

CITY OF PROVIDENCE
RHODE ISLAND



CITY COUNCIL

JOURNAL OF PROCEEDINGS

No. 46 City Council Special Meeting, Monday, July 20, 1992, 5:00 o'clock P.M. (E.D.T.)

PRESIDING

COUNCIL PRESIDENT

JAMES A. PETROSINELLI

IN CITY COUNCIL

AUG 6 1992

APPROVED:

Michael L. Christ CLERK

ROLL CALL

Present: Council President Petrosinelli,
Councilmen Clarkin, DeLuca, Dillon,
Councilwomen DiRuzzo, Fagnoli,
Councilmen Fenton, Glavin, Iglizzo,
Lombardi, Mancini, Councilwoman Nolan,
Councilman Rollins, Councilwomen
Williams and Young—15.

Absent: 0.

INVOCATION

The Invocation is given by COUNCILMAN
DAVID G. DILLON.

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

COUNCILMAN JOSEPH DeLUCA leads
the members of the City Council and the
Assemblage in the Pledge of Allegiance to
the Flag of the United States of America.

PERSONAL PRIVILEGE

COUNCILWOMAN DiRUZZO requests
and is granted the Floor to speak on a point
of Personal Privilege:

"Mr. President, I can't let this go by. We have
a young man who is here this evening who has
attended my numerous meetings in the Fifteenth
Ward and I am very proud of him. He is head
of my crime patrol along Webster Avenue and he
takes it very seriously. He is a very good student

and is a neighbor of mine. He shows a great deal
of interest in politics in the Community. I don't
want tonight to pass without recognizing him, his
name is Joey and he is the son of a Firemen,
Michael Rachiele. I would like for him to join us
Joey Rachiele.

CALL FOR SPECIAL MEETING

COMMUNICATION FROM COUNCIL PRESIDENT JAMES A. PETROSINELLI

July 18, 1992

An Ordinance Establishing the Classes of Positions, the Maximum Number of Employees and the number of Employees in Certain Classes in the City Departments and Repealing Ordinance chapter 1991-25 approved July 24, 1991, as Amended.

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

Dear Mr. Clement:

In accordance with the provisions of Section 406 of the Providence Home Rule Charter of 1980, I am this day, calling a Special Meeting of the City Council to be held on Monday, the 20th Day of July, 1992 at 5:00 o'clock P.M. (EDT) in the City Council Chambers, City Hall for the purpose of acting upon the following:

An Ordinance Establishing a Compensation Plan for the City of Providence and Repealing Ordinance Chapter 1991-24, approved July 24, 1991, as Amended.

An Ordinance Providing for the Assessment and Collection of 1992 Taxes in a Sum not Less than One Hundred Seventy-Two Million One Hundred Twenty-Four Thousand Nine Hundred Dollars (\$172,124,900) and Not More than One Hundred Ninety-Five Million Six Hundred Seventy Eight Thousand Eight Hundred Dollars (\$195,678,800) being based on One Hundred Percent (100%) of the 1992-1993 Fiscal Year Tax Collection.

An Ordinance in Accordance with Chapter 21, Section 19 of the Code of Ordinances of the City of Providence entitled: "Capital Equipment Budget".

An Ordinance Establishing a Tax Stabilization Plan for Certain Property of the Narragansett Electric Company.

An Ordinance making an Appropriation for the Fiscal Year Ending June 30, 1993, as Amended.

Resolution Ratifying an Agreement between the City of Providence and Local 799, International

Association of Firefighters, AFL-CIO from July 1, 1990 to June 30, 1992.

Received.

Respectfully,

JAMES A. PETROSINELLI
Council President

FROM THE CITY CLERK

The City Clerk reads the following Warrant with Return Certification Endorsed thereon by a member of the Providence Police Department that he did notify the members of the City Council of the Special Meeting to be held Monday, July 20, 1992 at 5:00 o'clock P.M. (EDT) by Personally Delivering a Copy of the Warrant on July 18, 1992.

July 18, 1992

To Providence Police Department:

Whereas, James A. Petrosinelli, Council President of the City of Providence has, Pursuant to Section 406 of the Providence Home Rule Charter of 1980, requested the City Clerk, in writing, to call a Special Meeting of the City Council to be held on the 20th Day of July, 1992 at 5:00 o'clock P.M. (EDT) for the purpose of Enacting the following:

An Ordinance Providing for the Assessment and Collection of 1992 Taxes in a Sum not Less than One Hundred Seventy-Two Million One Hundred Twenty-Four Thousand Nine Hundred Dollars (\$172,124,900) and Not More than One Hundred Ninety-Five Million Six Hundred Seventy Eight Thousand Eight Hundred Dollars (\$195,678,800) being based on One Hundred

Percent (100%) of the 1992-1993 Fiscal Year Tax Collection.

An Ordinance making an Appropriation for the Fiscal Year Ending June 30, 1993, as Amended.

An Ordinance Establishing the Classes of Positions, the Maximum Number of Employees and the number of Employees in Certain Classes in the City Departments and Repealing Ordinance chapter 1991-25 approved July 24, 1991, as Amended.

An Ordinance Establishing a Compensation Plan for the City of Providence and Repealing Ordinance Chapter 1991-24, approved July 24, 1991, as Amended.

An Ordinance in Accordance with Chapter 21, Section 19 of the Code of Ordinances of the City of Providence entitled: "Capital Equipment Budget".

An Ordinance Establishing a Tax Stabilization Plan for Certain Property of the Narragansett Electric Company.

Resolution Ratifying an Agreement between the City of Providence and Local 799, International Association of Firefighters, AFL-CIO from July 1, 1990 to June 30, 1992.

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

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

Given under my Hand and Official Seal of the City of Providence, State of Rhode Island, and Providence Plantations this 18th Day of July, A.D., 1992.

MICHAEL R. CLEMENT
City Clerk

The Providence Police Department, does hereby certify that we have notified each Member of the City Council of the Special Meeting Scheduled to be held on Monday, July 20, 1992 at 5:00 o'clock P.M. (EDT) in the City Council Chambers, City Hall, Providence, in accordance with the subject warrant by delivering to each member, a copy thereof.

Received.

ORDINANCES SECOND READING

The following Ordinance was in City Council July 2, 1992, Read and Passed the First Time and is Returned for Passage the Second Time:

An Ordinance in accordance with Chapter 21, Section 19 of the Code of Ordinances of the City of Providence entitled: "Capital Equipment Budget".

Be it ordained by the City of Providence:

Section 1. That the City of Providence enter into a lease purchase agreement to finance the purchase of the following list of capital items and improvements totalling \$345,802.00, substantially in accordance with the attached schedule of payments:

Zamboni	\$48,700
Truss System	4,190
250 Hussey Seats	18,750 (\$75.00 each)

Fire Curtain	6,000
Arena Floor Repaid	5,000
Paint Equipment (Ice)	2,500
Arena Sub-Floor (Materials)	23,000
Ice Motors — Refurbish	54,000
Press Box Construction	10,000
Dasher Repairs	5,000
500 Black Plastic Chairs	10,225 (\$20.45 each)
Tyrex for Lobby	3,899
Memorial Wall Repairs	2,350

Windows — Second Floor	4,450	December 1991	68,147.60
Resurface Basketball Floor 7,500 Square Feet	11,250	PAYMENT ON NOTE	385,998.49 (353,040.00)
Hydragoal Padding	1,520	December 91 Cash Balance	32,958.49
Floor Anchor System (FS2)	2,730	January 1992	51,082.65
Blackboard Pads	238	February	61,710.25
Operations Time Clock	1,000	March	51,228.55
Electric Hand Dryers	20,000	April	23,963.30
Vapor Recovery System	6,000	May	41,238.35
Repair Stairs, Concrete Bricks	75,000	June	2,592.45 264,774.04
Renovate Locker Rooms	<u>30,000</u>	Used for Repairs,	
TOTAL:	\$345,802	Improvements and Payroll	<u>(76,600.00)</u>
and the Mayor and the City Clerk of the City of Providence be authorized to execute, on behalf of the City, any and all necessary or appropriate documents.		Cash Balance 6/30/92	188,174.04
		Anticipated Receipts	
		Receipts July-Dec 1992	<u>213,000.00</u>
			401,174.04
Section 2. This Ordinance shall take effect upon its passage.		Payment to Fleet 12/31/92	<u>(335,280.00)</u>
PROVIDENCE CIVIC CENTER		Cash Balance 12/31/92	65,894.04
ESTIMATED SURCHARGE RECEIPTS		Receipts Jan-July 1993	266,500.00
FOR YEARS 1992-1997		Payment to Fleet 7/15/93 New Note	(93,170.00)
Cash Balance 6/30/91	\$170,505.29	Receipts July-Dec 1993	<u>225,000.00</u>
	<i>Surcharge</i>		
	<i>Receipts</i>		
July 1991	18,624.55		
August 1991	1,287.30		464,224.04
September 1991	38,312.65	Payment to Fleet 12/31/92	<u>(316,920.00)</u>
October 1991	41,173.95	Cash Balance 12/31/93	147,304.04
November 1991	47,947.15	Jan-July 1994	266,500.00

Payment to Fleet 7/15/94	(89,495.00)	Receipts Jan-July 1996	266,500.00
Receipts July-Dec 1994	225,000.00	Payment to Fleet 7/15/96	(80,395.00)
Payment to Fleet 12/31/94	<u>(298,320.00)</u>	Receipts July-Dec 1996	225,000.00
Cash Balance 12/31/94	250,989.04	Payment to Fleet	<u>(259,680.00)</u>
Receipts Jan-July 1995	266,500.00	Cash Balance 12/31/96	529,674.04
Payment to Fleet 7/15/95	(85,120.00)	Receipts Jan-July 1997	266,500.00
Receipts July-Dec 1995	225,000.00	Payment to Fleet 7/15/97	<u>(75,320.00)</u>
Payment to Fleet 12/31/95	<u>(279,120.00)</u>	Cash Balance 7/31/97	<u>\$720,854.04</u>
Cash Balance 12/31/95	378,249.04		

The following Ordinance was in City Council July 16, 1992, Read and Passed the First Time and is Returned for Passage the Second Time:

An Ordinance Establishing a Tax Stabilization Plan for Certain Property of the Narragansett Electric Company.

(Said real property is hereinafter called the "Real Property"); and

Be it ordained by the City of Providence:

Whereas, The Narragansett Electric Company (hereinafter called "Narragansett") intends to make certain improvements to real property owned by Narragansett, located at its Manchester Street Generating Station, and identified in the records of the Tax Assessor of the City of Providence as December 31, 1991, as:

Whereas, The improvements ("Improvements") to the Real Property include a three unit combined cycle generating station and associated facilities (both real and personal, but specifically excluding the gas line to be constructed by Algonquin Gas Transmission Company and the proposed gas metering station) which Narragansett proposes to construct for the generation and transmission of electricity in the City of Providence, substantially as set forth in and approved by the Rhode Island Energy Facility Siting Board in Docket No. SB-89-1 as of June 15, 1992 (the "Approval"); and

<i>Plat</i>	<i>Lot(s)</i>
22	96, 145, 185
21	312
46	591

Whereas, Narragansett also proposes to construct certain ancillary facilities (both real and personal), not located on the Real Property, but ancillary to the Improvements, including a water pipeline, underground transmission lines and

conduit, an oil pipeline, and the well at Narragansett's Olneyville Station, all substantially as set forth in the Approval (collectively, the "Ancillary Facilities") (the Real Property, the Improvements, and the Ancillary Facilities are hereinafter collectively called the "Project"); and

Whereas, The City of Providence has been presented with the request from Narragansett to stabilize for ten years the amount of taxes to be paid by any person or persons on account of the Project; and

Whereas, To induce the City of Providence to grant tax stabilization requested, Narragansett has agreed to pay to the City consideration in the amount of \$5,000,000, to be paid within thirty (30) days after the later to occur of: (i) the effective date of this Ordinance, or (ii) the enactment into law of (92-S 1505A) by the General Assembly and Governor of the State of Rhode Island in substantially the form as introduced; and

Whereas, Section 9 of Chapter 3 of Title 44 of the General Laws of the State of Rhode Island (hereinafter called the "Act") authorizes, subject to certain enumerated conditions, the city council of a city for a period not to exceed ten years to determine a stabilized amount of taxes to be paid on account of property used for manufacturing or commercial purposes, notwithstanding the valuation of the property or the rate of tax; and

Whereas, After a public hearing, at least ten days notice of which has been given in a newspaper having a general circulation in the City of Providence, the City Council finds and determines that:

(1) Granting the stabilization requested will inure to the benefit of the City of Providence by reason of the willingness of Narragansett to replace, reconstruct, expand, or remodel existing buildings, facilities, machinery, or equipment with modern buildings, facilities, fixtures, machinery, or equipment resulting in an increase in plant or commercial building investment by Narragansett in the City of Providence; and

(2) The Project is intended to be used by Narragansett for a manufacturing or commercial purpose, namely the generation and transmission of electricity.

Now, Therefore:

Section 1. For so long as the Project is used for the generation and transmission of electricity as contemplated by the Approval, the stabilized taxes to be paid by any person or persons in the aggregate on account of the Project for each fiscal year during the period beginning July 1, 1993, and ending June 30, 2003 (the aforesaid period being hereinafter called the "Stabilized Period"), shall be set forth in and subject to the terms and conditions of a *Tax Stabilization Agreement* (hereinafter called the "Agreement") in the form attached hereto as *Exhibit A*.

Section 2. Except as provided for by the Act and subject to the terms and provisions of the Agreement, for the duration of the Stabilized Period, the Project shall not be liable to further taxation by the City of Providence so long as the project is used for the generation and transmission of electricity as contemplated by the Approval.

Section 3. The Mayor is hereby authorized to execute the Agreement on behalf of the City of Providence.

Section 4. This Ordinance shall become effective immediately upon the later to occur of (i) its passage by the City Council and approval by the Mayor, or (ii) the enactment into law of (92-S 1505A) by the General Assembly and the Governor of the State of Rhode Island prior to July 15, 1992.

EXHIBIT A TAX STABILIZATION AGREEMENT

Agreement Made and entered into as of the 1st day of July 1992 by and between the City of Providence, Rhode Island, ("City") and The

Narragansett Electric Company, a Rhode Island public utility ("Narragansett").

Tax Assessor of the City as of December 31, 1991, as:

WITNESSETH:

<i>Plat</i>	<i>Lot(s)</i>
22	96, 145, 185
21	312
46	591

Whereas, The Providence City Council is authorized by Section 44-3-9 of the Rhode Island General Laws to determine a stabilized amount of taxes to be paid for ten (10) years on account of property used for manufacturing or commercial purposes and located in the City;

(the "Real Property").

Whereas, Narragansett proposes to repower its existing Manchester Street Generating Station in the City;

(b) The improvements ("Improvements") to the Real Property include a three unit combined cycle generating station and associated facilities (both real and personal, but specifically excluding the gas line to be constructed by Algonquin Gas Transmission Company and the proposed gas metering station) which Narragansett proposes to construct for the generation and transmission of electricity in the City of Providence, substantially as set forth in and approved by the Rhode Island Energy Facility Siting Board in Docket No. SB-89-1 as of June 15, 1992 (the "Approval").

Whereas, Representatives of the City and Narragansett have met and discussed proposed terms of a tax stabilization agreement for the Manchester Street Generating Station and associated facilities;

(c) Narragansett also proposes to construct certain ancillary facilities (both real and personal), not located on the Real Property, but ancillary to the Improvements, including a water pipeline, underground transmission lines and conduit, an oil pipeline, and the well at Narragansett's Olneyville Substation, all substantially as set forth in the Approval (collectively, the "Ancillary Facilities") (the Real Property, the Improvements, and the Ancillary Facilities are hereinafter collectively called the "Project").

Whereas, Narragansett and the City desire to fix and stabilize the level of taxes for the ten (10) year period commencing July 1, 1993 on the Manchester Street Generating Station and associated facilities;

Whereas, Narragansett was assessed and will pay taxes of approximately \$300,000 on the Manchester Street Generating Station for the fiscal year ending June 30, 1992;

Whereas, This Agreement contains all the terms and conditions of such tax stabilization agreement.

Now, therefore, In consideration of the mutual agreements, understandings and obligations set forth herein, the City and Narragansett hereby agree as follows:

2. *Consideration.* As a consideration for and to induce the City to enter into this Agreement and to accept the reduced tax payments after scheduled completion of the Project, Narragansett shall pay five million dollars (\$5,000,000) to the City within thirty (30) days after the later of the approval of this Agreement by the City Council and the enactment of the legislation referred to in Section 9.

1. *The Project.*

(a) Narragansett intends to make certain improvements no real property owned by Narragansett, located at its Manchester Street Generating Station, and identified in the records of the

3. *Intent of the Agreement.* Narragansett desires to and has agreed to pay the amounts

specified in Section 4 in excess of the taxes that would have been due prior to the scheduled completion of the Project in the absence of this Agreement, in exchange for the City's agreement to accept taxes in a lesser amount after the scheduled completion of the Project. The purpose of this Agreement is to spread taxes that would otherwise have been payable only after completion of the Project over a longer period of time which encompasses years prior to completion.

4. *Payments.* Narragansett will pay to the City, for the periods set forth below, annual taxes for the Project on a quarterly basis as provided by law in the following amounts:

TAXES ASSESSED DECEMBER 31	FOR FISCAL YEAR	ANNUAL TAX
1992	July 1, 1993-June 30, 1994	\$5,246,000.
1993	July 1, 1994-June 30, 1995	\$7,246,000.
1994	July 1, 1995-June 30, 1996	\$7,246,000.
1995	July 1, 1996-June 30, 1997	\$7,246,000.
1996	July 1, 1997-June 30, 1998	\$7,246,000.
1997	July 1, 1998-June 30, 1999	\$7,246,000.
1998	July 1, 1999-June 30, 2000	\$7,746,000.
1999	July 1, 2000-June 30, 2001	\$7,746,000.
2000	July 1, 2001-June 30, 2002	\$7,746,000.
2001	July 1, 2002-June 30, 2003	\$7,746,000.

5. *Total Payments.* Except as specifically provided herein and in Section 44-3-9 of the Rhode Island General Laws, the real and personal property constituting the Project (and substitutions therefor or replacements thereof) shall not, during the periods covered by Section 4 above, be further liable to taxation by the City so long as the Project is used for the generation and transmission of electricity as contemplated by the Approval. It is understood by the parties that

payments made under Section 4 above are tax payments and Narragansett shall be entitled to rights and privileges of a taxpayer in the City.

6. *Termination of Agreement.*

(a) Narragansett may terminate this Agreement by giving the City written notice of termination only under the following circumstances:

(i) If prior to commencement of commercial operation of the Project, Narragansett cancels the Project, or

(ii) If after commencement of commercial operation, Narragansett permanently shuts down or abandons the use of the Project as a generating station as the result of an act of God, civil or military authority, civil disturbance, war, fire, actions of regulatory authorities, unavailability of fuel or other catastrophe or occurrence beyond Narragansett's reasonable control.

(b) In the event of termination hereunder, Narragansett shall make the payments provided in Section 4 for the ten current fiscal year but shall have no additional obligations hereunder. Narragansett waives any claim for abatement or refund of any payments paid or due to be paid prior to the date of cancellation. The City may, after such termination, assess taxes on the property subject to this Agreement under then applicable laws and ordinances.

7. *Additional Taxes or Payments.*

(a) If Narragansett installs an additional generating unit (gas turbine, heat recovery steam generator, steam turbine and associated equipment) or units on the Manchester Street site or other improvements or equipment not contemplated by the Approval and unrelated thereto, Narragansett will be liable for additional taxes or payments on such unit, improvement or equipment on a regular tax basis, apart from this Agreement.

(b) During the term of this Agreement, Narragansett agrees that assessed value of tangible personal property now owned by it in the City will not be reduced on account of property now located on the Real Property.

8. *Assignment.* If all or any portion of the Project is transferred prior to or during the period covered by Section 4 above, the tax stabilization granted herein shall run with the Project and benefit the transferee who shall be bound by the provisions hereof.

9. *Validity and Eforceability.* The validity and enforceability of this Agreement is expressly conditioned upon and subject to (i) the enactment into law prior to July 15, 1992 of (92-S 1505A) in substantially the form as introduced, and (ii) the approval of this Agreement by the City Council and execution by the Mayor on behalf of the City prior to July 31, 1992.

10. *Entire Agreement.* This Agreement constitutes the entire understanding and agreement of the parties hereto with respect to the subject matter hereof and supercedes all prior understandings and agreements, both written and oral, between the parties with respect to the subject matter hereof. This Agreement shall not be amended or altered except in writing signed by the parties hereto. This Agreement shall be governed by and construed under the laws of the State of Rhode Island.

In Witness Whereof, The parties hereto by their duly authorized officials have executed this Agreement as of the day and year first written above.

CITY OF PROVIDENCE

VINCENT A. CIANCI, JR.
Mayor

THE NARRAGANSETT
ELECTRIC COMPANY

JOHN C. DOWNING
Vice President

DANIEL C. BRYANT
Witness

STATE OF RHODE ISLAND
COUNTY OF PROVIDENCE

In the City of Providence in said County on this 17th day of June, 1992, before me appeared John C. Downing to me personally known, who, being by me duly sworn, did say that he is Vice President of The Narragansett Electric Company, and that this Agreement was signed by him on behalf of The Narragansett Electric Company and he acknowledged that said Agreement was the free act and deed of Narragansett and he free act and deed in his capacity as said Vice President.

PETER V. LACOUTURE
Notary Public

Severally Read and Collectively Passed the Second Time, on motion of COUNCILMAN GLAVIN, seconded by COUNCILMAN IGLIOZZI, by the following Roll Call Vote:

Ayes: Council President Petrosinelli, Councilmen Clarkin, DeLuca, Dillon, Councilwomen DiRuzzo, Fagnoli, Councilmen Fenton, Glavin, Igliazzi, Lombardi, Mancini, Councilwoman Nolan, Councilman Rollins, Councilwomen Williams and Young—15.

Noes: None.

Absent: 0.

The motion for Passage the Second Time is Sustained.

REPORTS FROM COMMITTEE

COUNCILMAN DAVID G. DILLON, Chairman COMMITTEE ON FINANCE

Transmits the following with recommendation the same be Severally Adopted as Amended:

An Ordinance Providing for the Assessment and Collection of 1992 Taxes in a Sum not Less than One Hundred Seventy-Two Million One Hundred Twenty-Four Thousand Nine Hundred Dollars (\$172,124,900.00) and Not More than One Hundred Ninety-Five Million Six Hundred Seventy Eight Thousand Eight Hundred Dollars (\$195,678,800.00) being based on One Hundred Percent (100%) of the 1992-1993 Fiscal Year Tax Collection.

An Ordinance making an Appropriation for the Fiscal Year Ending June 30, 1993 as Amended.

An Ordinance Establishing the Classes of Positions, the Maximum Number of Employees and the number of Employees in Certain Classes in the City Departments and Repealing Ordinance chapter 1991-25 approved July 24, 1991, as Amended.

An Ordinance Establishing a Compensation Plan for the City of Providence and Repealing Ordinance Chapter 1991-24, approved July 24, 1991, as Amended.

Severally Read and Collectively Denied, on motion of COUNCILMAN FENTON, seconded by COUNCILMAN LOMBARDI, by the following Roll Call Vote:

Ayes: Council President Petrosinelli, Councilmen Clarkin, DeLuca, Councilwoman DiRuzzo, Councilmen Fenton, Iglizzi, Lombardi, Mancini, Councilwoman Nolan, Councilman Rollins, Councilwomen Williams and Young—12.

Noes: Councilman Dillon, Councilwoman Fargnoli and Councilman Glavin—3.

Absent: 0.

The motion to Deny is Sustained.

Transmits the following with Recommendation the same be Not Ratified:

Resolution Ratifying an Agreement between the City of Providence and Local 799 International Association of Firefighters AFL-CIO from July 1, 1990 to June 30, 1992.

Denied, Contract Not Ratified, on motion of COUNCILMAN GLAVIN, seconded by COUNCILWOMAN YOUNG.

COUNCILMAN DILLON desires to be recorded as "Not Voting". The motion to Deny is Sustained.

COUNCILMEN ROLLINS and IGLIOZZI desire to be recorded as voting "No".

ADJOURNMENT

There being no further business, on motion of COUNCILMAN GLAVIN, seconded by COUNCILMAN LOMBARDI, the City Council votes to adjourn at 6:15 o'clock P.M. (EDT).

Michael R. Clement

City Clerk

