

**CITY OF PROVIDENCE
RHODE ISLAND**



**CITY COUNCIL
JOURNAL OF PROCEEDINGS**

No. 3 City Council Regular Meeting, Thursday, February 2, 2006, 7:30 o'clock P.M. (E.S.T)

PRESIDING

COUNCIL PRESIDENT

JOHN J. LOMBARDI

ROLL CALL

**Present: COUNCIL PRESIDENT LOMBARDI,
COUNCILMEN ALLEN, APONTE, BUTLER, DeLUCA,
HASSETT, IGLOZZI, JACKSON, LUNA, MANCINI,
COUNCILWOMAN ROMANO, COUNCILMAN SEGAL,
COUNCILWOMEN WILLIAMS and YOUNG - 14.**

Absent: COUNCILWOMAN DiRUZZO - 1.

**Also Present: Adrienne G. Southgate, Deputy
City Solicitor, Anna M. Stetson, Second Deputy
City Clerk, Sheri A. Petronio, Assistant Clerk and
Vincent J. Berarducci, City Sergeant.**

**IN CITY COUNCIL
JUN 15 2006**

**READ
WHEREUPON IT IS ORDERED THAT
THE SAME BE RECORDED**
Anna M. Stetson CLERK

INVOCATION

The Invocation is given by COUNCILMAN
JOHN J. IGLIOZZI.

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

COUNCILWOMAN BALBINA A. YOUNG
Leads the Members of the City Council and
the Assemblage in the Pledge of Allegiance to
the Flag of the United States of America.

ELECTION

ELECTION OF CITY CLERK

COUNCIL PRESIDENT LOMBARDI calls
for Nominations for the Office of City Clerk.

COUNCILMAN IGLIOZZI nominates ANNA
M. STETSON, and this nomination is seconded by
COUNCILWOMAN YOUNG, COUNCILWOMAN
ROMANO, COUNCILMAN MANCINI, COUN-
CILMAN ALLEN, COUNCILMAN JACKSON,
COUNCILMAN HASSETT, COUNCILMAN
BUTLER and COUNCILMAN SEGAL.

COUNCIL PRESIDENT LOMBARDI calls for
further Nominations and there being none, on
Motion of COUNCILMAN IGLIOZZI, seconded by
COUNCILWOMAN YOUNG, COUNCILWOMAN
ROMANO, COUNCILMAN MANCINI, COUN-

CILMAN ALLEN, COUNCILMAN JACKSON,
COUNCILMAN HASSETT, COUNCILMAN
BUTLER and COUNCILMAN SEGAL, it is
voted that Nominations be Closed and the
Clerk is directed to cast One Ballot for
ANNA M. STETSON.

The Clerk casts One Ballot as directed.

COUNCIL PRESIDENT LOMBARDI,
thereupon declares ANNA M. STETSON
duly elected as City Clerk.

APPOINTMENTS BY HIS HONOR THE MAYOR

Communication dated December 28, 2005, Informing the Honorable Members of the City Council that pursuant to Sections 302(b) and 1107 of the Providence Home Rule Charter of 1980, as amended, and 2004 Ordinance 544 Chapter 502.1, and 2005 Ordinance 604, he is this day re-appointing Mr. Robert Brooks of 101 North Main Street #700, Providence, Rhode Island 02903, as an alternate member of the Downcity Design Review Committee for a term to expire on January 1, 2007. (Mr. Brooks represents the property owner alternate member of the Downcity Design Review Committee)

Communication dated December 28, 2005, Informing the Honorable Members of the City Council that pursuant to Sections 302(b) and 1107 of the Providence Home Rule Charter of 1980, as amended, and 2004 Ordinance 544 Chapter 502.1, and 2005 Ordinance 604, he is this day re-appointing Mr. Frederick K. Butler of 400 Blackstone Boulevard, Providence, Rhode Island 02906, as member of the Downcity District Design Review Committee for a term to expire on January 1, 2008. (Mr. Butler represents one of two property owners on the Downcity Design Review Committee, selected from a list of nominees provided by the Providence Foundation)

Communication dated December 28, 2005, Informing the Honorable Members of the City Council that pursuant to Sections 302(b) and 1107 of the Providence Home Rule Charter of 1980, as amended, and 2004 Ordinance 544 Chapter 502.1, and 2005 Ordinance 604, he is this day re-appointing Ms. Elizabeth Chace of

101 North Main Street, Providence, Rhode Island 02903, as a member of the Downcity Design Review Committee for a term to expire on January 1, 2007. (Ms. Chace represents one of two property owners on the Downcity Design Review Committee, selected from a list of nominees provided by the Providence Foundation)

Communication dated December 28, 2005, Informing the Honorable Members of the City Council that pursuant to Sections 302(b) and 1107 of the Providence Home Rule Charter of 1980, as amended, and 2004 Ordinance 544 Chapter 502.1, and 2005 Ordinance 604, he is this day re-appointing Mr. Glen Fontecchio of 19 Luzon Avenue, Providence, Rhode Island 02906, as an alternate member of the Downcity Design Review Committee for a term to expire on January 1, 2007. (Mr. Fontecchio represents the registered Rhode Island architect alternate member of the Downcity Design Review Committee)

Communication dated December 28, 2005, Informing the Honorable Members of the City Council that pursuant to Sections 302(b) and 1107 of the Providence Home Rule Charter of 1980, as amended, and 2004 Ordinance 544 Chapter 502.1, and 2005 Ordinance 604, he is this day re-appointing Ms. Elizabeth A. Isaacson of 25 Power Street, Providence, Rhode Island 02903, as a member of the Downcity Design Review Committee for a term to expire on January 1, 2008. (Ms. Isaacson represents the real estate agent member on the Downcity Design Review Committee)

Communication dated December 28, 2005, Informing the Honorable Members of the City Council that pursuant to Sections 302(b) and 1107 of the Providence Home Rule Charter of 1980, as amended, and 2004 Ordinance 544 Chapter 502.1, and 2005 Ordinance 604, he is this day re-appointing Ms. Barbara Macaulay of 135 Williams Street, Providence, Rhode Island 02906, as a member of the Downcity Design Review Committee for a term to expire on January 1, 2007. (Ms. Macaulay represents the registered Rhode Island architect member of the Downcity Design Review Committee)

Communication dated December 28, 2005, Informing the Honorable Members of the City Council that pursuant to Sections 302(b) and 1107 of the Providence Home Rule

Charter of 1980, as amended, and 2004 Ordinance 544 Chapter 502.1, and 2005 Ordinance 604, he is this day re-appointing Mr. Clark Schoettle of 24 Meeting Street, Providence, Rhode Island 02906, as an alternate member of the Downcity Design Review Committee for a term to expire on January 1, 2009. (Mr. Schoettle represents the Historic District Commission on the Downcity Design Review Committee)

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

COUNCIL PRESIDENT LOMBARDI Receives the Several Communications.

ORDINANCES SECOND READING

The Following Ordinances were in City Council January 19, 2006, Read and Passed the First Time and are Severally Returned for Passage the Second Time:

An Ordinance in Amendment of Ordinance Chapter 2005-33 No. 341, An Ordinance to Authorize the Issuance of Special Obligation Tax Increment Refunding Bonds of the City of Providence to refund the outstanding portion of its \$13,260,000 Special Obligation Tax Increment Bonds, Series A dated February 15, 1995, \$10,435,000 Special Obligation Tax Increment Bonds, Series B (Taxable) dated March 8, 1995, \$2,805,000 Special Obligation Tax Increment Bonds, Series C (AMT) dated March 8, 1995 and \$11,000,000 Special Obligation Tax Increment Bonds, Series D dated April 1, 1996.

Be it ordained by the City of Providence:

Section 12 of Ordinance Chapter 2005-33, No. 341 adopted by the City Council on July 25, 2005 and approved by the Mayor on July 27, 2005, is amended to read as follows:

"Section 12." In order to enhance the marketability of the Bonds, the City Treasurer and, the Mayor are authorized to enter into an agreement which provides that in the event that the revenues, including the net tax increment pledged for the repayment of the Bonds is insufficient to pay debt service, that the Mayor shall submit a request to the City Council to fund the amount of any shortfall. Any such agreement shall provide that such payment shall be subject to appropriation by the City Council."

This Ordinance shall take effect upon its approval by the Mayor after its passage.

An Ordinance making an Appropriation of Five Million Eight Hundred Ten Thousand Fifty Seven Dollars (\$5,810,057) for the Water Supply Board Water Quality Protection Fund for the Fiscal Year Ending June 30, 2006.

Be it ordained by the City of Providence:

Section 1. WATER SUPPLY BOARD WATER QUALITY PROTECTION FUND BUDGET 2005-2006

REVENUES:

Surcharge Revenue	\$2,534,695
Carryover from prior year	3,183,981
Interest Income	<u>91,380</u>
TOTAL REVENUES &	
OTHER FIN SOURCES	\$5,810,057

EXPENSES:

Debt Service-Scituate Reservoir 1	\$692,488
Land Acquisitions	2,000,000
Property Taxes	328,867
Other Services	<u>665,000</u>
TOTAL EXPENSES	\$3,686,355

SURPLUS/(DEFICIT) \$2,123,702

Section 2. This ordinance shall take effect retroactive to July 1, 2005.

An Ordinance making an Appropriation of Twenty Two Million Eight Hundred Sixty Four Thousand Two Hundred Sixty Two Dollars (\$22,864,262) for the Water Supply Board Infrastructure Replacement Program Fund for the Fiscal Year Ending June 30, 2006.

Be it ordained by the City of Providence:

**Section 1. WATER SUPPLY BOARD
INFRASTRUCTURE REPLACEMENT PROGRAM
FUND BUDGET 2005-2006**

REVENUES:

Transfer from Water Operations	\$12,500,000
Carryover from prior year	10,268,254
Interest Income	<u>96,008</u>
TOTAL REVENUE &	
OTHER FIN SOURCES	\$22,864,262

EXPENSES:

Salaries/Fringes and Retirement	\$209,506
Transfer from Water Operations - labor	405,532
Transfer to Operations-Materials	356,500
Replacement Projects	13,280,000
Debt Service	<u>2,135,737</u>
	\$16,387,275

SURPLUS/(DEFICIT) \$6,476,987

Section 2. This ordinance shall take effect retroactive to July 1, 2005.

An Ordinance making an Appropriation of Five Million Two Hundred Twenty Six Thousand Four Hundred Thirty Three Dollars (\$5,226,433) for the Water Supply Board Capital Fund for the Fiscal Year Ending June 30, 2006.

**Section 1. WATER SUPPLY BOARD
CAPITAL FUND BUDGET 2005-2006**

REVENUES:

Transfer from Water Operations	\$2,450,000
Carryover from prior year	2,730,618
Interest Income	<u>45,815</u>
TOTAL REVENUE &	
OTHER FIN SOURCES	\$5,226,433

EXPENSES:

Capital Projects	\$1,775,000
Debt Services	<u>1,491,53</u>
TOTAL EXPENSES	3,266,534

SURPLUS/(DEFICIT) \$1,959,899

Section 2. This ordinance shall take effect retroactive to July 1, 2005.

An Ordinance making an Appropriation of Two Million Thirty Five Thousand Seven Hundred Seventy Three Dollars (\$2,035,773) for the Water Supply Board Insurance Fund for the Fiscal Year Ending June 30, 2006.

Be it ordained by the City of Providence:

**Section 1. WATER SUPPLY BOARD
INSURANCE FUND BUDGET 2005-2006**

REVENUES:

Transfer from Water Operations	\$1,216,550
Carryover from prior year	58,301
Transfer from Alt. Supply and Wholesale Funds	<u>760,922</u>
TOTAL REVENUE &	
OTHER FIN SOURCES	\$2,035,773

EXPENSES:

Services	\$58,000
Claims	175,000
Property and Casualty	1,298,000
Worker's Compensation	<u>484,000</u>
TOTAL EXPENSES	\$2,015,000

SURPLUS/(DEFICIT) **\$20,773**

Section 2. This ordinance shall take effect retroactive to July 1, 2005.

An Ordinance making an Appropriation of One Million Twenty Eight Thousand One Hundred Forty Two Dollars (\$1,028,142) for the Water Supply Board Meter Replacement Fund for the Fiscal Year Ending June 30, 2006.

Be it ordained by the City of Providence:

Section 1. **WATER SUPPLY BOARD METER REPLACEMENT FUND BUDGET 2005-2006**

REVENUES:

Transfer from Water Operations	\$466,667
Carryover from prior year	(555)
Fleet Line of Credit	560,000
Interest Income	<u>2,030</u>
TOTAL REVENUE & OTHER FIN SOURCES	\$1,028,142

EXPENSES:

Services	\$109,300
Payment Fleet Line of Credit	<u>729,000</u>
TOTAL EXPENSES	\$838,300

SURPLUS/(DEFICIT) **\$189,842**

Section 2. This ordinance shall take effect retroactive to July 1, 2005.

An Ordinance making an Appropriation of Four Hundred Forty Seven Thousand Two Hundred Ninety Two Dollars (\$447,292) for the Water Supply Board Alternative Supply Fund for the Fiscal Year Ending June 30, 2006.

Be it ordained by the City of Providence:

Section 1. **WATER SUPPLY BOARD ALTERNATIVE SUPPLY FUND BUDGET 2005-2006**

REVENUES:

Transfer from Water Operations	\$75,000
Carryover from prior year	368,149
Interest Income	<u>4,143</u>
TOTAL REVENUE & OTHER FIN SOURCES	\$447,292

EXPENSES:

Transfer to Insurance	<u>\$447,292</u>
TOTAL EXPENSES	\$447,292

SURPLUS/(DEFICIT) **\$0**

Section 2. This ordinance shall take effect retroactive to July 1, 2005.

An Ordinance making an Appropriation of One Million Three Hundred Fourteen Thousand Nine Hundred Ninety Eight Dollars (\$1,314,998) for the Water Supply Board Equipment Replacement Fund for the Fiscal Year Ending June 30, 2006.

Be it ordained by the City of Providence:

Section 1. **WATER SUPPLY BOARD EQUIPMENT REPLACEMENT FUND BUDGET 2005-2006**

REVENUES:

Transfer from Water Operations	\$850,000
Carryover from prior year	455,554
Interest Income	<u>9,444</u>
TOTAL REVENUE & OTHER FIN SOURCES	\$1,314,998

EXPENSES:

Equipment Outlays	\$807,719
Lease Payments	<u>196,541</u>
TOTAL EXPENSES	\$1,004,260

SURPLUS/(DEFICIT) \$310,739

Section 2. This ordinance shall take effect retroactive to July 1, 2005.

An Ordinance making an Appropriation of One Million One Hundred Fifty Seven Thousand Eight Hundred Sixty Seven Dollars (\$1,157,867) for the Water Supply Board 102" Butterfly Valve Fund for the Fiscal Year Ending June 30, 2006.

Be it ordained by the City of Providence:

Section 1. WATER SUPPLY BOARD 102"
BUTTERFLY VALVE FUND BUDGET 2005-2006

REVENUES:

Transfer from Water Operations	\$250,000
Carryover from prior year	897,141
Interest Income	<u>10,726</u>
TOTAL REVENUE & OTHER FIN SOURCES	\$1,157,867

EXPENSES:

Transfer to Insurance Services	\$313,630
	<u>844,236</u>

TOTAL EXPENSES \$1,157,866

SURPLUS/(DEFICIT) \$0

Section 2. This ordinance shall take effect retroactive to July 1, 2005.

An Ordinance making an Appropriation of Two Million Three Hundred Ninety Six Thousand Four Hundred Twelve Dollars (\$2,396,412) for the Water Supply Board Chemical and Sludge Fund for the Fiscal Year Ending June 30, 2006.

Be it ordained by the City of Providence:

Section 1. WATER SUPPLY BOARD
CHEMICAL AND SLUDGE FUND BUDGET
2005-2006

REVENUES:

Transfer from Water Operations	\$1,923,115
Carryover from prior year	451,098
Interest Income	<u>22,199</u>
TOTAL REVENUE & OTHER FIN SOURCES	\$2,396,412

EXPENSES:

Chemical Expense	\$1,504,140
Sludge Maintenance	<u>550,000</u>

TOTAL EXPENSES \$2,054,140

SURPLUS/(DEFICIT) \$342,272

Section 2. This ordinance shall take effect retroactive to July 1, 2005.

An Ordinance making an Appropriation of One Million Four Hundred Seventy Four Thousand One Hundred Seventy Four Dollars (\$1,474,174) for the Water Supply Board Western Cranston Fund for the Fiscal Year Ending June 30, 2006.

Be it ordained by the City of Providence:

*Section 1. WATER SUPPLY BOARD WESTERN
CRANSTON FUND BUDGET 2005-2006*

REVENUES:

Transfer from Water Operations	\$62,069
Transfer from Cranston Impact	
Fees	150,000
Carryover from prior year	1,255,910
Interest Income	<u>6,195</u>
TOTAL REVENUE & OTHER FIN SOURCES	\$1,474,174

EXPENSES:

Capital Projects	\$985,989
Debt Service	<u>225,066</u>
TOTAL EXPENSES	\$1,211,055

SURPLUS/(DEFICIT) \$263,119

Section 2. This ordinance shall take effect retroactive to July 1, 2005.

An Ordinance Amending the City of Providence Zoning Ordinance Chapter 1994-24 No. 365, Approved June 27, 1994, As Amended, and the Comprehensive Plan, Approved December 1994, As Amended. (Angell/Butler)

Be it ordained by the City of Providence:

Section 1. That the Zoning Map accompanying and made a part of Chapter 27 of the Code of Ordinances of the City of Providence, entitled "The City of Providence Zoning Ordinance", as adopted June 27, 1994, as amended, is hereby further amended as follows:

The Zoning District designation for Lot 370 of Tax Assessor's Plat 15 located at 61-77 South Angell Street/178 Butler Avenue shall be

changed from a RESIDENTIAL R-3 DISTRICT to a RESIDENTIAL R-M DISTRICT.

Section 2. That the following conditions be imposed upon Lot 370 of Tax Assessor's Plat 15 located at 61-77 South Angell Street/178 Butler Avenue in connection with the proposed future use of multifamily residential; shall be recorded by the petitioner, Angell Way LLC, in the land evidence records; and shall appear as a footnote upon the official zoning map:

- a. No more than 11 residential units.
- b. Height no more than forty-seven (47') feet above the average grade.
- c. Front Yard Setback no less than 8' 0" along South Angell Street and 14' 0" along Butler Avenue.
- d. Rear Yard Setback of no less than 20' 0" and 17' 6".
- e. The buildings located on the subject property will rise 3 stories on the south side facing Medway Manor, with a height of not more than 37 feet above the underground garage, and will have 4 stories on the South Angell Street side with a height of not more than 47 feet above the top of the underground garage.
- f. The site will provide at grade parking for at least 2 cars (for guest parking and for deliveries).
- g. The west end of the building will be located not less than 42 feet from the west property line.

- h. The buildings will be set back at least 17.6 feet from the property line with Medway Manor.
- i. The owners of the subject property will re-landscape the "rear yard" area on the north side of Medway Manor in accordance with a landscaping plan prepared in cooperation with and approved by the residents of Medway Manor.
- j. The HVAC condenser units will be located in the center of the roof in an area not visible from the ground. Any condenser units located at ground level will not be near the driveway.
- k. The exterior lighting on the south side of the buildings (the side facing Medway Manor) will be directed downward so as to light the driveway, not upward, and will be located below the level of the top of the existing fence such the source of the light will not be visible from the north facing windows of the residences in Medway Manor.
- l. The first three floors of the buildings will have a brick exterior; the buildings will be trimmed and finished with high quality materials, as determined by the Building Inspector of the City of Providence.
- m. Trees planted off-site to meet the requirements of Section 425 of the Zoning Ordinance shall, to the extent possible, and with the concurrence of the City Forester, be planted within 200 feet of the subject lot.
- n. Prior to and during construction, the owner of the subject lot shall maintain the property in conformance with all city ordinances, including minimum building codes and sidewalk clearing.
- o. The fourth floor of the building shall be set back no less than 3 feet from the cornice line of the facade facing South Angell Street.
- p. Lighting for the driveway shall not exceed a luminosity of 0.5 foot-candles
- q. The massing of the building shall be broken up to achieve the appearance of it being two buildings. This shall be accomplished by setting back the face of the lobby/elevator core not less than 6 feet from the face of the bays on the South Angell Street facade and by utilizing floor to ceiling glass windows and doors on both sides of the lobby to achieve maximum transparency.
- r. Within 30 feet of the sidewalk, all paving shall be of the decorative type, consisting of stamped concrete, cobblestones, or brick pavers.

Section 3. That the Comprehensive Plan of the City of Providence, approved December, 1994, as amended, is hereby further amended by deleting therefrom the designation "Single Family Residential" on the plan entitled "Proposed Land Use: Residential" from the area of said map including and surrounding the location of that real property located at 61-77 South Angell Street/178 Butler Avenue on Tax Assessor's Plat 15, Lot 370, and by adding thereto the designation "High Density Residential."

Section 4. This Ordinance shall take effect upon passage and publication as prescribed by law.

COUNCILMAN APONTE Moves to Dispense with the Reading of the foregoing matters and Moves Passage of the Several Ordinances the Second Time, seconded by **COUNCILWOMAN WILLIAMS**, by the Following Roll Call Vote:

AYES: COUNCIL PRESIDENT LOMBARDI, COUNCILMEN ALLEN, APONTE, BUTLER, DeLUCA, HASSETT, IGLIOZZI, JACKSON, LUNA, MANCINI, COUNCILWOMAN ROMANO, COUNCILMAN SEGAL, COUNCILWOMEN WILLIAMS and YOUNG - 14.

NAYES: COUNCILMAN DeLUCA requests to be recorded as voting "NO" on An Ordinance in Amendment of Ordinance Chapter 2005-

33 No. 341, An Ordinance to Authorize the Issuance of Special Obligation Tax Increment Refunding Bonds of the City of Providence to refund the outstanding portion of its \$13,260,000 Special Obligation Tax Increment Bonds, Series A dated February 15, 1995, \$10,435,000 Special Obligation Tax Increment Bonds, Series B (Taxable) dated March 8, 1995, \$2,805,000 Special Obligation Tax Increment Bonds, Series C (AMT) dated March 8, 1995 and \$11,000,000 Special Obligation Tax Increment Bonds, Series D dated April 1, 1996.

ABSENT: COUNCILWOMAN DiRUZZO - 1.

The Motion for Passage the Second Time is Sustained.

PRESENTATION OF ORDINANCES

COUNCIL PRESIDENT LOMBARDI, COUNCILWOMAN YOUNG and COUNCILMAN APONTE:

An Ordinance in Amendment of Ordinance No. 344, Chapter 2005-36, Approved July 27, 2005, Entitled: "An Ordinance Establishing a Compensation Plan for the City of Providence and Repealing Ordinance Chapter 2004-48, No. 583, Approved December 7, 2004, As Amended."

An Ordinance in Amendment of Ordinance No. 345, Chapter 2005-37, Approved July 27, 2005, Entitled: "An Ordinance Establishing the Classes of Positions, the Maximum Number of Employees and the Number of Employees in Certain Classes in the City Departments and Repealing Ordinance Chapter 2004-49, No. 584, Approved December 7, 2004, As Amended."

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

Section 4. This Ordinance shall take effect upon passage and publication as prescribed by law.

COUNCILMAN APONTE Moves to Dispense with the Reading of the foregoing matters and Moves Passage of the Several Ordinances the Second Time, seconded by **COUNCILWOMAN WILLIAMS**, by the Following Roll Call Vote:

AYES: COUNCIL PRESIDENT LOMBARDI, COUNCILMEN ALLEN, APONTE, BUTLER, DeLUCA, HASSETT, IGLIOZZI, JACKSON, LUNA, MANCINI, COUNCILWOMAN ROMANO, COUNCILMAN SEGAL, COUNCILWOMEN WILLIAMS and YOUNG - 14.

NAYES: COUNCILMAN DeLUCA requests to be recorded as voting "NO" on An Ordinance in Amendment of Ordinance Chapter 2005-

33 No. 341, An Ordinance to Authorize the Issuance of Special Obligation Tax Increment Refunding Bonds of the City of Providence to refund the outstanding portion of its \$13,260,000 Special Obligation Tax Increment Bonds, Series A dated February 15, 1995, \$10,435,000 Special Obligation Tax Increment Bonds, Series B (Taxable) dated March 8, 1995, \$2,805,000 Special Obligation Tax Increment Bonds, Series C (AMT) dated March 8, 1995 and \$11,000,000 Special Obligation Tax Increment Bonds, Series D dated April 1, 1996.

ABSENT: COUNCILWOMAN DiRUZZO - 1.

The Motion for Passage the Second Time is Sustained.

PRESENTATION OF ORDINANCES

COUNCIL PRESIDENT LOMBARDI, COUNCILWOMAN YOUNG and COUNCILMAN APONTE:

An Ordinance in Amendment of Ordinance No. 344, Chapter 2005-36, Approved July 27, 2005, Entitled: "An Ordinance Establishing a Compensation Plan for the City of Providence and Repealing Ordinance Chapter 2004-48, No. 583, Approved December 7, 2004, As Amended."

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

COUNCIL PRESIDENT LOMBARDI Refers the Several Ordinances to the Committee on Finance

COUNCILWOMAN WILLIAMS and COUNCILMAN BUTLER:

An Ordinance in Amendment of Article V 9/10 of Chapter 21 of the City of Providence Code of

Ordinances by adding the State of Rhode Island's conflicts eligible for Veterans' Property Tax Relief.

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

PRESENTATION OF RESOLUTIONS

COUNCIL PRESIDENT LOMBARDI, COUNCILMEN ALLEN, APONTE, BUTLER, DeLUCA, HASSETT, IGLIOZZI, JACKSON, LUNA, MANCINI, COUNCILWOMAN ROMANO, COUNCILMAN SEGAL, COUNCILWOMEN WILLIAMS and YOUNG:

Resolution Extending Sincere Best Wishes to Councilwoman Josephine "Joan" DiRuzzo, for a complete and speedy recovery from her recent surgery.

Resolved, That the Members of the Providence City Council hereby Extend Sincere Best Wishes to Councilwoman Josephine "Joan" DiRuzzo, for a complete and speedy recovery from her recent surgery.

COUNCIL PRESIDENT LOMBARDI, COUNCILMEN APONTE, BUTLER, DeLUCA, COUNCILWOMAN DiRUZZO, COUNCILMEN HASSETT, IGLIOZZI, JACKSON, LUNA, MANCINI, COUNCILWOMAN ROMANO, COUNCILMAN SEGAL, COUNCILWOMEN WILLIAMS and YOUNG:

Resolution Extending Sincere Best Wishes for a Happy Birthday to Councilman Ronald W. Allen on February 8, 2006.

Resolved, That the Members of the Providence City Council hereby Extend Sincere Best Wishes for a Happy Birthday to Councilman Ronald W. Allen on February 8, 2006.

COUNCIL PRESIDENT LOMBARDI, COUNCILMEN ALLEN, APONTE, BUTLER, COUNCILWOMAN DiRUZZO, COUNCILMEN HASSETT, IGLIOZZI, JACKSON, LUNA, MANCINI, COUNCILWOMAN ROMANO, COUNCILMAN SEGAL and COUNCILWOMAN YOUNG:

Resolution Requesting that Rescue 6 be redeployed, and to determine if it is self-sufficient.

Resolved, That Rescue 6 be redeployed, and to determine if it is self-sufficient.

COUNCIL PRESIDENT LOMBARDI (By Request):

Resolution Proclaiming February 3, 2006 as "Wear Red for Women" Day.

Whereas, Diseases of the heart are the nation's leading cause of death and stroke is the third leading cause of death; and

Whereas, Cardiovascular diseases (CVD) claim the lives of over 480,000 American females (about one death per minute) each year; and

Whereas, Each year of the females who die, 53% die from cardiovascular disease (CVD) as compared to 46% men and about 35,000 more females than males die from a stroke; and

Whereas, In 2006 the estimated direct and indirect cost of cardiovascular diseases and stroke in the United States is estimated at \$403.1 billion; and

Whereas, More women die of cardiovascular disease than the next six leading causes of death combined, including all cancers; and

Whereas, Only 13% of women consider cardiovascular disease their greatest health risk; and

Whereas February is designated as American Heart Month; and,

Whereas, Go Red For Women is the American Heart Association's national call to increase awareness of heart disease—the leading cause of death for women—and to inspire women to take charge of their heart health.

Now, therefore be it Resolved, That the City of Providence, in recognition of the importance of the ongoing fight against heart disease and stroke, does hereby proclaim February 3, 2006 to be "**WEAR RED FOR WOMEN**" DAY in the City of Providence and urges all citizens to show their support for women and the fight against heart disease by commemorating this day by the wearing of the color red. By increasing awareness and empowering women to reduce their risk for cardiovascular disease, we can save thousands of lives each year.

Resolution Proclaiming the month of February 2006 as "American Heart Month."

Whereas, Cardiovascular disease is the nation's leading cause of death with direct and indirect costs estimated to be \$403.1 billion in 2006; and

Whereas, Cardiovascular disease accounts for over 37% of all deaths nationwide; and

Whereas, Nearly 2500 Americans die of cardiovascular disease each day, an average of one death every 35 seconds; and

Whereas, This year it is estimated that 700,000 Americans nationwide will have a new coronary attack and an additional 500,000 Americans will have a recurrent attack, for a total of 1.2 million attacks; and

Whereas, Many die from cardiovascular disease in the City of Providence, each year; and

Whereas, The research is clear that there are tools available to increase survival rates from cardiovascular disease; and

Whereas, Efforts of the American Heart Association encourage citizens to help save lives by calling 9-1-1 if symptoms occur, become trained in CPR, and encourage comprehensive automated external defibrillator (AED) programs in their communities; and

Whereas, The American Heart Association is celebrating February 2006 as American Heart Month and promoting education and awareness by encouraging citizens to learn the warning signs of heart attack and stroke.

Now, therefore be it Resolved, That the City of Providence, in recognition of the importance of the ongoing fight against heart disease, does hereby proclaim February 2006 to be **AMERICAN HEART MONTH** in the City of Providence and urges all citizens to recognize the critical importance of tools and skills that will increase survival rates from cardiac arrest. By incorporating these tools into aggressive programs, we can save thousands of lives each year.

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.

Resolution Requesting the Tax Assessor to apply the Homestead Exemption to the property located at 68 Vernon Street for the 2005 tax roll.

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

COUNCIL PRESIDENT LOMBARDI, COUNCILMEN ALLEN, APONTE, BUTLER, DeLUCA, COUNCILWOMAN DIRUZZO, COUNCILMEN HASSETT, IGLIOZZI, JACKSON, LUNA, MANCINI, COUNCILWOMAN ROMANO, COUNCILMAN SEGAL, COUNCILWOMEN WILLIAMS and YOUNG:

Resolution Requesting the City Solicitor to ascertain the status of Chief Judge Roberto Gonzalez.

Resolved, That the City Solicitor is requested to ascertain the status of Chief Judge Roberto Gonzalez.

Resolution Requesting the City Solicitor to apply for a stay regarding the opinion of Chief Judge Roberto Gonzalez.

Resolved, That the City Solicitor is requested to apply for a stay regarding the opinion of Chief Judge Roberto Gonzalez.

Resolution Requesting the City Solicitor to appeal the opinion regarding Chief Judge Gonzalez.

Resolved, That the City Solicitor is requested to appeal the opinion regarding Chief Judge Gonzalez.

Resolution Respectively Requesting the Personnel Director to request Chief Judge Roberto Gonzalez to report back to work in his capacity of Chief Judge of the Housing Court.

Resolved, That the Personnel Director respectfully requests Chief Judge Roberto Gonzalez to report back to work in his capacity of Chief Judge of the Housing Court.

COUNCILMAN APONTE Moves to Dispense with the Reading of the foregoing matters and Moves Passage of the Several Resolutions, seconded by COUNCIL WOMAN WILLIAMS.

The Motion for Passage is Sustained.

COUNCILMAN ALLEN (By Request):

Resolution Requesting the Tax Assessor to apply the Homestead Exemption to the property located at 50-52 Ardoene Street for the 2005 tax roll.

Resolution Requesting the Tax Assessor to apply the Homestead Exemption to the property located at 37 Rounds Street for the 2005 tax roll.

Resolution Requesting the Tax Assessor to apply the Homestead Exemption to the property located at 192 Messer Street for the 2005 tax roll.

Resolution Requesting the Tax Assessor to apply the Homestead Exemption to the property located at 77 Alvin Street for the 2005 tax roll.

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

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

COUNCILMAN DeLUCA (By Request):

Resolution Requesting the Director of Inspection and Standards to waive all permit fees required for the construction of the George West Water Park and the facilities building.

Resolution Requesting the Narragansett Bay Commission to assume maintenance of all city sewers.

Resolution Requesting the Traffic Engineer to cause the installation of a "Four-Way Stop" Sign at Beaufort Street and Pemberton Street.

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

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

Resolution Requesting the Board of Park Commissioners to cause the repair of the roof at Triggs Golf Course.

COUNCIL PRESIDENT LOMBARDI Refers the Resolution to the Committee on City Property.

Resolution Requesting that Bullock Avenue be re-named to "Case Lane".

COUNCIL PRESIDENT LOMBARDI Refers the Resolution to the Committee

on Urban Redevelopment, Renewal and Planning.

Resolution Requesting the Tax Assessor to apply the Homestead Exemption to the property located at 18 Claremont Avenue for the 2005 tax roll.

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

COUNCILWOMAN DiRUZZO:

Resolution Requesting the Director of Environmental Control to cause the inspection of all properties located on Rosedale Street.

Resolved, That the Director of Environmental Control is requested to cause the inspection of all properties located on Rosedale Street.

COUNCILMAN HASSETT:

Resolution Requesting the Chief Electrical Inspector to cause the upgrade of street lighting on poles numbered 4 through 22 along River Avenue to 27,500 lumen.

Resolved, That the Chief Electrical Inspector is requested to cause the upgrade of street lighting on poles numbered 4 through 22 along River Avenue to 27,500 lumen.

COUNCILMAN IGLIOZZI:

Resolution Requesting the Chief Electrical Inspector to cause the installation of street

lights on Pole No. 3 and Pole No. 4 on Milo Street.

Resolved, That the Chief Electrical Inspector is requested to cause the installation of street lights on Pole No. 3 and Pole No. 4 on Milo Street.

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 JACKSON (By Request):

Resolution Requesting the Tax Assessor to apply the Homestead Exemption to the property located at 219 Ivy Street for the 2005 tax roll.

COUNCILMAN LUNA (By Request):

Resolution Requesting the Tax Assessor to apply the Homestead Exemption to the property located at 11-13 Balcom Street for the 2005 tax roll.

Resolution Requesting the Tax Assessor to apply the Homestead Exemption to the property located at 149-151 Gallatin Street for the 2005 tax roll.

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

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

**COUNCILMAN LUNA and COUNCILMAN
SEGAL:**

Resolution Supporting a new trial for Derick Hazard.

Whereas, Derick Hazard, who is currently serving a life sentence at the Adult Correctional Institution, was denied justice in his trial & his subsequent Appeal for a new trial at the Rhode Island Supreme Court; and

Whereas, Bucky Williams, the witness at Derick Hazards trial, who testified to Mr. Hazard being in a vehicle which was involved in the drive-by shooting death of his cousin David Andrews, originally told police that he did not know who killed his cousin; and

Whereas, The testimony by Rene King asserting that she saw Bucky Williams alone and was not with his cousin David Andrews shortly before the slaying, was thrown out by Judge Cresto; and

Whereas, Veteran prosecutor Annie Goldberg was removed from the case after she told Attorney General Sheldon Whitehouse that Derick Hazard deserved a new trial; and

Whereas, Jeffery Hornoff was convicted of murder in a separate case and later found innocent after the real killer confessed to the killing; and

Whereas, Officials in law enforcement say that the wrongful conviction of Jeffery

Hornoff opened their thinking as according to a December 31,2002 Providence Journal article; and

Whereas, In papers filed with the Superior Court in June, Defense Attorney J. Richard Ratcliffe asserts that Mr. Hazard's original attorney Vincent Oddo provided inadequate representation, lied to Hazard about his experience defending murder cases, and failed to investigate evidence, later unearthed by The Providence Journal, that supported Mr. Hazard's alibi that he was in Columbus, Ohio, when the killing he was convicted of took place in Providence.

Now therefore, be it Resolved, That the City Council of the City of Providence hereby calls for justice for Derick Hazard in an appropriate form, by a new trial by post relief conviction in which all pertinent evidence is presented.

**AYES: COUNCILMEN ALLEN, APONTE,
JACKSON, LUNA, SEGAL, WILLIAMS,
YOUNG - 7.**

**NAYES: COUNCIL PRESIDENT LOMBARDI,
COUNCILMAN BUTLER, DeLUCA, MANCINI
and COUNCILWOMAN ROMANO - 5.**

ABSTAIN: HASSETT, IGLIOZZI - 2.

ABSENT: COUNCILWOMAN DiRUZZO - 1.

Resolution Declaring Martins Maintenance a Business Non Grata in the City of Providence.

Whereas, The City of Providence recognizes and values the important historical and ongoing contribution of workers in the realization of the Downtown Renaissance; and

Whereas, The City of Providence affirms that every worker's family is stronger when they have job stability; when every worker is free to join with their co-workers to advocate for a safe and healthy workplace and organize to better their working and living conditions without threats or intimidation; and

Whereas, The City of Providence has been and remains committed to ensuring companies recognize and uphold the rights guaranteed to workers by federal, state, and municipal laws, and that companies operate with honest and responsible business practices; and

Whereas, The National Labor Relations Board has authorized an official complaint against Martins Maintenance, a janitorial services contractor, after finding cause to proceed on the assertions that one of its supervisors engaged in a workplace assault against a contracted Janitor in its employ on the evening of November 25, 2005 in the basement of the Turks Head Building in Downtown Providence, threatened to have the legs of the employee cut off, and illegally fired the employee that same evening as retribution for the contracted janitor's exercising his First Amendment right to free association and his right to organize under the National Labor Relations Act of 1935 by communicating with representatives of the Service Employees International Union Local 615; and

Whereas, The Rhode Island Department of Labor and Training Workers' Compensation Fraud Unit has opened an investigation into the likelihood of Martins Maintenance systematically committing Workers' Compensation Premium Fraud as a standard business practice, at the expense of its employees and honest and responsible

businesses, by underreporting its payroll and using shell companies to falsely declare as independent contractors; and

Whereas, Martins Maintenance employs contracted janitors in the Turks Head Building but pays them through a company, the Floor Strippers, whose charter was revoked in 2004 by the Secretary of State for failing to submit their annual report and which reportedly does not provide Workers' Compensation Insurance, nor pay its payroll taxes, allegations which, if true, spin a web of fraud and corruption to evade the company's legal responsibilities to its employees and our City at the expense of honest workers, responsible businesses, and our City's taxpayers; and

Whereas, Martins Maintenance, by displacing a contracted janitor working at 56 Exchange Terrace, an office building in Downtown Providence, upon receiving the cleaning contract for the said office building on November 1, 2005, violated the Ordinance Relative to Displaced Workers that the Providence City Council adopted on August 4th, 2005, which aims to protect the most vulnerable low-wage workers from the job instability that plagues the contracted janitorial industry in cities across the United States.

Now, Therefore be it Resolved, That the City Council of the City of Providence affirms the rights of all people working within the City that are guaranteed to them under federal, state, and municipal laws; and

Be it further Resolved, That the City Council of the City of Providence strongly and emphatically discourages all building owners, private businesses, and municipal

buildings and entities in our City from hiring Martins Maintenance, and declares Martins Maintenance a business non grata in the City of Providence.

AYES: COUNCIL PRESIDENT LOMBARDI, ALLEN, APONTE, JACKSON, LUNA, SEGAL and YOUNG-7.

NAYES: COUNCILMAN BUTLER, DeLUCA, MANCINI, COUNCILWOMAN ROMANO and COUNCILWOMAN WILLIAMS -5.

RECUSED: COUNCILMAN HASSETT - 1.

ABSTAIN: COUNCILMAN IGLIOZZI - 1.

ABSENT: COUNCILWOMAN DIRUZZO - 1.

COUNCILWOMAN ROMANO (By Request):

Resolution Requesting the Chief Electrical Inspector to cause the upgrade of street lighting along Hawkins Street between Charles Street and Branch Avenue to 27,500 lumen.

Resolved, That the Chief Electrical Inspector is requested to cause the upgrade of street lighting along Hawkins Street between Charles Street and Branch Avenue to 27,500 lumen.

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

Resolved, That the Chief Electrical Inspector

is requested to cause the upgrade of street lighting on Cornwall Street to 27,500 lumen.

Resolution Requesting the Chief Electrical Inspector to cause the installation of a light on Pole No. 112 located on the corner of Charles Street and Quarry Street.

Resolved, That the Chief Electrical Inspector is requested to cause the installation of a light on Pole No. 112 located on the corner of Charles Street and Quarry Street.

COUNCILMAN APONTE Moves to Dispense with the Reading of the foregoing matters and Moves Passage of the Several Resolutions, seconded by COUNCIL WOMAN WILLIAMS.

The Motion for Passage is Sustained.

Resolution Requesting the Tax Assessor to apply the Homestead Exemption to the property located at 9 Raphael Avenue for the 2005 tax roll.

Resolution Requesting the Tax Assessor to apply the Homestead Exemption to the property located at 16 Linda Court for the 2005 tax roll.

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

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

COUNCILMAN SEGAL, COUNCILMAN APONTE, COUNCILWOMAN DIRUZZO, COUNCILMAN HASSETT and COUNCILWOMAN WILLIAMS:

Resolution Requesting the City Council through its Finance Committee to name three (3) resident persons of the City of Providence to participate in the efforts of the Providence Public Library Strategic Planning Team to study and to make recommendations.

Whereas, the City Council has been invited by the Providence Public Library to name three (3) persons to its Strategic Planning Team, so-called; and

Whereas, the City Council has a great interest in its relationship with the Providence Public Library and the public library services within the City of Providence; and

Whereas, the City Council is desirous of participating in the strategic planning, as well as its operations, of the Providence Public Library;

Now therefore be it resolved,

1. That the City Council through its Finance Committee, shall name, as soon practicable, three (3) resident persons of the City of Providence to participate in the efforts of the Providence Public Library Strategic Planning Team to study and to make recommendations with respect to:

- a) the governance structure of the Providence Public Library;
- b) the contractual or other material elements of the relationship between the municipal government of the City of Providence and the Providence Public Library;
- c) appropriate reporting requirements for reporting of material events and

circumstances affecting the Providence Public Library to the City Council and the Mayor of the City of Providence; and

- d) measures to insure accountability of Providence Public Library's provision of library services to the municipal government of the City of Providence.

2. This resolution is effective upon its passage.

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

The Motion for Passage is Sustained.

COUNCILWOMAN WILLIAMS (By Request):

Resolution Requesting the Tax Assessor to apply the Homestead Exemption to the property located at 162 Prospect Street for the 2005 tax roll.

Resolution Requesting the Tax Assessor to apply the Homestead Exemption to the property located at 95 Slater Avenue for the 2005 tax roll.

Resolution Requesting the Tax Assessor to apply the Homestead Exemption to the property located at 33 Everett Avenue for the 2005 tax roll.

COUNCILWOMAN YOUNG (By Request):

Resolution Requesting the Tax Assessor to apply the Homestead Exemption to the property located at 11 Baldwin Court for the 2005 tax roll.

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

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

REPORTS FROM COMMITTEES

COMMITTEE ON FINANCE

COUNCILMAN KEVIN JACKSON, Chairman

**Transmits the following with Recommendation
the Same be Adopted, As Amended:**

An Ordinance Establishing a Compensation Plan for the Water Supply Board and Repealing Ordinance Chapter 2005-15, Approved February 28, 2005, As Amended.

An Ordinance Relative to Public Oversight of Public Funds.

Read and Passed the First Time, on Motion of COUNCILMAN APONTE, seconded by COUNCILWOMAN WILLIAMS, by the Following Roll Call Vote:

COUNCILMAN APONTE Moves to Lay the foregoing Ordinance on the Clerk's Desk until February 16, 2006, seconded by COUNCILWOMAN WILLIAMS.

AYES: COUNCIL PRESIDENT LOMBARDI, COUNCILMEN ALLEN, APONTE, BUTLER, DeLUCA, HASSETT, IGLIOZZI, JACKSON, LUNA, MANCINI, COUNCILWOMAN ROMANO, COUNCILMAN SEGAL, COUNCILWOMEN WILLIAMS and YOUNG - 14.

NAYES: NONE.

ABSENT: COUNCILWOMAN DIRUZZO - 1.

The Motion for Passage the First Time is Sustained.

AT EASE

RECONVENTION

COUNCILMAN APONTE Moves to Reconsider item number 65, seconded by COUNCILMAN IGLIOZZI. Read and Passed the First Time, on Motion of COUNCILMAN APONTE, seconded by COUNCILWOMAN WILLIAMS, by the Following Roll Call Vote:

AYES: COUNCIL PRESIDENT LOMBARDI, COUNCILMEN ALLEN, APONTE, BUTLER, DeLUCA, HASSETT, IGLIOZZI, JACKSON, LUNA, MANCINI, COUNCILWOMEN ROMANO, WILLIAMS and YOUNG -13.

ABSENT: COUNCILWOMAN DiRUZZO and COUNCILMAN SEGAL-2.

The Motion for Passage the First Time is Sustained.

NAYES: NONE.

**Transmits the following with Recommendation
the Same be Adopted, As Amended:**

An Ordinance making an Appropriation of Fifty Four Million Four Hundred Ninety Two Thousand Nine Hundred Sixty Seven Dollars (\$54,492,967) for the support of the Providence Water Supply Board for the Fiscal Year Ending June 30, 2006.

AYES: COUNCIL PRESIDENT LOMBARDI, COUNCILMEN ALLEN, APONTE, BUTLER, DeLUCA, HASSETT, IGLIOZZI, JACKSON, LUNA, MANCINI, COUNCILWOMAN ROMANO, COUNCILMAN SEGAL, COUNCILWOMEN WILLIAMS and YOUNG - 14.

NAYES: NONE.

An Ordinance Establishing the Classes of Positions, the Maximum Number of Employees and the Number of Employees in Certain Classes in the Water Supply Board and Repealing Ordinance Chapter 2005-16, Approved February 28, 2005, As Amended.

ABSENT: COUNCILWOMAN DiRUZZO - 1.

The Motion for Passage the First Time is Sustained.

Read and Passed the First Time, on Motion of COUNCILMAN APONTE, seconded by COUNCILWOMAN WILLIAMS, by the Following Roll Call Vote:

**Transmits the Following with Recommendation
the Same be Severally Approved:**

Resolution Requesting the Tax Assessor to apply the Homestead Exemption to the property located at 1281 Eddy Street for the 2005 tax roll.

property located at 169, 171 and 171R Ontario Street for the years 2003, 2004 and 2005.

Resolved, That the Tax Assessor is requested to apply the Homestead Exemption to the property located at 1281 Eddy Street for the 2005 tax roll.

Resolved, That the Tax Assessor is requested to apply the Homestead Exemption to the property located at 169, 171 and 171R Ontario Street for the years 2003, 2004 and 2005.

Resolution Requesting the Tax Assessor to apply the Homestead Exemption to the

Resolution Requesting the Tax Assessor to apply the

Homestead Exemption to the property located at 71 Meridian Street for the 2005 tax roll.

Resolved, That the Tax Assessor is requested to apply the Homestead Exemption to the property located at 71 Meridian Street for the 2005 tax roll.

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.

Transmits the Following without Recommendation:

Communication from His Honor the Mayor dated December 28, 2005, Informing the Honorable Members of the City Council that pursuant to Sections 302(b) and 1009 of the Providence Home Rule Charter of 1980, as amended, he is this day appointing Mr. Kas DeCarvalho of 154 Miller Avenue, Providence, Rhode Island 02905, as Chairman of the Zoning Board of Review for a term to expire in January 2011, and respectfully submits the same for your approval. (Mr. DeCarvalho will replace Ms. Sandra Carlson, whose term has expired)

COUNCILMAN APONTE Moves to Suspend Rule 16-B of the Rules of the Providence Council to accept a matter

not on the printed docket, seconded by COUNCILWOMAN WILLIAMS.

COUNCILMAN APONTE Moves to Accept and Approve the withdrawal of the nomination, seconded by COUNCILWOMAN WILLIAMS.

COUNCILMAN BUTLER Moves to Deny item number 72, seconded by COUNCILWOMAN YOUNG.

COUNCILMAN BUTLER Moves to Reconsider item number 72, seconded by COUNCILWOMAN YOUNG.

PERSONAL EXPRESSION

COUNCILMAN BUTLER Requests the privilege of the floor to speak on a Point of Personal Expression and states:

There as an item before us on this docket this evening and I won't say which number but it was

between 71 and 73. So between 71 and 73, I would just like to let my colleagues know that there was a printed docket here this evening and I want to be on the record because I can't vote but I strongly object to this and I hope it doesn't come and bite us.

COUNCILMAN HASSETT Moves to Challenge the ruling of the Chair, seconded by COUNCIL WOMAN YOUNG, by the Following Roll Call Vote:

AYES: COUNCILMAN BUTLER, HASSETT, IGLIOZZI, JACKSON and COUNCILWOMAN YOUNG - 5.

NAYES: COUNCIL PRESIDENT LOMBARDI,

COUNCILMEN ALLEN, APONTE, DeLUCA, LUNA, MANCINI, COUNCILWOMAN ROMANO, COUNCILMAN SEGAL and COUNCILWOMAN WILLIAMS - 9.

ABSENT: COUNCILWOMAN DIRUZZO - 1.

The Motion to Challenge Fails.

PERSONAL EXPRESSION

COUNCILMAN IGLIOZZI Requests the privilege of the floor to speak on a Point of Personal Expression and states:

I just want to remark. I think that's an important exercise in what we've done because it shows that the Council does take this very serious just on a side note and I think it's important to acknowledge that. I just wanted to talk about just to set the record straight on what did transpire the last few days. I'm rising tonight basically to set the record straight. Considering Mr. DeCarvalho's nomination to become Chairman of the Zoning Board. As you know, I tend numerous meetings and I did happen to attend the Finance meeting when they were vetting Mr. DeCarvalho. Some of my members were there. Councilman Mancini, Councilman Jackson, Councilman Aponte, Councilman Hassett, Councilman Butler and myself and during that meeting we vetted Mr. DeCarvalho. We heard his story, we heard his background. Councilman Aponte asked questions, relative questions about zoning. It seemed to be

pretty relevant to me. Zoning Board, zoning question. Councilman Mancini asked about constituent concerns and the reaction and how the interaction would be. It seems to be pretty relevant. Zoning Board, meeting with the public. Councilman Jackson asked some basic background questions. Councilman Hassett asked questions and I asked questions about conflicts of interest and appearance of in propriety. More specifically that if the individual became the Chair of the Zoning Board my position would be and I don't believe he should go before any City board, commission or court representing in the lawyer fashion or lobbying. I think it poses a problem for the City and I think it also has an ethical issue. Mr. DeCarvalho at that point in time basically refused to pledge. I was concerned with that because when you peruse the different laws, the State laws, ethics, conflicts. It appears to be that that would be the case which you should not go before these boards, commissions and other courts. There is an appearance but even if specifically if the law doesn't prohibit that, I

thought it was important that the Council take the position to do so. After the meeting, I actually was inclined and leaning towards Mr. DeCarvalho's appointment but then the following day I was shocked, I was just amazed on Mr. DeCarvalho's post hearing responses and how he portrayed his experience. He stated things like I was snubbed. He said that the committee was influenced by Councilman Jackson. He stated that is was hatchet job. He stated that the Council didn't give him a fair shake that's the latest. He even stated that Councilman Jackson sabotaged his nomination. First of all, the first time I ever heard of any of these personal issues that were brought up was by Mr. DeCarvalho during the Finance meeting. Those were his first words out of her mouth but what concerned me was he didn't stop. The person who sabotaged Mr. DeCarvalho's nomination was Mr. DeCarvalho himself. His statements in his post hearing sponsors showed his true quality and his personality. I was concerned that he couldn't recognize the conflict issue. Next, he started talking about specific personal issues about a minor. I have no idea why, I don't know what he was trying to gain but I thought is was inappropriate and I wasn't aware of it until he opened his own mouth. I was also concerned that he

seemed to expose basically his contempt for the actual process. He believed by the virtue I guess of who he was that he wasn't accountable to the very authority, the Council that is that he was seeking approval from. That was extremely troublesome to me. It also showed that he buckled under minor pressure and questioning and was quick to condemn the process before it was even completed as you can see tonight. No matter how you feel about Judge Alito, even Judge Alito showed respect and humility to the Senate even after they made his wife cry. Mr. DeCarvalho, if there is one lesson you should learn from this experience is to be more humble. By the way, the definition of being humble by Webster's is to be modest, meek, be respectful and unpretentious. He showed exactly what the type of person the people of Providence do not deserve to have on such a serious board. One other thing, when you're seeking positions to serve the public please remember it's not about you but it's about the public your serve. So I want to thank my Council colleagues. The vetting process did work and we should be proud that we're doing our job. Thank you.

**COUNCIL PRESIDENT LOMBARDI
RELINQUISHES THE CHAIR**

**ACTING COUNCIL PRESIDENT PRO-
TEMPORE YOUNG IN THE CHAIR**

PERSONAL EXPRESSION

COUNCILMAN APONTE Request the privilege of the floor to speak on a Point of Personal Expression and states:

Much has been written about the nomination, much has been said about the nomination. I wish to add somewhat to that and I do not wish to disparage the nominee on his way out but I must say that some of the comments attributed to the nominee I found personally insulting. The suggestion that one could not receive a fair or objective consideration on this nomination was offensive to me and I think was offensive to every member of the body, individually and collectively. The nominees attempt to portray himself as a victim in this process was equally offensive to me. For there was one victim in this process and that was a young man who never sought the public life, who never sought to be included in these discussions and a parent and those of us who are parents know what it feels like to have one's personal family matters brought out in public and talked about with no context simply as a defense. I followed this nomination from its inception to its conclusion and I hope this evening, and I can say to you with all honesty and candor that this nomination and the process did not deviate in any way from past practice. I would asked that if you don't believe that ask the nominees that were considered for the School Department that each were grilled for forty-five minutes on matters relating to their beliefs, their opinions about school policy and their commitment to those children in the School Department. This nominee sat there for forty-five minutes and was evasive and lawyerly at best. The suggestion that somehow there was a personal conflict or an attempt to influence in any way the members of this body was equally offensive to me and I would suggest to some folks who believe that they hold some sense of entitlement to public service that they should think again. This nominee was nominated to serve in three occasions. Nominated to serve on the Providence

Economic Development Corporation on which he currently serves. Nominated to serve on the Board of Tax Assessment Review which this Council approved and I heard no mention of some despaired treatment, of some agenda against this candidate when this Council approved that nomination. He was never sworn in, he was never seated but our portion of the process, the legislative authority that was performed that day was never called to question. I would submit to my colleagues and very humbly thank all of my colleagues for their involvement in this process. It should have never gotten to this point. There should not have been a child who became a victim of a campaign of defense launched against someone who probably six months ago didn't know who this person was. The Finance committee and this Council conducted themselves and comported themselves professionally, properly at all times and any suggestion to the contrary should be offensive to us individually and offensive to us collectively as this institution has in my short tenure here never engaged in anything other than professional conduct. We have treated everyone equally and equitably that has come before us. So I thought it important to raise those points because much has been said and I'm sure much will be said about how this has worked out. There will be suggestions that somehow this particular nomination will cause some chilling effect. I would suggest to you that anyone who wishes to serve is welcome and as my colleague stated humility is one of those very valued traits and I would suggest to folks that a little humility goes a long way and again thank my colleagues for the manner in which they've conducted themselves and never accepted the opportunity to go to the gutter and to take this discussion beyond where it need be and that was a discussion of public policy and for that Madam Chair I'm thankful and I would end my comments there.

COUNCILMAN HASSETT Moves to Suspend Rule 7 of the Rules of the Providence City Council to speak on

a matter of personal expression, seconded by COUNCILMAN BUTLER.

PERSONAL EXPRESSION

COUNCILMAN HASSETT Requests the privilege of the floor to speak on a Point of Personal Expression and states:

When I was on the Finance Committee some time ago our goal was to make sure there were seven rescues serving the citizens of this City. As you know this City Council controls the purse strings of this fine City. The best way to deal with this is to introduce a budget amendment, a supplemental and have the Finance Committee make an appropriation through a supplemental to properly fund the rescue that was removed from service and have it be re-

deployed with the funding to go along with it. That's what we should do at the appropriate time. A budget amendment considered by the Finance Committee and passed by the Council to properly fund the rescue. That's what this Council can do and I would urge my colleagues to think along those lines and I would be certainly willing to introduce an amendment to the current budget to make sure that this rescue is properly funded and redeployed so that it protects the citizens of our City.

COUNCIL PRESIDENT LOMBARDI RETURNS TO THE CHAIR

COMMITTEE ON CLAIMS AND PENDING SUITS

COUNCILMAN PETER S. MANCINI, Chairman

**Transmits the following with Recommendation
the Same be Severally Approved:**

Certificates from the City Collector, No. 57, recommending the Cancellation of the taxes for the years 1993-2003, (Excise Tax-Bankruptcy) pursuant to Section 44-7-14 of the General Laws of Rhode Island, 1956, As Amended, as the same are determined to be uncollectable in the amount of Twenty Five Thousand Four Hundred Two Dollars and Six (\$25,402.06) Cents.

Certificates from the City Collector, No. 58, recommending the Cancellation of taxes for the years 1995-2003 (Tangible Tax-Bankruptcy), pursuant to Section 44-7-14 of the General Laws of Rhode Island, 1956, As Amended, as the same are determined to be uncollectable, in the amount of Two Hundred Thirty Two Thousand, Twenty Three Dollars and Ten (\$232,023.10) Cents.

Certificates from the City Collector, No. 59, Recommending the cancellation of the taxes for the year 1993 in the amount of One Million Eight Hundred Thirty Five Thousand Three Hundred Thirty Seven Dollars and Eighty One (1,835,337.81) Cents and for the year 1994 in the amount of Two Million Seventy Thousand Twenty Four Dollars and Nine (2,070,024.09) Cents (Excise Tax),

pursuant to Section 44-7-14 of the General Laws of Rhode Island, 1956, As Amended, as the same are determined to be uncollectible.

Certificates from the City Collector, No. 60, Recommending the cancellation of the taxes for the year 1993 in the amount of One Million One Hundred Ten Thousand Four Hundred Eighty Five Dollars and Fifty (\$1,110,485.50) Cents and for the year 1994 in the amount of One Million Twenty One Thousand Two Hundred Twenty Seven Dollars and Twenty Seven (\$1,021,227.27) Cents (Tangible Tax), pursuant to Section 44-7-14 of the General Laws of Rhode Island, 1956, As Amended, as the same are determined to be uncollectible.

Certificates from the City Collector No. 61, Recommending the cancellation of Real Estate Tax, for various years, pursuant to Section 44-7-14 of the General Laws of Rhode Island, 1956, As Amended, as the same are determined to be uncollectible, in the amount of Eleven Thousand Six Hundred Eighty One Dollars and Seventeen (\$11,681.17) Cents.

Certificates from the City Assessor (Nos. 1K and 2K) recommending the same be severally cancelled pursuant to the provisions of Sections 14 and 15 of Title 44, Chapter 7 of General Laws of Rhode Island, As Amended.

Certificates from the City Assessor (Nos. 3K and 4K), 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. (Continued December 15, 2005)

Certificates from City Assessor (5K and 6K), 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.

COUNCILMAN APONTE Moves to Refer the Several Certificates Back to the Committee on Claims and Pending Suits.

COMMUNICATIONS

Communication from Councilman Patrick K. Butler, dated January 25, 2006, Informing the Honorable Members of the City Council that he is this day re-appointing Mr. John Hearn of 42 Hilltop Avenue, Providence, Rhode Island 02908, to the Providence External Review Authority (PERA), for a term of one year.

Communication from Louis A. Pavo, Clerk, Municipal Court, dated January 17, 2006, submitting the annual report of revenue collected for the period of January 1, 2005 thru December 31, 2005, in the amount of Six Million Six Hundred Eighty Two Thousand Two Hundred Seventy One Dollars and Fifty Six (Cents) for violations.

Communication from Richard H. Aitchison, License Administrator, Board of Licenses, dated January 26, 2006, Informing the First Deputy City Clerk of the appointments of Andrew J. Annaldo as Chairman & Secretary and Gordon Fox as Vice-Chairman of the Providence Board of Licenses.

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

COUNCILMAN IGLIOZZI Moves to Refer item number 82 Back to the Clerk of the Municipal Court for further information, seconded by COUNCILMAN HASSETT.

COUNCILMAN IGLIOZZI Withdraws his motion to Refer item number 82 Back to the Clerk of the Municipal Court for further information and COUNCILMAN HASSETT withdraws his second of the motion.

COUNCIL PRESIDENT LOMBARDI Receives the Several Communications.

Communication from Robert A. Smith, P.E., Managing Engineer, Rhode Island Department of Transportation, Engineering Division, dated January 9, 2006, submitting the Statewide Drainage Improvements - Route 146 @ Berkshire Street Construction and Maintenance Agreement.

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

FROM THE CLERK'S DESK

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

Melissa Polofsky

Dennis Renaud, Gia Renaud and Dennis and
Gia Renaud a/s/o Allison Renaud
(Michael S. Kiernan, Esquire)

Debra A. Altieri

Robert J. Bender Jr.

Michael Ryan

Barbielynn Mangum

Ronald C.F. Antony

Laura Caceres, Amuris Caceres, Leonardo
Caceres, Jose Caceres and Reyes Gil
(Jimmy J. Burchfield, Jr., Esquire)

Fred Johnson
Carl Skinner

Betsy A. Singer

Robert Schoenberg

Wendy Froehlich

Paula Keegan

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

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:

Juana Sanchez, in recognition of her great job on behalf of the Dominican community.

Josefina Garcia, in recognition of her great job on behalf of the Dominican community.

Nancy Getek, in recognition of the celebration of her retirement after twenty-eight years of distinguished service to the State of Rhode Island.

Mr. and Mrs. Joseph Cataldi, in recognition of the celebration of the happy occasion of their fiftieth wedding anniversary.

Steve Petruccillo, in recognition of the celebration of his fiftieth birthday.

Officer Christopher Rotella, in recognition of his promotion to the rank of Detective in the Providence Police Department.

Nicholas "Nick" Manzo, in recognition of the celebration of the happy occasion of his eightieth birthday, born February 2, 1926.

Barbara Cottam, in recognition of her appointment as Chair of the Providence College President's Council.

Theresa and Steven Meresi, in recognition of the Grand Re-Opening of their business, Palmieri's Bakery, on December 3, 2005.

**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:**

Resolutions Extending Sympathy.

Resolved, That the Members of the City Council hereby Extend their Sincere Sympathy to the families of the following:

William J. Hames, II

James T. Kanelos

Emma Bottone

Domenic C. Schiavone

William E. "Billy" Brothers

Filomena "Phyllis" Capaldi

Ethel M. Grenier

Edith M. Puccetti

Blanche L. Caduto

Vincenza Perrotti

John A. Ando

Barbara L. Donovan

John J. "Mustang" Conti

John F. Petracca

John J. "Mustang" Conti

Joseph Gemma

Mary "Anna" Lautieri

Joseph Olerio, Sr.

Mary D. DePasquale

Ellen Mahoney

Giovanna "Jenny" Celani

Annette J. McManus

Frank S. Giacobbi

Alfred J. Mello

James O'Neill Dillon

Thomas P. Illuzzi

Marion "Anna" Bruno

Joseph A. Polisena, Jr.

Peter R. Rudis

Angela M. Zugg

Michael L. Feuti

Goldie Haroian

Daniel Kenny

Mary N. Knight

James T. Kanelos

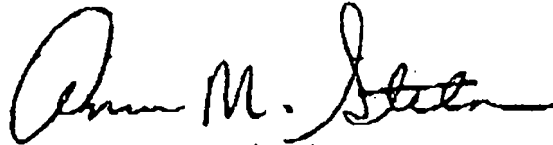
William J. Harnes, II

**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 COUNCILMAN WILLIAMS, it is voted to adjourn at 9:30 o'clock P.M. (E.S.T.), to meet again on THURSDAY, FEBRUARY 16, 2006 at 7:30 o'clock P.M. (E.S.T.).



ANNA M. STETSON
CITY CLERK



