

CITY OF PROVIDENCE
RHODE ISLAND



CITY COUNCIL
JOURNAL OF PROCEEDINGS

No. 5 City Council Regular Meeting, Thursday, March 2, 2006, 7:30 o'clock P.M. (E.S.T)

PRESIDING

COUNCIL PRESIDENT

JOHN J. LOMBARDI

ROLL CALL

Present: COUNCIL PRESIDENT LOMBARDI,
COUNCILMEN APONTE, DeLUCA, HASSETT,
IGLIOZZI, JACKSON, MANCINI, COUNCILWOMAN
ROMANO, COUNCILWOMAN WILLIAMS and
YOUNG - 10.

Absent: COUNCILMAN ALLEN, BUTLER,
COUNCILWOMAN DIRUZZO and COUNCILMEN
LUNA and SEGAL- 5.

(SUBSEQUENTLY CONCILMAN BUTLER
JOINS THE MEETING)

Also Present: Adrienne G. Southgate, Deputy City
Solicitor; Anna M. Stetson, City Clerk, Claire E. Bestwick,
First Deputy City Clerk, Sheri A. Petronio, Assistant
Clerk and Vincent J. Berarducci, City Sergeant

IN CITY COUNCIL

JUL 6 2006

READ
WHEREUPON IT IS ORDERED THAT
THE SAME BE APPROVED.

Anna M. Stetson City Clerk

INVOCATION

The Invocation will be given by COUNCILWOMAN RITA M. WILLIAMS.

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

COUNCILMAN JOHN J. IGLIOZZI Leads
the Members of the City Council and the
Assemblage in the Pledge of Allegiance to
the Flag of the United States of America.

APPOINTMENT BY HIS HONOR THE MAYOR

Communication dated February 3, 2006, Informing the Honorable Members of the City Council that pursuant to Sections 302(b) of the Providence Home Rule Charter of 1980 and Section 42-63.1-11 of the Rhode Island General Laws, he is this day appointing Mr. Cliff Wood of 299 Doyle Avenue, Providence, Rhode Island 02906, to the Greater Providence-

Warwick Convention and Visitors Bureau for a term to expire on June 30, 2008. (Mr. Wood is replacing Mr. James Hagan, who has resigned)

**COUNCIL PRESIDENT LOMBARDI
Receives the foregoing Communication.**

ELECTION OF CERTAIN CITY OFFICERS

Election of Two Members to the Recreational Advisory Board.

COUNCILMAN APONTE Moves to Open Nominations for Two Members to the Recreational Advisory Board and Lay the foregoing Election on the

Clerk's Desk until March 16, 2006, seconded by COUNCILWOMAN WILLIAMS.

COUNCILMAN BUTLER JOINS THE MEETING.

PRESENTATION OF ORDINANCES

COUNCIL PRESIDENT LOMBARDI, COUNCILMEN JACKSON, BUTLER, LUNA, MANCINI, COUNCILWOMAN ROMANO and COUNCILMAN SEGAL:

An Ordinance Relating to Article IV, Chapter 17, Section 17-189(5) of the Code of Ordinances. (Disability)

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

COUNCILMAN APONTE (By Request):

An Ordinance Amending Chapter 15 of the Code of Ordinances, Entitled: "Motor Vehicles and Traffic", Section 15-2.

An Ordinance Amending Section 17-21 of the City of Providence Code of Ordinances.

COUNCILMAN BUTLER:

An Ordinance in Amendment of the Providence Code of Ordinances, Chapter 16, Entitled: "Offenses and Miscellaneous Provisions", Article I, "In General", to add Section 16-25.

COUNCILMAN HASSETT:

An Ordinance in Amendment of Chapter 21, Article II of the Code of Ordinances, As Amended, Entitled: "Contracts, Purchases and Sales".

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

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

PRESENTATION OF RESOLUTIONS

COUNCIL PRESIDENT LOMBARDI (By Request):

Resolution Requesting the Traffic Engineer to cause the installation of "Reserved Capital Police 8:00 a.m. to 4:00 p.m. Monday thru Friday" Signs at 250 Benefit Street, directly across from the Rhode Island Superior Courthouse in order to establish two (2) reserved parking spaces.

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

COUNCILMAN ALLEN:

Resolution Requesting that any and all caucus matters appear on an agenda to be published at least 48 hours in advance of the actual convening of the caucus.

COUNCILMAN APONTE Moves to Deny the foregoing resolution, seconded by COUNCILWOMAN WILLIAMS.

COUNCILMAN IGLIOZZI (By Request):

Resolution Requesting to cancel or abate, in whole the taxes assessed upon Assessor's Plat 114, Lot 451 (2 Buttonhole Drive), in accordance with Rhode Island General Law 44-7-23, in the amount of Seven Hundred Sixty Two Dollars and Fifteen (\$762.15) Cents, for the year 2005, plus any taxes and interest accrued, as requested by the Golf Foundation of Rhode Island (Buttonhole).

Resolution Requesting to cancel or abate, in whole the taxes assessed upon Assessor Plat 113, Lot 25 (85 Kinfield Street), in accordance with Rhode Island General Law 44-7-23, in the amount of Five Hundred Forty One Dollars and Twenty (\$541.20) Cents, for the year 2005, plus any taxes and interest accrued, as requested by the Golf Foundation of Rhode Island (Buttonhole).

Resolution Requesting to cancel or abate, in whole the taxes assessed upon Assessor's Plat 114, Lot 246 (108 Kinfield Street), in accordance with Rhode Island General Law 44-7-23, in the amount of One Hundred Ninety Four Dollars and Sixty Four (\$194.64) Cents, for the year 2005, plus any taxes and interest accrued, as requested by the Golf Foundation of Rhode Island (Buttonhole).

Resolution Requesting to cancel or abate, in whole the taxes assessed upon Assessor's Plat 113, Lot 78 (194 Ophelia Street), in accordance with Rhode Island General Law 44-7-23, in the amount of Four Hundred Sixty Two Dollars and Fifty Four (\$462.54) Cents, for the year 2005, plus any taxes and interest accrued, as requested by the Golf Foundation of Rhode Island (Buttonhole).

Resolution Requesting to cancel or abate, in whole the taxes assessed upon Assessor's Plat 113, Lot 79 (198 Ophelia Street), in accordance with Rhode Island General Law 44-7-23, in the amount of Five Hundred Thirty Dollars and Seventy Three (\$530.73)

Cents, for the year 2005, plus any taxes and interest accrued, as requested by the Golf Foundation of Rhode Island (Buttonhole).

Resolution Requesting to cancel or abate, in whole the taxes assessed upon Assessor's Plat 113, Lot 308 (199 Ophelia Street), in accordance with Rhode Island General Law 44-7-23, in the amount of One Thousand Nine Hundred Ninety Eight Dollars and Sixty Nine (\$1,998.69) Cents, for the year 2005, plus any taxes and interest accrued, as requested by the Golf Foundation of Rhode Island (Buttonhole).

COUNCILMAN JACKSON (By Request):

Resolution Requesting His Honor the Mayor to execute an agreement to provide Solid Waste and Recycling Services with Rhode Island Resource Recovery Corporation, to provide such services to the City for the period between July 1, 2005 and June 30, 2006.

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 COMMITTEE

COMMITTEE ON FINANCE

COUNCILMAN KEVIN JACKSON, Chairman

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

An Ordinance in Amendment of Chapter 1998-22, No. 308, Approved May 28, 1998, Entitled: "An Ordinance in Amendment of Certain Sections of Chapter 17, Article IV of the Code of Ordinances, Entitled: "Retirement System", As Amended.

An Ordinance Amending Ordinance No. 342, Providing for the Assessment and Collection of 2005 taxes in a sum not less than Two Hundred Forty Five Million Dollars (\$245,000,000) and not more than Two Hundred Sixty Five Million (\$265,000,000) being based on a One Hundred Percent (100%) of the 2005-2006 Fiscal Year Tax Collections, Amending Section 21-182 of the Code of Ordinances to reflect the new Tax Classification Plan approved by the Rhode Island General Assembly, amending Section 21-126 of the Code of Ordinances to raise the personal exemptions, and setting the homestead rates for Fiscal Year 2006.

COUNCILMAN APONTE Moves to Dispense with the Reading of the foregoing matters and Moves Passage of the Several Ordinances the First Time, seconded by COUNCILWOMAN WILLIAMS.

COUNCILMAN APONTE Moves to withdraw his Motion for Passage of the Several Ordinances and

COUNCILWOMAN WILLIAMS withdraws her second of the Motion, the following matter are taken up separately.

An Ordinance in Amendment of Chapter 1998-22, No. 308, Approved May 28, 1998, Entitled: "An Ordinance in Amendment of Certain Sections of Chapter 17, Article IV of the Code of Ordinances, Entitled: "Retirement System", As Amended.

COUNCILMAN APONTE Moves to Amend the Ordinance by adding "This Ordinance will take effect as of July 1, 2006", as the last sentence, seconded by COUNCILWOMAN WILLIAMS.

COUNCILMAN APONTE Moves Passage of the foregoing Ordinance, As Amended, the First Time, seconded by COUNCILWOMAN WILLIAMS, by the Following Roll Call Vote:

AYES: COUNCIL PRESIDENT LOMBARDI, COUNCILMEN APONTE, BUTLER, DeLUCA, HASSETT, IGLIOZZI, JACKSON, MANCINI,

COUNCILWOMEN ROMANO, WILLIAMS and YOUNG-11.

NAYES: NONE.

ABSENT: COUNCILMEN ALLEN, COUNCILWOMAN DiRUZZO, COUNCILMEN LUNA and SEGAL - 4.

The Motion for Passage the First Time, As Amended is Sustained.

An Ordinance Amending Ordinance No. 342, Providing for the Assessment and Collection of 2005 taxes in a sum not less than Two Hundred Forty Five Million Dollars (\$245,000,000) and not more than Two Hundred Sixty Five Million (\$265,000,000) being based on a One Hundred Percent (100%) of the 2005-2006 Fiscal Year Tax Collections, Amending Section 21-182 of the Code of Ordinances to reflect the new Tax Classification Plan approved by the Rhode Island General Assembly, amending Section 21-126 of the

Code of Ordinances to raise the personal exemptions, and setting the homestead rates for Fiscal Year 2006.

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

AYES: COUNCIL PRESIDENT LOMBARDI, COUNCILMEN APONTE, BUTLER, DeLUCA, HASSETT, IGLIOZZI, JACKSON, MANCINI, COUNCILWOMEN ROMANO, WILLIAMS and YOUNG-11.

NAYES: NONE.

ABSENT: COUNCILMEN ALLEN, COUNCILWOMAN DiRUZZO, COUNCILMEN LUNA and SEGAL - 4.

The Motion for Passage the First Time is Sustained.

PERSONAL EXPRESSIONS

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

I cannot sit here tonight without commenting on an article that appeared in Wednesday's Journal paper where the Mayor of Cranston, Stephen Laffey, lashed out at our most vulnerable population, our precious children of the City of Providence.

As we all know, it's that silly time of year where every politician is trying to show how they're delivering to their cities. It's just another ridiculous political move to blame the victim. When will all the lawmakers of the State and the leaders of the

State realize that it is their responsibility to educate, and I repeat, to educate, all of the children of the State of Rhode Island. A State as small as Rhode Island still cannot get it and realize the responsibility they have to give all our children a fair and equal education, and fair and equal at times means that you cut the pie in unequal slices and the people who need the most get the most. Not like today based on politics but based on a system that accounts for your ESL population, your Special Needs population and the level of poverty our children live in. Must I remind everyone we have the fourth highest percent in the United States of America tied with New Orleans and we see how well the government is taking care of the people who lived in poverty in New Orleans, they're just not taking care of them. All research will point to these factors as the biggest deterrence to leveling the field. Even Mayor Laffey himself knows this when he states the City of Cranston should be penalized by these needs in referring to the "No Child Left Behind Act". So he's even admitting that the act is unfair to the Providence School System because he does not want his city to be held accountable if the students from Providence go to his city, Cranston. There are four points that need to be made clear. One, Providence schools and the leaders and teachers have made clear progress for our children. There are numerous innovative programs operating today in our schools. Mr. President, yourself, myself and the Honorable President Pro-Tempore was just a few weeks ago at a program at Hope High School to again show

what the leaders are doing in the City of Providence to make our schools the best. This Honorable body itself has made hard choices and raised taxes specifically to keep education on the right track. The State Department of Education continues to praise the progress that the City of Providence School Department has made and our children have made. Now, point two, there finally needs to be a fair and equitable system from the State to provide an equal education for all, yes all children in the State. This in effect would reduce every city relying on property taxes. This would also stop the politicking that we all take part in every year to get more money for our systems. This Statewide funding would be beneficial to all cities. Stop blaming the children for a system that will not fund them equitably. Third, the "No Child Left Behind Act" should not be driving educational philosophy, and four, it's easy to pick on the most vulnerable because the normally don't have a voice. It is about time we stand up to politicians that wanted to throw stones on them to gain favor and to try to drive a bigger wedge between the have and the have not's. Instead, they should fight to create a system equitable, for a system that has been un-equal for far too long. Finally, a question to be raised. How many students have or are still attending Classical who did not or still do not live in the City of Providence? It is time we all took responsibility for all our children in the State of Rhode Island, stop fighting between ourselves but stay united for the benefit of our children. Thank you Mr. President.

**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 68 Vernon Street for the 2005 tax roll.

Resolved, That the Tax Assessor is requested to apply the Homestead Exemption to the property located at 68 Vernon Street for the 2005 tax roll.

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

Resolved, That the Tax Assessor is requested 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.

Resolved, That the Tax Assessor is requested 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.

Resolved, That the Tax Assessor is requested 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.

Resolved, That the Tax Assessor is requested to apply the Homestead Exemption to the property located at 77 Alvin Street for the 2005 tax roll.

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

Resolved, That the Tax Assessor is requested to apply the Homestead Exemption to the property located at 18 Claremont Avenue for the 2005 tax roll.

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

Resolved, That the Tax Assessor is requested to apply the Homestead Exemption to the property located at 219 Ivy Street for the 2005 tax roll.

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

Resolved, That the Tax Assessor is requested 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.

Resolved, That the Tax Assessor is requested to apply the Homestead Exemption to the property located at 149-151 Gallatin Street for the 2005 tax roll.

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

Resolved, That the Tax Assessor is requested 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.

Resolved, That the Tax Assessor is requested to apply the Homestead Exemption to the property located at 16 Linda Court for the 2005 tax roll.

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

Resolved, That the Tax Assessor is requested 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.

Resolved, That the Tax Assessor is requested to apply the Homestead Exemption to the property located at 95 Slater Avenue for the 2005 roll.

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

Resolved, That the Tax Assessor is requested to apply the Homestead Exemption to the property located at 33 Everett Avenue for the 2005 tax roll.

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

Resolved, That the Tax Assessor is requested 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 and Moves Passage of the Several Resolutions,

seconded by COUNCILWOMAN WILLIAMS.

The Motion for Passage is Sustained.

COMMUNICATION

Communication from Carol Grant, Chief of Operations, Mayor's Office, dated February 15, 2006, submitting the Annual Reports for the 2005 Fiscal Year prepared by the Department Heads of the following City Departments:

Inspection and Standards

Parks Department

Planning & Development

Public Works (Including Traffic Engineering)

Recorder of Deeds

Recreation

Vital Statistics

**COUNCIL PRESIDENT LOMBARDI
Receives the foregoing Communication.**

FROM THE CLERK'S DESK

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

Marilyn Gorafong	David J. Petrie
Charles V. Stepinski	A. Douglas Ray
Josh Carpluk	Jake P. Carvalho (Rui P. Alves, Esquire)
Jonathan Mancini	Rogério Alves (Rui P. Alves, Esquire)
Marwa Miller	Donovan C. Alves, Esquire (Rui P. Alves, Esquire)
Grady Crudup (Robert J. Levine, Esquire)	Adam M. Sullivan
Thomas George Associates, Ltd. a/s/o Liberty Mutual Insurance Company/ Sheilah Coleman	Miguel Garcia
Joanna Stadniuk	Kristin A. Green
Donald R. Andrus	Michael Martinous
Marietta D'Albero	Maria L. Rondeau
Nationwide Insurance a/s/o Silvestre Jimenez	Jennifer L. Lawless
Progressive Casualty Insurance Company a/s/o Grady Crudup	Beverly G. Sugerman
Christopher Machowski	
MetLife Auto & Home a/s/o Kenneth Nichols	

**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:

Christopher Quinn, in recognition of the celebration of his seventieth birthday.

John and Mary Baldinelli, in recognition of the celebration of sixty years of marital bliss. Joined together in holy matrimony on March 2, 1946.

Robert L. Mello, in recognition of the celebration of his seventieth birthday on February 10, 2006.

Officer Dennis P. O'Brien, in recognition of being the first place recipient of the 2004 Rhea Archambault Award for Outstanding Police Work.

Officer Thomas J. Zincone, Jr., in recognition of being the first place recipient of the 2004 Rhea Archambault Award for Outstanding Police Work.

Officer Fabio Zuena, in recognition of being the second place recipient of the 2004 Rhea Archambault Award for Outstanding Police Work.

Officer Angelo G. A-Vant, in recognition of being the second place recipient of the 2004 Rhea Archambault Award for Outstanding Police Work.

Officer William M. Dwyer, Jr., in recognition of being the third place recipient of the 2004 Rhea Archambault Award for Outstanding Police Work.

Albert M. DeChristofano, in recognition of his promotion to Detective in the Providence Police Department.

Roy T. McGowan, in recognition of his promotion to Detective in the Providence Police Department.

Paul J. Marandola, Jr., in recognition of the celebration of thirty years of dedicated service to the City of Providence.

Rose Rita Mancini, in recognition of the celebration of her eightieth birthday, born March 5, 1926.

Dr. Amy Westrick, D.C., in recognition of the celebration of the Grand Opening of the East Side Chiropractic Center, 511 Broadway, Providence, RI 02903, 401-453-2225.

John "Jack" Murray, in recognition of the celebration of his retirement from the distinguished service of the Providence Police Department.

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

The Motion for Passage is Sustained.

PRESENTATION OF RESOLUTIONS

"In Memoriam"

**COUNCIL PRESIDENT LOMBARDI and
the MEMBERS OF THE CITY COUNCIL:**

Resolution Extending Sympathy.

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

Giacomo "John" Colafrancesco

Christina "Rusty" Testa

Edmond A. Arcand, Jr.

Mary F. Cauchon

Leonard Leo A. Volpe

Catherine Papa

James T. Collins

Mary Alviano

Joseph N. Spagnoli

Joyce M. Arakelian

Sabatino C. "Sam" Mosca

Josephine E. Cardoza

Michael "Mario" Pirolli

Norman J. Miranda, Sr.

Antonio Aglione

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

The Motion for Passage is Sustained.

ADJOURNMENT

There being no further business, on Motion of COUNCILMAN APONTE, seconded by COUNCILWOMAN WILLIAMS, it is voted to adjourn at 7:50 o'clock P.M. (E.S.T.), to meet again on THURSDAY, MARCH 16, 2006 at 7:30 o'clock P.M. (E.S.T.).



ANNA M. STETSON
CITY CLERK



