

CITY OF PROVIDENCE
RHODE ISLAND



CITY COUNCIL

JOURNAL OF PROCEEDINGS

No. 99 City Council Regular Meeting, Thursday, June 20, 2002, 7:30 o'clock P.M. (E.D.T.)

PRESIDING

COUNCIL PRESIDENT

IN CITY COUNCIL

OCT 3 2002

JOHN J. LOMBARDI

APPROVED:

CLERK

ROLL CALL

Present: Council President Lombardi, Councilmen Allen, Butler, DeLuca, Councilwoman DiRuzzo, Councilmen Hassett, Iglizzi, Mancini, Councilwomen Nolan and Romano—10.

Absent: Councilmen Aponte, Clarkin, Jackson, Councilwomen Williams and Young—5.

Subsequently Councilwoman Young and Councilman Jackson, join the Meeting.

Also Present: Michael R. Clement, City Clerk, Claire E. Bestwick, First Deputy City Clerk, Sheri A. Petronio, Assistant Clerk and Raymond Dettore, Deputy City Solicitor.

INVOCATION

The Invocation is given by REVEREND
JAMES CURRAN, Holy Cross Church of
God In Christ.

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

COUNCILWOMAN JOSEPHINE Di-
RUZZO leads the members of the City
Council and the Assemblage in the Pledge
of Allegiance to the Flag of the United
States of America.

COUNCILWOMAN YOUNG joins the Meeting

ORDINANCES SECOND READING

The following Ordinances were in City
Council June 6, 2002, Read and Passed the
First Time and are severally returned for
Passage the Second Time:

An Ordinance to Authorize the Issuance of
General Obligation Refunding Bonds of the
City of Providence to Refund the Outstanding

Portion of Thirty Eight Million Two Hundred
Thousand Dollars (\$38,200,000), General
Obligation Bonds, 1977 Series A, dated May 1,

1997; due July 15, 2000 to 2019, inclusive, and of Twenty Eight Million Six Hundred Fifteen Thousand Dollars (\$28,615,000), General Obligation Refunding Bonds, dated August 1, 1992, due August 1, 1993 to August 1, 2006, inclusive.

Be it Ordained by the City of Providence:

Section 1. The City of Providence (the "City") has previously issued its \$38,200,000 General Obligation Bonds, 1997 Series A, dated May 1, 1997 due July 15, 2000 to 2019, inclusive of which \$36,020,000 remains outstanding (the "1997 Bonds") and \$28,615,000 General Obligation Refunding Bonds dated August 1, 1992 due August 1, 1993 to August 1, 2006, inclusive, of which \$7,425,000 remains outstanding (the "1992 Bonds") (collectively the "Prior Bonds") and;

Section 2. The City desires to issue general obligation refunding bonds (the "Refunding Bonds") to refund the Prior Bonds in order to take advantage of the lower interest rates which currently are prevailing;

Section 3. The City is authorized pursuant to Chapter 12 of Title 45 of the General Laws of Rhode Island, as amended, to issue its Refunding Bonds to pay all or any designated part if an issue of bonds then outstanding, including principal, redemption premium, if any, interest on the outstanding bonds coming due on or prior to the date on which those bonds are to be redeemed and the cost of issuing the Refunding Bonds.

Section 4. The City has determined that refunding some or all of the outstanding Prior Bonds in order to obtain debt service savings would result in financial benefits to the City.

Section 5. It is hereby declared that the Refunding Bonds authorized hereby will be within all debt and other limitations prescribed by the Constitution and Laws of the State of Rhode Island.

Section 6. The City is hereby authorized to issue its General Obligation Refunding Bonds in an amount necessary to refund some or all of the outstanding Prior Bonds and to provide for any principal, redemption premium, and interest on the outstanding Prior Bonds coming due on or prior to the date on which those Prior Bonds are to be redeemed, and the costs of issuance.

Section 7. The manner of sale, denominations, maturities, interest rates and other terms, conditions and details of the Refunding Bonds shall be determined by the City Treasurer and the Mayor.

Section 8. The City Council hereby authorizes the City Treasurer, with approval of the Mayor, to issue the Refunding Bonds for the purposes set forth herein and to take all actions as he deems necessary to effect the issuance of the Refunding Bonds. The Refunding Bonds shall be issued by the City under the corporate name and seal or a facsimile of such seal. The Refunding Bonds shall be signed by the manual or facsimile signature of the City Treasurer and the Mayor.

Section 9. The City Treasurer and the Mayor are hereby authorized to issue the Refunding Bonds and deliver them to the purchaser and said officers are hereby authorized and instructed to take all actions, on behalf of the City, necessary to ensure that interest on the Refunding Bonds will be excluded from gross income for federal income tax purposes and to

refrain from all actions which would cause interest on the Refunding Bonds to become subject to federal income tax.

Section 10. The proceeds arising from the sale of such Refunding Bonds, exclusive of any premium, accrued interest and costs of issuance, shall upon the receipt be paid immediately to the paying agent or paying agents for the Prior Bonds, and such paying agents shall hold the proceeds in trust, they may be invested as permitted by Chapter 12 of Title 45 of the General Laws of Rhode Island, as amended.

Section 11. The City's Finance Director is authorized to execute and deliver a continuing disclosure certificate in connection with the Refunding Bonds issued by the City, in such form as shall be deemed advisable by the City's Finance Director. The City hereby covenants and agrees that it will comply with and carry out all of the provisions of the continuing disclosure certificate, as it may be amended from time to time. Notwithstanding any other provision of this Ordinance or the Refunding Bonds, failure of the City to comply with the continuing disclosure certificate shall not be considered an event of default; however, any bondholder may take such actions as may be necessary and appropriate, including seeking mandate or specific performance by court order, to cause the City to comply with its obligations under this Ordinance and under the continuing disclosure certificate.

Section 12. The Refunding Bonds may be issued either alone or consolidated with other issues of notes or bonds of the City.

Section 13. This Ordinance shall take effect upon its approval by the Mayor after its passage.

An Ordinance entitled Providence External Review Authority (PERA).

Be it Ordained by the City of Providence:

Providence External Review Authority (PERA) established.

Section 1. There is hereby created a Providence External Review Authority ("PERA" or "Authority"). The Authority shall review all allegations of misconduct on the part of sworn officers of the Providence Police Department, shall investigate the same, conduct hearings and make findings of fact with respect to those allegations. The Authority shall hire administrative and investigative staffs. The administrative staff shall include an executive director who may be an attorney-at-law and/or has previous experience with public administration. Investigators hired by the Authority shall be civilians who have appropriate prior experience or training. "Civilian," for the purpose of this section, is a person who is not now a sworn officer of a law enforcement agency.

Section 2. Scope of Authority. The Authority shall receive complaints that allege misconduct by a police officer or officers, including, but not limited to, the following:

- (a) Use of excessive force;
- (b) Inappropriate language or attitude;
- (c) Harassment;
- (d) Failure to provide adequate or timely services;
- (e) Theft; and

(f) Discrimination in the provision of police services or other discriminatory conduct on the basis of race, color, creed, religion, ancestry, national origin, sex, sexual or gender orientation, disability, age, gender, or economic status.

Section 3. Composition. The Authority shall be comprised of twenty (20) members which shall be randomly selected to serve on hearing panels comprised of five (5) members each. Of the twenty (20) selected members, three (3) shall be appointed by the Mayor, three shall be appointed by the President of the City Council, and one (1) shall be appointed by each member of the Providence City Council, excluding the Council President.

Upon enactment of this Ordinance one (1) mayoral appointee, one (1) appointee of the Council President, and five (5) council appointees shall be appointed for a term of one (1) year; one (1) mayoral appointee, one (1) appointee of the Council President, and five (5) council appointees shall be appointed for a term of two (2) years; one (1) mayoral appointee, one (1) appointee of the Council President, and five (5) council appointees shall be appointed for a term of three (3) years. Upon expiration of these initial terms each subsequent mayoral and council appointee shall serve for a term of three (3) years.

There shall be not more than three (3) former law enforcement officers appointed to the authority and not more than one (1) former law enforcement officer shall serve on any hearing panel. No person holding elective office shall serve as an authority member. No person currently employed as a law enforcement officer nor any member of his or her immediate family may serve as authority members.

The authority shall elect one member to serve as chairperson for a term of two years and shall engage an executive director of this authority, a legal counsel, and such number of investigators as may be required.

Section 4. Compensation — Each member shall be reimbursed for reasonable expenses incurred in the performance of his/her duties, however, no member shall be compensated for services performed.

Section 5. Duties — (a) Rulemaking notice and hearings. The Authority shall adopt rules governing its operation. All rules, and any amendments thereto, save for rules governing the Authority's internal operations, shall be promulgated after a public hearing, at which interested persons may present written and oral comments on the proposed rules. The Authority shall, at least thirty (30) days prior to the date set for the hearing, give notice of its intention to adopt rules by publishing a notice of its intention to promulgate or amend rules in a newspaper of general circulation and by making copies of the proposed rules/changes available to the public.

Section 6. Meetings. All meetings of the Authority, any sub-committees and hearing panels shall be held in accordance with applicable law governing open meetings.

Section 7. Removal. Any member of the Authority may be removed for incompetence, neglect of duty, misconduct or malfeasance by resolution of the City Council. Any vacancy occasioned by resignation, death, or removal of a member shall be filled for the balance of the unexpired term of appointment by the previously denominated appointing authority.

Section 8. *Bi-Annual Reports.* The Authority shall submit to the Mayor and the City Council a report of its activities not fewer than two (2) times per year. The report shall include, among other topics, data and analysis of complaints and complaint trends.

Section 9. *Policy Review.* Upon its own initiative or upon request of the Mayor, a member of the City Council or the Executive Director, the Authority may initiate an examination of police policies, trends, or practices and issue recommendation for change.

Section 10. *Outreach.* Authority shall conduct such outreach activities as necessary to inform the public of the Authority and its practices. Any outreach shall be conducted with sensitivity to the diversity of languages and cultures present in the City.

Section 11. *Complaint Filing.* Any person, including, but not limited to:

- (a) An alleged victim;
- (b) A witness;
- (c) A parent, legal guardian, or immediate family of a victim having personal knowledge of alleged misconduct of a Providence Police Officer shall file a written complaint with the Authority by submitting said complaint at a location designated by the Authority. Additionally, upon probable cause, the Authority may initiate its own investigation into the alleged misconduct of a police officer.

Section 12. *Preliminary Review.* Within thirty (30) days of the date on which the complaint is filed the Executive Director shall review such complaint and recommend to the

Authority either: (1) the complaint be dismissed; (2) the complaint be forwarded to mediation and (3) the complaint be transmitted for full investigation. The Authority shall promulgate guidelines delineating those factors to be assessed in making such recommendation.

All complaints shall be kept on file without regard to subsequent action of the Executive Director and the Authority.

Section 13. *Dismissal.* Upon dismissal of a complaint the Executive Director shall file written reasons for the same.

Section 14. *Mediation.* The Authority shall provide an informal mediation process to resolve those complaints of a more minor nature.

Section 15. *Investigation.* Upon determination that a full investigation is warranted, the complaint shall be transmitted to an authority investigator. An investigation shall be completed within one hundred twenty (120) days of the date that the complaint was filed. The Executive Director may upon request of the investigator, extend this deadline by not more than sixty (60) days. The application of this deadline may be held in abeyance during such time as the Executive Director determines that an investigation might impede or harm a related criminal investigation.

Section 16. *Evidentiary hearings.* Upon completion of such investigation, the Executive Director, may dismiss the complaint (and in such event he/she shall file a written statement providing reasons for such dismissal) or forward the same to full hearing. The Authority shall randomly select a five (5) person panel from its members to consider the matter and the Chairperson shall designate a foreperson of

the panel. At such evidentiary hearing, the Authority shall weigh and consider all reliable and credible evidence. The panel shall make all reasonable efforts to complete evidentiary hearings and render a written decision within sixty (60) days of the completion of the investigation. In those instances in which the complaint is otherwise unrepresented by counsel, the Authority legal counsel shall present evidence to the panel on behalf of the complainant. The police officer may be represented by counsel and union representatives, may present evidence and conduct cross-examination of witnesses.

Section 17. Subpoena Power. At the request of legal counsel for either party, the Executive Director shall compel the presence of witnesses and/or documents at evidentiary hearings by applying to the Providence City Council for the issuance of subpoenas and where appropriate may seek that the City Council request the appropriate court sanctions against anyone who fails to comply with any subpoena so issued.

Section 18. Cooperation. All municipal board, bureaus, commissions, department and employees shall respond promptly to any and all lawful requests for municipal information sought for such evidentiary hearings, and for access to data and records for the purpose of enabling the Authority to carry out its responsibilities under this chapter. The failure of any official or employee to respond to lawful requests for such information and data shall be deemed an act of misconduct.

Section 19. Findings of fact and determination. Within thirty (30) days of the completion of an evidentiary hearing, the hearing panel shall issue a written report containing findings of fact; a determination of whether or not the

complaint has been sustained by a preponderance of the evidence; if applicable the level of violation described in the disciplinary matrix developed by PERA and the Chief of Police, and a recommendation of discipline. To the extent permitted by law, said report shall be available to the public when agreed to by the police officer, the complainant, and the City. When a complaint is sustained, the findings of fact and the determination shall be submitted to the chief of police. The chief shall impose discipline based upon the level of violation as found in the disciplinary matrix, to be promulgated by the Authority. The Chief of Police shall, also provide the Authority, the city council, and the Mayor with a written explanation of the reason(s) for his/her disciplinary decision.

Section 20. Notice to Parties. The Authority shall notify the complainant(s) and police officer(s) in a timely fashion of the status or disposition of the complaint.

Section 21. Period of Limitation. No complaint filed more than one (1) year subsequent to the events complained of therein shall be timely.

Section 22. This Ordinance shall take effect upon its passage.

An Ordinance in Amendment of and in Addition to Chapter 1983-4 of the Ordinance of the City of Providence, approved February 18, 1983, and entitled "An Ordinance Approving and Adopting the Official Redevelopment Plan for the Silver Lake Revitalization Project" for the Acquisition of Lots 135 and 238 of Plat 107, 123 Laurel Hill Avenue and 6 Queen Street, respectively.

Be it Ordained by the City of Providence:

1. That Chapter 1983-4 of the Ordinances of the City of Providence, approved February 18, 1983 and entitled "An Ordinance Approving and Adopting the Official Redevelopment Plan for the Silver Lake Revitalization Project", as amended by the following Ordinances of the City of Providence: Chapter 1984-21, approved March 23, 1984, Chapter 1987-9, approved March 11, 1987, Chapter 1992-47, approved November 25, 1992, Chapter 1995-12, approved June 9, 1995, Chapter 1997-11, approved February 23, 1997, and Chapter 1997-45, approved September 11, 1997, is hereby further amended as follows:

A. To the list of designated properties for acquisition in Section 2, entitled, "Proposed Acquisition" under Chapter E, entitled, "Plan Proposals" contained and set forth on Page 19 of that certain booklet entitled "Silver Lake Revitalization Project, Official Redevelopment Plan, 1983", which is a part of the aforementioned Ordinance, the following properties shall be added:

<i>Plat/Lot</i>	<i>Address</i>
107/135	123 Laurel Hill Avenue
107/238	6 Queen Street

B. Certain Maps of the Official Redevelopment Plan herein identified, *Proposed Acquisition* and *Disposition* shall be amended to include the Proposed Acquisition of the aforementioned lots.

2. The said Chapter 1983-4 of the Ordinances of the City of Providence as adopted and as heretofore amended, be and the same is hereby ratified and affirmed in all other respects.

3. That this Ordinance shall take effect on its passage and shall be filed with the City Clerk who is hereby authorized and directed to forward a certified copy thereof to the Providence Redevelopment Agency.

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 Bowditch Place.

Be it Ordained by the City of Providence:

1. That 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 the Federal Hill East Project" as amended by the following Ordinances of the City of Providence: Chapter 1977-48, approved December 9, 1977, Chapter 1979-2, approved January 22, 1979, Chapter 1980-26, approved May 3, 1980, Chapter 1981-6, approved February 26, 1981, Chapter 1990-4, approved February 8, 1990, Chapter 1992-45, approved November 25, 1992, Chapter 1995-25, approved November 28, 1995, Chapter 1996-5, approved March 28, 1996, Chapter 1997-15, approved February 23, 1997, Chapter 1998-5, approved January 16, 1998, Chapter 1998-37, approved August 14, 1998, Chapter 1999-28, approved September 13, 1999 and Chapter 2001-4, approved February 12, 2001, of the Ordinances of the City of Providence is hereby further amended as follows:

A. Add the following property to the

acquisition list in Section 2, entitled: *Proposed Acquisition* under Chapter E, entitled: *Plan Proposals* contained and set forth on Page 15 of the certain booklet entitled, "Federal Hill East, Official Redevelopment Plan, 1977" which is part of the aforementioned Ordinance, as amended, to date:

- That portion of abandoned Bowditch Place, which abuts Lot 533 on A.P. 29, identified as Parcel 2 on attached map. The parcel is 1,525 square feet.

B. Certain Maps of the Official Redevelopment Plan herein identified, *Proposed Acquisition* and *Disposition* shall be amended to include the Proposed Acquisition of the aforementioned lots.

2. The said Chapter 1977-15 of the Ordinances of the City of Providence as adopted and as heretofore amended, be and the same is hereby ratified and affirmed in all other respects.

3. That this Ordinance shall take effect on its passage and shall be filed with the City Clerk who is hereby authorized and directed to forward a certified copy thereof to the Providence Redevelopment Agency.

An Ordinance in Amendment of and in Addition to Chapter 1984-17 of the Ordinance of the City of Providence, approved March 9, 1984, entitled "An Ordinance Approving and Adopting the Official Redevelopment Plan for the Upper South Providence Revitalization Project" for additional acquisition.

Be it Ordained by the City of Providence:

1. That Chapter 1984-17 of the Ordinance of the City of Providence, approved March 9, 1984, entitled "An Ordinance Approving and Adopting the Official Redevelopment Plan for the Upper South Providence Revitalization Project" as amended by the following Ordinances of the City of Providence: Chapter 1990-31, approved December 26, 1990, Chapter 1991-17, approved April 26, 1991, Chapter 1992-44, approved November 25, 1992, Chapter 1995-13, approved June 9, 1995, Chapter 1997-9, approved February 26, 1997, Chapter 1998-15, approved March 2, 1998, Chapter 1998-51, approved October 26, 1998, and Chapter 2000-32, approved September 29, 2000 of the Ordinances of the City of Providence, is hereby further amended as follows:

A. Add the following lots to the acquisition list in Section E. 2 entitled *Proposed Acquisition* as contained and set forth on Page 20 of the certain booklet entitled "Upper South Providence Official Revitalization Project", which is part of the aforementioned Ordinance:

<i>Plat/Lot</i>	<i>Address</i>
023/ 76	512 Pine Street
023/ 77	510 Pine Street
023/ 78	508 Pine Street
023/588	520 Pine Street

B. Certain Maps of the Official Redevelopment Plan herein identified, *Proposed Acquisition* and *Disposition* shall be amended to include the Proposed Acquisition of the aforementioned lots.

2. The said Chapter 1984-17 of the Ordinances of the City of Providence as adopted and as heretofore amended, be and the same is hereby ratified and affirmed in all other respects.

3. That this Ordinance shall take effect on its passage and shall be filed with the City Clerk who is hereby authorized and directed to forward a certified copy thereof to the Providence Redevelopment Agency.

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

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

Ayes: Council President Lombardi, Councilmen Allen, Butler, DeLuca, Coun-

cilwoman DiRuzzo, Councilmen Hassett, Igliozi, Mancini, Councilwomen Nolan, Romano and Young—11.

Nays: Councilmen Butler, Mancini and Councilwoman Romano request to be recorded as voting "NO" on Number 5.

Absent: Councilmen Aponte, Clarkin, Jackson and Councilwoman Williams—4.

The motion for Passage the Second Time is Sustained.

PRESENTATION OF ORDINANCE

COUNCILWOMAN DiRUZZO:

An Ordinance in Amendment of Chapter 27 of the Ordinances of the City of Providence, entitled: "The City of Providence Zoning Ordinance", approved June 27, 1994, as Amended, by Amending Providence Zoning District Map Number 63 of the Official Zoning Map by changing the Zoning District Designation of certain lots from M-1 to O-S and from M-1 to R-M.

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

The motion to Refer is Sustained.

COUNCILMAN JACKSON Joins the Meeting.

PRESENTATION OF RESOLUTIONS

COUNCIL PRESIDENT LOMBARDI, COUNCILMAN ALLEN, COUNCILMAN APONTE, COUNCILMAN BUTLER, COUNCILMAN CLARKIN, COUNCILMAN DeLUCA, COUNCILWOMAN DiRUZZO, COUNCILMAN HASSETT, COUNCILMAN IGLIOZZI, COUNCILMAN JACKSON, COUNCILMAN MANCINI, COUNCILWOMAN NOLAN, COUNCILWOMAN ROMANO, COUNCILWOMAN WILLIAMS and COUNCILWOMAN YOUNG:

Resolution Requesting that the Members of the Providence City Council hereby Extend Sincere Congratulations to Officer Nelson M. Valdivia for winning first place in the Fleeing Felon Obstacle Course portion of a Mounted Police Competition on June 1, 2002 in Ontario, Canada.

Resolved, That the Members of the Providence City Council hereby Extend Sincere Congratulations to Officer Nelson M. Valdivia for winning first place in the Fleeing Felon Obstacle Course portion of a Mounted Police Competition on June 1, 2002 in Ontario, Canada.

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

The motion for Passage is Sustained.

COUNCIL PRESIDENT LOMBARDI:

Resolution requesting the Director of the City Data Processing Department in conjunction with all appropriate staff, conduct an assessment imaging, storage and retrieval system to be utilized by all necessary Departments, such as the Recorder of Deeds, Board of Licenses and the City Clerk.

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

The motion to Refer is Sustained.

COUNCIL PRESIDENT LOMBARDI, COUNCILWOMAN YOUNG and COUNCILWOMAN NOLAN:

Resolution requesting a Memorial Tot Park be named after Jennifer Rivera.

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

The motion to Refer is Sustained.

COUNCILMAN ALLEN and COUNCILMAN APONTE (By Request):

Resolution requesting the Providence City Council to authorize the transfer of parcels

that are adjacent to the Monohassett Mill on Eagle Street to the Providence Redevelopment Agency.

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

The motion to Refer is Sustained.

COUNCILMAN ALLEN:

Resolution Extending Sincere Best Wishes to Mrs. Elizabeth Maynard for a complete and speedy recovery from her recent illness.

Resolved, That the Members of the Providence City Council hereby Extend Sincere Best Wishes to Mrs. Elizabeth Maynard for a complete and speedy recovery from her recent illness.

COUNCILMAN APONTE (By Request):

Resolution requesting the Traffic Engineer to prohibit motor vehicle traffic along Georgia Avenue between Eddy Street and Virginia Avenue, on Saturday, July 13, 2002, between the hours of 9:00 o'clock a.m. to 5:00 o'clock p.m., to accommodate an Open House for the Traci Jones Casey Family Services.

Resolved, That the Traffic Engineer is requested to prohibit motor vehicle traffic along Georgia Avenue between Eddy Street and Virginia Avenue, on Saturday, July 13, 2002, between the hours of 9:00 o'clock a.m. to 5:00

o'clock p.m., to accommodate an Open House for the Traci Jones Casey Family Services.

Resolution requesting the Traffic Engineer to prohibit motor vehicle traffic along Vermont Avenue between Michigan Avenue and Narragansett Boulevard, on Saturday, July 20, 2002, between the hours of 4:00 o'clock p.m. to 10:00 o'clock p.m., to accommodate a Neighborhood Cookout Block Party.

Resolved, That the Traffic Engineer is requested to prohibit motor vehicle traffic along Vermont Avenue between Michigan Avenue and Narragansett Boulevard, on Saturday, July 20, 2002, between the hours of 4:00 o'clock p.m. to 10:00 o'clock p.m., to accommodate a Neighborhood Cookout Block Party.

COUNCILMAN BUTLER (By Request):

Resolution requesting the Traffic Engineer to prohibit motor vehicle traffic along Pleasant Valley Parkway from Justice Street to Academy Avenue and from Mooreland Avenue to Justice Street, on Tuesday, August 6, 2002, between the hours of 3:00 o'clock p.m. to 9:00 o'clock p.m., to accommodate Music on the Parkway.

Resolved, That the Traffic Engineer is requested to prohibit motor vehicle traffic along Pleasant Valley Parkway from Justice Street to Academy Avenue and from Mooreland Avenue to Justice Street, on Tuesday, August 6, 2002, between the hours of 3:00 o'clock p.m. to 9:00

o'clock p.m., to accommodate Music on the Parkway.

COUNCILMAN ALLEN moves to dispense with the reading of the foregoing matters and moves passage of the Several Resolutions, seconded by **COUNCILMAN BUTLER**.

The motion for Passage is Sustained.

COUNCILMAN DeLUCA:

Resolution requesting the Chief of the Providence Police Department to formulate a plan of action dealing with expected problems on the 4th of July in the Sixth Ward.

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

The motion to Refer is Sustained.

Resolution requesting the Board of Canvassers Executive Secretary to have a problem solver hot line available on Primary Day, September 10, 2002 and Election Day, November 5, 2002.

Resolved, That the Board of Canvassers Executive Secretary is requested to have a problem solver hot line available on Primary Day, September 10, 2002 and Election Day, November 5, 2002.

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

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

Resolution requesting the Director of Public Works to repair the intersection of Pemberton Street and Fairview Street.

Resolved, That the Director of Public Works is requested to repair the intersection of Pemberton Street and Fairview Street.

Resolution requesting the Chief Electrical Inspector to cause the installation of a street light on Pole No. 2 on Owen Street facing south.

Resolved, That the Chief Electrical Inspector is requested to cause the installation of a street light on Pole No. 2 on Owen Street facing south.

Resolution requesting the Chief Engineer of the Providence Water Department to repair that depression located at 41 Lucy Street.

Resolved, That the Chief Engineer of the Providence Water Department is requested to repair that depression located at 41 Lucy Street.

Resolution requesting the Director of Public Works to cause the sewers to be baited on Yale Avenue, Academy Avenue and Armington Avenue to Hendrick Street.

Resolved, That the Director of Public Works is requested to cause the sewers to be baited on Yale Avenue, Academy Avenue and Armington Avenue to Hendrick Street.

COUNCILMAN ALLEN moves to dispense with the reading of the foregoing matters and moves passage of the Several Resolutions, seconded by **COUNCILMAN BUTLER**.

The motion for Passage is Sustained.

Resolution requesting the Traffic Engineer to cause the installation of "No Dumping" Signs along Button Hole Drive.

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

The motion to Refer is Sustained.

COUNCILMAN HASSET (By Request):

Resolution requesting the Traffic Engineer to prohibit motor vehicle traffic along Hope Street between John Street and Power Street, on Saturday, June 8, 2002, between the hours of 4:00 o'clock p.m. to 10:00 o'clock p.m., to accommodate the Annual Festival of Historic Houses.

Resolved, That the Traffic Engineer is requested to prohibit motor vehicle traffic along Hope Street between John Street and Power Street, on Saturday, June 8, 2002, between the hours of 4:00 o'clock p.m. to 10:00 o'clock p.m., to accommodate the Annual Festival of Historic Houses.

COUNCILWOMAN NOLAN (By Request):

Resolution requesting the Traffic Engineer to prohibit motor vehicle traffic along Niagra Street between Congress Avenue and Ontario Street, on Saturday, June 15, 2002, between the hours of 12:00 o'clock p.m. to 6:00 o'clock p.m., to accommodate Club Juan Pablo Duarte.

Resolved, That the Traffic Engineer is requested to prohibit motor vehicle traffic along Niagra Street between Congress Avenue and Ontario Street, on Saturday, June 15, 2002, between the hours of 12:00 o'clock p.m. to 6:00 o'clock p.m., to accommodate Club Juan Pablo Duarte.

Resolution requesting the Traffic Engineer to prohibit motor vehicle traffic along Gallatin Street between Elmwood Avenue and Melrose Street, on Saturday, June 15, 2002, between the hours of 9:00 o'clock a.m. to 5:00 o'clock p.m., to accommodate a Tree Planting.

Resolved, That the Traffic Engineer is requested to prohibit motor vehicle traffic along Gallatin Street between Elmwood Avenue and Melrose Street, on Saturday, June 15, 2002,

between the hours of 9:00 o'clock a.m. to 5:00 o'clock p.m., to accommodate a Tree Planting.

COUNCIL PRESIDENT LOMBARDI, COUNCILMAN ALLEN, COUNCILMAN APONTE, COUNCILMAN BUTLER, COUNCILMAN CLARKIN, COUNCILMAN DeLUCA, COUNCILWOMAN DiRUZZO, COUNCILMAN HASSETT, COUNCILMAN IGLIOZZI, COUNCILMAN JACKSON, COUNCILMAN MANCINI, COUNCILWOMAN NOLAN, COUNCILWOMAN ROMANO, COUNCILWOMAN WILLIAMS and COUNCILWOMAN YOUNG:

Resolution Extending Sincere Best Wishes to Dolores Barry for a complete and speedy recovery from her recent injury.

Resolved, That the Members of the Providence City Council hereby Extend Sincere Best Wishes to Dolores Barry for a complete and speedy recovery from her recent injury.

COUNCILWOMAN WILLIAMS (By Request):

Resolution requesting the Chief Electrical Inspector to cause the repair of the broken street light located on the corner of Ives Street and Trenton Street off Wickenden Street and to cause the upgrade of street lighting to 27,500 lumen, on said corner.

Resolved, That the Chief Electrical Inspector is requested to cause the repair of the broken

street light located on the corner of Ives Street and Trenton Street off Wickenden Street and to cause the upgrade of street lighting to 27,500 lumen, on said corner.

Resolution requesting the Traffic Engineer to prohibit motor vehicle traffic along George M. Cohan Boulevard between Thompson Street and Ann Street, on Tuesday, June 18, 2002, between the hours of 10:00 o'clock a.m. to 2:00 o'clock p.m., to accommodate a Press Conference for Hard Hat Tour.

Resolved, That the Traffic Engineer is requested to prohibit motor vehicle traffic along George M. Cohan Boulevard between Thompson Street and Ann Street, on Tuesday, June 18, 2002, between the hours of 10:00 o'clock a.m. to 2:00 o'clock p.m., to accommodate a Press Conference for Hard Hat Tour.

COUNCILMAN ALLEN moves to dispense with the reading of the foregoing matters and moves passage of the Several Resolutions, seconded by COUNCILMAN BUTLER.

The motion for Passage is Sustained.

Resolution requesting the Traffic Engineer and the Director of the Department of Public Works to close indefinitely Gulf Road from its juncture with Loring Avenue and through River Road to Irving Avenue with limited access to public safety and public utility vehicles only.

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

The motion to Refer is Sustained.

COUNCILWOMAN YOUNG (By Request):

Resolution requesting the Chief Electrical

Inspector to cause the installation of a street
light on Pole No. 25½ on Willard Avenue.

Resolved, That the Chief Electrical Inspector
is requested to cause the installation of a street
light on Pole No. 25½ on Willard Avenue.

**Read and Passed, on motion of COUN-
CILMAN ALLEN, seconded by COUNCIL-
MAN BUTLER.**

The motion for Passage is Sustained.

REPORTS FROM COMMITTEES

COUNCILMAN KEVIN JACKSON, Chairman COMMITTEE ON FINANCE

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

An Ordinance Appropriating Fifty Million
Dollars of the proceeds of the City's 2001 Bonds
for Neighborhood and Capital Improvements.

Be it Ordained by the City of Providence:

Section 1. On December 12, 2001, the City
of Providence (the "City") duly issued the
following bonds (the "Bonds") of the City:

\$37,000,000 General Obligation Bonds 2001
Series A, dated December 1, 2001 payable on
January 15, 2004 through 2019, inclusive,

January 15, 2022 and January 15, 2026 (the
"Series A Bonds"); and

\$13,000,000 General Obligation Taxable
Bonds 2001 Series B, dated December 1, 2001,
payable on January 15, 2004 through 2009,
inclusive, January 15, 2021 and January 15,
2026 (the "Series B Bonds").

Section 2. The Series A Bonds and the Series
B Bonds were issued in the aggregate principal
amount of \$50,000,000 pursuant to Chapter 116-
2000 of the Public Laws of Rhode Island

enacted July 7, 2000 and Ordinance No. 551 (Chapter 2001-33), which was duly passed by the City Council on October 4, 2001. Proceeds of the Series A Bonds and the Series B Bonds, exclusive of accrued interest and underwriters' discount, were deposited in the capital fund, a separate account within the general fund of the City, to be used only in the manner and for capital improvements authorized by the said Ordinance No. 551 (Chapter 2001-33). The proceeds of the Series A Bonds and the proceeds of the Series B Bonds shall be deposited and maintained in segregated accounts or otherwise accounted for separately. Such proceeds may be invested as permitted by law.

Section 3. Pursuant to said Ordinance No. 551 (Chapter 2001-33) and the proceedings taken pursuant thereto by the duly authorized officers of the City, the proceeds of the Series A Bonds and the Series B Bonds, other than capitalized interest and the cost of issuance, were allocated to certain specific capital projects in accordance with said Ordinance No. 551 (Chapter 2001-33). However, with respect to a portion of such neighborhood improvement projects, in the amount of \$33,000,000 million, said Ordinance No. 551 (Chapter 2001-33) provided that the details thereof should be approved by the City Council. It is intended that this ordinance shall provide such approval.

Section 4. The appropriation of \$33 million for the neighborhood improvement projects made by paragraph A of Section 1 of said Ordinance No. 551 (Chapter 2001-33) is hereby ratified and confirmed. In accordance with the

proceedings authorizing the Series A Bonds and the Series B Bonds, \$26,755,000 of the proceeds of the Series A Bonds and the Series B Bonds and \$6,245,000 of the proceeds of the Series B Bonds are so appropriated. The details of neighborhood improvement projects shall be the construction, reconstruction, acquisition of or other improvement to the City-owned streets, sidewalks, lighting and similar infrastructure capital projects and redevelopment projects consistent with the proposition approved by the voters at referendum on November 7, 2000, provided however in no event shall the proceeds of the Series A Bonds be expended for any purpose inconsistent with the exemption from federal income tax of the interest on the Series A Bonds, and provided further that such improvements shall be apportioned equally among the 15 Wards.

Section 5. It is hereby determined that all such projects have an expected period of usefulness of at least 25 years.

Section 6. This ordinance shall serve as the final approval of the details of the neighborhood improvement projects required by Ordinance 551 (Chapter 2001-33). The due authorization and validity of the Bonds is, in all respects, ratified and confirmed. The Mayor and the Treasurer are hereby directed and authorized to take all action necessary and desirable to implement the provisions of this ordinance.

Section 7. This Ordinance shall take effect upon its passage.

AT EASE

RECONVENTION

COUNCILMAN ALLEN moves for Passage of the Ordinance, seconded by COUNCILMAN BUTLER.

COUNCILMAN ALLEN moves to Amend the foregoing Ordinance, seconded by COUNCILMAN BUTLER.

COUNCILMAN ALLEN and COUNCILMAN BUTLER withdraw the motion and second to Amend.

COUNCILMAN ALLEN and COUNCILMAN BUTLER withdraw the motion for First Passage.

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

Ayes: Council President Lombardi, Councilmen Allen, Butler, DeLuca, Councilwoman DiRuzzo, Councilmen Hassett, Igliozi, Jackson, Mancini, Councilwomen Nolan, Romano and Young—12.

Nays: None.

Absent: Councilmen Aponte, Clarkin and Councilwoman Williams—3.

The motion for Passage the Second Time is Sustained.

An Ordinance in Amendment of Chapter 2001-50, approved October 29, 2001, of the Ordinances of the City of Providence making an Appropriation of Four Hundred Forty Seven Million, Six Hundred Ten Thousand, Three Hundred Ninety Six Dollars (\$447,610,396) for the fiscal year ending June 30, 2002, as Amended (Snow and Ice Removal — Civic Center).

Read and Passed the First Time, on motion of COUNCILMAN ALLEN, seconded by COUNCILMAN BUTLER, by the following Roll Call Vote:

Ayes: Council President Lombardi, Councilmen Allen, Butler, Councilwoman DiRuzzo, Councilmen Hassett, Igliozi, Jackson, Mancini, Councilwomen Nolan, Romano and Young—11.

Noes: Councilman DeLuca—1.

Absent: Councilmen Aponte, Clarkin and Councilwoman Williams—3.

The motion for Passage the First Time, is Sustained.

Transmits the following with Recommendation the Same be Severally Approved:

Resolution requesting the City Solicitor to settle any litigation brought against the City of Providence, its officers, agents and employees by City Police Department retirees who retired between December 20, 1991 and June 30, 1995.

Be it Resolved, That the City Solicitor is hereby authorized to settle any litigation brought against the City of Providence, its officers, agents and employees by City Police Department retirees who retired between December 20, 1991 and June 30, 1995 in accordance with the terms set forth herein below.

Each retiree shall receive a monthly retirement allowance that is calculated as follows:

(a) The monthly retirement allowance effective January 2002 shall be re-calculated to reflect an allowance as if the retiree had received an annual 3% compounded cost-of-living adjustment (COLA) beginning in the January immediately following the first (1st) anniversary of his/her retirement and contin-

uing in each January thereafter, up to and including January, 2002.

(b) If the recalculation set forth in "(a)" hereinabove does not result in a monthly retirement allowance that is higher than the retiree's monthly retirement allowance in place as of September 30, 2001, then the monthly retirement allowance that will be utilized for payment of the 3% compounded COLA in January, 2002 shall be the monthly retirement allowance in place as of September 30, 2001, and no higher.

(c) In no event shall the monthly retirement allowance that will be utilized for the payment of the 3% compounded COLA after January 1, 2002 be lower than the monthly retirement allowance that any retiree received as of September 30, 2001.

(d) In January of every year subsequent to January, 2002, each retiree shall receive a 3% compounded cost-of-living adjustment.

(e) No retroactive payments will be made by the City for any period prior to January, 2002.

AT EASE

RECONVENTION

COUNCILMAN ALLEN moves to Amend the Resolution to strike the language Fire Department Retirees, seconded by COUNCILWOMAN DiRUZZO.

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

Ayes: Council President Lombardi, Councilmen Allen, Butler, DeLuca, Councilwoman DiRuzzo, Councilmen Hassett, Igliozi, Jackson, Mancini, Councilwomen Nolan, Romano and Young—12.

Noes: None.

Absent: Councilmen Aponte, Clarkin and Councilwoman Williams—3.

The motion for Passage, as Amended, is Sustained.

Communication from His Honor the Mayor, dated April 25, 2002, Informing the Honorable Members of the City Council that pursuant to Sections 302(b) and 1012 of the Providence Home Rule Charter of 1980, he is this day appointing Samuel J. Shamoan, AICP of 309 Doyle Avenue, Providence, RI 02906, as the Director of the Department of Planning and Development and respectfully submits the same for Approval.

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

The motion for Passage is Sustained.

COUNCILMAN PETER S. MANCINI, Chairman COMMITTEE ON CLAIMS AND PENDING SUITS

Transmits the following with recommendation the same be Severally Approved:

Certificates from the City Assessor (11F and 12F) 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 the State of Rhode Island, 1956, as Amended.

COUNCILMAN ALLEN moves Cancell-

tion of the Several Certificates, seconded by COUNCILWOMAN YOUNG, by the following Roll Call Vote:

Ayes: Council President Lombardi, Councilmen Allen, DeLuca, Councilwoman DiRuzzo, Councilmen Hassett, Ig-

Iglizzi, Jackson, Mancini, Councilwomen
Nolan, Romano and Young—11.

Noes: None.

Not Voting: Councilman Butler—1.

Absent: Councilmen Aponte, Clarkin
and Councilwoman Williams—3.

The motion for Cancellation of the
Several Certificates, is Sustained.

COUNCILWOMAN RITA M. WILLIAMS, Chairwoman COMMITTEE ON ORDINANCES

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

An Ordinance Amending the City of
Providence Zoning Ordinance Chapter 1994-24,
No. 365, approved June 27, 1994, as Amended,
by Amending Section 103 — Official Zoning
Map (Industrial and Commercial Buildings
District).

**Read and Passed the First Time, on
motion of COUNCILMAN ALLEN, sec-
onded by COUNCILWOMAN YOUNG, by
the following Roll Call Vote:**

**Ayes: Council President Lombardi,
Councilmen Allen, Butler, DeLuca, Coun-**

**cilwoman DiRuzzo, Councilmen Hassett,
Iglizzi, Jackson, Mancini, Councilwomen
Nolan, Romano and Young—12.**

Noes: None.

**Absent: Councilmen Aponte, Clarkin
and Councilwoman Williams—3.**

**The motion for Passage the First Time,
is Sustained.**

**COUNCILWOMAN BALBINA A. YOUNG, Chairwoman
COMMITTEE ON URBAN REDEVELOPMENT,
RENEWAL AND PLANNING
and
COUNCILMAN KEVIN JACKSON, Chairman
COMMITTEE ON FINANCE**

Jointly Transmit the following with recommendation the same be Approved:

Resolution relating to the 2002 Rhode Island Comprehensive Economic Development.

Whereas, Economic Development in the City is essential for the creation of jobs for the City residents and the stabilization of the City's tax base;

Whereas, Many economic development projects need federal, state and/or local assistance;

Whereas, The Rhode Island Comprehensive Economic Development Strategy (CEDS) is an annually updated listing of projects that are eligible for the federal assistance through the Economic Development Administration;

Whereas, It is in the City's interest to insure that projects that create short and long term jobs and help the City meet neighborhood needs are eligible for federal assistance by requesting that the projects, some of which are existing projects to be re-submitted and others are new projects, be listed in the Rhode Island Comprehensive Economic Development Strategy;

Now, therefore, be it Resolved, That the following projects be submitted to the Planning Division of the Rhode Island Department of Administration for inclusion in the 2002 Rhode Island Comprehensive Economic Development Strategy:

1. Southside/Broad Street Initiative
2. Mill Restoration
3. Brownfield/Woonasquatucket Greenway
4. Old Harbor/Jewelry District
5. New Cities
6. Downtown Multi Use/Garage
7. Pell/Chafee Theater

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

Ayes: Council President Lombardi,

Councilmen Allen, Butler, DeLuca, Councilwoman DiRuzzo, Councilmen Hassett, Igliozi, Jackson, Mancini, Councilwomen Nolan, Romano and Young—12.

Noes: None.

Absent: Councilmen Aponte, Clarkin and Councilwoman Williams—3.

The motion for Passage is Sustained.

COMMUNICATION

Communication from the Honorable Councilman Robert M. Clarkin, dated June 3, 2002, Informing the Honorable Members of the City Council that he is this day submitting his resignation, effective June 10, 2002.

**COUNCIL PRESIDENT LOMBARDI
Receives the Communication.**

The motion to Receive, is Sustained.

FROM THE CLERK'S DESK

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

Carmella Read

HealthFit Publishing

Kathy Taleriko

Celeste M. Ripanti

Octavio Kelleh (Edward A. Shapiro, Esquire)

Edward T. Gray

NLC Insurance Companies/Summit Insurance Company a/s/o Katherine McColl

**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:

The Village at Elmhurst Courtyard, in recognition of the celebration of the Grand Opening on June 19, 2002.

Officer Nelson M. Valdivia, in recognition of winning first place in the Fleeing Felon Obstacle Course portion of a Mounted Police Competition on June 1, 2002 in Ontario Canada.

Heather Butler, in recognition of being the recipient of the Annual Public Education Fund Parent Excellence in Education Award.

Sergeant Peter J. Costello, in recognition of his continuing and excellent service to the FBI Task Force and excellent work with narcotics investigations.

Reverend Jordan J. Dillon, O.P., Council No. 3563 Knights of Columbus, in recognition of the celebration of his 50th Anniversary.

Joseph Richardson, in recognition of the celebration of his 50th Birthday, born on June 16, 1952.

Frances Hunter, in recognition of the celebration of her 70th Birthday.

Stephen Labedz, in recognition of attaining the rank of Eagle Scout, Troop 76, Providence, Rhode Island.

Christopher Cicchitelli, in recognition of attaining the rank of Eagle Scout, Troop 76, Providence, Rhode Island.

Paul Magyar, in recognition of attaining the rank of Eagle Scout, Troop 76, Providence, Rhode Island.

Nicholas Cicchitelli, in recognition of attaining the rank of Eagle Scout, Troop 76, Providence, Rhode Island.

Donald Carcieri, in recognition of attaining the rank of Eagle Scout, Troop 76, Providence, Rhode Island.

Ronald F. Crose, in recognition of the celebration of his 65th Birthday, born on June 22, 1937.

John P. Benedict, Sr., in recognition of all the work he has done with the American Red Cross Local Emergency Response and Response at Ground Zero, World Trade Center.

Cassia Burris, in recognition of all the work she has done with the American Red Cross Local Emergency Response and Response at Ground Zero, World Trade Center.

Priscilla Harris, in recognition of her thirty years of leadership and inspiration that has helped make the South Providence Library Branch a safe and nurturing place where lives

have been changed through learning and literacy.

Walter Edwards, in recognition of the celebration of his retirement after twenty years of dedicated service to the City of Providence and the Department of Recreation.

Barbara Grace DeCesare, in recognition of being the recipient of the Merit Achievement Award for 2002.

Joseph Pavone, in recognition of the celebration of his 80th Birthday, born on June 2, 1922.

Severally Read and Collectively Passed, on motion of COUNCILMAN ALLEN, seconded by COUNCILMAN BUTLER.

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:

Simone "Sam" D'Ambra, Jr.

Esther M. Barbato

Teresa Belluscio

Ralph P. Bruno, Jr.

Joseph D'Ambra

Simione Boccanfusco

Giuseppe "Joe" Pesare

Antonetta Garafano

Ralph Rainone

Edith A. Guglietta

Robert L. Franks

Frank Pannone

Irvin Johnson

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

Joseph R. Balasco, Jr.

The motion for Passage is Sustained.

Gus J. Marinaro

Enrico A. Persichino

Carolyn A. Greenstein

ADJOURNMENT

There being no further business, on motion of COUNCILMAN ALLEN, seconded by COUNCILMAN BUTLER, it is voted to adjourn at 8:20 o'clock P.M. (E.D.T.) to meet again on THURSDAY, JULY 2, 2002 at 7:30 o'clock P.M. (E.D.T.).

Richard R. Clement

City Clerk



CITY OF PROVIDENCE
RHODE ISLAND



CITY COUNCIL

JOURNAL OF PROCEEDINGS

No. 100 City Council Regular Meeting, Thursday, July 2, 2002, 7:30 o'clock P.M. (E.D.T.)

PRESIDING

COUNCIL PRESIDENT

IN CITY COUNCIL

JOHN J. LOMBARDI

OCT. 3, 2002

APPROVED:

Richard L. Clement CLERK

ROLL CALL

Present: Council President Lombardi,
Councilmen Allen, Aponte, Butler, DeLuca,
Councilwoman DiRuzzo, Councilmen Jack-
son, Mancini, Councilwomen Nolan,
Romano, Williams and Young—12.

Absent: Councilmen Hassett and Igliazzi—
2.

Also Present: Michael R. Clement, City
Clerk, Claire E. Bestwick, Second Deputy
City Clerk and Sheri A. Petronio, Assistant
Clerk.

INVOCATION

The Invocation is given by COUNCILMAN
JOSEPH DeLUCA.

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

COUNCILMAN PATRICK K. BUTLER
leads the members of the City Council and
the Assemblage in the Pledge of Allegiance
to the Flag of the United States of America.

ORDINANCES SECOND READING

The following Ordinances were in City
Council June 20, 2002, Read and Passed the
First Time and are severally returned for
Passage the Second Time:

An Ordinance in Amendment of Chapter 2001-50, Approved October 29, 2001, of the Ordinances of the City of Providence making an Appropriation of Four Hundred Forty Seven Million, Six Hundred Ten Thousand, Three Hundred Ninety Six Dollars (\$447,610,396) for the fiscal year ending June 30, 2002, as Amended. (Snow and Ice Removal — Civic Center).

Be it Ordained by the City of Providence:

Whereas, The receipts for the fiscal year ending June 30, 2002, have been estimated to amount to Four Hundred Forty Seven Million, Six Hundred Ten Thousand, Three Hundred Ninety Six Dollars (\$447,610,396), as Amended.

Section 1. Chapter 2001-50 of the Ordinan-

ces of the City of Providence, as Approved October 29, 2001, is hereby Amended as follows:

101-5-00510-2980
Materials Snow and
Ice Removal \$350,000 (\$30,000) \$320,000

101-5-01427-3941
Transfer to Civic
Center \$400,000 \$30,000 \$430,000

Section 2. This Ordinance shall take effect upon passage.

An Ordinance Amending the City of Providence Zoning Ordinance Chapter 1994-24 No. 365, Approved June 27, 1994, as Amended, by Amending Section 103 — Official Zoning Map (Industrial and Commercial Buildings District).

Be it Ordained by the City of Providence:

Section 1. Section 501.14 — *Industrial and Commercial Buildings District* shall apply to the following lots:

Zoning
Map Lot Number Street Building Name

85 115 667 Academy
Providence Fire Station, Hose 23
(Providence Housing Authority)

51 324 425 Adelaide
Gorham Carriage House

3 147 10 Ambrose
Louis Fink Building

Zoning
Map Lot Number Street Building Name

67 391 30 Arline
RI State Board of Public Roads

26 220 120 Atwells
John Carter Brown II House

28 363 263 Atwells
A.F. Cappelli Block

67 274 38 Bath
Wescott Slade & Balcom Building

26 120 71 Bradford
J.B. Mathewson House

4 174 20 Brownell
VMA/Masonic Temple

24 641 160 Broad
YMCA Building

29 99 3A-3B Cargill
United Transportation Company

30 67 41 Central
Providence Fire Station

42 13 743 Cranston
Koltar Building

31 49 316 Cranston
Scott Building

31 359 260 Dexter
Virginia & Spanish Peanut Co.

31 88 297 Dexter
Hadley Company

<i>Zoning</i>	<i>Map</i>	<i>Lot</i>	<i>Number</i>	<i>Street</i>	<i>Building Name</i>
	87	296	1376	Eddy	Carter Candy Company
	23	576	486	Friendship	Cogan House
	37	75	100	Pilsudski	Atlantic Coal Company
	23	79	498	Pine	Harold Gordon Service Station
	65	977		Valley and Atwells	Eagle Square Buildings
	30	304	51	Warren	A.T. Cross Pencil Company
	29	438	357	West Fountain	United Transportation Company
	29	443	361	West Fountain	United Transportation Company
	29	427	372	West Fountain	RI Society for the Prevention of Cruelty to Animals
	25	250	703-705	Westminster	S. Chiappinelli Building
	25	249	711	Westminster	Abingdon Hotel

<i>Zoning</i>	<i>Map</i>	<i>Lot</i>	<i>Number</i>	<i>Street</i>	<i>Building Name</i>
	25	248	719	Westminster	"The Paris"
	29	136	865	Westminster	Tom's Restaurant

Section 2. This Ordinance shall take effect upon passage.

COUNCILMAN ALLEN moves to dispense with the Reading of the foregoing matters, and moves Passage the Second Time, of the foregoing Ordinances, seconded by **COUNCILWOMAN WILLIAMS**, by the following Roll Call Vote:

Ayes: Council President Lombardi, Councilmen Allen, Aponte, Butler, DeLuca, Councilwoman DiRuzzo, Councilmen Jackson, Mancini, Councilwomen Nolan, Romano, Williams and Young—12.

Nays: None.

Absent: Councilmen Hassett and Iglizzo—2.

The motion for Passage of the Several Ordinances the Second Time is Sustained.

PRESENTATION OF RESOLUTIONS

COUNCILMAN ALLEN and COUNCILMAN APONTE (By Request):

Resolution Requesting to cancel or abate, in whole the taxes assessed upon Assessor's Plat 52, Lot 372 (184 Hamilton Street), in accordance with Rhode Island General Law Section 44-7-23 in the amount of Five Hundred Eighty Nine Dollars and Thirty Eight Cents (\$589.38), or any taxes accrued, including 2001 taxes, at the request of the Providence Redevelopment Agency.

Resolution requesting to cancel or abate, in whole the taxes assessed upon Assessor's Plat 68, Lot 67 (184 Douglas Avenue), in accordance with Rhode Island General Law Section 44-7-23, in the amount of Fourteen Thousand Two Hundred Thirty Two Dollars and Forty Six Cents (\$14,232.46), or any taxes accrued, including 2001 taxes, at the request of the Providence Redevelopment Agency.

Resolution requesting to cancel or abate, in whole the taxes assessed upon Assessor's Plat 23, Lots 58 and 59 (23-27 Linden Street), in accordance with Rhode Island General Law Section 44-7-23, in the amount of Two Thousand Seven Hundred Eighty Two Dollars and Forty Cents (\$2,782.40) and Three Thousand Five Hundred Eighty Nine Dollars and Fifteen Cents (\$3,589.15), or any taxes accrued, including 2001 taxes, at the request of the Providence Redevelopment Agency.

Resolution requesting to Cancel or abate, in whole the taxes assessed upon Assessor's Plat 69, Lot 233 (441 Smith Street), in accordance with Rhode Island General Law Section 44-7-23, in the amount of One Thousand Eight Hundred Forty Two Dollars and Thirty Seven Cents (\$1,842.37), or any taxes accrued, including 2001 taxes, at the request of the Providence Redevelopment Agency.

COUNCILMAN ALLEN moves to dispense with the Reading of the foregoing matters.

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

The motion to Refer the Several Resolutions is Sustained.

COUNCILMAN APONTE (By Request):

Resolution requesting the Traffic Engineer to prohibit motor vehicle traffic along Pavilion Avenue between Rugby Street and Millard Street, on Sunday, July 7, 2002, between the hours of 11:00 o'clock a.m. to 8:00 o'clock p.m., to accommodate a Community Block Party given by the R&W Community Club.

Resolved, That the Traffic Engineer is requested to prohibit motor vehicle traffic along Pavilion Avenue between Rugby Street and Millard Street, on Sunday, July 7, 2002, between the hours of 11:00 o'clock a.m. to 8:00 o'clock

p.m., to accommodate a Community Block Party given by the R&W Community Club.

COUNCILMAN HASSET (By Request):

Resolution requesting the Traffic Engineer to prohibit motor vehicle traffic along Chad Brown Street between Douglas Avenue and Camden Avenue, on Friday, June 21, 2002, between the hours of 11:00 o'clock a.m. to 12:30 o'clock p.m., to accommodate a Housing Ceremony.

Resolved, That the Traffic Engineer is requested to prohibit motor vehicle traffic along Chad Brown Street between Douglas Avenue and Camden Avenue, on Friday, June 21, 2002, between the hours of 11:00 o'clock a.m. to 12:30 o'clock p.m., to accommodate a Housing Ceremony.

Resolution requesting the Traffic Engineer to prohibit motor vehicle traffic along Alton Street at Wisdom Avenue to Regent Avenue and Alton Street, on Thursday, July 4, 2002, between the hours of 4:00 o'clock p.m. to 11:00 o'clock p.m., to accommodate an Independence Holiday Block Party.

Resolved, That the Traffic Engineer is requested to prohibit motor vehicle traffic along Alton Street at Wisdom Avenue to Regent Avenue and Alton Street, on Thursday, July 4, 2002, between the hours of 4:00 o'clock p.m. to 11:00 o'clock p.m., to accommodate an Independence Holiday Block Party.

COUNCILMAN ALLEN moves to dis-

pense 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 renaming that certain building address at 10 Charles Street to "Altus Center" in favor of the newly located business owning and occupying the center.

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

The motion to Refer is Sustained.

COUNCILMAN JACKSON (By Request):

Resolution requesting the Traffic Engineer to prohibit motor vehicle traffic along Camp Street between Abbott Street and Grandview Street, on Saturday, June 29, 2002, between the hours of 10:00 o'clock a.m. to 2:00 o'clock p.m., to accommodate a Bike Safety Event.

Resolved, That the Traffic Engineer is requested to prohibit motor vehicle traffic along Camp Street between Abbott Street and Grandview Street, on Saturday, June 29, 2002, between the hours of 10:00 o'clock a.m. to 2:00 o'clock p.m., to accommodate a Bike Safety Event.

COUNCILMAN ALLEN moves passage

of the Resolutions, seconded by COUNCILWOMAN WILLIAMS.

The motion for Passage is Sustained.

COUNCILMAN MANCINI (By Request):

Resolution requesting the Traffic Engineer to cause the installation of "Four-Way Stop" Signs at the intersection of Hazael Street and Waite Street.

Resolution requesting the Traffic Engineer to cause the installation of Speed Bumps in the vicinity of 746 Douglas Avenue.

COUNCILMAN ALLEN moves to dispense with the reading of the foregoing matters.

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

The motion to Refer is Sustained.

Resolution requesting the Forestry Division of the Parks Department to cause the removal of that tree located at 766 Academy Avenue.

Resolved, That the Forestry Division of the Parks Department is requested to cause the

removal of that tree located at 766 Academy Avenue.

COUNCILWOMAN WILLIAMS (By Request):

Resolution requesting the Chief Electrical Inspector to cause the installation of a street light on Pole No. 9½ located at the corner of Elton Street and Humboldt Avenue in front of Gladys Potter Park.

Resolved, That the Chief Electrical Inspector is requested to cause the installation of a street light on Pole No. 9½ located at the corner of Elton Street and Humboldt Avenue in front of Gladys Potter Park.

COUNCILWOMAN YOUNG (By Request):

Resolution requesting the Traffic Engineer to prohibit motor vehicle traffic along Elbow Street between Chestnut Street and Ship Street, on Saturday, June 29, 2002, between the hours of 2:00 o'clock p.m. to 12:00 o'clock a.m., to accommodate an Outdoor Festival for the 1st Annual Rhode Island Summerfest.

Resolved, That the Traffic Engineer is requested to prohibit motor vehicle traffic along Elbow Street between Chestnut Street and Ship Street, on Saturday, June 29, 2002, between the hours of 2:00 o'clock p.m. to 12:00 o'clock a.m., to accommodate an Outdoor Festival for the 1st Annual Rhode Island Summerfest.

REPORTS FROM COMMITTEES

COUNCILWOMAN RITA M. WILLIAMS, Chairwoman COMMITTEE ON PUBLIC WORKS

Transmits the following with recommendation the same be Approved:

Resolution Granting the Abandonment of Normal Court and approval to transfer all rights, title and interest to the abutting owners.

Resolved, Decreed and Ordered:

That the following-named street shown as a cross-hatched area on the accompanying map entitled "Prov., RI, DPW-Engineering Office, Street line Section Plan Number 064704 dated January 8, 2002."

VIZ: Normal Court, as described in Attachment "A" and shown as a cross-hatched area on the accompanying plan and designated by the letters A-B-C-D, 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 Six Thousand Seven Hundred Twenty-Three Dollars (\$6,723.00) 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 the users of the existing private sewer line along Normal Court which will permit the retention of 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. Alternatively, in the event that said sewer is no longer in operation, Petitioner shall accept and assume ownership and operation of said facility and, at its sole cost, shall maintain or remove the same in accordance with applicable federal, state and local law and so as to avoid any endangerment to the public safety.

4. The Petitioner shall meet each of the conditions to which reference is made in that communication from the Providence Fire

Prevention Bureau dated 30 April 2002 which generally indicates that no permanent barrier shall be constructed that may prevent access for fire department personnel using ground ladders and other firefighting equipment along Normal Court. Such access is required so that firefighters can raise ladders for rescue or ventilation operations in the event of emergency circumstances in the buildings that border Normal Court.

5. 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.

COUNCILMAN ALLEN 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.

FROM THE CLERK'S DESK

Petition from David C. Chamberland, Sr. Vice-President, Carpionato Properties, Inc., requesting that the curb line along the South Easterly portion of Charles Street be removed and reset.

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:

Evelyn Wheeler (Charles J. Vucci, Esquire)

Armina Cappola (Russell Bramley, Esquire)

Miriam Sanchez (Christopher E. Fay, Esquire)

Noah L. Cook

Carlos Garcia (Robert V. Russo, Esquire)

Jenny J. Marciano (Robert Testa, Esquire)

Peerless Insurance a/s/o Elizabeth Charlebois

Peerless Insurance a/s/o April Neddo

James Harris (John S. Coughlin, Esquire)

Adam L. Dauplaise

MetLife Auto & Home a/s/o Hilbert Beale

Michelle M. Fornabai

**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:

Mike McKenna, in recognition of his many years of service to the East Side/Fox Point Little League.

Jim Frutche, in recognition of his many

years of service to the East Side/Fox Point Little League.

William "Wild Bill" Roberts, in recognition of the celebration of his Historic 80th Birthday on Saturday, June 29, 2002.

Linda Filomeno, in recognition of her excellence as a teacher and administrator, and her outstanding dedication to the betterment of the services provided to Latino families and their children in the City of Providence.

Frances Mossberg, in recognition of her

outstanding dedication to the betterment of the quality of education to Latinos and all children in the City of Providence.

Edward Ducette, in recognition of his outstanding service in the Providence School Department, and his implementation of the Lift Program, providing special attention to the limited English proficient population in the City of Providence.

Mayor Joao Baptista Freire de Andrade, in

recognition of his historic visit to the City of Providence and your tireless mission to ensure the health, Welfare and education for the children of Santa Catarina.

Severally Read and Collectively Passed, on motion of COUNCILMAN ALLEN, seconded 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:

Vincent Florio

Joseph P. Brennan

Esther Nardolillo

Rocco Argenti, Jr.

John E. McDonald

Louis Folco

Timothy J. O'Brien

Angela Giorgianni

Stephen DeAngelis

Josephine Caprio

Stanley M. Jaskiewicz

Rita Morra

Frank Solitro

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.

ADJOURNMENT

There being no further business, on
motion of COUNCILMAN ALLEN, second-
ed by COUNCILWOMAN WILLIAMS, it is
voted to adjourn at 7:45 o'clock P.M. (E.D.T.)
to meet again at the Special Council Meeting
on TUESDAY, JULY 9, 2002 at 5:30 o'clock
P.M. (E.D.T.).

Michael R. Clement

City Clerk

CITY OF PROVIDENCE
RHODE ISLAND



CITY COUNCIL

JOURNAL OF PROCEEDINGS

No. 101 City Council Special Meeting, Tuesday, July 9, 2002, 5:30 o'clock P.M. (E.D.T.)

PRESIDING

ACTING COUNCIL PRESIDENT

PETER S. MANCINI

IN CITY COUNCIL

OCT. 3, 2002.

APPROVED:

CLERK

ROLL CALL

Present: Councilmen Allen, Mancini and
Councilwoman Nolan—3.

Absent: Council President Lombardi,
Councilmen Aponte, Butler, DeLuca, Coun-
cilwoman DiRuzzo, Councilmen Hassett, Ig-
liozi, Jackson, Councilwomen Romano,
Williams and Young—11.

Also Present: Michael R. Clement, City
Clerk, Claire E. Bestwick, First Deputy City
Clerk, Sheri A. Petronio, Assistant Clerk
and Ralph Guglielmino, City Sergeant.

CALL FOR SPECIAL MEETING COMMUNICATION FROM COUNCIL PRESIDENT JOHN J. LOMBARDI

Request, filed with the City Clerk, dated July 3, 2002, requesting a Special Meeting of the City Council be called on the 9th Day of July, 2002 at 5:30 o'clock P.M. (E.D.T.).

July 3, 2002

Honorable Michael R. Clement
City Clerk
City Hall
Providence, RI 02903

Dear Mr. Clement:

Pursuant to Section 406 of the Providence Home Rule Charter of 1980, I am this day calling a Special Meeting of the Providence City

Council to be held on Tuesday, July 9, 2002 at 5:30 p.m. in the City Council Chamber, City Hall for the purpose of acting upon the following:

Consideration of Mayor Vincent A. Cianci, Jr.'s VETO of the Ordinance entitled: "Providence External Review Authority (PERA)".

Sincerely,

JOHN J. LOMBARDI
Council President

Received.

WARRANT FOR SPECIAL MEETING

Warrant of the City Clerk to the City Sergeant with return certification that he has notified each member of the City Council of the Special Meeting called for the 9th day of July, 2002 at 5:30 o'clock P.M. (E.D.T.) in the Chamber of the City Council, City Hall.

July 3, 2002

To Ralph Guglielmino, City Sergeant:

Whereas, Council President John J. Lombardi has, pursuant to Section 406 of the Providence Home Rule Charter of 1980, respectfully requested the City Clerk, in writing,

to call a Special Meeting of the City Council to be held on the 9th day of July, 2002 A.D., at 5:30 o'clock P.M. (E.D.T.) for the purpose of enacting the following:

Consideration of Mayor Vincent A. Cianci, Jr.'s VETO of the Ordinance entitled: "Providence External Review Authority (PERA)".

You are accordingly commanded and required to summon each Member of the City Council to that Special Meeting, as Called.

Hereof, Fail Not, and make a true return of this Warrant, with your doings thereon.

Given under my Hand and Official
Seal of the City of Providence, State of

Rhode Island and Providence Plantations this 3rd Day of July, 2002 A.D.

MICHAEL R. CLEMENT
City Clerk

I, Ralph Guglielmino, City Sergeant, do hereby certify that I have notified each Member of the City Council of the Special Meeting scheduled to be held on Tuesday, July 9, 2002 at 5:30 o'clock P.M., (E.D.T.) in the Chamber of the City Council, City Hall, Providence, in accordance with the subject warrant by delivering to each member, a copy thereof.

RALPH GUGLIELMINO
City Sergeant

July 3, 2002

Received.

CANCELLATION

COUNCILMAN MANCINI, Senior Member states that due to the lack of a quorum, the Special City Council Meeting scheduled to meet on TUESDAY, JULY 9, 2002 at 5:30 o'clock P.M. (E.D.T.), in the Council Chambers, Third Floor, City Hall, has been cancelled.



City Clerk

CITY OF PROVIDENCE
RHODE ISLAND



CITY COUNCIL
JOURNAL OF PROCEEDINGS

No. 102 City Council Special Meeting, Monday, July 15, 2002, 6:00 o'clock P.M. (E.D.T.)

PRESIDING

COUNCIL PRESIDENT

IN CITY COUNCIL

OCT 3 2002

APPROVED:

JOHN J. LOMBARDI

CLERK

ROLL CALL

Present: Council President Lombardi,
Councilmen Allen, Aponte, Butler, DeLuca,
Councilwoman DiRuzzo, Councilmen Iglio-
zzi, Jackson, Councilwomen Nolan,
Romano, Williams and Young—12.

Absent: Councilmen Hassett and Man-
cini—2.

Also Present: Michael R. Clement, City
Clerk, Claire E. Bestwick, First Deputy City
Clerk, Sheri A. Petronio, Assistant Clerk,
Charles R. Mansolillo, City Solicitor and
Ralph Guglielmino, City Sergeant.

INVOCATION

The Invocation is given by COUNCIL-
WOMAN RITA M. WILLIAMS.

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.

CALL FOR SPECIAL MEETING COMMUNICATION FROM COUNCIL PRESIDENT JOHN J. LOMBARDI

Request, filed with the City Clerk, dated
July 10, 2002, requesting a Special
Meeting of the City Council be called on
the 15th Day of July, 2002 at 6:00 o'clock
P.M. (E.D.T.).

July 10, 2002

Honorable Michael R. Clement
City Clerk

City Hall
Providence, RI 02903

Dear Mr. Clement:

Pursuant to Section 406 of the Providence
Home Rule Charter of 1980, I am this day
calling a Special Meeting of the Providence City
Council to be held on Monday, July 15, 2002
at 6:00 p.m. in the City Council Chamber, City

Hall for the purpose of acting upon the following:

Consideration of Mayor Vincent A. Cianci, Jr.'s VETO of the Ordinance entitled: "Providence External Review Authority (PERA)".

Sincerely,

JOHN J. LOMBARDI
Council President

Received.

WARRANT FOR SPECIAL MEETING

Warrant of the City Clerk to the City Sergeant with return certification that he has notified each member of the City Council of the Special Meeting called for the 15th day of July, 2002 at 6:00 o'clock P.M. (E.D.T.) in the Chamber of the City Council, City Hall.

July 10, 2002

To Ralph Guglielmino, City Sergeant:

Whereas, Council President John J. Lombardi has, pursuant to Section 406 of the Providence Home Rule Charter of 1980, respectfully requested the City Clerk, in writing, to call a Special Meeting of the City Council to be held on the 15th day of July, 2002 A.D., at 6:00 o'clock P.M. (E.D.T.) for the purpose of enacting the following:

Consideration of Mayor Vincent A. Cianci, Jr.'s VETO of the Ordinance entitled: "Providence External Review Authority (PERA)".

You are accordingly commanded and required to summon each Member of the City Council to that Special Meeting, as Called.

Hereof, Fail Not, and make a true return of this Warrant, with your doings thereon.

Given under my Hand and Official Seal of the City of Providence, State of Rhode Island and Providence Plantations this 10th Day of July, 2002 A.D.

MICHAEL R. CLEMENT
City Clerk

I, Ralph Guglielmino, City Sergeant, do hereby certify that I have notified each Member of the City Council of the Special Meeting scheduled to be held on Monday, July 15, 2002 at 6:00 o'clock P.M., (E.D.T.) in the Chamber of the City Council, City Hall, Providence, in accordance with the subject warrant by delivering to each member, a copy thereof.

RALPH GUGLIELMINO
City Sergeant

July 10, 2002

Received.

VETO MESSAGE OF HIS HONOR THE MAYOR

Communication from His Honor, Mayor Vincent A. Cianci, Jr., dated July, 1, 2002, transmitting his Veto of an Ordinance entitled: "Providence External Review Authority (PERA)."

July 1, 2002

The Honorable Michael R. Clement
City Clerk
City Hall
Providence, Rhode Island 02903

Dear Mr. Clerk:

Pursuant to Sections 302(f) and 412 of the Providence Home Rule Charter of 1980, I hereby disapprove and veto the Ordinance entitled "Providence External Review Authority (PERA)." This Ordinance as drafted clearly seeks to set in motion a disciplinary procedure to address police misconduct.

Although I favor citizen review and participation in monitoring the comportment of police officers in carrying out their law enforcement duties, I am also fully cognizant of my responsibility as Mayor to see to it that an ordinance of this nature is consistent with

the provisions of the Home Rule Charter and existing statutory law.

At my request, the City Solicitor has examined the legal aspects of the ordinance vis-à-vis existing statutory law. He has advised me that a state statute, namely, the Law Enforcement Officers' Bill of Rights ("Bill of Rights"), is the exclusive remedy for police officers who are under investigation or subject to interrogation for any reason which can lead to disciplinary action, demotion and dismissal. The City Solicitor has further advised that the "Bill of Rights" delineates the procedural and substantive rights to which the law enforcement officer is entitled, including notice, a hearing at which he can present and cross-examine witnesses and the ultimate right to review by the Superior Court. As a result of his examination and analysis of the pertinent law, the Solicitor has counseled me that there clearly exists a conflict with the procedural and substantive provision of the "Bill of Rights" and the ordinance as adopted by the City Council.

Consequently, I am constrained to exercise my power to veto the Ordinance in its current form. To do otherwise would subject the city to engaging in an exercise in futility which would

be unnecessarily costly to the taxpayer and yet fail to effectively address the purpose of providing citizen oversight of police misconduct. However, I would approve an ordinance which conforms with the statutory provisions prescribed in the "Bill of Rights".

Respectfully submitted,

VINCENT A. CIANCI, JR.
Mayor of Providence

Received.

CONSIDERATION OF VETO

COUNCILMAN ALLEN Moves to override the VETO, seconded by COUNCILWOMAN WILLIAMS, by the following Roll Call Vote:

Ayes: Council President Lombardi, Councilmen Allen, Aponte, DeLuca, Councilwoman DiRuzzo, Councilman Jackson, Councilwomen Nolan, Williams and Young—9.

Nays: Councilmen Butler, Igliozi and Councilwoman Romano—3.

Absent: Councilmen Hassett and Mancini—2.

The motion to override the Veto Fails.

ADJOURNMENT

There being no further business, on motion of COUNCILMAN ALLEN, seconded by COUNCILMAN BUTLER, it is voted to adjourn at 6:15 o'clock P.M. (E.D.T.) to meet again on THURSDAY, AUGUST 1, 2002 at 7:30 o'clock P.M. (E.D.T.).

Michael R. Clement

City Clerk

July 15]

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[2002
