hereby requests the support of the City's General Assembly delegation to introduce legislation which will expand the definition of veterans to cover all VFW qualifications.

COUNCILMAN HASSETT:

Resolution Requesting the Chief Electrical Inspector to cause the upgrade of street lighting along Whipple Street to 27,500 lumen.

Resolved, That the Chief Electrical Inspector is requested to cause the upgrade of street lighting along Whipple Street to 27,500 lumen.

Resolution Requesting the Chief Electrical Inspector to cause the upgrade of street lighting along that portion of Chalkstone Avenue that includes Pole Nos. 20, 24, 25 and 26 to 27,500 lumen.

Resolved, That the Chief Electrical Inspector is requested to cause the upgrade of street lighting along that portion of Chalkstone Avenue that includes Pole Nos. 20, 24, 25 and 26 to 27,500 lumen.

Resolution Requesting the Chief Electrical Inspector to cause the replacement of that street light located at the corner of Brownell Street and Holden Street wherein the pole has no identification number.

Resolved, That the Chief Electrical Inspector is requested to cause the replacement of that street light located at the corner of Brownell Street and Holden Street wherein the pole has no identification number.

COUNCILMAN LUNA (By Request):

Resolution Requesting the Traffic Engineer to put out to bid the implementation of a traffic calming study.

Resolved, That the Traffic Engineer is requested to put out to bid the implementation of a traffic calming study.

Resolution Requesting the Traffic Engineer to address issues of traffic pertaining to said department according to traffic calming study.

Resolved, That the Traffic Engineer is requested to address issues of traffic pertaining to said department according to traffic calming study.

COUNCILMAN APONTE Moves to dispense with the Reading of the foregoing matters and Moves Passage of the Several Resolutions, seconded by COUNCILWOMAN WILLIAMS.

The Motion for Passage is Sustained.

COUNCILMAN MANCINI (By Request):

Resolution Requesting the Transfer of Assessor's Plat 123, Lot 0113 (127 Sunbury Street), to be transferred to the Providence Redevelopment Agency.

COUNCIL PRESIDENT LOMBARDI Refers the Resolution to the Committee on Urban Redevelopment Renewal and Planning.

The Motion for Passage is Sustained.

Resolution Requesting the Chief Electrical Inspector to cause the upgrade of street lighting on Wainwright Street to 27,500 lumen.

Resolved, That the Chief Electrical Inspector is requested to cause the upgrade of street lighting on Wainwright Street to 27,500 lumen.

COUNCILMAN MANCINI:

Resolution Requesting the Providence Police Department to enforce all littering Ordinances in the City of Providence.

Resolved, That the Providence Police Department is requested to enforce all littering Ordinances in the City of Providence.

Resolution Extending Sincere Best Wishes to Ralph Guglielmino upon his retirement after 19 years of dedicated service to the City of Providence.

Resolved, That the Members of the Providence City Council hereby extends Sincere Best Wishes to Ralph Guglielmino upon his retirement after 19 years of dedicated service to the City of Providence.

REPORTS FROM COMMITTEES

COMMITTEE ON PUBLIC WORKS COUNCILMAN TERRENCE M. HASSETT, Chairman

**Transmits the following with recommendation
the same be severally approved:**

Resolution Ordering the abandonment of Bowditch Place.

Resolved, Decreed and Ordered: That the following-named street shown on a cross-hatched area on the accompanying map entitled "Prov. RI, DPW-Engineering Office, Street Line Section Plan No. 064701 dated December 13, 2001." VIZ: Bowditch Place, as described in Attachment "A" and shown as the cross-hatched areas on the accompanying plan and designated by the letters A-B-C-D-A, having ceased to be useful to the public, is proposed to be abandoned as a public highway. Said abandonment is specifically conditioned precedent upon the following:

1. The Petitioner agrees to tender the amount of One Dollar (\$1.00) in legal tender U.S. currency to the City of Providence.

2. The Petitioner agrees to maintain the abandoned portion for security and circulation around the new Providence Public Safety Complex.

3. The Petitioner shall comply with all conditions contained herein, including recording this Resolution, not later than sixty (60) days from its approval. Upon failure to so comply for any reason, the within resolution shall automatically become a nullity.

4. The Petitioner shall maintain easements which will permit retention of private sewer lines 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.

5. The Petitioner shall maintain easements for the Providence Water Supply Board which will permit retention of its water services and a 6" cast iron main in their existing location together with the right to inspect, maintain, operate and replace the same and with twenty-four access to said facilities.

6. Such other conditions as the Mayor or the Law Department shall see fit to Impose.

Ordered, That the Traffic Engineer be and she 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 Requesting the Traffic Engineer to cause the installation of "No Parking" Signs on the west side of Aldrich Terrace.

Resolved, That the Traffic Engineer is requested to cause the installation of "No Parking" Signs on the west side of Aldrich Terrace.

Resolution Requesting the Traffic Engineer to cause Rialto Street to be designated as a "Two-Way" Street to Mount Pleasant Avenue.

Resolved, that the Traffic Engineer is requested to cause Rialto Street to be designated as a "Two-Way" Street to Mount Pleasant Avenue.

Resolution Requesting the Traffic Engineer to cause the installation of "Slow Children" Signs on Walton Street between Academy Avenue and Sharon Street.

Resolved, That the Traffic Engineer is requested to cause the installation of "Slow Children" Signs on Walton Street between Academy Avenue and Sharon Street.

Resolution Authorizing His Honor the Mayor to execute a Statewide Construction and Maintenance Agreement to the State of Rhode Island with respect to Luongo Square Streetscape and Traffic Flow Improvement Project.

Whereas, the State of Rhode Island proposes to undertake roadway reconstruction, rehabilitation, and/or improvement on Carpenter Street and West Fountain Street between Knight Street and Battey Street, to-wit, the, "Luongo Square Streetscape and Traffic Flow Improvement Project"; and

Whereas, said improvements will alleviate congestion and will facilitate pedestrian and vehicular traffic,

Now, therefore, be it Resolved, His Honor, the Mayor, is authorized to execute a Statewide Construction and Maintenance Agreement to the State of Rhode Island with respect to the Luongo Square Streetscape and Traffic Flow Improvement Project. Said Agreement shall be substantially in the form as exhibited in Attachment A, subject to

such modifications as may be recommended by the Mayor and/or the Department of Law.

Resolution Requesting His Honor the Mayor to execute a Statewide Construction and Maintenance Agreement to the State of Rhode Island with respect to Downtown Providence Traffic Circulation Improvements to Washington Street.

Whereas, the State of Rhode Island proposes to undertake roadway reconstruction, rehabilitation, and/or improvement on Washington Street, to-wit, the "Downtown Providence Traffic Circulation Improvements Project"; and

Whereas, said improvements will alleviate congestion and will facilitate pedestrian and vehicular traffic,

Now, therefore, be it resolved, His Honor, the Mayor, is authorized to execute a Statewide Construction and Maintenance Agreement to the State of Rhode Island with respect to the Downtown Providence Traffic Circulation Improvements Project. Said Agreement shall be substantially in the form as exhibited in Attachment A, subject to such modifications as may be recommended by the Mayor and/or the Department of Law.

Resolution Authorizing His Honor the Mayor to execute a Statewide Construction and Maintenance Agreement to the State of Rhode Island with respect to the Southside Pedestrian Safety Enhancement Project.

Whereas, the State of Rhode Island proposes to undertake roadway reconstruction, rehabilitation, and/or improvement on Broad Street between Dartmouth Street and Farragut Street, to-wit, the "Southside Pedestrian Safety Enhancement Project"; and

Whereas, said improvements will facilitate pedestrian and vehicular traffic,

Now, therefore, be it Resolved that, His Honor, the Mayor, is authorized to execute a Statewide Construction and Maintenance Agreement to the State of Rhode Island with respect to the Southside Pedestrian Safety Enhancement Project. Said Agreement shall be substantially in the form as exhibited in Attachment A, subject to such modifications as may be recommended by the Mayor and/or the Department of Law.

COUNCILMAN APONTE Moves to Dispense with the Reading of the foregoing matters

11-27 and Moves Passage of the Several Resolution, seconded by COUNCILWOMAN WILLIAMS.

COUNCILMAN APONTE Withdraws his motion for Passage of the foregoing matters 11-27, and COUNCILWOMAN WILLIAMS Withdraws her second of the motion.

COUNCILMAN APONTE Moves to Dispense with the Reading of Numbers 18-27 and Moves Passage of the Several Resolutions, seconded by COUNCILWOMAN WILLIAMS.

The motion for passage is sustained.

COMMITTEE ON ORDINANCES

COUNCILWOMAN RITA M. WILLIAMS, Chairwoman

**Transmits the Following with Recommendation
the Same be Approved, As Amended:**

An Ordinance in Amendment of Section 16-97 of the Code of Ordinances of the City of Providence, Entitled "Machinery, Equipment, Fans and Air Conditioning," Wherein the operation of Leaf-Blowing Equipment shall be limited to specified days and times.

COUNCILMAN APONTE Moves Passage for the foregoing Ordinance for the First Time, seconded by COUNCILWOMAN WILLIAMS, by the following Roll Call Vote:

Ayes: Council President Lombardi, Councilmen Aponte, Butler, Deluca, Hassett, Jackson, Segal and Councilwoman Williams - 8.

Nays: Councilmen Allen, Igliazzi, Luna, Mancini and Councilwoman Romano - 5.

Absent: Councilwomen DiRuzzo and Young - 2.

The Motion for Passage the First Time is Sustained.

FROM THE CLERK'S DESK

Petition from Thomas E. Deller, AICP, Executive Director, Providence Redevelopment Agency, requesting to abandon a portion of Linden Street.

Petition from Thomas E. Deller, AICP, Executive Director, Providence Redevelopment Agency, requesting to abandon a portion of Myrtle Street.

COUNCILMAN APONTE Moves to Dispense with the Reading of the foregoing matters.

COUNCIL PRESIDENT LOMBARDI Refers the Several Petitions to the Committee on Public Works.

Petitions for Compensation for Injuries and Damages, viz:

Jose & Iran Milano (Robert B. Russo, Esquire)

Miriam Diaz (Robert B. Russo, Esquire)

Mary-Beth Hubbard

Jerry Karmue

Cindy L. Amer

James Chandler (Harry Roll, Esquire)

Lisa J. Wood

Quinlan Companies, Inc. & Shane Realty, LLC
(Kathryn L. Braun, Esquire)

Hartford Underwriters Ins., A/S/O Dolores Tudino

Jose Brea, Gladys Brea & Elizabeth Brea
(Armstrong, Gibbons & Gnys, LLP)

Lori Brown (Martinous & Associates, Ltd.)

Brianne E. Hume (The Robert Plan of New York Corporation Representing A.I.U. Insurance Company)

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

PERSONAL PRIVILEGE

COUNCILMAN LUNA Requests the privilege of the floor to speak on point of Personal Expression.

Today we had the tax sales and 276 properties were sold, the taxes were sold and that brought to the city \$500,000.00 dollars. That is good for the city because it does bring some revenues but I am really concerned about these tax sales. This is the second one that we had this year. It put a lot of stress

on homeowners, and people who are already struggling in our city. We are just increasing the burden. I would like to introduce for the next meeting a Resolution putting a halt on these tax sales until we have something better. I really don't think that it is a good idea to have speculators coming from other city's and towns into our neighborhoods and buying properties, and not be responsible for them. When the time comes I would like to gain your support.

PRESENTATION OF RESOLUTIONS

"In Congratulations"

COUNCIL PRESIDENT LOMBARDI and the MEMBERS of the CITY COUNCIL:

Resolution Extending Congratulations.

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

The Honorable David N. Cicilline, in recognition of being named "Citizen of the Year 2003", by the Rhode Island Trial Lawyers Association.

The Honorable Robert D. Krause, in recognition of being the recipient of the "Judicial Merit Award" for outstanding service for the citizens of the state of Rhode Island, by the Rhode Island Trial Lawyers Association.

Chief Sachem Matthew Thomas, Narragansett Tribe, winner of the Robert Bailey IV Outstanding Leadership for Justice Award, for his courage and dedication in the struggle for the Narragansett Tribe's inalienable rights.

Priscilla Harris, Southside Library, winner of the Yolanda Gonzalez Unsung Hero Award, for standing up for justice for the residents of the Southside.

Lauriann Kaplan, Meals on Wheels, winner of the Yolanda Gonzalez Unsung Hero Award, for providing needed services for low-income communities.

Evelyn Duran, Immigrant Students in Action, winner of the Yolanda Gonzalez Unsung Hero Award, for her exceptional leadership in the struggle for immigrant students.

Sarath Suong, Providence Youth-Student Movement, winner of the Yolanda Gonzalez Unsung Hero Award, for her leadership in organizing youth of color for justice.

Tanisha Brown, winner of the DARE Leadership Award, for her leadership in organizing youth for justice in schools.

Marc Cohen, winner of the DARE Leadership Award, for his persistence in the struggle for police accountability.

Vivian Moreno, winner of the DARE Leadership Award, for her dedication in the struggle for prisoners' rights.

Saul Urbina, winner of the DARE Leadership Award, for his vision in the struggle for good jobs for the community.

DARE, for seventeen years of direct action for rights and equality.

Richard and Brenda Hagen, in recognition of the celebration of the christening of their daughter, Abby Lynn Hagen, on Sunday, September 28, 2003.

Boston Freedom Riders, in recognition of their struggle to gain equal rights for the millions of undocumented immigrants in the United States.

James P. Howe, Esq., in recognition of his election to the position of President of the Rhode Island Trial Lawyers Association.

Severally Read and Collectively Passed on Motion of COUNCILMAN APONTE, seconded by COUNCILWOMAN WILLIAMS.

The Motion for Passage is Sustained.

PRESENTATION OF RESOLUTIONS

"In Memoriam"

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

Resolution Extending Sympathy.

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

Joseph "Uncle Joe" Marrapese

Elena "Helen" DeAngelis

Theresa Rao

Harold W. Picozzi

Thomas Michael Suglia

Rosario "Rusty" Chiodo

Frank P. Tamburrino, Sr.

Gary S. Costantino

Theresa Rao

Anthony J. Zambuco

John Magno

Santina L. "Sadie" Simeone

**Severally Read and Collectively Passed, by
a Unanimous Rising Vote, on Motion of
COUNCILMAN APONTE, seconded by
COUNCILWOMAN WILLIAMS.**

The Motion for Passage is Sustained.

ADJOURNMENT

**There being no further business, on Motion
of COUNCILMAN APONTE, seconded by
COUNCILWOMAN WILLIAMS, it is voted to
adjourn the meeting at 8:00 o'clock P.M. (E.D.T.),
to meet again on THURSDAY, OCTOBER 16, 2003
at 7:30 o'clock P.M. (E.D.T)**

Michael R. Clement

CITY CLERK

