

CITY OF PROVIDENCE
RHODE ISLAND



CITY COUNCIL

JOURNAL OF PROCEEDINGS

No. 87 City Council Regular Meeting, Thursday, February 21, 2002, 7:30 o'clock P.M. (E.S.T.)

PRESIDING

COUNCIL PRESIDENT

JOHN J. LOMBARDI

ROLL CALL

IN CITY COUNCIL
MAR 21 2002

APPROVED:

Michael R. Clement CLERK

Present: Council President Lombardi, Councilmen Allen, Aponte, Butler, Clarkin, DeLuca, Councilwoman DiRuzzo, Councilmen Hassett, Iglizzi, Jackson, Mancini, Councilwomen Nolan, Romano, Williams and Young—15.

Absent: None.

Also Present: Michael R. Clement, City Clerk, Barbara A. Poirier, First Deputy City Clerk, Anna M. Stetson, Assistant Clerk, Charles R. Mansolillo, City Solicitor and Ralph Guglielmino, City Sergeant.

INVOCATION

The Invocation is given by COUNCILWOMAN CAROL A. ROMANO.

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

COUNCILWOMAN CAROL A. ROMANO 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. 81 of the Regular Meeting of the City Council held December 6, 2001; Journal of Proceedings No. 82 of the Regular Meeting of the City Council held December 20, 2001; Journal of Proceedings No. 83 of the Regular Meeting of the City Council held January 3, 2002; and Posted February 4, 2002, on that Bulletin Board located on the Ground Floor Level of City Hall, is approved as printed, on motion of COUNCILMAN ALLEN, seconded by COUNCILWOMAN WILLIAMS.

ORDINANCE SECOND READING

The following Ordinance was in City Council February 7, 2002, Read and Passed the First Time and is returned for Passage the Second Time:

An Ordinance Establishing a Tax Stabilization for 292 Pocasset Avenue.

Be it ordained by the City of Providence:

PREAMBLE

Whereas, the City Council, pursuant to Section 43-3-3.1 and Section 44-3-9 of the General Laws of the State of Rhode Island, as amended, has the authority to exempt property used for industrial or commercial purposes from the payment of property tax if the granting of the exemption meets certain conditions set forth in said Sections of the General Laws of the State of Rhode Island; and

Whereas, Robert LaMoia has made application under, and has satisfied each condition of the above mentioned sections of the Rhode Island General Laws; and

Whereas, Robert LaMoia intends to locate a restaurant in the City of Providence and agrees, as a condition of the hereinafter referenced "tax treaty," to increase its workforce in the City of Providence, by virtue of such relocation to 292 Pocasset Avenue, in Providence, Rhode Island 02909, on Assessor's Plat 109, Lot 380, 371 and 372 and ("Project"); and

Whereas, the Project will cause an increase in the tax base of the City and will increase employment opportunities 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 the benefit of the City;

Be it Ordained by the City of Providence:

Section 1. That the findings set forth in the preceding Preamble Clauses are hereby made and confirmed.

Section 2. As long as Robert LaMoia owns or operates the facility, it will continue to pay taxes on the facility. Robert LaMoia, his successors and assigns, agree that this property will be subject to full taxation at the expiration of the tax treaty. Robert LaMoia 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. Robert LaMoia 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 during the term of the tax treaty in the Land Evidence Records of 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, Robert LaMoia will be responsible to make payments in lieu of taxes to the City of Providence in the amounts set forth in the attached schedule during the term of the tax treaty. In the event that the

property covered by this Ordinance is transferred to a tax-exempt entity, whether by Robert LaMoia or any subsequent transferee to such property, Robert LaMoia will be responsible to make payments in lieu of taxes to the City of Providence during the term of the tax treaty equal to the amount of taxes which would have been paid to the City of Providence if such prohibition against transfer to a 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 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. Robert LaMoia shall use best efforts to award to Minority Business Enterprises as defined in Rhode Island General Laws, Section 37-14.1 ("MBE Act") 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). Robert LaMoia shall also use best efforts to award to women business enterprises (WBE) 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), but in any event, a minimum of 10% of the abovementioned costs. It shall be a further goal of Robert LaMoia to achieve a minimum level of 10% for minority and 10% for female employment.

Section 4. Robert LaMoia shall employ a minimum of twenty (20) employees at the restaurant located at 292 Pocasset Avenue in Providence. In accordance with this section, Robert LaMoia shall give preferential consideration to qualified applicants who reside in the City of Providence with regard to all hiring

decisions during the term of this tax treaty, with Robert LaMoia using best efforts to hire a minimum of ten percent (10%) of Providence residents. Failure to generate the required additional new jobs within twenty-four (24) months of the date of occupancy, shall render the treaty null and void, unless so waived by the City Council. The treaty being rendered null and void shall require the owner of the property to pay all taxes and fees as due and owing as if no treaty had been entered.

Section 5. The schedules listed below are based upon information provided to the Tax Assessor by Robert LaMoia including, but not limited, to estimated construction costs. In the event any of his information is inaccurate or proves to be erroneous, this treaty shall be modified to reflect the accurate information.

Section 6. That the real property taxes and tangible property taxes payable to the City by the Project during the term of this Ordinance shall be based upon the real property tax rates in effect for the City's 2002 fiscal year. This treaty is conditioned upon Robert LaMoia owing no back taxes to the City of Providence or remaining current on a payment plan approved by the Tax Collector. Failure to make said timely payments may render this treaty null and void at the sole discretion of the City of Providence. The treaty being rendered null and void would require the owner to pay all taxes and fees as due and owing as if no treaty had been approved.

Section 7. That the City in accordance with Section 44-3-3.1 and Section 44-3-9 of the Rhode Island General Laws hereby grants an exemption from taxation of real property to Robert LaMoia for the real property located at 292 Pocasset Avenue in Providence, Rhode Island, Assessor's Plat 109, Lots 380, 371 and

372 and the personal property located at said location which is used exclusively for and in connection with the operations of a restaurant at said location, in accordance with the schedules listed in Exhibit A, attached hereto and made a part hereof.

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

Read and Passed the Second Time, on motion of COUNCILMAN ALLEN, seconded by COUNCILWOMAN WILLIAMS, by the following Roll Call Vote:

Ayes: Council President Lombardi, Councilmen Allen, Aponte, Butler, Clarkin, DeLuca, Councilwoman DiRuzzo, Councilmen Hassett, Igliozzi, Jackson, Mancini, Councilwomen Nolan, Romano, Williams and Young—15.

Nays: None.

Absent: None.

The motion for Passage the Second Time is Sustained.

PRESENTATION OF ORDINANCES

COUNCILMAN ALLEN and COUNCILMAN APONTE (By Request):

An Ordinance in Amendment of and in Addition to Chapter 1977-15 of the Ordinance of the City of Providence Approved April 28, 1977, Entitled "An Ordinance Approving and Adopting the Official Redevelopment Plan for Federal Hill East" for the Acquisition of a portion of Lot 409 on Assessor's Plat 25, 62 Carpenter Street.

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

The motion to Refer is Sustained.

COUNCILMAN JACKSON (By Request):

An Ordinance Establishing a Compensation Plan for the City of Providence and Repealing Ordinance Chapter 2001-51, Approved October 29, 2001, as amended.

COUNCIL PRESIDENT LOMBARDI Refers the Ordinance to the Committee on Finance.

The motion to Refer is Sustained.

PRESENTATION OF RESOLUTIONS

COUNCILMAN ALLEN (By Request):

Resolution Endorsing and Urging Passage by the General Assembly of House Bill 2002-7417 and Senate Bill 2002-2726, relating to Recording of Instruments.

Resolution Endorsing and Urging Passage by the General Assembly of Senate Bill 2002-2805, relating to Lead Paint — State Income Tax Credits.

Resolution Endorsing and Urging Passage by the General Assembly of Senate Bill 2002-2804, relating to Lead Paint Actions.

Resolution Endorsing and Urging Passage by the General Assembly of Senate Bill 2002-2787, relating to Taxation — Tax Sales.

Resolution Endorsing and Urging Passage by the General Assembly of House Bill 2002-7394, relating to Assessment of Back Taxes on Real Estate Used by New Residents.

Resolution Endorsing and Urging Passage by the General Assembly of Senate Bill 2002-2791 and House Bill 2002-7277, relating to Revaluation of Assessment of Local Taxes in the City of Providence.

Resolution Endorsing and Urging Passage by the General Assembly of Senate Bill 2002-2631 and House Bill 2002-7154, relating to Levy and Assessment of Local Taxes.

Resolution Endorsing and Urging Passage by the General Assembly of Senate Bill 2002-2790 and House Bill 2002-7538, relating to the Providence Water Supply Board.

Resolution Endorsing and Urging Passage by the General Assembly of House Bill 2002-7272, relating to the Providence Water Supply Board.

Resolution Endorsing and Urging Passage by the General Assembly of Senate Bill 2002-2803 and House Bill 2002-7533, relating to Taxation — Urban Mill Restoration Act.

Resolution Endorsing and Urging Passage by the General Assembly of Senate Bill 2002-2746 and House Bill 2002-7067, relating to Indebtedness of Towns and Cities — Pension Fund Refinancing Bonds.

Resolution Endorsing and Urging Passage by the General Assembly of Senate Bill 2002-2352, relating to Motor and Other Vehicles — Registration of Vehicles.

Resolution Endorsing and Urging Passage by the General Assembly of Senate Bill 2002-2788 and House Bill 2002-7253, relating to Public Property and Works — Public Buildings.

Resolution Endorsing and Urging Passage by the General Assembly of Senate Bill 2002-2730, relating to Towns and Cities — State Aid.

Resolution Endorsing and Urging Passage by the General Assembly of House Bill 2002-7617, relating to State Aid.

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

The Motion to Dispense with the Reading of the foregoing matters is Sustained.

COUNCIL PRESIDENT LOMBARDI Refers the Resolutions to the Committee on State Legislation.

The motion to Refer is Sustained.

COUNCILMAN CLARKIN (By Request):

Resolution Requesting the Traffic Engineer to prohibit motor vehicle traffic along Benefit Street from Waterman Street and College Street, beginning on Friday, May 3, 2002 at 3:00 o'clock P.M. to Sunday, May 5, 2002, at 12:00 o'clock Noon, to accommodate a Fundraiser Dinner Dance for the Rhode Island School of Design Museum.

Resolved, That the the Traffic Engineer is requested to prohibit motor vehicle traffic along Benefit Street from Waterman Street and College Street, beginning on Friday, May 3, 2002 at 3:00 o'clock P.M. to Sunday, May 5, 2002, at 12:00 o'clock Noon, to accommodate a Fundraiser Dinner Dance for the Rhode Island School of Design Museum.

COUNCILMAN ALLEN Moves to Dispense with the Reading of the foregoing matters, and Moves for Passage of the Several Resolutions, seconded by COUNCILWOMAN WILLIAMS.

The Motion for Passage is Sustained.

COUNCILMAN CLARKIN:

Resolution Requesting to Reconsider Resolution No. 493, approved September 14, 2001, regarding a non-exclusive sub-surface easement below Fones Alley.

Resolution Requesting to Reconsider Resolution No. 702, approved December 14, 2001, regarding the abandonment of a portion of Ellis Street.

Resolution Requesting to Reconsider Resolution No. 701, approved December 14, 2001, relative to the abandonment of a portion of Murphy Street.

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

The Motion to Dispense with the Reading of the foregoing matters is Sustained.

COUNCIL PRESIDENT LOMBARDI Refers the Resolutions to the Committee on Public Works.

The motion to Refer is Sustained.

COUNCILMAN HASSETT, COUNCILMAN BUTLER, COUNCILMAN IGLIOZZI, COUNCILWOMAN DIRUZZO, COUNCILWOMAN NOLAN and COUNCILWOMAN ROMANO:

Resolution Extending Sincere Congratulations to Patrick Griffin, Proprietor of Patrick's Pub, upon the special celebration of the 10th Anniversary in business on Smith Hill on Saturday, February 23, 2002.

Resolved, That the Members of the Providence City Council hereby extend Sincere Congratulations to Patrick Griffin, Proprietor of Patrick's Pub, upon the special celebration of the 10th Anniversary in business on Smith Hill on Saturday, February 23, 2002.

Resolution Extending Sincere Congratulations to Arnold Hahn, Proprietor of the World Famous "Stickyfingers", upon the special celebration of 15 years on Smith Hill on January 29, 2002.

Resolved, That the Members of the Providence City Council hereby extend Sincere Congratulations to Arnold Hahn, Proprietor of the World Famous "Stickyfingers", upon the special celebration of 15 years on Smith Hill on January 29, 2002.

COUNCILMAN IGLIOZZI (By Request):

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

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

o'clock P.M., to accommodate the Thayer Street Art Festival.

COUNCILWOMAN WILLIAMS (By Request):

Resolution Requesting the Traffic Engineer to prohibit motor vehicle traffic along Thayer Street between Bowen Street and Angell Street, and also Cushing Street and Meeting Street, on Saturday, September 21, 2002, between the hours of 7:00 o'clock A.M. to 6:00 o'clock P.M., to accommodate the Thayer Street Art Festival.

Resolved, That the Traffic Engineer is requested to prohibit motor vehicle traffic along Thayer Street between Bowen Street and Angell Street, and also Cushing Street and Meeting Street, on Saturday, September 21, 2002, between the hours of 7:00 o'clock A.M. to 6:00

Resolution Requesting Narragansett Electric to access and upgrade the lighting around the campus of Brown University in the City of Providence.

Resolved, That His Honor, the Mayor and the Providence City Council respectfully request Narragansett Electric to access and upgrade the lighting around the campus of Brown University in the City of Providence.

COUNCILMAN ALLEN Moves to Dispense with the Reading of the foregoing matters, and Moves for Passage of the Several Resolutions, seconded, by COUNCILWOMAN WILLIAMS.

The Motion for Passage is Sustained.

REPORTS FROM COMMITTEES

COUNCILMAN LUIS A. APONTE, Chairman COMMITTEE ON WARD BOUNDARIES

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

An Ordinance in Amendment of Ordinance 1992-3, effective March 9, 1992 Entitled "An Ordinance Apportioning the Fifteen Wards," as amended.

COUNCILMAN ALLEN Moves for Pas-
sage of the foregoing Ordinance, seconded
by COUNCILWOMAN WILLIAMS.

COUNCILMAN APONTE Moves to
Amend the Ordinance to Strike Out the
words "Section 2", and renumber the
remaining sections accordingly.

COUNCILMAN ALLEN seconds the
motion.

The Motion to Amend is Sustained.

COUNCILMAN ALLEN Moves for Pas-
sage of the Ordinance the First Time, as

amended, seconded by COUNCILWOMAN
WILLIAMS, and is put to vote by the
following Roll Call Vote:

Ayes: Council President Lombardi,
Councilmen Allen, Aponte, Butler, Clar-
kin, DeLuca, Councilwoman DiRuzzo,
Councilmen Hassett, Igliozi, Jackson,
Mancini, Councilwomen Nolan, Romano,
Williams and Young—15.

Nays: None.

Absent: None.

The motion for Passage the First Time,
as amended, is Sustained.

COUNCILWOMAN ROBERT M. CLARKIN, Chairman
COMMITTEE ON PUBLIC WORKS

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

Resolution Granting the abandonment of Holbrook Street, a portion of Crescent Street, Lawton Street, Crins Street, and a portion of Downing Street.

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. 064678 dated October 18, 2001."

VIZ: Holbrook Street, Lawton Street, Downing Street (portion of), Crins Street, and Crescent Street (portion of), as described in Attachments "A" and "B" and shown as the cross-hatched areas on the accompanying plans and designated by the letters A-B-C-D-E-F- G-H-A and -J-K-L-M-J, and A-B-C-D-A, having ceased to be useful to the public and are 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 shall convey an easement acceptable to Verizon 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 Providence Gas 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 comply with all conditions contained herein 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.

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 Granting the abandonment of a portion of Alvin Street between Downing Street and Reservoir Avenue.

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. 064700 dated December 12, 2001."

VIZ: Alvin Street (portion of), as described in Attachment "A" and shown as a cross-hatched area on the accompanying plans 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. 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 shall convey an easement acceptable to Verizon 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.

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with an intended use, the Petitioner shall assume all costs of relocation.

4. Petitioner shall comply with all conditions contained herein 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.

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 Granting a fuel dispensing permit to be located at 9 Hylestead Street, Providence, Rhode Island.

Whereas, Richard Gower (hereinafter "Applicant") is the owner of realty located at 9 Hylestead Street, Providence, Rhode Island (Plat 54, Lot 885); and

Whereas, Applicant seeks to install additional underground gasoline and diesel storage tanks with a capacity of 10,000 gallons, raising the total capacity at the site to 26,000 gallons and to undertake other ancillary construction,

Now, Therefore, Be It Resolved, That Applicant is authorized to install one (1) underground gasoline storage tank and one (1) underground diesel fuel storage tank, both having a capacity of 10,000 gallons and to undertake other incidental improvements listed in its application attached hereto provided, however, that:

1. All construction is undertaken consistent with the plans presented to the City Council Committee on Public Works Department, the Department of Public Safety, the Department of Public Works, and the Department of Inspection and Standards as those plans may have been or may be modified by any of the same.

2. Applicant shall perform any remediation of environmental damage at or originating at the situs which is necessary so as to satisfy the legal requirements of any governmental body or agency.

3. In the event that the construction requires obstruction or displacement of the public way, Applicant shall, for the duration of such obstruction or displacement, obtain the necessary permits, execute an indemnification and hold-harmless agreement satisfactory to the City Solicitor and shall provide insurance (or, if self-insured, a certificate of financial responsibility) in an amount of not less than one hundred thousand dollars (\$100,000.00) listing the City of Providence, its agents, officers, servants, employees, and assigns as additional named insureds. Such policy shall be acceptable to the City Solicitor.

4. Applicant agrees that — and said agreement shall be presumed by the Applicant undertaking any construction pursuant to this Resolution — any statement(s) or representation(s) made to any municipal department, board or committee are made a part of this Resolution and any authorizations granted

hereunder are specifically conditioned upon compliance with said statement(s) and for representation(s).

5. All work performed hereunder shall be done in a good and workmanlike manner, shall be commenced and completed forthwith and Applicant shall obtain any necessary permits.

6. All work contemplated herein shall be completed not more than one hundred twenty (120) days after passage of this Resolution and in the event said work is not so completed, this Resolution shall automatically and without further action by the city, be rescinded and any grant hereunder rendered voided; unless prior to that time a request for extension of this time is made to the Providence City Council.

7. Nothing herein shall be construed to contradict or limit or modify any ruling or declaration of the Providence Zoning Board.

8. To the extent applicable, the conditions imposed hereunder shall run to any successor in interest to the proposed gasoline station or other buildings.

9. Such other conditions as His Honor, the Mayor; and the City Solicitor may impose.

Resolution Granting various changes for construction at Two Thomas Street and 101 North Main Street.

Whereas, Petitioner, Armory Revival Company, has petitioned the City of Providence for permission to realign the curbing at the intersection of North Main Street and Thomas Streets; and

Whereas, said petition is sought in connection with significant rehabilitation of the Two Thomas Street site; and

Whereas, said petition is sought into order to alleviate congestion and promote the safe flow of vehicular and pedestrian traffic,

Now, Therefore, Be It Resolved, that Petitioner is granted permission to realign the curbing at the intersection of North Main and Thomas Streets. Said grant is specifically conditioned upon the following:

1. For such grant and other good and valuable consideration, Petitioner shall indemnify and hold harmless the City of Providence its agents, officers, servants, and employees, from any and all claims, demands, suits and compromise, both for damage to property and damages to persons, of whatever kind which may result from the realignment of said curbing.

2. Petitioner shall do all breakout and rehabilitation of the public ways in conformity with the proposed rules and regulations of the Department of Public Works and such breakout and rehabilitation shall be in a good and workmanlike manner and shall be to the approval of the Director of that department.

3. Petitioner shall provide an insurance policy in an amount of not less than One Hundred Thousand Dollars (\$100,000.00) and said policy shall name the City of Providence, its agents, servants, officers and employees, as additional-named insureds and shall provide coverage during realignment of the realignment.

4. Petitioner recognizes that North Main Street is a public highway owned and maintained by the State of Rhode Island and that it may be necessary to obtain further permitting from the State of Rhode Island. The grant herein contained does not in any manner alleviate any need the Petitioner may have to petition the State of Rhode Island, nor does it act as an assumption of ownership or

maintenance responsibilities upon the City of Providence.

5. Such other terms and conditions as may be imposed by His Honor, the Mayor, and the City Solicitor.

Resolution Granting utility easements to be established for Brown University.

It Is Hereby Resolved, That His Honor, the Mayor, is authorized to grant three non-exclusive sub-surface easements below Olive Street and Meeting Street in the City of Providence to Brown University ("Brown"). Said easements shall be granted specifically upon the following provisions:

1. Said easement shall be utilized only for the installation and maintenance of fiber optic conduit. Said easements shall not exceed the area of fifty feet by eight feet by three feet, one hundred fifty feet by three feet by three feet and forty feet by four feet by three feet, and respectively indicated by the cross-hatched areas on the accompanying maps marked as Exhibit A.

2. Said easements shall be deemed to run with the land and shall operate against any successors in title and the easements or a memorandum of same shall be recorded in the Office of Land Records for the City of Providence.

3. Said easements shall be subject to a right of reverter/right of reversion in the event that the situs of the easements is no longer utilized for the aforesated purposes. Additionally, it shall be for a term of not more than twenty (20) years.

4. Brown shall tender the sum of Seven Thousand Five Hundred Seventy-Five Dollars (\$7,575.00) in legal tender of the United States of America.

5. Any breakout necessary for installation and/or repair or replacement shall be resurfaced/rehabilitated to the approval of the Director of the Department of Public Works.

6. Any installation of utilities or utility lines shall be underground so as to preserve the public right-of-way.

7. Any installation of electrical mechanism shall be to the approval of the Director of the Department of Inspections & Standards.

8. Petitioner shall ascertain that construction results in no adverse impact on any existing utility company and shall ensure the continued integrity of those existing structures.

9. Brown shall execute an indemnification and hold-harmless agreement with the City of Providence. Said agreement shall be approved by the Department of Law of the City of Providence.

10. Brown shall supply the City of Providence with an insurance policy naming said City of Providence, its agents, officers, servants and employees as additional-named insureds in a sum not less than one hundred thousand dollars (\$100,000.00) which policy shall be approved by the Department of Law of the City of Providence.

11. Brown shall not lay, construct or affix to the realty any temporary or permanent structure other than that described earlier herein.

12. Brown recognizes the applicability of Sections 23-107, 23-108 and 23-190 of the Code of Ordinances which read as follows:

23-107. Indemnity of city against claims arising out of electrical installations. No right

of any person to maintain, use or operate any poles, wires, cables, conduits, ducts, pipes, manholes, handholes, or other appliances or appurtenances in any street or other traveled way in the city, shall be in preference or hindrance of public work in the city, and should any of the same in any way interfere with the construction, alteration or repair of any public work in, under, or over any such street or way, whether done by the city directly or by any contractor for the city, such person shall at his own expense protect, alter or move any of the same so interfering to some other location, or discontinue the use and operation thereof for the time being, as directed by the director of public works, without the city being liable for any damages suffered by such person thereby. The City shall notify such person not fewer than ninety (90) days prior to such public work, which will interfere with any of the same or the use or operation thereof. In case such person shall fail to comply with any such direction of said director, the city may protect, alter or move the same, and recover the cost thereof from such person.

23-108. Precedence of wires, apparatus of city signal service. The wires, poles, posts, structures and supports of the telephone, fire alarm and police signal service maintained by the city shall at all times take precedence and right-of-way as to all other wires, poles, posts, structures and supports maintained or erected in the city; and no lineman or other person, either in erecting wires, poles, posts, structures or supports in any way whatsoever shall interfere with, or disturb, disarrange or change any wires maintained by the city, or any appurtenance thereof; and in every instance of removal of any of said wires, poles, posts, structures or supports for the accommodation of any other corporation or party, or to place the same beyond danger from the electric current of any other corporation or party, the

expense incident to said removal shall be paid immediately by such other corporation or party.

23-109. Indemnity of city against claims arising out of electrical installation.

Every person erecting, maintaining or using electric wires or poles, fixture or structures, for the support or conducting of the same shall indemnify and save harmless the city, its officers, agents and servants, from and against all lawful claims and demands for injuries to persons or property occasioned by the existence of such poles, wires, fixtures or structures or the transmission of electric current by means thereof or by the digging up, opening or keeping open of any street, highway, traveled way, public place or part thereof, which shall be or has been opened for the purpose of installing, constructing or repairing any underground conduit, duct, structure, appliance or appurtenance by or for such person, or by any failure of such person to restore and keep in sound and safe condition for the required time any ground opened or dug up in the prosecution of any of its work in any street, way or place. The city, city council or the officers, agents or servants of the city, exercising the rights, powers or permission, and subject to the restrictions, respectively given and reserved herein shall not be held liable by such person or corporation on account thereof, or by reason of any injury or

damage caused thereby, and Brown, for itself and its successors, agrees to comply with the same.

13. Brown shall repave all excavated roadways in accordance with relevant ordinances, industry standards and to the reasonable satisfaction of the Director of Public Works.

14. In addition to Paragraph 12 above, in the event that the City of Providence or its designee shall, for any public purpose, require the extinguishment of the easements granted herein and upon the ninety (90) days notice hereinbefore mentioned, Brown shall, at its own expense, remove said improvements to the easements area.

15. Such other terms and conditions as may be reflected in the record and minutes of the City Council Committee on Public Property and/or as may be deemed appropriate by the Mayor or the Department of Law.

**COUNCILMAN ALLEN Moves to Dis-
pense with the Reading of the foregoing
matters, and Moves for Passage of the
Several Resolutions, seconded, by COUN-
CILWOMAN WILLIAMS.**

The Motion for Passage is Sustained.

**COUNCILMAN KEVIN JACKSON, Chairman
COMMITTEE ON FINANCE**

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

Resolution Amending Resolution Number 530, Approved September 21, 2001, canceling or abating, in whole, the taxes assessed upon Assessor's Plat 48, Lot 633 (438 Prairie Avenue), in accordance with Rhode Island General Law Section 44-7-23, in the amount of Six Thousand One Hundred Sixty-Eight Dollars and Twenty-Five Cents (\$6,168.25), for Good News Housing, to include 2001 taxes.

abating, in whole, the taxes assessed upon Assessor's Plat 48, Lot 633 (438 Prairie Avenue), in accordance with Rhode Island General Law Section 44-7-23, is hereby amended, in the amount of Six Thousand One Hundred Sixty-Eight Dollars and Twenty-Five Cents (\$6,168.25), for Good News Housing, to include 2001 taxes.

Resolved, That Resolution Number 530, Approved September 21, 2001, canceling or

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

Resolution Requesting the City Collector and/or the Tax Assessor to abate the taxes upon Assessor's Plat 33, Lot 406 (135-137 Ridge Street).

Assessor's Plat 48, Lot 630 (424 Prairie Avenue) in accordance with Rhode Island General Laws, Section 44-7-23, to include 2001 taxes.

Resolved, That the City Collector and/or the Tax Assessor are requested to abate the taxes upon Assessor's Plat 33, Lot 406 (135-137 Ridge Street).

Resolved, That Resolution Number 755, Approved November 22, 2000, canceling or abating, in whole, the taxes assessed upon Assessor's Plat 48, Lot 630 (424 Prairie Avenue) in accordance with Rhode Island General Laws, Section 44-7-23, is hereby amended to include 2001 taxes.

Resolution Amending Resolution Number 755, Approved November 22, 2000, canceling or abating, in whole, the taxes assessed upon

Resolution Requesting to cancel or abate, in whole, the taxes assessed upon Assessor's Plat 68, Lot 361 (66 Douglas Avenue), in accordance with Rhode Island General Law Section 44-7-23, in the amount of Eleven Thousand Three Hundred Thirty-One Dollars and Sixty-One Cents (\$11,331.61), or any taxes accrued, including 2001 taxes, at the request of the Providence Redevelopment Agency.

Whereas, The Providence Redevelopment Agency hereby certifies that the following lots consisted of an uninhabited boarded up or otherwise uninhabitable buildings and that subject parcel was subject to Eminent Domain proceedings by the Providence Redevelopment Agency, and

Whereas, on November 12, 1998 by Resolution No. 9487 of the Providence Redevelopment Agency did authorize Eminent Domain proceedings of:

ADDRESS	PLAT	LOT	TAXES
66 Douglas Ave.	68	361	\$11,331.61

Now, Therefore, Be It Resolved, That the City Council does hereby cancel or abate, in whole, the taxes assessed upon the above mentioned property, in accordance with Rhode Island General Law Section 44-7-23.

**COUNCILMAN ALLEN Moves to Dis-
pense with the Reading of the foregoing
matters, and Moves for Passage of the
Several Resolutions, seconded, by COUN-
CILWOMAN WILLIAMS.**

The Motion for Passage is Sustained.

Communication from Jacqueline Shipp-Clinton, Director, West End Recreation Center, dated October 12, 2001, requesting an extension of the Residency Requirement.

October 12, 2001

The Honorable John J. Lombardi
President, Providence City Council
City Council Office/City Hall
25 Dorrance Street
Providence, RI 02903

Dear Councilman Lombardi,

I am writing regarding the City of Providence's non-resident employment policy. Currently, a non-resident is required to move to Providence within six months of his/her hiring. New city employees are also placed on a six-month probationary period, after which their performance is evaluated and they are either hired or terminated.

I was appointed the Director of the West End Recreation Center on May 10, 2001 and will be up for review on November 10, 2001. I am requesting the Providence City Council grant me a six-month extension.

I believe I will be able to show the City Council just cause for such an extension. Currently, I reside in Pawtucket with my three children, as a divorced parent I am faced with many challenges in the raising of my children, for their well being, I do not want to up root them from their home, schools and friends prior to the six month probationary review. If, at the time of my review I am hired as a permanent employee, I will move to Providence as soon as I am able. Additionally, such a decision will provide me with the job security needed to make such a move to Providence.

As you know, there has been some controversy surrounding the West End Recreation Center in recent months. I am doing everything in my power to create a worthwhile facility for which the residents and city can be proud. However, this transformation is going to take time and continued effort. Because of the controversy surrounding the center, I have concerns regarding my job security and six-month review. Such issues are further just cause for an extension.

In closing, I would like to say that I am committed to my work at the West End Recreation Center and look forward to working for the City of Providence for many years to come. Please consider my request for an extension and feel free to contact me if you have any questions. Thank you for your time and consideration.

Sincerely,

JACQUELINE SHIPP-CLINTON
Director, West End Recreation Center

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

The motion for Passage is Sustained.

Communication dated January 8, 2002, Informing the Honorable Members of the City Council that pursuant to Sections 302(b) and 1103 of the Providence Home Rule Charter of 1980, he is this day reappointing Mr. Howard Phengsomphone of 61 Russo Street, Providence, Rhode Island 02904, as a Member of the Providence Human Relations Commission for

a term to expire in January, 2005, and respectfully submits the same for your approval.

Communication dated January 8, 2002, Informing the Honorable Members of the City Council that pursuant to Sections 302(b) and 1103 of the Providence Home Rule Charter of 1980, he is this day reappointing Ms. Mary Dean of 31 Chaucer Street, Providence, Rhode Island 02908, as a Member of the Providence Human Relations Commission for a term to expire in January, 2005, and respectfully submits the same for your approval.

Communication dated January 7, 2002, Informing the Honorable Members of the City Council that pursuant to Section 302(b) of the Providence Home Rule Charter of 1980, and Section 8-17 of the Code of Ordinances of the City of Providence, he is this day appointing Joseph Abbate, Esquire, of 1361 Chalkstone Avenue, Providence, Rhode Island 02908, to the Providence Housing Court as an Associate Judge for a term to expire on the first Monday in January, 2005, and respectfully submits the same for your approval. (Mr. Abbate will be replacing Associate Judge Maria Goncalves whose term has expired.)

Communication dated January 4, 2002, Informing the Honorable Members of the City Council that pursuant to Sections 302(b) and 1013 of the Providence Home Rule Charter of

1980, he is this day reappointing Mr. Harrison Bilodeau of 217 Waterman Street, Providence, Rhode Island 02906, as a Member of the City Plan Commission for a term to expire in January, 2007, and respectfully submits the same for your approval.

Communication dated January 7, 2002, Informing the Honorable Members of the City Council that pursuant to Sections 302(b) and 1009 of the Providence Home Rule Charter of 1980, he is this day reappointing Mr. Arthur Strother of 270 Willard Avenue, Providence,

Rhode Island 02907, as a Member of the Zoning Board of Review for a term to expire in January, 2007, and respectfully submits the same for your approval.

**COUNCILMAN ALLEN Moves to Dis-
pense with the Reading of the foregoing
matters, and Moves to Receive and
Approve the foregoing several matters,
seconded by COUNCILWOMAN WIL-
LIAMS.**

**The motion to Receive and Approve is
Sustained.**

**Transmits the following with recommenda-
tion the same be Severally Denied:**

Communication dated January 8, 2002, Informing the Honorable Members of the City Council that pursuant to Sections 302(b) and 1103 of the Providence Home Rule Charter of 1980, he is this day reappointing Mr. Juan M. Pichardo of 229 Atlantic Avenue, Providence, Rhode Island 02907, as a Member of the Providence Human Relations Commission for a term to expire in January, 2005, and respectfully submits the same for your approval.

Communication dated January 8, 2002, Informing the Honorable Members of the City Council that pursuant to Sections 302(b) and 1103 of the Providence Home Rule Charter of 1980, he is this day reappointing Sister Angela

Daniels, C.P. of 791 Potters Avenue, Providence, Rhode Island 02907, as a Member of the Providence Human Relations Commission for a term to expire in January, 2005, and respectfully submits the same for your approval.

Communication dated January 8, 2002, Informing the Honorable Members of the City Council that pursuant to Sections 302(b) and 1103 of the Providence Home Rule Charter of 1980, he is this day reappointing Ms. Pam Meyers of 28 Luzon Avenue, Providence, Rhode Island 02906, as a Member of the Providence Human Relations Commission for a term to expire in January, 2005, and respectfully submits the same for your approval.

Communication dated January 2, 2002, Informing the Honorable Members of the City Council that pursuant to Sections 302(b) and 1103 of the Providence Home Rule Charter of 1980, he is this day appointing Ms. Debra Delves of 70 Crandall Street, Providence, Rhode Island 02908, as a Member of the Providence Human Relations Commission for a term to expire in January, 2004, and respectfully submits the same for your approval. (Ms. Delves will replace Ms. Linda Elderkin whose term has expired.)

Communication dated January 18, 2002, 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 reappointing Mr. James R. Cannon of 62 Brush Hill Road, Providence, Rhode Island 02909, as a Member of the Building Board of Review for a term to expire in January, 2007, and respectfully submits the same for approval.

Communication dated January 22, 2002, Informing the Honorable Members of the City Council that pursuant to Sections 302(b) and 1010 of the Providence Home Rule Charter of 1980, he is this day appointing Ms. Angelina Russo of 31 Chaucer Street, Providence, Rhode Island 02908, as a Member of the Housing Board of Review for a term to expire in January, 2007, and respectfully submits the same for approval. (Ms. Russo will be replacing Ms. Gail Calenda whose term has expired.)

**COUNCILMAN ALLEN Moves to Dis-
pense with the Reading of the foregoing
matters, and moves to Deny the Several
foregoing matters, seconded by COUN-
CILWOMAN WILLIAMS.**

The Motion to Deny is Sustained.

COUNCILWOMAN RITA M. WILLIAMS, Chairwoman COMMITTEE ON ORDIANCES

**Transmits the following with recommenda-
tion the same be Adopted, as Amended:**

An Ordinance amending the City of Providence Zoning Ordinance Chapter 1994-224 No. 365, Approved June 27, 1994, As Amended, by adding language to Section 501 Historic

District; by Amending 501.4B; by adding a new section 501.14 and by amending Section 103 — Official Zoning Map, as amended.

COUNCILMAN ALLEN Moves for Passage the First Time, seconded by COUNCILWOMAN WILLIAMS.

COUNCILMAN DeLUCA Moves to amend the Ordinance to delete the Fruit Hill Avenue School located on Manton Avenue from the list.

COUNCILMAN BUTLER and COUNCILMAN IGLIOZZI second this motion.

The Motion to Amend is Sustained.

COUNCILMAN ALLEN Moves for Passage the First Time, as amended, seconded by COUNCILWOMAN WILLIAMS.

The motion for Passage the First Time, as amended, is Sustained.

Transmits the following with recommendation the same be Adopted:

An Ordinance Providing Emergency Police Details for Certain Establishments.

Read and Passed the First Time, on motion of COUNCILMAN ALLEN, seconded by COUNCILWOMAN WILLIAMS, by the following Roll Call Vote.

Ayes: Council President Lombardi, Councilmen Allen, Aponte, Butler, Clarkin, DeLuca, Councilwoman DiRuzzo,

Councilmen Hassett, Iglizzo, Jackson, Mancini, Councilwomen Nolan, Romano, Williams and Young—15.

Nays: None.

Absent: None.

The motion for Passage the First Time is Sustained.

COUNCIL PRESIDENT PRO TEMPORE YOUNG IN CHAIR
COUNCIL PRESIDENT LOMBARDI IN CHAIR

COMMUNICATIONS AND REPORTS

Monthly Financial Reports for the General and School Fund budget for the month of December, submitted by Alex Prignano, Finance Director.

Received.

requesting an extension of the Residency Requirement.

COUNCIL PRESIDENT LOMBARDI
Receives the Communication and Refers
the Same to the Committee on Finance.

The motion to Refer is Sustained.

Communication dated January 23, 2002,
Joseph D. Vinacco, Providence Firefighter,

FROM THE CLERK'S DESK

Certificates from the City Assessor (Nos. 7F and 8F) recommending the same be severally cancelled pursuant to the provisions of Sections 14 and 15 of Title 44, Chapter 7 of the General Laws of Rhode Island, as amended.

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

The motion to Refer is Sustained.

Petition of Coletta Realty Associates,
requesting an abandonment of a portion of
Manchester Place.

COUNCIL PRESIDENT LOMBARDI
Refers the Petition to the Committee on
Public Works.

The motion to Refer is Sustained.

**Petitions for Compensation for Injuries
and Damages, viz:**

Robert Venturini (Michael E. Sendley,
Esquire)

Richard P. Sacchetti

Raffaele Aiello

Virginia Montero (Christopher Fay, Esquire)

William Thatcher

Clary Pimentel

Ibrahim Thompson (Christopher Fay,
Esquire)

Yenisa Polanco (Christopher Fay, Esquire)

Cheryl Clynes Turbitt (Anne M. D'Errico,
Esquire)

M. Caroline Rossi

Domingo V. Hernandez

Jennifer Izzi

Albert Ciccarone (Dino A. Brosco, Esquire)

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

The motion to Refer is Sustained.

PRESENTATION OF CITATIONS

"In Congratulations"

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

Citations Extending Congratulations.

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

Patrick Griffin, Proprietor of Patrick's Pub,
in recognition of the 10th Anniversary in

business on Smith Hill on Tuesday, March 5,
2002.

Mr. and Mrs. Abdulrahman Turkestani, in
recognition of the celebration of the birth of
their son, born on October 26, 2001.

Neli Tavares and David Ranucci, in
recognition of the celebration of the birth of
their son, born on January 13, 2002.

Severally Read and Collectively Passed,
on motion of COUNCILMAN ALLEN, sec-
onded by COUNCILWOMAN WILLIAMS.

The motion for Passage is Sustained.

PRESENTATION OF RESOLUTIONS

“In Memorium”

COUNCIL PRESIDENT LOMBARDI 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:

Mary Grace Zabbo

Mary Janigian

Frank A. Fiorenzano, Sr.

Charles Garabedian

Mary E. Gouveia

Helen V. Enos-Whitney

Lorraine M. Fletcher

John J. Affleck

Sister Claire Dugan

Maria Carmella Tudino

Anne C. Keating

Joseph P. Donoghue

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

The motion for Passage is Sustained.

MATTER NOT APPEARING ON THE PRINTED DOCKET

On motion of COUNCILMAN ALLEN, seconded by COUNCILWOMAN WILLIAMS, it is voted to Suspend Rule 16 of the Rules of the City Council in order to allow the introduction of the following matter not appearing on the Printed Docket.

PRESENTATION OF RESOLUTION

COUNCILMAN HASSETT:

Resolution Requesting the Department of Inspection and Standards to cause all liens attached to that certain property located at 71-73 Pekin Street, (Assessor's Plat 69, Lot 485) to be abated in the amounts of Five Thousand Nine Hundred Dollars (\$5,900.00) and Twelve Dollars (\$12.00), and Twelve Dollars (\$12.00), for the completion of new construction financed by the Smith Hill Community Development Corporation.

Resolved, That the Department of Inspection and Standards is requested to cause all liens attached to that certain property located at 71-73 Pekin Street, (Assessor's Plat 69, Lot 485) to be abated in the amounts of Five Thousand Nine Hundred Dollars (\$5,900.00) and Twelve Dollars (\$12.00), and Twelve Dollars (\$12.00), for the completion of new construction financed by the Smith Hill Community Development Corporation.

Read and Passed, on motion of COUNCILMAN ALLEN, seconded by COUNCILWOMAN WILLIAMS, by the following Roll Call Vote:

Ayes: Council President Lombardi, Councilmen Allen, Aponte, Butler, Clarkin, DeLuca, Councilwoman DiRuzzo, Councilmen Hassett, Igliozzi, Jackson, Mancini, Councilwomen Nolan, Romano, Williams and Young—15.

Nays: None.

Absent: None.

The motion for Passage is Sustained.

ADJOURNMENT

There being no further business, on motion of COUNCILMAN ALLEN, seconded by COUNCILWOMAN WILLIAMS, it is voted to adjourn at 8:10 o'clock P.M. (E.S.T.) to meet again on TUESDAY, FEBRUARY 26, 2002 for a Special Meeting at 6:00 o'clock P.M. (E.S.T.).

Michael R. Clement

City Clerk