

-412-

CITY OF PROVIDENCE RHODE ISLAND



CITY COUNCIL JOURNAL OF PROCEEDINGS

No. 7 City Council Regular Meeting, Thursday, April 7, 2005, 7:30 o'clock P.M. (E.D.T.)

**PRESIDING
COUNCIL PRESIDENT
JOHN J. LOMBARDI**

ROLL CALL

**Present: COUNCIL PRESIDENT
LOMBARDI, COUNCILMEN APONTE,
DeLUCA, COUNCILWOMAN DiRUZZO,
COUNCILMEN HASSETT, IGLIOZZI,
LUNA, MANCINI, COUNCILWOMAN
ROMANO, COUNCILMAN SEGAL and
COUNCILWOMAN WILLIAMS - 11.**

**Absent: COUNCILMEN ALLEN, BUTLER,
JACKSON and COUNCILWOMAN YOUNG - 4.**

**(SUBSEQUENTLY COUNCILMAN BUTLER
and COUNCILMAN JACKSON JOIN THE
MEETING)**

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

2006 SEP 27 A 10:49
DEPT. OF CITY CLERK
PROVIDENCE, R.I.

FILED

IN CITY COUNCIL
OCT 5 2006
APPROVED. *[Signature]* CLERK

INVOCATION

The Invocation is given by COUNCIL-
WOMAN JOSEPHINE DiRUZZO.

COUNCILMAN BUTLER and COUNCILMAN JACKSON
JOIN THE MEETING.

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

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

APPOINTMENTS BY HIS HONOR THE MAYOR

Communication dated March 17, 2005,
Informing the Honorable Members of the
City Council that pursuant to Section 302(b)
of the Providence Home Rule Charter of
1980, as amended and Section 2 of Chapter
332 of the Public Laws, 1981, he is this day
appointing Mr. Carl J. Abelson, III of 314

Benefit Street, Providence, Rhode Island
02906, as a member of the Capital Center
Commission for a term to expire on June 30,
2008. (Mr. Abelson will replace Jay Goodman,
whose term has expired)

Communication dated March 7, 2005, Informing the Honorable Members of the City Council that pursuant to Sections 302(b) and 1107 of the Providence Home Rule Charter of 1980, as amended and 1994 Ordinance 365 Chapter 502.1, he is this day appointing Mr. Frederick K. Butler of 400 Blackstone Boulevard, Providence, Rhode Island 02906, as a member of the Downcity District Design Review Committee for a term to expire on June 30, 2005. (Mr. Butler represents one of two property owners on the Downcity Design Review Committee, selected from a list of nominees provided by the Providence Foundation)

Communication dated March 7, 2005, Informing the Honorable Members of the City Council that pursuant to Sections 302(b) and 1107 of the Providence Home Rule Charter of 1980, as amended and 1994 Ordinance 365 Chapter 502.1, he is this day appointing Ms. Elizabeth Chace of 101 North Main Street, Providence, Rhode Island 02903, as a member of the Downcity District Design Review Committee for a term to expire on June 30, 2005. (Ms. Chace represents one of two property owners on the Downcity Design Review Committee, selected from a list of nominees provided by the Providence Foundation)

Communication dated March 30, 2005, Informing the Honorable Members of the City Council that pursuant to Section 302(b) of the Providence Home Rule Charter of 1980, as amended and Section 2 of Chapter 332 of the Public Laws, 1981, he is this day re-appointing Mr. Barry Fain of 48 Congdon Street, Providence, Rhode Island 02906, as a member of the Capital Center Commission for a term to expire on June 30, 2007.

Communication dated March 29, 2005, Informing the Honorable Members of the City Council that pursuant to Sections 302(b) and 1107 of the Providence Home Rule Charter of 1980, as amended and 1994 Ordinance 365 Chapter 502.1, he is this day appointing Ms. Elizabeth A. Isaacson of 25 Power Street, Providence, Rhode Island 02903, as a member of the Downcity District Design Review Committee for a term to expire on June 30, 2005. (Ms. Isaacson represents the real estate agent member on the Downcity Design Review Committee)

Communication dated March 7, 2005, Informing the Honorable Members of the City Council that pursuant to Sections 302(b) and 1107 of the Providence Home Rule Charter of 1980, as amended and 1994 Ordinance 365 Chapter 502.1, he is this day appointing Ms. Barbara Macaulay of 135 Williams Street, Providence, Rhode Island 02906, as a member of the Downcity District Design Review Committee for a term to expire on June 30, 2005. (Ms. Macaulay represents the registered Rhode Island architect member of the Downcity Design Review Committee)

Communication dated March 7, 2005, Informing the Honorable Members of the City Council that pursuant to Sections 302(b) and 1101 of the Providence Home Rule Charter of 1980, as amended, he is this day appointing Mr. Andrew K. Moffit of 525 Elmgrove Avenue, Providence, Rhode Island 02906, as a member of the Water Supply Board for a term to expire in January, 2006. (Mr. Moffit will be replacing Mr. Robert Walsh who has resigned)

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

COUNCIL PRESIDENT LOMBARDI Receives the Several Communications.

PRESENTATION OF ORDINANCES

COUNCILMAN HASSETT:

An Ordinance Repealing Ordinance Chapter No. 1995-41, Number 555, having taken effect on October 19, 1999, Entitled: "An Ordinance Establishing a Tax Stabilization Plan for Gateway Eight, L.P. on behalf of Boston Financial Data Services.

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

COUNCILWOMAN WILLIAMS (By Request):

An Ordinance In Amendment of Chapter 2004-41, Ordinance Number 544, Entitled: "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.

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

PRESENTATION OF RESOLUTIONS

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

Resolution Celebrating Municipal Clerks Week, May 1, 2005 through May 7, 2005.

Whereas, The Office of the Municipal Clerk, a time honored and vital part of local government, exists throughout the world; and

Whereas, The Office of the Municipal Clerk is the oldest among public servants; and

Whereas, The Office of the Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other levels; and

Whereas, Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all.

Whereas, The Municipal Clerk serves as the information center on functions of local government and community; and

Whereas, Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their state, province, county and international professional organizations; and

Whereas, It is most appropriate that we recognize the accomplishments of the Office of the Municipal Clerk.

Now, therefore, be it resolved, That the week of May 1, 2005 through May 7, 2005, be recognized as Municipal Clerks Week, and further extend appreciation to our Municipal Clerk, Michael R. Clement, and to all Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.

**COUNCIL PRESIDENT LOMBARDI,
COUNCILMEN APONTE, LUNA and
SEGAL (By Request):**

Resolution Endorsing and Urging Passage by the General Assembly of House Bill 2005-H

5170 and Senate Bill 2005-S 0242, Relating to Libraries - State Aid to Libraries.

Resolved, That the Members of the Providence City Council hereby Endorse and Urge Passage by the General Assembly of House Bill 2005-H 5170 and Senate Bill 2005-S 0242, Relating to Libraries - State Aid to Libraries.

COUNCIL PRESIDENT LOMBARDI:

Resolution Requesting to formulate an Oversight Commission relative to the sale, merger or transfer of the Providence Civic Center, d/b/a Dunkin Donuts Center, consisting of Councilwoman Josephine DiRuzzo, Chairwoman of the Committee on City Property, Councilman John J. Igliazzi, Councilman Kevin Jackson, Councilman Peter S. Mancini, James J. Lombardi, Internal Auditor, Kelly Sheridan, Esquire, Lawrence Lepore, Executive Director, Providence Civic Center, d/b/a Dunkin Donuts Center, Councilwoman Rita M. Williams, Civic Center Authority Member, Councilman Patrick K. Butler, Civic Center Authority Member, and Councilman Ronald W. Allen, Secretary, Civic Center Authority.

Resolved, That the Members of the Providence City Council formulate an Oversight Commission relative to the sale, merger or transfer of the Providence Civic Center, d/b/a Dunkin Donuts Center, consisting of Councilwoman Josephine DiRuzzo, Chairwoman of the Committee on City Property, Councilman John J. Igliazzi, Councilman Kevin Jackson, Councilman Peter S. Mancini, James J. Lombardi, Internal Auditor, Kelly Sheridan, Esquire, Lawrence Lepore, Executive Director,

Providence Civic Center, d/b/a Dunkin Donuts Center, Councilwoman Rita M. Williams, Civic Center Authority Member, Councilman Patrick K. Butler, Civic Center Authority Member, and Councilman Ronald W. Alien, Secretary, Civic Center Authority.

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

The Motion for Passage is Sustained.

Resolution Establishing "Resident Permit Parking Stickers", for on street parking for the residents of the Conrad Building, 385 Westminster Street, on a trial basis for a twelve (12) month period.

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

Resolution Requesting the Department of Personnel and the Law Department to develop policies and procedures for background checks for all employees, including the School Department and Water Supply Board, in specialized positions that require certifications or degrees.

Resolved, That the the Department of Personnel and the Law Department develop policies and procedures for background checks for all employees, including the School Department and Water Supply Board, in specialized positions that require certifications or degrees.

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

The Motion for Passage is Sustained.

COUNCILMAN APONTE (By Request):

Resolution Endorsing and Urging Passage by the General Assembly of Senate Bill 2005-S 0227 and House Bill 2005-H 5400 Relating to Cities and Towns - Exempting from Taxation Property of the Providence, Rhode Island Young Men's Christian Association.

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

COUNCILMAN APONTE and COUNCILMAN HASSETT (By Request):

Resolution Authorizing His Honor the Mayor to execute the Settlement Agreement between the City of Providence, the Providence Redevelopment Agency and Textron, Inc., and also execute the Environmental Land Use Restrictions, referenced in agreement.

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

Resolution Requesting to cancel or abate, in whole the taxes assessed upon Assessor's Plat 23, Lots 58 & 59 (27 Linden Street), along with any associated interest, penalties and intervening taxes, in accordance with Rhode Island General Law

44-7-23 and that the property is declared exempt in accordance with Rhode Island General Law 45-32-40 while under PRA ownership, in the amount of Four Thousand Eight Hundred Sixty Dollars and Sixty (\$4,860.60) Cents.

Resolution Requesting to cancel or abate, in whole the taxes assessed upon Assessor's Plat 48, Lot 547 (29 Miner Street), along with any associated interest, penalties and intervening taxes, in accordance with Rhode Island General Law 44-7-23 and that the property is declared exempt in accordance with Rhode Island General Law 45-32-40 while under PRA ownership, in the amount of Two Thousand Fifty Four Dollars and Seventy Six (\$2,054.76) Cents.

Resolution Requesting to cancel or abate, in whole the taxes assessed upon Assessor's Plat 48, Lot 838 (315 Oxford Street), along with any associated interest, penalties and intervening taxes, in accordance with Rhode Island General Law 44-7-23 and that the property is declared exempt in accordance with Rhode Island General Law 45-32-40 while under PRA ownership, in the amount of Nine Thousand Five Hundred Fifteen Dollars and Eleven (\$9,515.11) Cents.

Resolution Requesting to cancel or abate, in whole the taxes assessed upon Assessor's Plat 110 Lot 161 (692 Plainfield Street), along with any associated interest, penalties and intervening taxes, in accordance with Rhode Island General Law 44-7-23 and that the property is declared exempt in accordance with Rhode Island

General Law 45-32-40 while under PRA ownership.

Resolution Requesting to cancel or abate, in whole the taxes assessed upon Assessor's Plat 107, Lot 238 (6 Queen Street), along with any associated interest, penalties and intervening taxes, in accordance with Rhode Island General Law 44-7-23 and that the property is declared exempt in accordance with Rhode Island General Law 45-32-40 while under PRA ownership.

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

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

COUNCILWOMAN DiRUZZO (By Request):

Resolution Requesting the Providence City Council to adopt the Revisions to the Providence Hazard Mitigation Plan.

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

COUNCILMAN MANCINI (By Request):

Resolution Requesting the Traffic Engineer to cause the installation of speed bumps along Rome Avenue.

Resolved, That the Traffic Engineer cause the installation of speed bumps along Rome Avenue.

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

The Motion for Passage is Sustained.

Resolution Requesting the Traffic Engineer to cause the installation of "Slow Children" Signs on Rome Avenue.

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

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

Resolved, That the Chief Electrical Inspector cause upgrade of street lighting along Hillview Avenue to 27,500 lumen.

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

The Motion for Passage is Sustained.

COUNCILMAN SEGAL (By Request):

Resolution Requesting the Traffic Engineer to cause the installation of "Wrong Way" and "One-Way" Signs on Waterman Street, as appropriate, between Gano Street and Ives Street.

Resolution Requesting the Traffic Engineer to review signage on Waterman Street, to

determine if there is sufficient notice to motorists that the street is a One-Way.

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

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

Resolution Endorsing and Urging Passage by the General Assembly of House Bill 2005-H 5442, Relating to Criminal Procedure - Freedom from Surveillance Act and Senate Bill 2005-S 0573, Relating to Criminal Procedure - Restriction on Political Surveillance.

Resolution Endorsing and Urging Passage by the General Assembly of House Bill 2005-H 5175 and Senate Bill 2005-S 0651, Relating to Housing Resources - Neighborhood Opportunities Program.

Resolution Endorsing and Urging Passage by the General Assembly of Senate Bill 2005-S 0575, Relating to Elections.

Resolution Endorsing and Urging Passage by the General Assembly of Senate Bill 2005-S 0714, Relating to Elections - Rhode Island Clean Elections Act.

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

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

Resolution Requesting the Traffic Engineer
to cause the placement of "No Parking"
Signs in front of numbers 3, 5, and 7 Angell
Court.

**COUNCILWOMAN WILLIAMS (By
Request):**

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

REPORTS FROM COMMITTEE

COMMITTEE ON CITY PROPERTY

COUNCILWOMAN JOSEPHINE DiRUZZO, Chairwoman

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

Communication dated December 11,
2003, from Alan R. Sepe, Acting Director,
Department of Public Property, requesting
permission to allow Tmobile and Verizon

Wireless to lease space on Mount Pleasant
High School for the installation of antennas
for cellular phone service.

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

Resolution Requesting the City Council to
authorize the transfer of the Sloop Providence
to the Providence Redevelopment Agency for
the sum of One Dollar (\$1.00).

Whereas, the City of Providence is desirous
of placing the Sloop Providence back in
service; and

Whereas, the City of Providence is
committed to helping the Providence
Maritime Heritage Foundation pay for past

operating costs for the Sloop Providence and to prepare the Sloop for operation; and

Whereas, the City of Providence is desirous of selling the Sloop Providence; and

Whereas, the City of Providence has requested that the Providence Redevelopment Agency assist the City by acting as a conduit for the sale of the Sloop Providence; and

Whereas, the Providence Redevelopment Agency authorizes the executive director to:

- Negotiate a loan of up to \$75,000 to the Providence Maritime Heritage Foundation for past operating costs for the Sloop Providence and to prepare the Sloop for operation;
- Appraise the Sloop Providence to determine its market value;
- Work in cooperation with the Providence Economic Development Partnership who will solicit proposals for the sale of the Sloop Providence, to sell the boat;
- Return to the city any proceeds from the sale once all debt is paid

Now, therefore, be it resolved, that the City Council authorize the transfer of the

Sloop Providence to the Providence Redevelopment Agency for the sum of One Dollar (\$1.00)

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

AYES: COUNCIL PRESIDENT LOMBARDI, COUNCILMEN APONTE, BUTLER, DeLUCA, COUNCILWOMAN DiRUZZO, COUNCILMEN HASSETT, IGLIOZZI, JACKSON, LUNA, MANCINI, COUNCILWOMAN ROMANO, COUNCILMAN SEGAL and COUNCILWOMAN WILLIAMS -13.

NAYES: COUNCILMAN DeLUCA request to be recorded as voting "NO" on "Communication dated December 11, 2003, from Alan R. Sepe, Acting Director, Department of Public Property, requesting permission to allow Tmobile and Verizon Wireless to lease space on Mount Pleasant High School for the installation of antennas for cellular phone service."

ABSENT: COUNCILMAN ALLEN and COUNCILWOMAN YOUNG-2.

The Motion for Passage is Sustained.

Transmits the Following with Recommendation the Same be Severally Denied:

Resolution Requesting the Committee on City Property to deny the request of Patriot Disposal, for the purchase of the Terminal Road Transfer Station.

College Campus located on Huxley Street at the main RIPTA bus stop.

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

Resolution Requesting the Committee on City Property to deny the request of the Rhode Island Public Transit Authority to construct a bus shelter on the Providence

COMMITTEE ON PUBLIC WORKS

COUNCILMAN TERRENCE M. HASSETT, Chairman

Transmits the Following with Recommendation the Same be Approved:

Resolution Requesting to abandon Enterprise Row.

a Public Highway. Said Abandonment is specifically conditioned upon the following:

Resolved, Decreed And Ordered:

That the following named street shown as cross-hatched area on the accompanying plan entitled: "Providence, RI Department of Public Works - Engineering Office, Street Line Section Plan No. 064768 dated November 16, 2004.

VIZ:

ENTERPRISE ROW, running from Atwells Avenue to the northern boundary of Lot 214, shown as the cross-hatched area on accompanying plan and designated by the letters (A-B-C-D), having ceased to be useful to the public, is proposed to be abandoned as

(1) Petitioner shall pay the sum of Twenty-eight Thousand Dollars (\$28,000.00) in legal U.S. tender to the City of Providence.

(2) Petitioner shall convey a full sewer easement acceptable to City of Providence, Department of Public Works 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) Petitioner shall convey a full utility easement acceptable to the Providence Water Supply Board which will permit retention of its facilities in their existing location, together with the right to inspect, maintain, operate, construct, repair 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. No permanent construction whatsoever shall be allowed within the easement, which shall be at least twenty feet wide and centered on the main.

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

(5) Such other conditions as the Mayor or the Law Department shall see fit to impose. And it is further

Ordered, That the Traffic Engineer be and 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.

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

The Motion for Passage is Sustained.

**COUNCIL PRESIDENT LOMBARDI
REQUEST TO BE RECUSED FROM
THIS MATTER.**

COMMITTEE ON FINANCE

COUNCILMAN KEVIN JACKSON, Chairman

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

An Ordinance Requiring Employers to post information on the Earned Income Credit in their workplaces.

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

An Ordinance in Amendment of Chapter 2004-28, As Approved June 14, 2004, Entitled: "An Ordinance Amending Chapter 9 of the Code of Ordinances of the City of Providence, Entitled: 'Fire Prevention and Protection', As Amended".

An Ordinance Relating to Article IV, Chapter 17, Section 17-189(5) of the Code of Ordinances. (Police Detective Kerion O'Mara)

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

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

Resolution Requesting to cancel or abate in whole, the taxes assessed upon Assessor's Plat 53, Lot 27 (940 Broad Street), in accordance with Rhode Island General Law 44-7-23, in the amount of Five Thousand Sixty Two Dollars and Twenty Three (\$5,062.23) Cents, or any taxes accrued plus any interest, as requested by SCGL Realty LLC.

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

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

COUNCILWOMAN ROMANO, COUNCILMAN SEGAL and COUNCILWOMAN WILLIAMS -13.

NAYES: NONE.

ABSENT: COUNCILMAN ALLEN and COUNCILWOMAN YOUNG-2.

The Motion for Passage the First Time is Sustained.

COUNCILMAN APONTE Moves to Reconsider item number 36, seconded by COUNCILWOMAN WILLIAMS, by the Following Roll Call Vote:

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

COUNCILWOMAN ROMANO, COUNCILMAN SEGAL and COUNCILWOMAN WILLIAMS -13.

ABSENT: COUNCILMAN ALLEN and COUNCILWOMAN YOUNG-2.

NAYES: NONE.

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

Communication dated December 11, 2003, from Alan R. Sepe, Acting Director, Department of Public Property, requesting permission to allow Tmobile and Verizon Wireless to lease space on Mount Pleasant High School for the installation of antennas for cellular phone service.

COUNCILMAN APONTE Moves to Refer the Communication Back to the Committee on City Property, seconded by COUNCILWOMAN WILLIAMS.

Resolution Requesting the Committee on Finance to approve an extension of the Residency Requirement for Robert J. Hamlin, Police Officer, Providence Police Department, to expire on May 8, 2005.

Resolution, Together with accompanying copy of the Collective Bargaining Agreement by and between the City of Providence and Laborer's International Union of North America, Local 1033 - Crossing Guards, AFL-CIO, as amended, effective January 1, 2005 to June 30, 2007.

Resolution, Together with accompanying copy of the Collective Bargaining

Agreement by and between the City of Providence School Board and the Clerical Employees, Local 1339 Affiliate of AFSCME AFL-CIO, for the period of August 1, 2004 to August 31, 2007.

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

COUNCILMAN APONTE Withdraws his Motion for Passage of the Several Resolutions and COUNCILWOMAN WILLIAMS Withdraws her second of the motion.

Resolution Requesting the Committee on Finance to approve an extension of the Residency Requirement for Robert J. Hamlin, Police Officer, Providence Police Department, to expire on May 8, 2005.

Resolved, That the Committee on Finance approve an extension of the Residency Requirement for Robert J. Hamlin, Police Officer, Providence Police Department, to expire on May 8, 2005.

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

The Motion for Passage is Sustained.

Resolution, Together with accompanying copy of the Collective Bargaining Agreement by and between the City of Providence and Laborer's International Union of North America, Local 1033 - Crossing Guards, AFL-CIO, as amended, effective January 1, 2005 to June 30, 2007.

Resolved, Together with accompanying copy of the Collective Bargaining Agreement by and between the City of Providence and Laborer's International Union of North America, Local 1033 - Crossing Guards, AFL-CIO, as amended, effective January 1, 2005 to June 30, 2007.

Resolution, Together with accompanying copy of the Collective Bargaining Agreement by and between the City of Providence School Board and the Clerical Employees, Local 1339 Affiliate of AFSCME AFL-CIO, for the period of August 1, 2004 to August 31, 2007.

Resolved, Together with accompanying copy of the Collective Bargaining Agreement by and between the City of Providence School Board and the Clerical Employees, Local 1339 Affiliate of AFSCME AFL-CIO, for the period of August 1, 2004 to August 31, 2007.

COUNCIL PRESIDENT LOMBARDI RELINQUISHES THE CHAIR

**ACTING COUNCIL PRESIDENT
DiRUZZO IN THE CHAIR**

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

AYES: COUNCIL PRESIDENT LOMBARDI, COUNCILMEN APONTE, BUTLER, DeLUCA, COUNCILWOMAN DiRUZZO, COUNCILMEN HASSETT, IGLIOZZI, JACKSON, LUNA, MANCINI, COUNCILWOMAN ROMANO, COUNCILMAN SEGAL and COUNCILWOMAN WILLIAMS -13.

NAYES: NONE.

ABSENT: COUNCILMAN ALLEN and COUNCILWOMAN YOUNG-2.

The Motion for Passage of the Several Resolutions is Sustained.

**COUNCIL PRESIDENT LOMBARDI
RETURNS TO THE CHAIR**

COMMUNICATIONS

Communication from Michael R. Clement, City Clerk, dated March 29, 2005, Informing the Honorable Members of the City Council of several matters approved at the March 17th City Council Meeting, which were returned from the Mayor's Office without his signature.

Communication from Richard H. Aitchison, License Administrator, Board of Licenses, dated March 18, 2005, Informing the City Clerk of the appointment of Andrew J. Annaldo as Chairman and Secretary of the Providence Board of Licenses and Arline Feldman as Vice-Chairwoman of the Providence Board of Licenses for the year 2005.

Communication from Councilwoman Josephine DiRuzzo, dated March 14, 2005, Informing the Honorable Members of the City Council that she is this day appointing Mr. Oscar Vargas of 150 Dora Street, Providence, Rhode Island 02909, to the Providence External Review Authority. (PERA)

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

COUNCIL PRESIDENT LOMBARDI Receives the Several Communications.

FROM THE CLERK'S DESK

Petition from Daniel Bannister, Intermodal Information Specialist, Rhode Island Public Transit Authority, 265 Melrose Street, Providence, Rhode Island 02907, requesting to construct a bus shelter on Niantic Avenue.

Petition from Daniel Bannister, Intermodal Information Specialist, Rhode Island Public Transit Authority, 265 Melrose Street, Providence, Rhode Island 02907, requesting to construct a bus shelter on Branch Avenue located in front of the Edward Cooney Apartment House.

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

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

Petitions for Compensation for Injuries and Damages, viz:

MetLife Auto & Home
a/s/o Anthony A. Cordo

Premier Insurance Company
a/s/o Martin Adams

Michelle Orcutt

Alex Rodriguez

Roy K. Tapas

Carol Crowther

John David, Jr.

Evelyn Hu-DeHart

Mauran Lassiter

Joseph R. Principe

Corey J. Allard

Edward D. Rose

Stephen Preiss

Crystal L. Rezendes
(Christopher E. Fay, Esquire)

Norfolk & Dedham Insurance Company
a/s/o Frank Antonizio
(Daniel J. Archetto, Esquire)

Felipe S. Torres

Gregory Garnetto

Lilia Roberson
(Robert V. Russo, Esquire)

Christopher Denzer
(Robert A. D'Amico, III, Esquire)

Karen Menard

Anna McCormick

Terryl Desuze

Jacob Feeney

Alfiero Bigazzi

Progressive Insurance
a/s/o Suzanne D. Carbone

Marilyn Gorafong

Bruce R. Casey

Randy Bryant
(Carl S. Levin, Esquire)

Dr. Wayne Montague, Sr.

Michael J. Ruggieri

Ronald C.F. Antony

Lori A. Keilman

Nancy L. McLemore

Justin P. Weinstein

Martha Polynice

Cynthia Opaluch

Seth Yurdin

Donald C. Carleton, Jr.

GEICO
a/s/o Paul Parrillo

James A. Murray III

Darlene M. Barber

Vincent McNamara

Neal Kaplan

Brenda Pollock

New England Financial

Kathleen and Bethany Bertrand

Enterprise Rent-A-Car

Progressive Northern Insurance Company
a/s/o Tesumola Komalafe

Noel Rodriguez

Karen E. Allen

Patricia J. Igoe

Samboun Siv

Paul Hobson

William Britten

Steven Viveiros and Nicole Lawson
(Paul J. DiMaio, Esquire)

Panfilo D'Artista

Faina Simkin

Zachary S. Rega

David Perez and Sayra Perez
(Joseph M. Martinous, Esquire)

Danielle Corrine Piccarelli

Christopher Chihlas

Gary Kasten

Alvaro J. Ruis p.p.a. Alvaro A. Ruiz

Patrina Borges

Robert DuBois

James A. Morris

Cathy Corelli Chianese

Ian M. Striffler

John E. Keating

**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:

Valentine Innocente, in recognition of the celebration of the happy occasion of his seventieth birthday, born April 11, 1935.

Mt. Pleasant Boys Varsity Basketball Team, in recognition of capturing the Division I Varsity Boys State Basketball Title.

Mt. Pleasant Girls Basketball Team, in recognition of capturing the highly coveted Girls Division III State Basketball Title - The first time in fifteen years.

Dorothy Fandetti, in recognition of the celebration of the happy occasion of her eighty-fifth birthday.

Ivonne Aleman, in recognition of successfully completing the stationary course from the Massachusetts, and Rhode Island School of Boiler Operators.

Franklin Brito, in recognition of successfully completing the stationary course from the Massachusetts and Rhode Island School of Boiler Operators.

Kenneth Foye, in recognition of successfully completing the stationary course from

the Massachusetts and Rhode Island School of Boiler Operators.

Joseph Garcia, in recognition of successfully completing the stationary course from the Massachusetts and Rhode Island School of Boiler Operators.

Leonard Goncalves, in recognition of successfully completing the stationary course from the Massachusetts and Rhode Island School of Boiler Operators.

Claude Jett, in recognition of successfully completing the stationary course from the Massachusetts and Rhode Island School of Boiler Operators.

Marion Kelly, in recognition of successfully completing the stationary course from the Massachusetts and Rhode Island School of Boiler Operators.

Edgar Livramento, in recognition of successfully completing the stationary course from the Massachusetts and Rhode Island School of Boiler Operators.

Enrique Lopez, in recognition of successfully completing the stationary course from the Massachusetts and Rhode Island School of Boiler Operators.

Jose Ocasio, in recognition of successfully completing the stationary course from the Massachusetts and Rhode Island School of Boiler Operators.

Ivan Ortiz, in recognition of successfully completing the stationary course from the

Massachusetts and Rhode Island School of Boiler Operators.

Anthony Thorpe, in recognition of successfully completing the stationary course from the Massachusetts and Rhode Island School of Boiler Operators.

John Vittorioso, in recognition of successfully completing the stationary course from the Massachusetts and Rhode Island School of Boiler Operators.

Jose Pinero, in recognition of his services to the Community of Providence, Rhode Island.

Carol Bennett Speight, in recognition of her appointment as Dean of the School of Social Work at Rhode Island College.

Jackie and Evelyn Henley, in recognition of the first twenty-five years of marital bliss and the start of the next twenty-five.

Robert J. "Doc" Kazarian, in recognition of the celebration of the happy occasion of his fiftieth birthday, bom April 4, 1955.

Joan Countryman, Lincoln School, in recognition of the celebration of her retirement after twelve years of dedicated service as Headmistress of Lincoln School.

St. Agnes Church, in recognition of the celebration of the happy occasion of their one hundredth anniversary.

Rebecca Connors, in recognition of the celebration of twenty-eight years of dedicated service to the State of Rhode Island.

Leandro Cabrera, in recognition of being an All Division athlete in Soccer -2004/2005.

Jose Talevera, in recognition of being an All Division athlete in Soccer -2004/2005.

Matthew Turbitt in recognition of being an All Division athlete in Soccer -2004/2005.

Pablo Vargas, in recognition of being an All Division athlete in Soccer -2004/2005.

Oscar Zorrilla, in recognition of being an All Division athlete in Soccer -2004/2005.

Vanitda Thongsithavong, in recognition of being an All Division athlete in Soccer - 2004/2005.

Suzane Wise, in recognition of being an All Division athlete in Soccer -2004/2005.

Allegra Purro, in recognition of being an All Division athlete in Soccer -2004/2005.

Lucille Packard, in recognition of being an All Division athlete in Soccer -2004/2005.

Hannah Dalton-Ameen, in recognition of being an All Division athlete in Soccer 2004/2005.

Katie Comerford, in recognition of being an All Division athlete in Soccer -2004/2005.

Vilma Saban, in recognition of being an All Division athlete in Soccer -2004/2005.

Hali Dorfman, in recognition of being an All Division athlete in Tennis -2004/2005.

Jacklyn Katz, in recognition of being an All Division athlete in Tennis -2004/2005.

Ami Negistti, in recognition of being an All Division athlete in Tennis -2004/2005.

Hannah Mellion, in recognition of being an All Division athlete in Tennis -2004/2005.

Jenny McManus, in recognition of being an All Division athlete in Volleyball -2004/2005.

Kimika Adachi, in recognition of being an All Division athlete in Volleyball -2004/2005.

Sheila Cruz, in recognition of being an All Division athlete in Volleyball -2004/2005.

Roisin MaManus, in recognition of being an All Division athlete in Volleyball -2004/2005.

Casby Harrison, in recognition of being an All Division athlete in Football -2004/2005.

Wellington Urena, in recognition of being an All Division athlete in Football -2004/2005.

Menlee Mansue, in recognition of being an all Division athlete in Football -2004/2005.

Brian Morris, in recognition of being an All Division athlete in Football -2004/2005.

Francisco Gonzalez, in recognition of being an All Division athlete in Football - 2004/2005.

Terrance Gallogly, in recognition of being an All Division athlete in Cross Country-2004/2005.

Jeremy Estey, in recognition of being an All Division athlete in Cross Country - 2004/2005.

Chris Gubata, in recognition of being an All Division athlete in Cross Country -2004/2005.

Patrick O'Rourke, in recognition of being an All Division athlete in Cross Country - 2004/2005.

Daniel Jimenez, in recognition of being an All Division athlete in Cross Country - 2004/2005.

Caitlyn Thompson, in recognition of being an All Division athlete in Field Hockey-2004/2005.

Terrance Gallogly, in recognition of being an Academic All State Athlete in Cross Country-2004/2005.

Jeremy Estey, in recognition of being an Academic All State Athlete in Cross Country-2004/2005.

Paul Magyar, in recognition of being an Academic All State Athlete in Cross Country-2004/2005.

Miguel Roman, in recognition of being an Academic All State Athlete in Football-2004/2005.

Daren Hardy, in recognition of being an Academic All State Athlete in Football - 2004/2005.

Menlee Mansue, in recognition of being an Academic All State Athlete in Football-2004/2005.

Miguel Irrazzary, in recognition of being an Academic All State Athlete in Football-2004/2005.

Esteban Gonzalez, in recognition of being an Academic All State Athlete in Soccer-2004/2005.

Classical High School Boys Football Team, in recognition of being the recipient of the Dick Reynolds Journal Sportsmanship Team of the Year Award.

Classical High School Boys Soccer Team, in recognition of being the Boys Soccer Division IV Champions.

Ryan Rafferty, Coach, Classical High School, in recognition of being named Division IV Soccer Coach of the Year.

Classical High School Girls Tennis, in recognition of becoming the City of Providence Girls Tennis Champions and being named Girls Tennis Sportsmanship Team of the Year.

Classical High School Girls Volleyball, in recognition of being the Girls Volleyball City Champions, Division II North Champions and Division II State Champions.

Classical High School Girls Soccer, in recognition of being the Girls Soccer Division IV Champions and the Division IV State Champions.

Ed Wnuk, Coach, Classical High School, in recognition of being inducted into the Football Coaches Hall of Fame.

Al Iacobo, Coach, Classical High School, in recognition of being named Coach of the Year - Girls Volleyball.

Al Morro, Classical High School, in recognition of being inducted into the Rhode Island Interscholastic League Hall of Fame.

Sts. Sahag and Mesrob Armenian Church, in recognition of the celebration of the occasion of their ninetieth anniversary.

Patrick Quinn, in recognition of his tireless work with SEIU in support of union rights and worker justice.

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.

Claire L. Cataldo

Rocco Maini

Elizabeth "Gloria" Solomon

Joseph Tallo

John G. "Jack" Zuccarelli

Jeffrey Jacober

Karen Jacober

Eric Jacober

Gregg Weingeroff

Dawn Weingeroff

Leland Weingeroff

Dorothy "Jean" Rocha

Elizabeth M. Rawdon

Mary E. Boorum

Raymond Ricci

Teresa Altomari

Bobby Rae Lawrence

Robert Kreeley

Sylvia A. Procaccini

Lena Iacobbo

**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.

MATTERS NOT APPEARING ON THE PRINTED DOCKET

**On motion of COUNCILMAN APONTE,
seconded by COUNCILWOMAN WILLIAMS,
it is voted to Suspend Rule 16-B of the City
Council Rules in order to allow the
introduction of the following Matters Not
Appearing on the Printed Docket.**

PRESENTATION OF ORDINANCES

COUNCILMAN APONTE (By Request):

**An Ordinance Establishing and Granting
a Tax Stabilization Plan for Sampalis Realty,
LLC with respect to Assessor Plat 20, Lot 176
of the City of Providence.**

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

COUNCILMAN BUTLER and COUNCIL- WOMAN WILLIAMS (By Request):

**An Ordinance in Amendment of Article IX,
Chapter 14 of the Code of Ordinances
Entitled: "Peddlers and Hawkers", As
Amended.**

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

PRESENTATION OF RESOLUTIONS

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

Resolution Extending Sincere Sympathy and Condolences on the passing of Pope John Paul II.

Motion To Lay on the Clerk's Desk until the next City Council Meeting.

COUNCILMAN JACKSON (By Request):

Resolution authorizing the financing and equipping of schools and school facilities in the city, including but not limited to a new high school and an indoor sports complex, including design and feasibility, engineering or other studies which may be necessary in connection therewith and any other acts necessary or incidental thereto, and to issue bonds, notes or other evidences of indebtedness in an amount not to exceed Forty Two Million (\$42,000,000) Dollars to provide funding for the projects.

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

ADJOURNMENT

There being no further business, on Motion of COUNCILMAN APONTE, seconded by COUNCILWOMAN WILLIAMS, it is voted to adjourn the meeting at 8:25 o'clock P.M. (E.D.T.), to meet again on APRIL 21, 2005 at 7:30 o'clock P.M. (E.D.T.).



MICHAEL R. CLEMENT
CITY CLERK



April 7)

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(2005

-413-

CITY OF PROVIDENCE RHODE ISLAND



CITY COUNCIL JOURNAL OF PROCEEDINGS

No. 8 City Council Regular Meeting, Monday, April 25, 2005, 6:00 o'clock P.M. (E.D.T.)

PRESIDING
COUNCIL PRESIDENT
JOHN J. LOMBARDI

ROLL CALL

Present: COUNCIL PRESIDENT
LOMBARDI, COUNCILMEN APONTE,
BUTLER, DeLUCA, COUNCILWOMAN
DiRUZZO, COUNCILMEN LUNA, SEGAL,
COUNCILWOMEN WILLIAMS and
YOUNG -9.

Absent: COUNCILMEN ALLEN, HASSETT,
IGLIOZZI, JACKSON, MANCINI and
COUNCILWOMAN ROMANO - 6.

(SUBSEQUENTLY COUNCILMAN
JACKSON JOIN THE MEETING)

Also Present: Adrienne G. Southgate,
Deputy City Solicitor, Michael R. Clement,
City Clerk, Claire E. Bestwick, First Deputy
City Clerk, Sheri A. Petronio, Assistant
Clerk and Vincent J. Berarducci, City
Sergeant.

2006 SEP 27 A 10:49
DEPT. OF CITY CLERK
PROVIDENCE, R.I.

FILED

INVOCATION

**The Invocation is given by Councilwoman
Rita M. Williams.**

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

**COUNCIL PRESIDENT JOHN J.
LOMBARDI Leads the Members of the
City Council and the Assemblage in the
Pledge of Allegiance to the Flag of the
United States of America.**

APPROVAL OF RECORDS

The Journal of Proceedings No. 25 of the Regular Meeting of the City Council held October 2, 2003 and Journal of Proceedings No. 26 of the Regular Meeting of the City Council held October 16, 2003 and Posted on April 15, 2005 on that Bulletin Board located

on the Ground Level of City Hall, are approved, as printed, on Motion of **COUNCILMAN APONTE**, seconded by **COUNCILWOMAN WILLIAMS**.

APPOINTMENT BY HIS HONOR THE MAYOR

Communication dated April 6, 2005, Informing the Honorable Members of the City Council that pursuant to Sections 302(b) and 1003 of the Providence Home Rule Charter of 1980, as amended, he is this day appointing Mr. John Kelly of 21 Parkside

Drive, Providence, Rhode Island 02910, as a member of the Board of Park Commissioners for a term to expire in January 2009. (Mr. Kelly will replace David Talan, whose term has expired)

APPOINTMENT BY THE PRESIDENT OF THE CITY COUNCIL

Communication from Council President John J. Lombardi, dated April 11, 2005, Informing the Honorable Members of the City Council that he is this day appointing Reverend James H. Cook of 181 Peace Street, Providence, Rhode Island 02907 to the Providence External Review Authority. (PERA) (Reverend Cook will be replacing Ms. Shakira Abdullah, whose term expired at the end of March, 2005)

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

COUNCIL PRESIDENT LOMBARDI Receives the Several Communications.

CONTINUED BUSINESS

The Following Resolution was in City Council April 7, 2005 and Laid on the Clerk's Desk until April 21, 2005.

Resolution Extending Sincere Sympathy and Condolences on the passing of Pope John Paul II.

Whereas, It is with a deep sense of sadness that this City Council joins the countless number of individuals, organizations and governmental bodies around the world in saying farewell and paying tribute to Pope John Paul II; and

Whereas, Born in Wadowice, Poland in 1920, Karol Josef Wojtyla was the son of working class parents and at a very young age, Karol submersed himself in the vocation of education. His affinity toward learning became readily apparent by his exceptional grades and his mastering of eight languages. He loved poetry, literature and had a real proclivity toward drama and acting; and

Whereas, After high school, he attended Jagiellonian University in Krakow until 1939 when the invading Nazi forces closed the university, causing Karol to become a factory worker until 1942. Studying for the priesthood clandestinely, he was ordained a priest on November 1, 1946 and sent to study in Rome. Within two years of studying in the Papal City, he attained a doctorate degree in philosophy and in 1953, back in Krakow, he attained his second doctorate degree in moral theology; and

Whereas, His reputation as a church intellectual grew rapidly and in 1958 he was

consecrated Auxiliary Bishop of Krakow; 1964 named Archbishop of Krakow; 1967 elevated to the College of Cardinals and on October 16, 1978 elected Pope of the Roman Catholic Church taking the name Pope John Paul II; and

Whereas, For the next 26 years Pope John Paul II proved to be an extraordinary pontificate. His stewardship and leadership of the Roman Catholics throughout the world was unquestionable as he set out to provide clarity and enforcement of the Catholicism expressed by the Roman Catholics leadership; and

Whereas, Pope John Paul II, being affectionately referred to as "The Pope of the People" and influenced by the writings of one of his predecessors, Pope Leo XIII, made social justice and workers rights an important part of his papacy. Traveling the world with more than 170 visits to over 115 countries during the past 20 years, Pope John Paul II played a significant role on the international stage; and

Whereas, Pope John Paul II tirelessly strove for world peace and reconciliation between the nations. In 1979, on a visit to his native homeland Poland, he inspired Lech Walesa and the rise of the solidarity labor movement. On December 1, 1989 the culmination of Pope John II global social justice agenda galvanized with the

unprecedented Vatican visit of Soviet President Mikhail Gorbachev; and

Whereas, The Oppressive influence of communism on his early years foreordained his life-long efforts to counter communism on the world stage. He continuously advocated human rights and dignity for all mankind and was named "Man of the Year" by Time Magazine in 1994 for his extraordinary efforts; and

Whereas, The people of Providence and indeed the world have had an extraordinary adoration and love for Pope John Paul II. Over the course of the past quarter century, he has led the faithful by his own devotion and the strength of his convictions. There is no doubt that the memory of this compassionate man and his life's teachings will remain in our hearts forever.

Now, therefore, be it resolved, That this Providence City Council hereby extends its deepest sympathies and condolences on the passing of Pope John Paul II. We bid farewell to a reverent and noble world leader as he shed his cloak of mortality and replaces it

with the cloak of immortality and life everlasting with our Heavenly Father.

Be it further resolved, That this Providence City Council hereby proclaims Friday, April 8, 2005, to be "Pope John Paul II Day" in the City of Providence; and

Be it further resolved, That we urge all City of Providence residents to join us in taking time to commemorate the lifetime of humanitarian endeavors and the altruistic accomplishments of this noble and reverent word leader; and

Be it further resolved, That the City Clerk be, and he hereby is, authorized and directed to transmit a duly certified copy of this resolution to the most Revered Robert Mulvee, Chancellor of the Roman Catholic Diocese of Providence.

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

The Motion for Passage is Sustained.

ORDINANCES SECOND READING

The Following Ordinance was in City Council February 17, 2005, Read and Passed the First Time As Amended and Referred Back to the Committee on Ordinances and is Returned for Passage the Second Time, As Amended:

An Ordinance Requiring mailings to residents of rental units.

Be it ordained by the City of Providence:

Whereas, a substantial percentage of the residential population of the City of Providence rents its housing; and

Whereas, it is very important that residents whose housing may be affected by changes in such important matters as zoning, licenses, and historic districts, amongst others, have actual notice of the impending changes;

Now, Therefore, Be It Enacted As Follows:

Section 1.

- (a) Whenever the city or any of its agencies requires that a notice be sent to property owners regarding matters including, but not limited to, licensing, zoning or historic districts,

the applicant shall be directed to also send courtesy notices to each legal residential unit in the area that is the subject matter of the notice, within a two-hundred (200) foot radius.

- (b) Notices to residential units required pursuant to this section shall be sent via "first class" mail, and be addressed to the "Current Occupant" of each relevant address;
- (c) This section shall not be construed so as to impart upon residents any legal remonstrance or other standing not already due them as of the date of passage of this ordinance, nor shall the failure to notify any tenant render the notice defective.

Section 2. This ordinance shall take effect September 1, 2005.

The Following Ordinances were in City Council April 7, 2005, Read and Passed the First Time and are Severally Returned for Passage the Second Time:

An Ordinance Requiring Employers to post information on the Earned Income Credit in their workplaces.

Be it ordained by the City of Providence:

Whereas, Employees with families, particularly those working in minimum wage positions, may be unaware of certain federal tax benefits available to them under the Internal Revenue Code's Earned Income Credit provision;

Whereas, the posting of such information will provide the employees with relevant information which will save them money;

Be it ordained by the City of Providence:

SECTION 1. Employers with more than three employees must annually post in all workplaces an updated synopsis of the Earned Income Credit provisions of the Internal Revenue Code in both English and Spanish in an area in plain sight of all employees. Copies of the appropriate forms must be made available on request.

SECTION 2. The webmaster for the City of Providence shall also annually post the updated synopsis of the Earned Income Credit provisions on the City website, with links to the Internal Revenue Service for downloadable forms.

SECTION 3. Employers will have thirty (30) days to comply with this ordinance upon passage. After such time has passed if the information is not posted the employer shall

receive a warning. After a warning is received the employer has seven (7) days to post without penalty of fine. After such time the employer will receive a fine of fifty (50) dollars. This penalty will be imposed every seven (7) days until the postings are made.

SECTION 4. Postings will also provide relevant contact information regarding federal tax preparation services, available without charge on a walk-in basis.

SECTION 5. This ordinance shall take effect as of December 1, 2005.

An Ordinance in Amendment of Chapter 2004-28, As Approved June 14, 2004, Entitled: "An Ordinance Amending Chapter 9 of the Code of Ordinances of the City of Providence, Entitled: 'Fire Prevention and Protection', As Amended".

Be it ordained by the City of Providence:

SECTION 1. Chapter 9 of the Code of Ordinances of the City of Providence entitled: "Fire Prevention and Protection," is hereby amended to read as follows:

ARTICLE III. CHARGES FOR EMERGENCY MEDICAL SERVICES.
Section 9-37 Fees.

Each person receiving emergency medical services in the City of Providence shall be billed for the following fees, if applicable:

1. Advanced Life Support "ALS" \$425 one way
2. Base Life Support "BLS" 350 one way
3. Cardiac Monitoring 50
4. Defibrillation 275
5. Airways 250
6. I.V. 75
7. Mast Trousers 75
8. Oxygen 90 per bottle
9. Mileage ALS 8.00 per mile
10. Mileage BLS 8.00 per mile
11. CPR 300
12. Medication Administration 35
13. Rhythm EKG/without interruption & RE 50
14. Miscellaneous Supplies varies

Section 9-38 Billing

The City of Providence may either perform the billing tasks or contact for the services.

Section 9-39 Administration

SECTION 2. This Ordinance shall take effect on passage

An Ordinance Relating to Article IV, Chapter 17, Section 17-189(5) of the Code of Ordinances. (Police Detective Kerion O'Mara)

Be it ordained by the City of Providence:

SECTION 1. Notwithstanding the language of Section 17-189(5) of the Code of Ordinances which provides that "[t]he application to accomplish such [accidental disability] retirement must be filed within eighteen (18) months of the date of the accident," the Retirement Board of the City of Providence, may consider and act upon the accidental disability retirement application of Police Detective Kerion O'Mara, even though

more than eighteen (18) months have passed since the date of the accident which is the averred proximate cause of the above-named applicant for a disability retirement allowance.

SECTION 2. Said application shall be subject to and considered in accordance with all other applicable ordinances, regulations, standards and practices relating to accidental disability retirement applications.

SECTION 3. This Ordinance shall take effect upon its passage.

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

Be it ordained by the City of Providence:

SECTION 1. Notwithstanding the language of Section 17-189(5) of the Code of Ordinances which provides that "[t]he application to accomplish such [accidental disability] retirement must be filed within eighteen (18) months of the date of the accident," the Retirement Board of the City of Providence, may consider and act upon the accidental disability retirement application of Roberta L. Lambert, a crossing guard in the Police Department, even though more than eighteen (18) months have passed since the date of the accident which is the averred proximate cause of the above-named applicant for a disability retirement allowance.

SECTION 2. Said application shall be subject to and considered in accordance with all other applicable ordinances, regulations, standards and practices relating to accidental disability retirement applications.

SECTION 3. This Ordinance shall take effect upon its passage.

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

AYES: COUNCIL PRESIDENT LOMBARDI, COUNCILMEN APONTE, BUTLER, DeLUCA, COUNCILWOMAN DIRUZZO, COUNCILMEN LUNA, SEGAL

COUNCILWOMEN WILLIAMS and YOUNG-9.

NAYES: NONE.

ABSENT: COUNCILMEN ALLEN, HASSETT, IGLIOZZI, JACKSON, MANCINI and COUNCILWOMAN ROMANO - 6.

The Motion for Passage of the Several Ordinances the Second Time Is Sustained.

PRESENTATION OF ORDINANCES

COUNCILMAN APONTE (By Request):

An Ordinance in Amendment of Ordinance Chapter 2005-3 No. 44, An Ordinance to Authorize the Issuance of Special Obligation Tax Increment Refunding Bonds of the City of Providence to refund the outstanding portion of its \$13,260,000 Special Obligation Tax Increment Bonds, Series A dated February 15, 1995, \$2,805,000 Special Obligation Tax Increment Bonds, Series C (AMT) dated March 8, 1995 and \$11,000,000 Special Obligation Tax Increment Bonds, Series D dated April 1, 1996.

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

COUNCILWOMAN WILLIAMS (By Request):

An Ordinance Relating to post Construction - Storm Water Control.

An Ordinance Relating to S25-X Illicit Discharge Detection and Elimination.

An Ordinance Relating to Soil Erosion and Sediment Control.

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 in Amendment of Resolution No. 58, Approved February 28, 2005, relative to the abatement of taxes upon Assessor's Plat 25, Lot 320 (32 Aborn Street), in the amount of \$3,693.52 for Trinity Repertory Company.

Resolution in Amendment of Resolution No. 59, Approved February 28, 2005, relative to the abatement of taxes upon Assessor's Plat 25, Lot 446 (87 Empire Street), in the amount of \$41,722.79 for Trinity Repertory Company.

Resolution Requesting the Providence City Council hereby requests the General Assembly to thoroughly investigate and develop mechanisms and implementation strategies to affect such control and mitigation of health care insurance costs without denigration of health care quality.

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

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

COUNCILMAN JACKSON JOINS THE MEETING

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

Resolution Extending Sincere Congratulations to Sergeant Michael E. Correia, upon being promoted to the rank of Lieutenant.

Resolved, That the Members of the Providence City Council hereby extend Sincere Congratulations to Sergeant Michael E. Correia, upon being promoted to the rank of Lieutenant.

Resolution Extending Sincere Congratulations to Sergeant Gerald E. DeLomba, upon being promoted to the rank of Lieutenant.

Resolved, That the Members of the Providence City Council hereby extend Sincere Congratulations to Sergeant Gerald E. DeLomba, upon being promoted to the rank of Lieutenant.

Resolution Extending Sincere Congratulations to Sergeant David M. Schiavulli, upon being promoted to the rank of Lieutenant.

Resolved, That the Members of the Providence City Council hereby extend Sincere Congratulations to Sergeant David

M. Schiavulli, upon being promoted to the rank of Lieutenant.

Resolution Extending Sincere Congratulations to Sergeant Paul R. Campbell, upon being promoted to the rank of Lieutenant.

Resolved, That the Members of the Providence City Council hereby extend Sincere Congratulations to Sergeant Paul R. Campbell, upon being promoted to the rank of Lieutenant.

Resolution Extending Sincere Congratulations to Sergeant Luis F. SanLucas, upon being promoted to the rank of Lieutenant.

Resolved, That the Members of the Providence City Council hereby extend Sincere Congratulations to Sergeant Luis F. SanLucas, upon being promoted to the rank of Lieutenant.

Resolution Extending Sincere Congratulations to Officer Roger A. Aspinall, upon being promoted to the rank of Sergeant.

Resolved, That the Members of the Providence City Council hereby extend Sincere Congratulations to Officer Roger A. Aspinall, upon being promoted to the rank of Sergeant.

Resolution Extending Sincere Congratulations to Officer Alyssa B. DeAndrade, upon being promoted to the rank of Sergeant.

Resolved, That the Members of the Providence City Council hereby extend

Sincere Congratulations to Officer Alyssa B. DeAndrade, upon being promoted to the rank of Sergeant.

Resolution Extending Sincere Congratulations to Officer Oscar L. Perez, upon being promoted to the rank of Sergeant.

Resolved, That the Members of the Providence City Council hereby extend Sincere Congratulations to Officer Oscar L. Perez, upon being promoted to the rank of Sergeant.

Resolution Extending Sincere Congratulations to Officer Dennis P. O'Brien, upon being promoted to the rank of Sergeant.

Resolved, That the Members of the Providence City Council hereby extend Sincere Congratulations to Officer Dennis P. O'Brien, upon being promoted to the rank of Sergeant.

Resolution Extending Sincere Congratulations to Officer Timothy E. O'Hara, upon being promoted to the rank of Sergeant.

Resolved, That the Members of the Providence City Council hereby extend Sincere Congratulations to Officer Timothy E. O'Hara, upon being promoted to the rank of Sergeant.

Resolution Extending Sincere Congratulations to Officer Glenn J. Cassidy, upon being promoted to the rank of Sergeant.

Resolved, That the Members of the Providence City Council hereby extend Sincere Congratulations to Officer Glenn J. Cassidy, upon being promoted to the rank of Sergeant.

Resolution Extending Sincere Congratulations to Officer Michael Wheeler, upon being promoted to the rank of Sergeant.

Resolved, That the Members of the Providence City Council hereby extend Sincere Congratulations to Officer Michael Wheeler, upon being promoted to the rank of Sergeant.

Resolution Extending Sincere Congratulations to Officer Joseph D. Acampora, upon being promoted to the rank of Sergeant.

Resolved, That the Members of the Providence City Council hereby extend Sincere Congratulations to Officer Joseph D. Acampora, upon being promoted to the rank of Sergeant.

Resolution Extending Sincere Congratulations to Officer Richard Fernandes, upon being promoted to the rank of Sergeant.

Resolved, That the Members of the Providence City Council hereby extend Sincere Congratulations to Officer Richard Fernandes, upon being promoted to the rank of Sergeant.

Resolution Extending Sincere Congratulations to Officer Richard D. Marsella, upon being promoted to the rank of Sergeant.

Resolved, That the Members of the Providence City Council hereby extend Sincere Congratulations to Officer Richard D. Marsella, upon being promoted to the rank of Sergeant.

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 of the Several Resolutions is Sustained.

COUNCILMAN APONTE, COUNCILMAN LUNA and COUNCILMAN SEGAL:

Resolution Opposing Social Security Privatization.

COUNCILMAN LUNA (By Request):

Resolution Requesting the Tax Assessor to apply the Homestead Exemption to 169 Ontario Street (Plat 52, Lot 363) for the 2004 tax roll.

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

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

COUNCILMAN MANCINI (By Request):

Resolution Requesting the Traffic Engineer to cause the installation of "No Parking to

Corner" Signs on Iona Street at its intersection with Admiral Street.

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

COUNCILMAN MANCINI:

Resolution Extending Sincere Best Wishes to Josie Andrade for a complete and speedy recovery.

Resolved, That the Members of the Providence City Council hereby extend Sincere Best Wishes to Josie Andrade for a complete and speedy recovery.

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

The Motion for Passage is Sustained.

COUNCILMAN SEGAL (By Request):

Resolution Requesting to explore the possibility of the installation of a "Four-Way Stop" at the intersection of Brook Street and Arnold Street (as opposed to the request for immediate installation).

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

COUNCILWOMAN YOUNG, COUNCIL-
MEN ALLEN, APONTE, BUTLER,
DeLUCA, COUNCILWOMAN DiRUZZO,
COUNCILMEN HASSETT, IGLIOZZI,
JACKSON, LUNA, MANCINI, COUNCIL-
WOMAN ROMANO, COUNCILMAN
SEGAL and COUNCILWOMAN
WILLIAMS:

Resolution Extending Sincere Best Wishes for a Happy Birthday to Council President John J. Lombardi on April 30, 2005.

Resolved, That the Members of the Providence City Council hereby extend Sincere Best Wishes to Council President John J. Lombardi on April 30, 2005.

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

The Motion for Passage is Sustained.

REPORTS FROM COMMITTEES

COMMITTEE ON CITY PROPERTY

COUNCILWOMAN JOSEPHINE DIRUZZO, Chairwoman

AND

COMMITTEE ON PUBLIC WORKS

COUNCILMAN TERRENCE M. HASSETT, Chairman

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

Resolution Authorizing His Honor the Mayor to execute a Statewide Construction and Maintenance Agreement with the State of Rhode Island with respect to the resurfacing and crosswalks on Westminster Street, Rhode Island Contract No. 9893.

Whereas, the State of Rhode Island proposes to undertake roadway rehabilitation and/or improvements on certain roads in the city; and

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

Now, therefore, be it resolved that His Honor, the Mayor, is authorized to execute a Statewide Construction and Maintenance Agreement with the State of Rhode Island

with respect to the resurfacing and crosswalks on Westminster Street, Rhode Island Contract No. 9893. Said Agreement shall be substantially in the form exhibited in Attachment "A", subject to such modifications as may be recommended by the Mayor and/or the Law Department.

Resolution Authorizing His Honor the Mayor to execute a Statewide Enhancement Project Agreement with the State of Rhode Island with respect to the Smith Street Streetscape Improvements.

Whereas, the State of Rhode Island proposes to undertake substantial roadway rehabilitation and improvements along the city's Smith Street retail district, between I-95 and Oakland Avenue, including sidewalk

replacement, landscape improvements, lighting enhancements and related amenities as the project budget allows; and

Whereas, said improvements will alleviate congestion and facilitate pedestrian and vehicular traffic as well as beautifying the city's Smith Street retail district;

Now, therefore, be it resolved that His Honor, the Mayor, is authorized to execute a Statewide Enhancement Project Agreement with the State of Rhode Island with respect to the Smith Street Streetscape Improvements. Said Agreement shall be substantially in the form exhibited in Attachment "A", subject to such modifications as may be recommended by the Mayor and/or the Law Department.

Resolution Authorizing His Honor the Mayor to execute a Statewide Construction and Maintenance Agreement with the State of Rhode Island with respect to the Veterans Memorial Auditorium Enhancements and Streetscape Improvement Project, Rhode Island Design Contract No. 98108.

Whereas, the State of Rhode Island proposes to undertake substantial roadway rehabilitation and improvements to the roads immediately adjacent to the Veterans Memorial Auditorium in the city; and

Whereas, said improvements will alleviate congestion and facilitate pedestrian and vehicular traffic as well as beautifying one of the city's premiere artistic venues;

Now, therefore, be it resolved that His Honor, the Mayor, is authorized to execute a Statewide Construction and Maintenance Agreement with the State of Rhode Island with respect to the Veterans Memorial Auditorium Enhancements and Streetscape

Improvement Project, Rhode Island Design Contract No. 98108. Said Agreement shall be substantially in the form exhibited in Attachment "A", subject to such modifications as may be recommended by the Mayor and/or the Law Department.

Resolution Granting three easements and one license, in one or more documents in a form satisfactory to the City Solicitor, in accordance with the Amended Petition presented by Capital Properties, Inc., and Intercontinental Builders Corp.

It is hereby resolved, That His Honor, the Mayor, is authorized to grant three easements and one license, in one or more documents in a form satisfactory to the City Solicitor, in accordance with the Amended Petition presented by Capital Properties, Inc., and Intercontinental Builders Corp., (collectively, the "Petitioner"), to the joint meeting of the Providence City Council Committees on City Property and Public Works on April 14, 2005, to wit:

1. A. Utility Easement: In consideration of the payment of One Thousand Two Hundred Ninety-Six (\$1,296.00) Dollars, and maintenance of the constructed utilities, an easement permitting the installation of utilities, including, but not limited to, electrical, water, sewer, gas, and communications services, as delineated in said Amended Petition on Drawing E-2, as Easements 1, 2 and 3, comprising approximately one hundred and eight (108) feet in total along Park Row West and Exchange Street, being adjacent to the proposed improvements to be made on Parcel 2 of the Capital Center, so-called, in the City of Providence, to be further described in a form satisfactory to the City Solicitor.

B. Handicap Ramp: In consideration of One (\$1.00) Dollar, the right, of the general public to freely use the constructed handicap ramp, the agreement of the Petitioner, to maintain the handicap ramp and to provide general liability insurance naming the City of Providence as additional insured as its interest may appear, with a certificate evidencing such insurance being submitted to the Department of Public Property annually, an easement permitting the construction of a handicap ramp, for ingress and egress into the proposed improvements on Parcel 2 of the Capital Center, so-called, but also to the amphitheater in Waterplace Park, thereby permitting access to handicapped persons to the benefits of entertainment presented at said amphitheater for the first time since the dedication of Waterplace Park, as delineated in the Petition on Drawing E-2, as the "Ramp Easement", comprising approximately one thousand nine hundred and fifty-one (1,951') square feet in Waterplace Park, to be further described in a form satisfactory to the City Solicitor.

C. Earth Support System ES-1 Easement and License: In consideration of the payment of Thirty Thousand (\$30,000.00) Dollars and agreement to maintain the sidewalks adjacent to the proposed improvements to be made on Parcel 2 of the Capital Center, so-called, along Park Row West and Exchange Street in the City of Providence, an easement for the construction and permanent placement of sheet pile walls as delineated in the Amended Petition on Drawing ES-1, extending approximately two (2) feet under the sidewalks along said Park Row West and Exchange Street, to be further described in a form satisfactory to the City Solicitor; and, a license, for a period not to exceed three (3) years from the effective date of this resolution, for the construction of tie-backs

and anchors extending various distances under the sidewalks and roadways along and constituting Park Row West and Exchange Street, to be further described in form satisfactory to the City Solicitor.

2. Petitioner shall pay for the reasonable cost of the City of Providence's outside appraisers for the research and preparation of those appraisals of the easements/license, dated April 14, 2005, and submitted into evidence at said joint meeting of the Committees on Public Property and Public Works aforementioned.

3. Any and all easements granted pursuant to this resolution shall be deemed to run with the land and shall be binding on and for the benefit of any successors in title and the easements and the license or a memorandum, or memorandums, of same shall be recorded by the Petitioner at its sole cost, in the Office of Land Records for the City of Providence.

4. Upon the express opinion of the Law Department, it is determined that "stairway" shown in the Amended Petition on Drawing ES-2 does not interfere with the City of Providence's easement along the Woonasquatucket River, adjacent to Parcel 2 of the Capital Center, so-called, designated as the Riverwalk.

5. Upon the express opinion of the Law Department, it is determined that the "overhangs" shown in the Amended Petition on Drawing ES-3 do not constitute an interference with the property interests of the City of Providence but are subject to its zoning ordinances and permitting procedures.

6. Upon the express opinion of the Law Department, it is determined that the Earth Support System, as described above, situated

in Waterplace Park as shown in the Amended Petition on Drawing ES-1 is being constructed as a matter of right by Petitioner under the terms of that certain agreement, dated March 24, 1992, by and among the City of Providence, Capital Properties, Inc., and others in the formation of Capital Center, so-called.

7. Any breakout of walkway, sidewalk and/or roadway necessary for installation, construction and/or repair or replacement shall be resurfaced/rehabilitated in accordance with relevant ordinances and industry standards all to the reasonable satisfaction of the Director of the Department of Public Works, and in the case of the Riverwalk duplicating the existing surface.

8. Petitioner shall ensure the continuing integrity of existing structures of any existing utility company in the areas affected by their construction of the proposed improvements on Parcel 2 of the Capital Center, so-called.

9. Petitioner shall execute an indemnification and hold-harmless agreement with the City of Providence in such a form satisfactory to the City Solicitor.

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

23-107. Indemnity of city against claims arising out of electrical installations. No right of any person to maintain, use or operate any poles, wires, cables, conduits, ducts, pipes, manholes, handholes, or other appliances or appurtenances in any street or other traveled way in the city, shall be in preference or hindrance of public work in

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

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

23-109. Indemnity of city against claims arising out of electrical installation. Every person erecting, maintaining or using electric wires or poles, fixture or structures, for the support or conducting of the same shall indemnify and save harmless the city, its officers, agents and servants, from and against all lawful claims and demands for injuries to persons or property occasioned by the existence of such poles, wires, fixtures or structures or the transmission of electric current by means thereof or by the digging up, opening or keeping open of any street, highway, traveled way, public place or part thereof, which shall be or has been opened for the purpose of installing, constructing or repairing any underground conduit, duct, structure, appliance or appurtenance by or for such person, or by any failure of such person to restore and keep in sound and safe condition for the required time any ground opened or dug up in the prosecution of any of its work in any street, way or place. The city, city council, or the officers, agents or servants of the city, exercising the rights, powers or permission, and subject to the restrictions, respectively given and reserved herein shall not be held liable by such person or corporation on account thereof, or by reason of any injury or damage caused thereby.

Petitioner, and its successors, agrees to comply with the same.

11. The easements shall be executed, delivered and accepted upon the express terms covenants and conditions contained herein, which terms, covenants and conditions shall be binding upon and insure to the benefit of the City of Providence and Petitioners and their respective successors, heirs, legal representatives, and assigns, as

the case may be. The easements shall to be governed by and construed in accordance with the laws of the State of Rhode Island. The easements may not be amended or modified except pursuant to a written instrument signed by all parties thereto.

12. Such other terms and conditions as may be reflected in the record and minutes of the joint meeting of the City Council Committees on Public Property and Public Works, and/or as may be reasonably deemed appropriate by the Mayor or the City Solicitor.

13. This resolution shall take upon its passage.

COUNCILMAN APONTE Moves to Dispense with the Reading of the foregoing matters and Moves Passage of the Several Resolutions, seconded by COUNCILMAN JACKSON, by the Following Roll Call Vote:

AYES: COUNCIL PRESIDENT LOMBARDI, COUNCILMEN APONTE, BUTLER, DeLUCA, COUNCILWOMAN DiRUZZO, COUNCILMEN JACKSON, LUNA, SEGAL, COUNCILWOMEN WILLIAMS and YOUNG - 10.

NAYES: NONE.

ABSENT: COUNCILMEN ALLEN, HASSETT, IGLIOZZI, MANCINI and COUNCILWOMAN ROMANO - 5.

The Motion for Passage of the Several Resolutions is Sustained.

COMMITTEE ON PUBLIC WORKS

COUNCILMAN TERRENCE M. HASSETT, Chairman

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

Resolution Granting the abandonment of a portion of Swift Street.

Resolved, Decreed And Ordered:

That the following named street shown as cross-hatched area on the accompanying plan entitled: "Providence, RI Department of Public Works - Engineering Office, Street Line Section Plan No. 064750 dated September 11, 2003."

VIZ:

SWIFT STREET, portions of from Windmill Street, as shown as cross-hatched area on accompanying plan and designated by the letters (A-B-C-D-A) having ceased to be useful to the public, is proposed to be abandoned as a Public Highway. Said Abandonment is specifically conditioned upon the following

(1) The City Plan Commission of the City of Providence shall indicate its approval of the within abandonment by letter to the Office of the City Clerk, City of Providence.

(2) Petitioner shall pay the amount of Six Thousand, Two Hundred Thirty Dollars and Fifty Cents (\$6,232.50) in legal U.S. tender to the City of Providence.

(3) Such other conditions as the Mayor or the Law Department shall see fit to impose.

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

Ordered, That the Traffic Engineer be and he is hereby directed to cause a sign to be placed on the above-named highway abandoned as aforesaid, having thereon the words, "Not a Public Highway", and it is further

Ordered, That after the entry of this order or decree the City Clerk shall cause a notice thereof to be published in a newspaper, published in the County of Providence at least once a week for three successive weeks and a further and personal notice shall be served by the City Sergeant upon every owner of land abutting the above-named highway which has been abandoned, who is known to reside within the State.

Resolution Authorizing His Honor the Mayor to execute a Construction and Maintenance Agreement with the State of Rhode Island with respect to the Street Improvements for Dean Street, Cahir Street, and Stewart Street, Rhode Island Design Contract No. 2000-EH-006.

Whereas, the State of Rhode Island proposes to undertake roadway rehabilitation and/or improvements on certain roads in the city; and

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

Now, therefore, be it resolved that His Honor, the Mayor is authorized to execute a Construction and Maintenance Agreement with the State of Rhode Island with respect to the Street Improvements for Dean Street, Cahir Street, and Stewart Street, Rhode Island Design Contract No. 2000-EH-006. Said Agreement shall be substantially in the form exhibited in Attachment "A", subject to such modifications as may be recommended by the Mayor and/or the Law Department.

Resolution Authorizing His Honor the Mayor to execute an Enhancement Project Agreement with the State of Rhode Island with respect to the Manton Avenue Streetscape Improvements.

Whereas, the State of Rhode Island proposes to undertake substantial roadway rehabilitation, streetscape and safety improvements along the city's Manton Avenue between Delaine Street and Glenbridge Avenue, including decorative lighting, street streets, and improved pedestrian facilities, as well as a traffic signal at the intersection of Atwells Avenue and Manton Avenue; and

Whereas, said improvements will alleviate congestion and facilitate pedestrian and vehicular traffic as well as beautifying Manton Avenue;

Now, therefore, be it resolved that His Honor, the Mayor, is authorized to execute an Enhancement Project Agreement with the State of Rhode Island with respect to the Manton Avenue Streetscape Improvements. Said Agreement shall be substantially in the form exhibited in Attachment "A", subject to such modifications as may be recommended by the Mayor and/or the Law Department.

Resolution Authorizing His Honor the Mayor to execute a Construction and Maintenance Agreement with the State of Rhode Island with respect to the Landscape Improvements to North Main Street, Rhode Island Federal-Aid Project No. STP-DESN (001) Rhode Island Contract No. 2005-CL-003.

Whereas, the State of Rhode Island proposes to undertake certain landscape improvements to North Main Street from Pidge Avenue in Pawtucket to Smith Street in Providence, using State Highway Federal Funds; and

Whereas, said improvements will beautify this stretch of North Main Street in the City;

Now, therefore, be it resolved that His Honor, the Mayor, is authorized to execute a Construction and Maintenance Agreement with the State of Rhode Island with respect to the Landscape Improvements to North Main Street, Rhode Island Federal-Aid Project No. STP-DESN(001), Rhode Island Contract No. 2005-CL-003. Said Agreement shall be substantially in the form exhibited in Attachment "A", subject to such modifications as may be recommended by the Mayor and/or the Law Department.

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 of the Several Resolutions is Sustained.

COMMITTEE ON ORDINANCES

COUNCILWOMAN RITA M. WILLIAMS, Chairwoman

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

An Ordinance Adding Section 15-14 in the Code of Ordinances Entitled: "Motor Vehicles and Traffic".

An Ordinance Requiring that the City mail and post notices in English and Spanish.

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, by the Following Roll Call Vote:

AYES: COUNCIL PRESIDENT LOMBARDI, COUNCILMEN APONTE, BUTLER, DeLUCA, COUNCILWOMAN DiRUZZO, COUNCILMEN JACKSON, LUNA, SEGAL, COUNCILWOMEN WILLIAMS and YOUNG -10.

NAYES: NONE.

ABSENT: COUNCILMEN ALLEN, HASSETT, IGLIOZZI, MANCINI and COUNCILWOMAN ROMANO - 5.

The Motion for Passage the First Time is Sustained.

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

Resolution Authorizing the Ratification of the Rules and Regulations from the Board of Licenses for the New Class N License, in accordance with Rhode Island General Laws 3-7-16.6 and City Ordinance Number 820 of Chapter 2003-79.

Resolved, Authorizing the Ratification of the Rules and Regulations from the Board of Licenses for the New Class N License, in accordance with Rhode Island General Laws 3-7-16.6 and City Ordinance Number 820 of Chapter 2003-79.

COUNCILWOMAN WILLIAMS Moves to Amend the Resolution by adding

number six "not jeopardize the health, safety and welfare of the community", changing six to seven and number four eliminating "and", seconded by COUNCILMAN APONTE.

COUNCILMAN APONTE Moves Passage of the Resolution, As Amended, seconded by COUNCILWOMAN WILLIAMS.

The Motion for Passage, As Amended, is Sustained.

COMMUNICATIONS AND REPORTS

Communication from M. Kenyon Densley OTR/L, Occupational Therapist, Providence School Department, dated April 1, 2005, requesting a waiver of the residency requirement.

Communication from Catherine Tierney, Physical Therapist, Providence School Department, dated April 2, 2005, requesting a waiver of the residency requirement.

Communication dated March 30, 2005 from Melissa Budnick, Occupational Therapist, Providence School Department, 192 Bristol Avenue, Pawtucket, RI 02861, requesting a waiver of the residency requirement.

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

COUNCIL PRESIDENT LOMBARDI Receives and Refers the Several Communications to the Committee on Finance.

Report from Michael R. Clement, City Clerk, dated April 1, 2005, of all moneys received, transmitted to and credited by the City Collector for fiscal quarter of October 1, 2004 to and including December 31, 2004.

Report from Michael R. Clement, City Clerk, dated April 1, 2005, of all moneys received, transmitted to and credited by the City Collector for fiscal quarter of January 1, 2005 to and including March 31, 2005.

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

COUNCIL PRESIDENT LOMBARDI Receives the Several Reports.

FROM THE CLERK'S DESK

Petition from Russell J. Morgan, Principal, GZA GeoEnvironmental, Inc., 140 Broadway, Providence, Rhode Island 02903, requesting a temporary easement for the excavation and replacement of soil to support the proposed Providence Community Health Center Facility located on Lehigh Street.

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

Petitions for Compensation for Injuries and Damages, viz:

Loretta G. Farrelly

Kimberly Martinous

John S. Ferguson

Carlos Davila

Ronald Mara
(James W. Tobak, Esquire)

John C. McDermott

Eric F. Gustafson

Miguel J. Moniz

Nikhil A. Shah

Andrew J. Bucci

Marie I. DeLuca

Lillian J. Perreault

Felicia Zorabedian
(Jimmy Burchfield, Jr., Esquire)

Amy W. Thompson

Margaret Martin

Lynne M. Radiches

Jerrold N. Dorfman

James Fontalvo

James Granger

Jane E. Newton

Raymond Procaccini

Providence Petroleum, Inc.

Kelly Morris

Peter Valerio

Jill R. Sokness

Luis Zamora

Torrell T. Mola

Economy Cab Co., Inc.

Nationwide Insurance
a/s/o Janet Bonaminio

Bernadette Hart

Vincent F. Capaldi, II

Allstate Property and Casualty Insurance
Company
a/s/o Donna Puleo

Pamela J. Blake

Jean Charles

Rebecca Terrell

Rafael Batista

**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:

Clarence Williams Gough, Jr., in recognition of the celebration of his fiftieth birthday, born April 18, 1955.

Richard A. Fernandes, in recognition of his promotion to the rank of detective in the Providence Police Department.

Richard A. Fernandes, in recognition of his promotion to the rank of sergeant in the Providence Police Department.

Mr. and Mrs. Gabriel Noonan, in recognition of the celebration of the happy occasion of their marriage, April 22, 2005.

Philip F. Addison, Jr., in recognition of his career in public service to the City of Providence, Rhode Island as a City

Councilman, Third Ward, 1969 through 1981, and serving also as Council Majority Leader.

Carlos Nunez, in recognition of his heroic act to save a dog from two unleashed pitbulls.

Patrick Griffin, in recognition of the celebration of his fiftieth birthday, born April 17, 1955.

Joseph R. Paolino, Jr., in recognition of the celebration of the happy occasion of his fiftieth birthday, born April 26, 1955.

Daniel Autiello, in recognition of his induction into the Sons of Italy Sports Hall of Fame on Sunday, April 24, 2005.

Christina Batastini, in recognition of her induction into the Sons of Italy Sports Hall of Fame on Sunday, April 24, 2005.

Charles and Eileen Chiaverini, in recognition of the marriage that has survived the battle of the Red Sox vs the Yankees for forty years, from July 12, 1965 and still going strong.

Severally Read and Collectively Passed, on Motion of COUNCILMAN APONTE, seconded by COUNCIL-WOMAN 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.

Mary T. Vieira

Emilio J. "Danny" D'Andrea

Michael Interline

James E. Cirelli

Elizabeth D. Lombardi

Attilio L. Gizzarelli

Lucille M. Lajoie

Joseph Signore

Phyllis C. Ferruolo

Michael Rastelli, Jr.

Daniel G. Calenda, M.D.

Al "Tootsie" Thompson

Ursula B. Brennan

Detective Sergeant James L. Allen

Frank "Kid Teamy" A. Grelle

Domenic Roy Furio

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

Frank J. Cavanaugh

Lewis Viti

The Motion for Passage is Sustained.

Salvatore Caprio

Louis Del Sesto

ADJOURNMENT

There being no further business, on Motion of COUNCILMAN APONTE, seconded by COUNCILWOMAN WILLIAMS, it is voted to adjourn in memory of Sergeant Detective James Allen at 6:25 o'clock P.M. (E.D.T.), to meet again on APRIL 25, 2005 UPON THE RISE OF 6:00 O'CLOCK CITY COUNCIL MEETING.

Michael R. Clement

MICHAEL R. CLEMENT
CITY CLERK



April 25)

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(2005