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CITY OF PROVIDENCE  
RHODE ISLAND



CITY COUNCIL  
JOURNAL OF PROCEEDINGS

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No. 32 City Council Regular Meeting, Thursday, December 1, 2005, 7:30 o'clock P.M. (E.S.T.)

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PRESIDING  
COUNCIL PRESIDENT  
JOHN J. LOMBARDI

ROLL CALL

Present: COUNCIL PRESIDENT LOMBARDI, COUNCILMEN APONTE, BUTLER, DeLUCA, COUNCILWOMAN DiRUZZO, COUNCILMEN HASSETT, IGLIOZZI, LUNA, MANCINI, COUNCILWOMEN ROMANO, WILLIAMS and YOUNG-12.

Absent: COUNCILMEN ALLEN, JACKSON and SEGAL- 3.

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

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DEPT. OF CITY CLERK  
PROVIDENCE, R.I.

FILED

IN CITY COUNCIL

APR 19 2007

APPROVED:

CLERK

# INVOCATION

The Invocation is given by COUNCIL-  
WOMAN CAROL A. ROMANO.

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

COUNCILMAN PATRICK K. BUTLER  
Leads the Members of the City Council in  
the Pledge of Allegiance to the Flag of  
the United States of America.

## APPOINTMENTS BY HIS HONOR THE MAYOR

Communication dated November 22, 2005, Informing the Honorable Members of the City Council that pursuant to Sections 302(b) and 701 of the Providence Home Rule Charter of 1980, as amended, he is this day appointing Ms. Rosanna Castro of 205 Gallup Street, Providence, Rhode Island 02905, as a member of the Providence School Board for a term to expire on the first Monday in January, 2009, and respectfully submits the same for your approval. (Ms. Castro will be replacing Ms. Dילania Inoa whose term has expired)

Communication dated November 22, 2005, Informing the Honorable Members of the City Council that pursuant to Sections 302(b) and 701 of the Providence Home Rule Charter of 1980, as amended, he is this day appointing Ms. Jill W. Holloway of 600 Hope Street, Providence, Rhode Island 02906, as a member of the Providence School Board for a term to expire on the first Monday in January, 2009, and respectfully submits the same for your approval. (Ms. Holloway will be replacing Ms. Adeola Oredola whose term has expired)

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Communication dated November 22, 2005, Informing the Honorable Members of the City Council that pursuant to Sections 302(b) and 701 of the Providence Home Rule Charter of 1980, as amended, he is this day appointing Ms. Katherine F. McKenzie of 15 Westford Road, Providence, Rhode Island 02906, as a member of the Providence School Board for a term to expire on the first Monday in January, 2009, and respectfully submits the same for your approval. (Ms. McKenzie will be replacing Mr. Milton Hamolsky whose term has expired)

Communication dated November 22, 2005, Informing the Honorable Members of the City Council that pursuant to Sections 302(b) and 701 of the Providence Home Rule Charter of 1980, as amended, he is this day

appointing Mr. Ronnie M. Young of 30 Nebraska Street, Providence, Rhode Island 02905, as a member of the Providence School Board for a term to expire on the first Monday in January, 2008, and respectfully submits the same for your approval. (Mr. Young will be replacing Robyne Frye who has resigned)

**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.**

## ORDINANCES SECOND READING

**The Following Ordinances were in City Council November 17, 2005, Read and Passed the First Time and are Severally Returned for Passage the Second Time:**

An Ordinance Related to Prompt Payment of Snow Removal Contractors.

*Be it ordained by the City of Providence:*

SECTION 1: The Code of Ordinances of the City of Providence is hereby amended by adding the following section:

Firms and Organizations that provide snow removal services to the City expect and

deserve to be paid in a prompt and timely manner. Unjustified delays in paying vendors, contractors, and providers of service may discourage such firms and organizations from doing business with the City and may ultimately increase the costs to the City in obtaining services and achieving the most rapid possible response to major snowstorms.

Bills incurred by the City in hiring contractors responding to snow events shall

be paid within ten (10) days of receipt of invoice, subject to the City's proper and reasonable financial oversight activities designed to assure that the City receives the quality of service to which it is entitled, to ensure that public funds are spent in a prudent and responsible manner.

SECTION 2. This Ordinance shall take effect upon passage.

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An Ordinance Repealing Ordinance Chapter No. 1999-41, 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.

*Be it ordained by the City of Providence:*

#### **PREAMBLE**

*Whereas,* The conditions in whole or I in part fail to continue to exist, wherein Gateway Eight L.P. on behalf of Boston Financial Data Services has failed to continue "to employ at a minimum, approximately 500 employees at the subject facility" and

*Whereas,* In accordance with Ordinance Number 555, "Boston Financial Data Services shall give preferential consideration to qualified applicants who reside in the City of Providence with, regard to all hiring decisions during the term of this tax treaty with the goal of hiring 30% Providence residents" and

*Now, Therefore, Be It Resolved,* That the terms of this tax stabilization are no longer in compliance with city law.

*Be it ordained by the City of Providence:*

Section 1. City Ordinance Number 555 effective October 19, 1999 is hereby repealed.

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An Ordinance Amending the Code of Ordinances to add an Ordinance Relating to Post Construction - Storm Water Control.

*Be it ordained by the City of Providence:*

SECTION 1: The Code of Ordinances of the City of Providence is hereby amended by adding the following provisions:

#### **Article 1. Purpose**

Unmitigated storm water from areas altered by development may pose public health and safety threats. Potential contaminants in storm water runoff may include suspended solids, nitrogen, phosphorus, hydrocarbons, heavy metals, pathogenic organisms (bacteria and viruses), and road salts.

This Ordinance establishes the administrative mechanisms necessary for Providence to ensure proper storm water management. The Ordinance is written to work in conjunction with current state regulations.

#### **Article 2. Applicability**

This Ordinance shall apply to all development and redevelopment occurring within Providence. No person shall engage in land development activities without receiving approval from the Building Official or his/her designee, unless specifically exempted by Article 3 of this Ordinance.

#### **Article 3. Exemptions**

The following activities do not require written approval pursuant to this Ordinance, unless the developer or redeveloper is within three hundred (300) feet of a watercourse, as defined in the Soil Erosion and Sediment Control Ordinance:

- A. Any development or redevelopment on lots less than twenty thousand (20,000) square feet in size located in C1, C2, C4, D1, D2, M1 M2, W1, W2, and W3 Zoning Districts.
- B. Any complete project that disturbs less than one (1) acre not including projects less than one (1) acre that are part of a larger common plan of development or sale that propose more than one (1) acre of disturbance.

#### **Article 4. Submissions and Approvals**

In accordance with Article 2 of this Ordinance, all persons must obtain approval from the Building Official or his/her designee prior to engaging in any land development activities, unless exempted by Article 3 of this Ordinance. To obtain approval applicants must demonstrate compliance with all policy, standards and requirements of this Ordinance to the satisfaction of the Building Official or his/her designee. Applicants may demonstrate compliance via submission of materials and documentation including but not limited to a Storm Water Management Plan, site plan, and maintenance agreement in accordance with this Ordinance. Plans will be reviewed in conjunction with site plan review by the Planning Board.

#### **Section 5. Technical Standards**

All applicants are required to develop and submit a Storm Water Management Plan. All

Storm Water Management Plans must address storm water management on a site-by-site basis and all requirements of this Ordinance. All storm water management practices shall be consistent with the *Rhode Island Stormwater Design and Installation Standards Manual* and the *Rhode Island Soil Erosion and Sediment Control Handbook*, as amended.

#### **A. Performance Standards**

Storm Water Management Plans shall incorporate Best Management Practices (BMPs) for water quality control, which in combination are demonstrated to reduce the average annual total suspended solids in post-development runoff by eighty percent (80%). Development in drinking water supply watersheds or watersheds where impaired waters as defined by the State's 303(d) list exist may be held to higher standards.

#### **B. Disallowed Storm Water Best Management Practices (BMPs)**

The placement of detention basins and other storm water structures within a floodplain shall be avoided. If there is no alternative, the applicant must show what effects, if any, the tailwaters created by the floodplain will have on the outflow and effective storage capacity of the detention facility.

#### **C. Facilitation of Maintenance**

Facilities that require maintenance shall be designed to minimize the need for regular maintenance, facilitate required maintenance, and ensure accessibility of components that require maintenance. At a minimum, all Storm Water Management Plans must incorporate BMPs with appropriate

maintenance design in accordance with the *Rhode Island Stormwater Design and Installation Standards Manual*, as amended; or the *Rhode Island Soil Erosion and Sediment Control Handbook*, as amended.

#### **D. Flood Protection**

Storm Water Management Plans shall demonstrate that a proposed project provides for protection of life and property from flooding and flood flows. Water quantities must be controlled in accordance with the *Rhode Island Stormwater Design and Installation Standards Manual*, as amended, or a municipally approved regional Storm Water Management Plan for the watershed in which the project site is located. Storm Water Management Plans shall demonstrate incorporation of the following standards into the proposed project:

1. Control and maintenance of post-development peak discharge rates from the 2-year, 10-year, 25-year, and 100-year storm events and predevelopment levels.
2. Downstream analysis of the 100-year storm event and control of the peak discharge rate for the 100-year storm to mitigate significant downstream impacts.
3. Discharge from any storm water facility must be conveyed through properly constructed conveyance system to provide for non-erosive flows during all storm events. The proposed storm water conveyance system consisting of open channels, pipes, and other conveyance devices shall at a minimum accommodate the runoff from a 25-year storm event.

The storm water conveyance system must provide for non-erosive flows to receiving waters.

#### **E. Surface Water and Groundwater**

Storm Water Management Plans shall demonstrate that during development and post-development, all receiving waters will be recharged in a manner closely resembling predevelopment conditions and that the developed site will retain hydrologic conditions that closely resemble those prior to disturbance. Predevelopment conditions are defined as those conditions existing at the site [precursor to the currently proposed development] at the time of adoption of this Ordinance. For redevelopment of previously developed sites, every effort shall be made to model the conditions prior to the presence of non-permeable surfaces (building or infrastructure) and/or fill.

### **Section 6. Maintenance Requirements for Best Management Practices (BMPs)**

#### **A. Routine Maintenance and Repair Procedures**

Preventative maintenance procedures are required to maintain the intended operation and safe condition of the storm water management facility by greatly reducing the occurrence of problems and malfunctions. To be effective, preventative maintenance shall be performed on a regular basis and include such routine procedures as training of staff, periodic inspections, grass cutting elimination of mosquito breeding habitats, and pond maintenance. Disposal of sediment and debris must occur on a regular basis (unless otherwise specified within an approved plan), at suitable disposal sites or

recycling sites and shall comply with applicable local, state and federal regulations.

Corrective maintenance procedures are required to correct a problem or malfunction at a storm water management facility and to restore the facility's intended operation and safe condition. Based upon the severity of the problem, corrective maintenance must be performed on an as-needed or emergency basis and include such procedures as structural repairs, removal of debris, sediment and trash removal, erosion repair, snow and ice removal, fence repair, mosquito extermination, and restoration of vegetated and non-vegetated linings.

#### **B. General Maintenance Standards for Storm Water Best Management Practices (BMPs).**

Maintenance design and maintenance procedures for all storm water BMPs shall be in accordance with the *Rhode Island Stormwater Design and Installation Standards Manual*, as amended, or the *Rhode Island Soil Erosion and Sediment Control Handbook*, as amended as well as in accordance with manufacturer's recommendations. Storm Water Management Plans shall demonstrate appropriate maintenance design and procedures for each proposed best management practice.

A maintenance schedule for each type of BMP must be included in the Storm Water Management Plan. These schedules shall list the frequency and type of maintenance operations necessary along with the legally responsible party's name, address, and telephone number. If the storm water drainage facility is to be deeded to the City of Providence the applicant must obtain a letter

from the City of Providence or its designee acknowledging maintenance responsibility and intent of ownership.

### **Section 7. Storm Water Management Plans**

#### **A. Calculations**

In addition to the information required for the site plan the following information must also be included with the application, where applicable.

1. The area of each sub-watershed as identified on final site plans.
2. The area of impervious surfaces (including all roads, driveways, rooftops, sidewalks, etc.) for each sub-watershed as identified in the *Rhode Island Stormwater Design and Installation Standards Manual*, as amended.
3. Weighted curve numbers, (CN) as determined by the SCS TR-55 method, for each sub-watershed as identified in the *Rhode Island Stormwater Design and Installation Standards Manual*, as amended.
4. Invert elevations for all applicable BMPs. In addition, the elevations for permanent and/or flood pool stages, including peak discharge rates for each stage, within all basins are required.
5. The total volume capacity for all flood control and water quality BMPs (e.g., infiltration basin, detention basins, wet ponds, etc.). Volumes must be segregated into permanent and flood

pool stage volumes where applicable. Furthermore, the volumes of all sediment storage (basins, forebays, etc.) areas must also be provided.

6. Predevelopment and post-development peak discharge rates and runoff volumes for the 2-year, 10-year, 25-year, and 100-year frequency storm events for each sub-watershed. The water quality volume must also be calculated for each sub-watershed. All relevant variables such as curve numbers and time of concentration, along with the supporting computations and worksheets must be included.

## B. Narrative Description

As part of the Storm Water Management Plan, the applicant shall include a discussion of the protection of environmental resource functions and values. The following outline is provided as guidance for preparing a narrative description for the Storm Water Management Plan, Depending on the size and scope of the proposed project, the amount of information required by the permitting agency may vary, therefore, it is advised to consult the appropriate permitting agency for specific requirements.

1. Site description – general topography, soil types, current vegetative composition and relative abundance, existing infrastructure, and/or adjacent properties, identification of major resources (e.g., wetlands, groundwater, surface waters, etc.), name of receiving water(s), potential water quality and/or hydrologic impacts on resources.

2. Site input data – watershed characteristics, area of all impervious surfaces, total area of site, annual mean rainfall, runoff coefficients, curve numbers for various land uses, peak discharge rates.

3. Land use planning and source control plan.

4. Best Management Practices (BMPs) – identify the type of BMP(s) employed both during and post construction and justification for selection, including any deviation from the *Rhode Island Stormwater Design and Installation Standards Manual*, as amended, and the potential effect on pollutant removal efficiency.

5. Technical feasibility – of BMPs including sizing, location, hydraulic and environmental impacts. Alternatives, which were considered but determined not to be feasible, should also be discussed.

6. Maintenance schedule – of BMPs to be used, both during and post construction including the frequency of inspections and maintenance.

## Section 8. Maintenance Agreements

Maintenance agreements shall provide written, contractual documentation, which demonstrates compliance with this Ordinance and legal arrangements for the upkeep of storm water facilities to assure their functionality and safety in accordance with this Ordinance.

The Owner or responsible person shall maintain "as-built" plans of any stormwater management practices located on-site after

final construction is completed. The plans must show the final design specifications for all stormwater management facilities and must be certified by a professional engineer.

Maintenance agreements, which describe all maintenance schedules and requirements, must be developed for each storm water management facility unless the facility is dedicated to and accepted by the City of Providence.

#### **A. Recognition of Municipal Inspection Requirements**

Maintenance agreements shall include a reasonable and regular schedule for the City of Providence, or designee, to conduct on-site inspection of the functionality and safety of the storm water management facilities. Inspection schedules shall be based on the complexity and frequency of maintenance needs and shall be subject to the approval of the City of Providence. At a minimum, the maintenance frequency should be in accordance with the *Rhode Island Stormwater Design and Installation Standards Manual*, as amended.

#### **B. Record Keeping for Maintenance Activities**

Maintenance agreements shall include provisions for maintenance record keeping. All activities conducted in accordance with a maintenance agreement must be recorded in a work order and inspection log. Timely updates of the log shall be the responsibility of the storm water management facility owner or other responsible party pursuant to this Ordinance. Review of the maintenance and inspection log shall be completed by the City of Providence, or designee, to determine the effectiveness of operation, maintenance

and safety activities. Reviews shall occur as part of each on-site inspection. Additional reviews may be made as deemed appropriate by the City of Providence or designee.

#### **C. Responsibility for Maintenance to Assure Functionality and Safety**

Appropriate maintenance to assure functionality and safety of storm water management facilities shall be the responsibility the owner or may be assumed by another party via a written contractual arrangement in accordance with this Ordinance.

#### **D. Alterations to Maintenance Agreements**

Any alterations in maintenance responsibility or alterations to maintenance agreements must be reviewed and approved by the Building Official or his/her designee. If portions of the land serviced by a storm water management facility are to be sold, written contractual arrangements shall be made to pass all responsibility of the maintenance agreement to the purchaser and shall be subject to review and approval of the Building Official or his/her designee. All alterations to maintenance agreements shall be recorded in accordance with this Ordinance.

#### **E. Recordation of Maintenance Agreements**

All maintenance agreements and alterations to maintenance agreements shall be recorded in the land evidence records of the City of Providence. Copies of all maintenance agreements and alterations to maintenance agreements shall be included in Storm Water Management Plans. Recordation of maintenance agreements in accordance with this Ordinance shall be the responsibility of the owner.

### **Section 9. Application Fees**

The City of Providence shall be empowered to collect fees from permit applicants, which are commensurate with the cost of administering this Ordinance.

### **Section 10. Enforcement**

The City of Providence shall have the authority and discretion to invoke penalties and/or impose a lien whenever a storm water management facility is not implemented, operated, and/or maintained in accordance with its approval and this Ordinance. Any penalty invoked shall be in accordance with this

#### **A. Notification of Violation**

In the event that the storm water management facility becomes a danger to public safety or public health, is in need of maintenance, or has not been maintained in accordance with the Maintenance Agreement, the City of Providence shall notify the responsible person in writing by certified mail. Upon receipt of that notice, the responsible person shall have five (5) calendar days to temporarily correct the violations and thirty (30) calendar days to complete maintenance and permanently repair the facility in a manner that is approved by the municipality. If the responsible person fails or refuses to perform such maintenance and repair, the municipality may immediately proceed to do so and enforce penalties and/or liens as described herein.

#### **B. Enforcement of Penalties and Liens**

Any applicant/owner who fails and/or refuses to temporarily correct the violation

within five (5) calendar days from notice and/or to permanently correct a violation within thirty (30) calendar days from notice shall be fined up to seventy five dollars (\$75), and each day following notice during which the violation continues shall constitute a separate offense. The City also may charge the applicant/owner any costs associated with the removal or repair of damage resulting from the violation. In addition, any violation continuing thirty (30) calendar days after notice shall be deemed, and is hereby declared to be, a public nuisance and the City Solicitor is hereby empowered to institute an action for an injunction, abatement or any other appropriate action to prevent, enjoin or abate such nuisance. The remedies provided for herein shall be cumulative and not exclusive and shall be in addition to any other remedies provided by law.

#### **C. Hearing**

Any owner or responsible party, receiving a written notice of violation, shall be given an opportunity, within a reasonable time frame, for a hearing before the Zoning Board of Review to state their case. If evidence indicates that a violation has not occurred, the Zoning Board of Review shall revoke the notice of violation.

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An Ordinance Amending the Code of Ordinances to add an Ordinance Relating to Soil Erosion and Sediment Control.

*Be it ordained by the City of Providence:*

SECTION 1: The Code of Ordinances of the City of Providence is hereby amended by adding the following provisions:

**Article 1. Purpose**

The City Council hereby finds that excessive quantities of soil are eroding from certain areas that are undergoing development for non-agricultural uses such as housing developments, industrial areas, recreational facilities and roads. This erosion makes necessary costly repairs to gullies, washed out fills, roads, and embankments. The resulting sediment clogs the storm waters and road ditches, muddies streams, and deposits silt in ponds and reservoirs. Sediment is considered a major water pollutant.

The purpose of this ordinance is to prevent soil erosion and sedimentation from occurring as a result of non-agricultural development within the City by requiring proper provisions for water disposal, construction waste disposal and the protection of soil surfaces during and after construction, in order to promote the safety, public health and general welfare of the City.

**Article 2. Applicability**

This ordinance shall be applicable to any situation involving any disturbance to the terrain, topsoil or vegetative ground cover upon any property within the City of Providence after determination of applicability by the Building Official or his/her designee based upon criteria outlined in Article 3, Section A, below. Compliance with the requirements as described herein shall not be construed to relieve the owner/applicant of any obligations to obtain necessary state or federal permits.

**Article 3.****A. Determination of Applicability**

It shall be unlawful for any person to disturb any existing vegetation, grades, and contours of land in a manner, which may increase the potential for soil erosion without first applying for a determination of applicability from the Building Official or his/her designee. Upon determination of applicability, the owner/applicant shall submit a Soil Erosion and Sediment Control Plan for approval by the Building Official or his/her designee, as provided in Article 4. The application for determination of applicability shall describe the location, nature, character, and time schedule of the proposed land disturbing activity in sufficient detail to allow the Building Official or his/her designee to determine the potential for soil erosion and sedimentation resulting from the proposed project. In determining the applicability of the soil erosion and sediment control ordinance to a particular land disturbing activity, the Building Official or his/her designee shall consider site topography, drainage patterns, soils, proximity to watercourses, and other such information as deemed appropriate by the Building Official or his/her designee. A particular land disturbing activity shall not be subject to the requirements of this ordinance if the Building Official or his/her designee finds that erosion resulting from the land disturbing activity is insignificant and represents no threat to adjacent properties or to the quality of any coastal feature or watercourse, as defined herein. The current "Rhode Island Soil Erosion and Sediment Control Handbook," U.S. Department of Agriculture Soil Conservation Service, R.I. Department of Environmental Management,

and R.I. State Conservation Committee shall be consulted in making this determination.

No determination of applicability shall be required for the following:

1. Construction, alteration or use of any additions to existing single family or duplex homes or related structures, provided the grounds coverage of such addition is less than  $\frac{1}{4}$  acre, and such construction, alteration and use does not occur within one hundred (100) feet of any watercourse or coastal feature, and the slopes at the site of land disturbance do not exceed ten percent (10%).
2. Use of a home or community garden.
3. Excavations for improvements other than those described in Sub-section 1 above which exhibit all of the following characteristics:
  - Does not result in a total displacement of more than fifty (50) cubic yards of material; and
  - Has no slopes steeper than ten (10) feet vertical in one hundred feet (100) horizontal or approximately ten percent (10%); and
  - Have all disturbed surface areas promptly and effectively protected to prevent soil erosion and sedimentation.
4. Grading, as a maintenance measure, or for landscaping purposes on existing developed land parcels or lots, provided that all bare surfaces are immediately seeded, sodded or otherwise protected from erosive actions and all of the following conditions are met:
  - The aggregate of areas of such activity does not exceed two thousand (2000) square feet; and
  - The change of elevation does not exceed two feet at any point; and
  - The grading does not involve a quantity of fill greater than eighteen (18) cubic yards; except where fill is excavated from another portion of the same parcel and the quantity does not exceed fifty (50) cubic yards.
5. Grading, filling, removal, or excavation activities and operations undertaken by the City under the direction and supervision of the director of public works for work on streets, roads, or right-of-way dedicated to public use, provided, however, that adequate and acceptable erosion and sediment controls are incorporated in engineering plans and specifications are employed. Appropriate controls shall apply during construction as well as after the completion of these activities. All such work shall be undertaken in accordance with the performance principles provided for in Article 5, Section C and such standards and definitions as may be adopted to implement said performance principles.

#### **Article 4. Provisions of Plan-Procedures**

##### **A. Plan**

To obtain approval for a land disturbing activity as found applicable by the Building Official or his/her designee under Article 3, an applicant shall first file an Erosion and Sediment Control Plan signed by the owner of the property, or authorized agent, on which the work subject to approval is to be performed. The Plan or drawings, as described in Article 5 of this ordinance, shall include proposed erosion and sediment control measures to be employed by the applicant or the applicant's agent.

##### **B. Plan review**

Within five (5) business days of the receipt of a completed Plan, the Building Official or his/her designee shall send a copy of the Plan to the review authorities which may include the Public Works Department, Parks Department, and/or the Planning Department for the purpose of review and comment. The Building Official or his/her designee may also within the above time frame, submit copies of the Plan to other local departments or agencies, including the Conservation District that services their county, in order to better achieve the purpose of this Ordinance. Failure of the aforementioned review authorities to respond within twenty-one (21) calendar days of their receipt of the Plan shall be deemed as no objection to the Plan as submitted.

The time allowed for Plan review shall be commensurate with the proposed development project, and shall be done simultaneously with other reviews.

##### **C. Plan Approval**

The Building Official or his/her designee shall take action in writing either approving or disapproving the Plan with reasons stated within ten (10) calendar days after the Building Official or his/her designee has received the written opinion of the aforementioned review authorities.

In approving a Plan, the Building Official or his/her designee may attached such conditions deemed reasonably necessary by the aforementioned review authorities to further the purposes of this ordinance. The conditions pertaining to erosion and sediment control measures and/or devices, may include, but are not limited to, the erection of walls, drains, dams, and structures, planting vegetation, trees and shrubs, furnishings, necessary easements, and specifying a method of performing various kinds of work, and the sequence or timing thereof. The applicant/owner shall notify the building inspector or his/her designee in advance of his or her intent to begin clearing and construction work described in the Erosion and Sediment Control Plan. The applicant shall have the Erosion and Sediment Control Plan on the site during grading and construction.

##### **D. Appeals**

1. Administrative procedures - If the ruling made by the Building Official or his/her designee is unsatisfactory to the applicant/owner, the applicant/owner may file a written appeal. The appeal of plans for soil erosion and sediment control shall be to the zoning board of review or other appropriate board of review, as determined by the City Council and shall be governed by the appellate procedure applicable thereto.

Appeal procedures shall follow current requirements for appeal to the boards above.

During the period in which the request for appeal is filed, and until such time as a final decision is rendered on the appeal, the decision of the Building Official or his/her designee shall remain in effect.

2. Expert Opinion - The official or his/her designee, the zoning board of review or other board of review, may seek technical assistance on any Soil Erosion and Sediment Control Plan.

The expert opinion must be made available in the office of the Building Official or his/her designee as a public record prior to the appeals hearing.

## **Article 5. Soil Erosion and Sediment Control**

### **A. Plan Preparation**

The Erosion and Sediment Control Plan shall be prepared by a registered Professional Engineer, or certified Landscape Architect or a Soil and Water Conservation Society certified Erosion and Sediment Control Specialist. Five (5) copies of the Plan shall be submitted to the Building Official or his/her designee.

### **B. Plan Contents**

The Erosion and Sediment Control Plan shall include sufficient information about the proposed activities and land parcels(s) to form a clear basis for discussion and review and to assure compliance with all applicable requirements of this Ordinance. The Plan shall be consistent with the data collection, data analysis, and Plan preparation

guidelines in the current "Rhode Island Soil Erosion and Sediment Control Handbook," prepared by the U.S. Department of Agriculture, Soil Conservation Service, R.I. Department of Environmental Management, and R.I. State Conservation Committee. At a minimum, the Plan shall contain:

1. A narrative describing the proposed land disturbing activity with the soil erosion and sediment control measures and storm water management measures to be installed to control erosion that could result from the proposed activity. Supporting documentation, such as a drainage area, existing site, and soil maps shall be provided as required by the Building Official or his/her designee.
2. Construction drawings illustrating, in detail, existing and proposed contours, drainage features, and vegetation; limits of clearing and grading, the location of soil erosion and sediment control and storm water management measures, detail drawings of measures; stockpiles and borrow areas; sequence and staging of land disturbing activities; and other such information needed for construction.
3. Other information or construction plans and details as deemed necessary by the Building Official or his/her designee for thorough review of the Plan prior to action being taken as prescribed in this Ordinance. Withholding or delay of such information may cause the Building Official or his/her designee to judge the application as incomplete and may constitute grounds for disapproval.

### C. Performance Principles

The contents of the Erosion and Sediment Control Plan shall clearly demonstrate how the principles, outlined below, have been met in the project design and are to be accomplished by the proposed development.

The site selected shall show due regard for natural drainage characteristics and topography.

To the extent possible, steep slopes shall be avoided.

The grade of slopes created shall be minimized.

Post development runoff rates should not exceed predevelopment rates, consistent with other storm water requirements which may be in effect. Increases in storm water runoff shall be retained and recharged as close as feasible to its place of origin by means of detention ponds or basins, seepage areas, subsurface drains, infiltration chambers, porous paving, or similar technique.

Original boundaries, alignment, and slopes of water-courses within the project locus shall be preserved to the greatest extent feasible.

In general, drainage shall be directed away from structures intended for human occupancy, municipal or utility use, or similar structures.

All drainage provisions shall be of such a design and capacity so as to adequately handle storm water runoff, including runoff from tributary upstream areas, which may be outside the locus of the project.

Drainage facilities and controls shall be installed as early as feasible during construction, prior to site clearance, if possible.

Fill adjacent to water courses should be avoided. If there is no viable alternative, fill shall be protected from erosion. Vegetative stabilization with minimal rip-rap and/or gabions is the preferred method. Vertical structures, including retaining walls, should not be used unless the applicant can clearly demonstrate there will be no adverse impacts resulting from this method of stabilization.

Temporary vegetation and/or mulching shall be used to protect bare areas and stockpiles from erosion during construction; the smallest areas feasible shall be exposed at any one time; disturbed areas shall be protected during the non-growing months, November through March.

Permanent vegetation shall be placed immediately following final grading.

Trees and other existing vegetation shall be retained whenever feasible; the area within the dripline shall be fenced or roped off to protect trees from construction equipment.

In the City's residential neighborhoods, it is strongly recommended that sidewalks should be separated from the curb by a permeable strip whenever possible, provided there is a uniform appearance. The permeable strip shall be soil, mulch, vegetation or porous paving. At no time should the sidewalk be less than four feet. Sidewalks in excess of six feet in width are strongly discouraged under normal circumstances.

All areas damaged during construction shall be resodded, reseeded, or otherwise restored. Monitoring and maintenance schedules, where required, shall be predetermined.

All construction wastes shall be handled, stored, and disposed of in accordance with applicable local, state, and federal laws.

#### **Article 6. Approval-Expiration-Renewal**

##### **A. In General**

1. Every approval granted herein shall expire at the end of the time period set forth in the conditions. The developer shall fully perform and complete all of the work required within the specified time period.
2. If the developer is unable to complete the work within the designated time period, he or she shall, at least thirty (30) calendar days prior to the expiration date, submit a written request to the Building Official or his/her designee for an extension of time, setting forth the reasons underlying the requested time extension. If in the discretion of the Building Official or his/her designee the extension is warranted, the Building Official or his/her designee may grant an extension of time up to a maximum of one (1) year from the date of the original deadline. Subsequent extensions under the same conditions may be granted at the discretion of the Building Official or his/her designee.

##### **B. Maintenance of Measures**

Maintenance of all erosion-sediment control devices under this ordinance shall be the responsibility of the owner. The erosion-sediment control devices shall be maintained in good condition and working order on a continuous basis. Watercourses originating and located completely on private property shall be at the responsibility of the owner to their point of open discharge at the property line or at a communal watercourse within the property.

##### **C. Liability of Applicant**

Neither approval of an Erosion and Sediment Control Plan nor compliance with any conditions of this Ordinance shall relieve the owner/applicant from any responsibility for damage to persons or property, nor impose any liability upon the City for damages to persons or property.

#### **Article 7. Inspections**

##### **A. Periodic Inspections**

The provisions of this ordinance shall be administered and enforced by the Building Official or his/her designee. All work shall be subject to periodic inspections by the Building Official or his/her designee. All work shall be performed in accordance with an inspection and construction control schedule approved by the Building Official or his/her designee, who shall maintain a permanent file on all of his/her Inspections. Upon completion of the work, the developer or owner(s) shall notify the Building Official or his/her designee that all grading, drainage, erosion and sediment control measures and devices, and vegetation and ground cover planting has been completed in conformance

with the City's approval, submitted plans, specifications, conditions, and other applicable provisions of this ordinance.

## **B. Final Inspection**

Upon notification of the completion by the owner, the Building Official or his/her designee shall make a final inspection of the site and shall prepare a final summary inspection report of its findings, which shall be retained in the department of inspections in the department of public works permanent inspections file.

## **Article 8. Non-Compliance**

### **A. In General**

If, at any stage the work-in-progress and/or completed work under the terms of an approved Erosion and Sediment Control Plan does not conform to the Plan, a written notice from the Building Official or his/her designee to comply shall be transmitted by certified mail to the owner. The notice shall set forth the nature of the temporary and permanent corrections required and the time limit within which corrections shall be completed as set forth herein.

### **B. Penalties**

1. **Revocation or Suspension of Approval** – The approval of an Erosion and Sediment Control Plan under this Ordinance may be revoked or suspended by the Building Official or his/her designee and all work on the project halted for an indefinite time period by the Building Official or his/her designee after written notification is transmitted to the

developer for one or more of the following reasons:

- Violation of any condition of the approved Plan, or specifications pertaining thereto;
  - Violation of any provision of this ordinance or any other applicable law; ordinance, rule, or regulation related to the work or site of work; and
  - The existence of any condition or the performance of any act constituting or creating a nuisance, hazard, or endangerment to human life or the property of others, or contrary to the spirit or intent of this ordinance.
2. Whenever there is a failure to comply with the provisions of this chapter, the City shall have the right to notify the applicant/owner that he or she has five (5) calendar days from the receipt of notice to temporarily correct the violations and thirty (30) calendar days from receipt of notice to permanently correct the violations. Any applicant/owner who fails and/or refuses to temporarily correct the violation within five (5) calendar days from notice and/or to permanently correct a violation within thirty (30) calendar days from notice shall be fined up to seventy five dollars (\$75) for every two thousand (2,000) square feet of property area or a portion thereof, for each day following notice during which the violation continues shall constitute a separate offense. The City also shall then have the right to take whatever actions it deems necessary to correct the violations and to charge the applicant/owner for any

and all costs associated with such action, in addition, any violation continuing thirty (30) calendar days after notice shall be deemed, and is hereby declared to be, a public nuisance and the City Solicitor is hereby empowered to institute an action for an injunction, abatement or any other appropriate action to prevent, enjoin or abate such nuisance. The remedies provided for herein shall be cumulative and not exclusive and shall be in addition to any other remedies provided by law.

#### **Article 9. Definition of Selected Terms**

**Applicant:** Any person, corporation, or public or private organization proposing a development which would involve disturbance to the natural terrain as herein defined.

**Coastal Feature:** Coastal beaches and dunes, barrier beaches, coastal wetlands, coastal cliffs, bluffs, and banks, rocky shores, and manmade shorelines as defined in "The State of Rhode Island Coastal Resources Management Program" as amended June 28, 1983.

**Construction Wastes:** Solid and/or liquid wastes generated from the site development process. This includes, but is not limited to, discarded building materials, concrete truck washout, chemicals, litter, and sanitary wastes.

**Cut:** An excavation. The difference between a point on the original ground and a designated point of lower elevation on the final grade. Also, the material removed in excavation.

**Development Project:** Any construction, reconstruction, demolition, or removal of structures, roadways, parking, or other paved areas, utilities, or other similar facilities, including any action requiring a building permit by the City.

**Erosion:** The removal of mineral and/or organic matter by the action of wind, water and/or gravity.

**Excavate:** Any act by which earth, sand, gravel, rock or any other similar material is dug into, cut, quarried, uncovered, removed, displaced, relocated or bulldozed, and shall include the conditions resulting therefrom.

**Fill:** Any act by which earth, sand or other material is placed or moved to a new location above-ground. The fill is also the difference in elevation between point of existing undisturbed ground and a designated point of higher elevation of the final grade. Fill also includes material added to an excavation.

**Land Disturbing Activity:** Any physical land altering activity which includes such actions as clearance of vegetation, moving or filling of land, removal or excavation of soil or mineral resources, or similar activities.

**Sediment:** Solid material, both mineral and/or organic, that is in suspension, being transported or has been moved from its site of origin by wind, water, and/or gravity as a product of erosion.

**Soil Erosion & Sediment Control Plan:** The (approved) document required before any person(s) may cause disturbance to the natural terrain within the City as herein regulated. Also, herein referred to as Erosion and Sediment Control Plan, approved Plan.

**Runoff:** The surface water discharge or rate of discharge of a given watershed after rainfall or snowfall and including seepage flows that do not enter the soil but runoff the surface of the land. Also, that portion of water that is not absorbed by the soil, but runs off the land's surface.

**Watercourses:** The term watercourse shall be held to mean any tidewater or coastal wetland at its mean high water level, and any freshwater wetland at its seasonal high water level, including but not limited to, any river, stream, brook, pond, lake, swamp, marsh bog, fen, wet meadow, or any other standing or flowing body of water. The edge of the watercourse as herein defined shall be used for delineation purposes.

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

*Be it ordained by the City of Providence;*

### Section 1. Illicit Discharges

Illicit discharges to the municipal storm sewer system are comprised of non-storm water discharges that are expressly prohibited from the municipal storm sewer system unless the discharges have received all required federal, state and local permits including the Rhode Island Pollutant Discharge Elimination System (RIPDES) or is include in one of the following categories of discharges: discharges which result from the washdown of vehicles at retail dealers selling new and used automobiles where no detergents are used and individual residential car washing; external building washdown where no detergents are used; the use of water to control dust; fire fighting activities; fire hydrant flushing; natural springs;

uncontaminated groundwater; dechlorinated pool discharges; air conditioning condensate; lawn watering; potable water sources including waterline flushing; irrigation drainage; pavement washwaters where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled materials have been removed) and where detergents are not used; discharges from foundation or footing drains where flows are not contaminated with process materials such as solvents, or contaminated by contact with soils where spills or leaks of toxic or hazardous materials have occurred; uncontaminated utility vault dewatering; dechlorinated water line testing water; hydrostatic test water that does not contain any treatment chemicals and is not contaminated with process chemicals.

### Section 2. Right of Entry

To the extent permitted by State law, or if authorized by the owner or other party in control of the property, the Director of Public Works and/or his/her designated representative may enter upon privately owned property for the purpose of performing their duties under this Ordinance. He/she may make or make cause for such examinations, surveys or sampling as the City deems reasonably necessary.

### Section 3. Notification of Spills

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials, which are resulting or may result in unauthorized discharges or pollutants discharging into storm water, the storm drain system, or waters of the State from said facility, said person shall take all

necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of a hazardous material said person shall immediately notify emergency response officials of the occurrence via emergency dispatch services (911). In the event of a release of non-hazardous materials, said person shall notify the authorized enforcement agency no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the authorized enforcement agency within five (5) business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three (3) years. Nothing in this section shall preclude any owner/lessee from compliance with relevant provisions of the Rhode Island Clean Water Act, R.I.G.L. 46-12-1, et seq. or other applicable laws or regulations.

#### **Section 4. Enforcement**

If an illicit discharge to the municipal storm system is detected, the owner shall cease the discharge within seven (7) calendar days from notice. Any owner who fails and/or refuses to cease a discharge within seven (7) calendar days from notice shall be fined up to seventy five dollars (\$75), and each day following notice during which said discharge continues shall constitute a separate offense. The City also may charge the owner any costs associated with the removal or repair of damage resulting from the discharge. In addition, any continuing discharge after notice shall be deemed, and is hereby declared to be, a public nuisance and the City

Solicitor is hereby empowered to institute an action for an injunction, abatement or any other appropriate action to prevent, enjoin or abate such nuisance. The remedies provided for herein shall be cumulative and not exclusive and shall be in addition to any other remedies provided by law.

**X-X.1** Any individual or other party is prohibited from discharging waste, including construction waste, building material, truck washout, chemicals, litter, sanitary wastes or other waste into the City Right of Way, storm drain or other city property. If such discharge is detected, the owner shall cease the discharge within ten (10) calendar days from notice. Any owner who fails and/or refuses to cease such a discharge within ten (10) calendar days from notice shall be fined up to two hundred dollars (\$200), and each day following notice during which said discharge continues shall constitute a separate offense. The City also may charge the owner any costs associated with the removal or repair of damage resulting from the discharge. In addition, any continuing discharge after notice shall be deemed, and is hereby declared to be, a public nuisance and the City Solicitor is hereby empowered to institute an action for an injunction, abatement or any other appropriate action to prevent, enjoin or abate such nuisance. The remedies provided for herein shall be cumulative and not exclusive and shall be in addition to any other remedies provided by law.

**Section 5.** This Ordinance shall take effect upon passage.

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An Ordinance Amending the City of Providence Zoning Ordinance Chapter 1994-24, No. 365, Approved June 27, 1994, As Amended, by Amending Section 103 -

Official Zoning Map. (Industrial and Commercial Buildings District)

**WILLIAMS, by the Following Roll Call Vote:**

*Be it ordained by the City of Providence:*

**AYES: COUNCIL PRESIDENT LOMBARDI, COUNCILMEN APONTE, BUTLER, DeLUCA, COUNCILWOMAN DiRUZZO, COUNCILMEN HASSETT, IGLIOZZI, LUNA, MANCINI, COUNCILWOMEN ROMANO, WILLIAMS and YOUNG -12.**

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

Zoning Map	Lot Number	Street	Building Name
51	305	21 Reservoir Avenue	

**NAYES: NONE.**

**Section 2.** This Ordinance shall take effect upon passage.

**ABSENT: COUNCILMEN ALLEN, JACKSON and SEGAL- 3.**

**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**

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

## PRESENTATION OF ORDINANCES

**COUNCILMAN BUTLER and COUNCILMAN DeLUCA (By Request):**

and Fifty Seven Dollars (\$5,810,057) for the Water Supply Board Quality Protection Fund for the Fiscal Year Ending June 30, 2006.

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

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

An Ordinance making an Appropriation of Five Million Eight Hundred Ten Thousand

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

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

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

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

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

An Ordinance making an Appropriation of One Million One Hundred Fifty Seven Thousand Eight Hundred Sixty Seven Dollars (\$1,157,867) for the Water Supply

Board 102" Butterfly Valve Fund for the Fiscal Year Ending June 30, 2006.

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

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

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

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

#### **COUNCILWOMAN WILLIAMS:**

An Ordinance Amending Ordinance No. 342, Providing for the Assessment and Collection of 2005 taxes in a sum not less than Two Hundred Forty Five Million Dollars (\$245,000,000) and not more than Two Hundred Sixty Five Million (\$265,000,000) being based on a One

Hundred Percent (100%) of the 2005-2006 Fiscal Year Tax Collections, Amending Section 21-182 of the Code of Ordinances to reflect the new Tax Classification Plan approved by the Rhode Island General Assembly, amending Section 21-126 of the Code of Ordinances to raise the personal exemptions, and setting the homestead rates for Fiscal Year 2006.

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

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

## PRESENTATION OF RESOLUTIONS

**COUNCIL PRESIDENT LOMBARDI (By Request):**

Resolution Appointing three individuals to the Energy Task Force as required by Section 3, Subsection 2 of Ordinance No. 355, "An Ordinance Relating to Clean Renewable Energy Resources, approved July 29, 2005", as follows:

Janet Keller, 50 Willow Street, Providence, RI 02909

William Space, 29 Pitman Street, Providence, RI 02906

Aden VanNoppen, 11 Benevolent Street, Providence, RI 02906

*Resolved*, Appointing three individuals to be appointed to the Energy Task Force as required by Section 3, Subsection 2 of Ordinance No. 355, "An Ordinance Relating to Clean Renewable Energy Resources, approved July 29, 2005", as follows:

Janet Keller, 50 Willow Street, Providence, RI 02909

William Space, 29 Pitman Street, Providence, RI 02906

Aden VanNoppen, 11 Benevolent Street, Providence, RI 02906

Resolution Opposing Electric Rate Increase.

*Whereas*, The Rhode Island Public Utilities Commission, hereinafter the "PUC"; has an application pending to increase electric utility rates filed by National Grid; and

*Whereas*, The PUC just recently approved an electric utility rate increase charged to consumers by National Grid; and

*Whereas*, Oil, natural gas, propane and diesel fuel prices have escalated at an alarming rate during the past several months while energy supply and distribution company profits have

achieved record setting levels causing a Congressional hearing on the subject; and

*Whereas*, Consumer wages and business revenues cannot keep pace with the unreasonably escalating energy costs; and

*Whereas*, The Providence City Council believes it is in the best interest of the public that the PUC deny National Grid's pending application to once again increase electric rates to prevent the perpetuation of inflation related to soaring energy costs.

*Now, Therefore, Be It Resolved*, That the Providence City Council hereby urges the PUC to deny the application of National Grid to increase electric utility rates.

**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.**

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**COUNCILMAN MANCINI (By Request):**

Resolution Requesting the Tax Assessor to apply the Homestead Exemption to the property located at 31 Texas Street for the 2004 tax roll.

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

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**COUNCILWOMAN ROMANO (By Request):**

Resolution Requesting the Chief Electrical Inspector to cause the installation of a street light on Pole No. 3 between 21-22 Wilna Street.

*Resolved*, That the Chief Electrical Inspector is requested to cause the installation of a street light on Pole No. 3 between 21-22 Wilna Street.

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Resolution Requesting National Grid Company to cause the installation of a telephone pole and a street light in front of 327 Admiral Street.

*Resolved*, That the Chief Electrical Inspector is requested to cause the installation of a telephone pole and a street light in front of 327 Admiral Street.

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**COUNCILMAN SEGAL:**

Resolution Requesting the Traffic Engineer to cause the installation of a "Pedestrian Crossing" Sign on the South Side of Angell Street at the intersection of Elmgrove Avenue.

*Resolved*, That the Traffic Engineer is requested to cause the installation of a "Pedestrian Crossing" Sign on the South Side of Angell Street at the intersection of Elmgrove Avenue.

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Resolution Condemning the Darfur Genocide and Urging Rhode Island's Congressional Delegation to support the Darfur Peace and Accountability Act.

*Resolved*, That the Providence City Council Urges the Rhode Island's Congressional Delegation to support the Darfur Peace and Accountability Act and to Condemn the Darfur Genocide.

**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.**

## REPORTS FROM COMMITTEES

### COMMITTEE ON FINANCE

**COUNCILMAN KEVIN JACKSON, Chairman**

**AND THE OVERSIGHT COMMISSION  
RELATIVE TO THE SALE, MERGER OR  
TRANSFER OF THE PROVIDENCE CIVIC CENTER  
D/B/A DUNKIN' DONUTS CENTER, JOINTLY  
COUNCILWOMAN JOSEPHINE DiRUZZO, Chairwoman  
Independently**

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

Resolution Authorizing the Mayor of the City of Providence to convey the Dunkin' Donuts Center, to transfer the City of Providence's residual interest in the personal property of the Dunkin' Donuts Center, and to grant easements for the

encroachments as indicated, all for the sum of One (\$1.00) Dollar, to the Providence Redevelopment Agency for the purpose of sale to the Rhode Island Convention Center Authority under the circumstances as set

forth herein, and to execute an addendum to the Purchase and Sale Agreement.

*Whereas*, the City of Providence is the owner of certain real property and improvements thereon, designated as the Dunkin' Donuts Center and formerly known as the Providence Civic Center in the City of Providence located at the corner of Sabin and Aborn Streets, City of Providence, State of Rhode Island, by virtue of a deed from the Providence Redevelopment Agency and recorded in Book 1234 at Book 55 of the Land Evidence Records of the City of Providence, and by virtue of a deed from the State of Rhode Island, recorded in Book 1293 at Page 687 in said Records, a description of which is attached hereto and incorporated herein as Exhibit A; and

*Whereas*, the City of Providence is a co-pledgee, along with the Providence Public Buildings Authority, under that certain Ticket Restoration Charge Pledge Agreement, dated as of May 28, 1998, amended as of December 15, 1999 and December 15, 2000, by and among the City of Providence, Providence Civic Center Authority, Providence Public Buildings Authority, Aramark Entertainment, Inc., and Citizens Bank of Rhode Island, pursuant to which a portion of the Dunkin' Donuts Center's ticket sales was pledged for use of restoring and maintaining said center ("Pledge Agreement, as amended"); and

*Whereas*, the Providence Civic Center Authority has operated the Dunkin' Donuts Center for a number of years and is the owner of certain personal property related to said operations, subject to the rights of the City of Providence pursuant to Section 23 of Chapter 3 of the Rhode Island Public Laws of 1969, and has incurred certain financial

obligations, both capital and operational, in connection with its operation of the Dunkin' Donuts Center; and

*Whereas*, the City of Providence and the Providence Civic Center Authority are desirous of ensuring the continuation of the Dunkin' Donuts Center as a forum for cultural, sporting, entertainment and community events for the benefit of the citizens of the City of Providence and guests from around Rhode Island and Southern New England; and

*Whereas*, it has been recognized that substantial capital improvements need to be undertaken to ensure the Dunkin' Donuts Center's continuation; and

*Whereas*, the Rhode Island Convention Center Authority has the desire and the ability to purchase the Dunkin' Donuts Center as an operating facility from the City of Providence and the Providence Civic Center Authority and to renovate the Dunkin' Donuts Center so as to ensure its significant role in the cityscape of Providence; and

*Whereas*, the City of Providence has requested that the Providence Redevelopment Agency assist the City of Providence by acting to sell the Dunkin' Donuts Center to the Rhode Island Convention Center Authority for the sum of Twenty-Eight Million Five Hundred Thousand (\$28,500,000.00) Dollars, less liens, encumbrances and other capital liabilities to be paid out of the proceeds which are attached or attributable to the Dunkin' Donuts Center; and

*Whereas*, the Providence Redevelopment Agency has agreed to act in such capacity for

the benefit of the citizens of the City of Providence and has agreed to convey the Dunkin' Donuts Center to the Rhode Island Convention Center Authority pursuant to the proposed Purchase and Sale Agreement as attached hereto as Exhibit B, subject solely to non-material modifications as may appear desirable to the Mayor, or his designee, prior to the closing; however, in no event shall the provisions of the Purchase and Sale Agreement addressing the following be modified: (i) that the gross purchase price of Twenty-Eight Million Five Hundred Thousand (\$28,500,000.00) Dollars will not be reduced; (ii) that the Rhode Island Convention Center Authority will renovate the Dunkin' Donuts Center at a cost of not less than Sixty-Two Million (\$62,000,000.00) Dollars (including soft costs, and less the cost of issuance of its revenue bonds or notes to finance the acquisition and renovations, cost of bond insurance and capitalized interest during the renovation period); (iii) that the Rhode Island Convention Center Authority will continue to operate the Dunkin' Donuts Center as a public forum for cultural, sporting, entertainment and community events for the citizens of the City of Providence and the State of Rhode Island and elsewhere under the terms of the Purchase and Sale Agreement; and (iv) that the Rhode Island Convention Center Authority will maintain and repair the facility as may be needed from time to time and set up a capital maintenance/repair fund of not less than 1.5% of annual gross revenue for each and every year of operation, provided that the preceding conditions (ii) through (iv) shall not apply to any mortgagee of the Dunkin' Donuts Center or any party who acquires title to the Dunkin' Donuts Center by virtue of a foreclosure or deed in lieu of foreclosure, other than the State of Rhode Island or any

so-called "Rhode Island quasi-public agency"; and

*Whereas*, as a result of the conveyance of the Dunkin' Donuts Center to the Providence Redevelopment Agency a cement staircase wall and railing on the Aborn Street side of the building, a cement planter on the corner of Aborn Street and Sabin Street, and a pole light all will be found to encroach on the City of Providence's adjacent sidewalks, as further depicted in Exhibit C attached hereto and incorporated by reference; and

*Whereas*, The Providence Redevelopment Agency, upon the completion of the sale to the Rhode Island Convention Center Authority, agrees to immediately pay over all net proceeds of said sale to the City of Providence, less liens, encumbrances and capital liabilities attached to the Dunkin' Donuts Center, operating liabilities not assumed by the Rhode Island Convention Center Authority agreed to, and the reasonable costs of legal counsel and other representatives employed by the Providence Redevelopment Agency solely for the purpose of effectuating said sale:

*Now Therefore Be It Resolved*, that the City Council authorizes the Mayor of the City of Providence to convey the Dunkin' Donuts Center, to transfer the City of Providence's residual interest in the personal property of the Dunkin' Donuts Center, and to grant easements for the encroachments as indicated above, all for the sum of One (\$1.00) Dollar, to the Providence Redevelopment Agency for the purpose of sale to the Rhode Island Convention Center Authority under the circumstances as set forth herein, and to execute an addendum to the Purchase and Sale Agreement in order to confirm that the City of Providence will

perform the obligations of the City necessary in order for the Providence Redevelopment Agency to effect completion of the transaction as contemplated in the Purchase and Sale Agreement, to co-operate in good-faith with the Rhode Island Convention Center Authority subsequent to its acquisition in order for it to obtain the benefits of the Purchase and Sale Agreement, to release the pledge created and any obligation continuing under the Pledge Agreement, as amended, to assume the capital and operational obligations of the Providence Civic Center Authority and to accept and approve that report from the Providence Redevelopment Agency, dated November 17, 2005, regarding the transaction contemplated herein.

**COUNCILMAN HASSETT Moves to Amend the Resolution by inserting "and all proceeds from said sale shall be allocated to the City Council Contingency Fund", seconded by COUNCILMAN IGLIOZZI.**

**AT EASE RECONVENTION**

**COUNCILMAN HASSETT Withdraws his motion to Amend and COUNCIL-**

**MAN IGLIOZZI withdraws his second of the motion.**

**COUNCILMAN APONTE Moves Passage of the foregoing Resolution, seconded by COUNCILWOMAN WILLIAMS, by the Following Roll Call Vote:**

**AYES: COUNCIL PRESIDENT LOMBARDI, COUNCILMEN APONTE, BUTLER, DeLUCA, COUNCILWOMAN DiRUZZO, COUNCILMEN HASSETT, IGLIOZZI, LUNA, MANCINI, COUNCILWOMEN ROMANO, WILLIAMS and YOUNG -12.**

**NAYES: NONE.**

**ABSENT: COUNCILMEN ALLEN, JACKSON and SEGAL- 3.**

**The Motion for Passage is Sustained.**

**COUNCILMAN JACKSON and COUNCILMAN SEGAL JOIN THE MEETING.**

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## COMMITTEE ON FINANCE

### COUNCILMAN KEVIN JACKSON, Chairman

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

An Ordinance in Amendment of Ordinance No. 85, Chapter 1997-18, Entitled: An Ordinance to adopt the ProvPort, Inc. Tax Exemption Agreement, As Amended.

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

**AYES: COUNCIL PRESIDENT LOMBARDI, COUNCILMEN APONTE, BUTLER, COUNCILWOMAN DIRUZZO,**

**COUNCILMEN HASSETT, IGLIOZZI, JACKSON, LUNA, MANCINI, COUNCILWOMAN ROMANO, COUNCILMAN SEGAL, COUNCILWOMEN WILLIAMS and YOUNG-13.**

**NAYES: COUNCILMAN DeLUCA - 1.**

**ABSENT: COUNCILMAN ALLEN - 1.**

**The Motion for Passage the First Time is Sustained.**

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

Resolution Relative to the ProvPort Financing.

*Whereas*, The Providence Redevelopment Agency (the "Agency") financed the acquisition by PortProv, Inc. ("ProvPort") from the City of Providence (the "City") of the City-owned marine terminal and related appurtenant facilities comprising the Port of Providence through the issuance of \$19,700,000 Certificates of Participation (Port of Providence Lease) Series 1994A (the "1994 Obligations"); and

*Whereas*, the Agency issued \$20,820,000 Certificates of Participation (Port of Providence Lease) Series 2003A and its

\$2,835,000 Taxable Certificates of Participation (Port of Providence Lease) Series 2003B (collectively, the "2003 Obligations") to refund the 1994 Obligations and reimburse the City for payments made by the City, in accordance with its obligations pursuant to the Trust Agreement dated as of September 1, 1994 relating to the 1994 Obligations (the "Trust Agreement"), to replenish shortfalls in the Reserve Account (as defined in the Trust Agreement), to reimburse the City for certain expenses paid by the City in connection with the operation and maintenance of the Port of Providence, and to fund certain capital improvements, including but not limited to dredging; and

Whereas, the City and ProvPort entered into Tax Exemption Agreement for the period September 24, 2004 through September 23, 2014 (the "2004 ProvPort Tax Exemption Agreement") which, among other things, provides for ProvPort to make "in-lieu" tax payments to the City based on a percentage of gross revenues; and

Whereas, ProvPort has proposed to amend the 2004 ProvPort Tax Exemption Agreement to provide that ProvPort may prepay the in-lieu tax payments to be paid under the 2004 ProvPort Tax Exemption Agreement;

Whereas, the Agency proposes to extend the Facilities Lease between the Agency and PortProv, Inc. dated as of May 1, 2003 for an additional twelve years, and in connection therewith, to finance ProvPort's upfront payment to the City of in-lieu tax payments through the issuance of additional bonds, certificates or other evidences of indebtedness in an amount not to exceed \$9,500,000 (the "Additional Obligations").

*Now, Therefore, Be It Resolved, That:*

1. The City Council hereby authorizes the Mayor to take any and all action and to execute, file, and deliver any and all agreements, indentures, certificates and other documents in such form as he may deem necessary or desirable to further the issuance of the Additional Obligations.
2. The City's Director of Finance is authorized to execute and deliver a continuing disclosure certificate in connection with the issuance of the Additional Obligations, in such form as shall be deemed advisable by the

City's Director of Finance. The City hereby covenants and agrees that it will comply with and carry out all of the provisions of the continuing disclosure certificate, as it may be amended from time to time. Notwithstanding any other provision of this Resolution or the Additional Obligations, failure of the City to comply with the continuing disclosure certificate shall not be considered an event of default; however, any certificate holder may take such actions as may be necessary and appropriate, including seeking mandate or specific performance by court order, to cause the City to comply with its obligations under this Resolution and under the continuing disclosure certificate.

3. The City Council, pursuant to Section 45-32-5(3) of the General Laws of Rhode Island, structures or other improvements constituting the Port of Providence until the Additional Obligations are retired.
4. This Resolution shall take effect on passage.

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Resolution by and between the Providence School Board and Rhode Island Laborers' District Council on behalf of Local Union 1033 Affiliate of the Laborers' International Union of North America, AFL-CIO, effective June 30, 2005 to June 30, 2007 hereby transmitted to the City Council for ratification and the City Clerk is directed to cause the same to be filed in the Department of City Clerk. (Teacher Assistants)

*Resolved*, That the accompanying copy of the Collective Bargaining Agreement by and between the Providence School Board and Rhode Island Laborers' District Council on behalf of Local Union 1033 Affiliate of the Laborers' International Union of North America, AFL-CIO, effective June 30, 2005 to June 30, 2007 hereby transmitted to the City Council for ratification and the City Clerk is directed to cause the same to be filed in the Department of City Clerk. (Teacher Assistants)

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Resolution by and between the Providence School Board and Rhode Island Laborers' District Council on behalf of Local Union 1033 Affiliate of the Laborers' International Union of North America, AFL-CIO, effective June 30, 2005 to June 30, 2007 hereby transmitted to the City Council for ratification and the City Clerk is directed to cause the same to be filed in the Department of City Clerk. (Business, Education, Specialists, Technical Staff (B.E.S.T.))

*Resolved*, That the accompanying copy of the Collective Bargaining Agreement by and between the Providence School Board and Rhode Island Laborers' District Council on behalf of Local Union 1033 Affiliate of the Laborers' International Union of North America, AFL-CIO, effective June 30, 2005 to June 30, 2007 hereby transmitted to the City Council for ratification and the City Clerk is directed to cause the same to be filed in the Department of City Clerk. (Business, Education, Specialists, Technical Staff (B.E.S.T.))

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Resolution by and between the Providence School Board and Rhode Island Laborers'

District Council on behalf of Local Union 1033 Affiliate of the Laborers' International Union of North America, AFL-CIO, effective June 30, 2005 to June 30, 2007 hereby transmitted to the City Council for ratification and the City Clerk is directed to cause the same to be filed in the Department of City Clerk. (Bus Monitors)

*Resolved*, That the accompanying copy of the Collective Bargaining Agreement by and between the Providence School Board and Rhode Island Laborers' District Council on behalf of Local Union 1033 Affiliate of the Laborers' International Union of North America, AFL-CIO, effective June 30, 2005 to June 30, 2007 hereby transmitted to the City Council for ratification and the City Clerk is directed to cause the same to be filed in the Department of City Clerk. (Bus Monitors)

**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, COUNCILWOMEN WILLIAMS and YOUNG-14.**

**NAYES: COUNCILMAN DeLUCA request to be recorded as voting "NO" on "Resolution Relative to the ProvPort Financing".**

**ABSENT: COUNCILMAN ALLEN - 1.**

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, As Amended:

Ar. Ordinance Amending Chapter 16, "Offenses and Miscellaneous Provisions", Article 1, "In General", Section 13, "Obstruction of Public Ways."

seconded by COUNCILWOMAN WILLIAMS, by the Following Roll Call Vote:

An Ordinance in Amendment of Ordinance No. 614, Chapter 2002-39, Entitled: "Providence External Review Authority" (PERA).

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

An Ordinance in Amendment of Ordinance No. 820, Chapter 2003-79, Approved December 22, 2003, Entitled: "An Ordinance Authorizing the Creation of a Class "N" Retail Liquor License.

NAYES: NONE.

ABSENT: COUNCILMEN ALLEN and BUTLER- 2.

COUNCILMAN APONTE Moves to Dispense with the Reading of the foregoing matters and Moves Passage of the Several Ordinances, the First Time,

The Motion for Passage the First Time is Sustained.

## PERSONAL EXPRESSION

**COUNCILWOMAN DiRUZZO Requests the privilege of the floor to speak on a Point of Personal Expression and states:**

In today's paper in the Metro Section the headlines were DPW fires snow removal, trash supervisor Florio and then it says the dismissal outrages some members of the City Council that's putting it lightly when it comes to how I felt about it. First of all, I was stunned and surprised to hear what happened to Jerry Florio. A young man who worked for the City just short of fifteen years and who was a dedicated, loyal, efficient outstanding conscious worker for the Department of Public Works. He was the best in the job that he performed. You could always count on him to return your calls. When you couldn't get service from anyone else at DPW who was the guy to call Jerry Florio who else. Very seldom and I will speak for myself, very seldom did I ever call the Director of Public Works because when you're the Director it's the little guys that do all the work and yet are never acknowledged for the good work that they do. Jerry was one of those people. As I said you can always count on a return telephone call from him. I don't care whether it was Monday or Sunday he was always on his cell phone, always and he always returned telephone calls. In a snow storm, he was a man who ordered the salt and sand in a timely fashion in preparation for upcoming snow storms. He was the man who checked the National Weather

Forecast and kept us apprised of when the storms would arise. He was the man who called in the workers, he was the man who called in the vendors, the drivers, the supervisors or personnel to work at the radio room taking calls, dealing with complaints from our constituents he was the man, he was just the man to call. Clearly, he was one of the most effective people in the Department of Public Works. He knew his job and he did it well. He was the man to go to when you wanted to get your job done and you never had to worry. When you put the complaint in Jerry's hand he took care of it and as Councilman Butler said you never had to check on him because you knew it would be taken care of. He always came through for us. Now, who is going to look out for us now to make sure that everyone is doing their jobs in the Department of Public Works. To me, my personal opinion, this is one of the biggest losses we will suffer in the City of Providence and it wasn't only supervision of snow removal, it was everything. Whether it would be a call to get the white bins picked up a day or two after garbage pick-up he was the man to call so he would call the vendors to get it done. Recycling bins, if people needed recycling bins a day later they were at the door step you never had to ask twice. I called the Director of Public Works and when I called him I asked him why, why did this happen and he said he had made a decision to reorganize the Department of Public Works. Well, people the State of Rhode

Island is an at will State. You don't have to have cause to fire anybody. I certainly know that because I enforce the labor laws that's what I do all day. When you re-organize you look at what you have to work with in the department and you choose the pivotal people, the people who do the work, the people who are most effective, the people who produce results. Those are the people you want to keep working for you that's the smart thing to do. The others that don't like to work those are the people you get rid of not the people who produce. He always had the ability to do his job then the Director said that he didn't fit into his re-organization and I asked him if that was a joke. When you re-organize you look at a person and what their skills are and there is no reason why you can't re-assign them to another position but don't lose them because they are good at what they do, you don't fire them. I also reminded the Director that I don't want anyone to take offense over the comments that I'm making tonight. I'm giving my opinion on what's happened two days ago. I'm truly upset about it because this man made us all shine. We cannot produce results for our constituents unless we have the little guy helping us out and he always did. As I said very often not only this director but directors who superseded him nobody really called him, never had to with Jerry there. Last year in a snow storm when Jerry was home sleeping I called the Director and asked him to go look at a couple of problems. You know what? It took him ten times longer to get the results than it would have taken Jerry and I'm sorry I have to say that. This December, who is going to train the employees in the

Department of Public Works to get ready for the snow storms. We have to pull somebody out of a hat now, somebody new who knows how to write and draw plans on a piece of paper. That's not always the effective way ladies and gentlemen. The people who actually have to get the job done that are more important than the people who are drawing sketches. You never needed to do that. You could always depend on him and you know what? After twenty-three years on this job I have watched them come and go different directors back and forth who's going to make it better. You know what? It's still the same and I want the people at the Department of Public Works to know that I appreciate and I know as we all do all of the hard work that they do because lots of times they're never thanked for the type of job that they do. Jerry had a good working relationship with everybody that worked for him, he was a good supervisor. If I complained that my supervisor wasn't doing the job he made sure he got in his car and went out looking for the supervisor and made sure that what I needed done was done. It's Christmas time. What a bad time to lose your job. This is a young man who never deserved this type of treatment, never. He will be sorely missed in the Department of Public Works. We will have to find a new person to go to now. I just want to talk about one more thing that the director said. He needed to find someone who was an expert in planning and preparation. Oh my God, I can't believe it because that's all he did. He planned and he prepared. You don't have to go looking for anybody like that when you have them right under your nose. Well, as far as I'm concerned it's

the City's loss. You're going to have to go a long way to find a conscious man like Jerry Florio was. I can't say enough good things about him but the least he deserves is to be acknowledged for the conscious and astute manner in which he performed. I think that some thank you's are in order tonight to someone who served the City so well for the past 14 1/2 years. He was a pleasure to work with. He made the City Council members shine whenever we called on him for help. I'm hoping that the director or whoever else made the decision, whoever else thinks that they

can take care of the snow better than he did, whoever else thinks they know more about it then they really don't know much about it and I don't mind saying that people I've been on the plows all these years. I've seen the trucks go up and down and my streets were opened wide. Who got them opened wide? Jerry Florio. I'm wrapping it up because I could go on and on and I know I went over my five minutes and I thank you for your patience.

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## PERSONAL EXPRESSION

**COUNCILWOMAN ROMANO** Requests the privilege of the floor to speak on a Point of Personal Expression and states:

I am sure everyone read my comments in this mornings Journal but I'm not going to revisit the comments at

this time. However, I did want to say that in my experience, Jerry was a good worker who was responsive to the needs of the 4<sup>th</sup> Ward. It is regrettable that this situation has occurred and I wish him the best of luck. Thank you.

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## PERSONAL EXPRESSION

**COUNCILWOMAN YOUNG** Requests the privilege of the floor to speak on a Point of Personal Expression and states:

I, too, share with the sentiments of my colleagues about Jerry Florio. Having been on the City Council for 16 ½ years he has been a tremendous asset. Not to just my community but to the entire City. I can only say that this firing was politically motivated and I'm sure we will find out sooner or later. To say that Jerry did not fit into a re-organization plan is ludicrous. If there was a re-organization plan that Jerry didn't fit into that meant they didn't want people to do their job, they wanted them to be a no show job, they didn't want them to care about the community, they didn't want someone who didn't know what the heck they were doing and I use the word heck because I could use a stronger word. That's what they mean when they say he didn't fit it. He fit in too well, in my opinion, but when the snow and the streets are blocked up this winter and we are having problems in our community I want to see who they're going to replace Jerry with because I understand they're not going to be replacing him. I'm sure somebody is out there waiting to take this job over and it's going to be somebody who is less competent, who doesn't know what the

heck they're doing, who's a political patronage job and shame on this City for regressing to the Buddy Cianci days when this is how we did business. This is suppose to be a transparent government, it's not transparent. Well, maybe it is, because we could see through this one. We see this for what this really is. Jerry Florio cared about this community and this City. He does not deserve this. How would you like to be fired twenty-four days before Christmas. There are ways this could have been handled if he didn't fit in. He's a smart young man, see what skills he needed to fit in. You don't just fire someone because they don't fit into your plan. He could have actually ran the whole department that's how much skill this young man had. This is a travesty to let someone go. This City is becoming a heartless, cruel, inhumane City. I guess it's alright when you're making six figures to sit up there and think this is no big deal. To summarily terminate someone, it is a big deal and we on this Council have a memory and I want to see what happens these next couple of months and this next year or so when they replace Jerry and who they replaced him with. I'm going to be watching to see the type of job they're going to do because believe me folks hold your nose, it's going to stink.

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## PERSONAL EXPRESSION

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

Mr. President and my colleagues, I had the privilege of serving on the City Council Finance Committee where in the last probably eighteen months we've had two departments come in to present to the Finance Committee their re-organization plan. The Director of Parks wanted to streamline an operation, wanted to make it more efficient, wanted to utilize the resources that she had at her disposal a bit more efficiently for the benefit of the citizens of the City, for the benefit of the employees and for the benefit of all those who utilize the park. They came into the Finance Committee, made a presentation, talked about what the changes would be, talked about the realignment of accountability. Six months later the Superintendent of public schools comes in, meets with the City Council and the Finance Committee to present his realignment, his re-organization. Presents to this Council, presents to the Finance Committee, talks about accountability, talks about responsibility, why the re-organization took place. Now, perhaps I was absent the day the Director of Public Works came before this body to present his re-organization, I don't think I was. Perhaps I was absent when the Department of Public Works Director suggested that things needed to function a little differently, I don't

believe I was. If you are to re-organize a department it would only make sense to come before this Honorable body because you're going to have to come back to us this spring when you need to re-work your budget. It would only make sense for you to talk to this Council, those people who represent the twenty-five neighborhoods and community organizations and a hundred and seventy plus thousand people that reside in this City. It would make sense for you to do that. So why did it take a phone call on a Tuesday to say Councilman I just wanted to let you know Jerry Florio is no longer in City service. That's a sad statement Mr. President. Someone who is a true public servant, who has served this City and the citizens diligently for almost fifteen years. I'm not talking about the work because everyone can say he gets paid for what he does but the approach is, it's not often what you do, it is as much how you do it. Jerry Florio approached his work with a sincere desire to help people, with a sincere desire to make this City better. He had that intangible that you cannot measure on a performance. He knew this City probably better than most of the contractors or City employees that worked here. When I first had the privilege to be elected to the City Council my predecessor told me one thing. He said if you want to do well you would be well served to know Jerry Florio because he is the person who can get things done. Now, I'm not going to replace my wisdom or that of the

Director that's his shop, he's going to run it. I think it is a great loss to the City, someone with the years of experience and talent that Mr. Florio has to lose that person. In the past eighteen months we've heard about how difficult it is to get people into public service, to keep people in public service to the extent that we create special incentives for folks. Give them an extra vacation week because it's so difficult to get people to come in and stay in public service yet here we have someone who has demonstrated ability, demonstrated commitment, 14 ½ years of public service yet we are so willing to quickly

discard this person from City service. It's a sad day in our City, it will be an even sadder winter for the Director if the problems of this City and the snow removal and garbage removal don't get fixed because I'm hoping and I truly do hope that this reorganization yields much better service for the citizens of our City. I don't wish to end on a bitter note Mr. Chairman but I think that the City is poorer today, our workforce is poorer today because Jerry Florio has gone among the ranks. Thank you.

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## COMMUNICATION

Communication from Adam Edelsberg and Brenda Shannon, 162 Pratt Street, Providence, RI 02906, requesting to purchase or lease a piece of property located on Assessor's Plat 10, Lot 195.

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

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## PERSONAL EXPRESSION

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

Thank you Mr. President. I rise on Personal Expression this evening also on another subject matter which is actually kind of apropos for this evening. As you know, first I want to thank at this point in time all the taxpayers in the City of Providence. Why do I want to thank them? I want to thank the taxpayers of the City of Providence for over the years of taking on the heavy burden of developing this City. Over the years taking on the heavy burden to have this City grow. Over the years to have this City be where it is today and where it's going. The taxpayer has sent us all up here over the years to do the right thing. To give tax stabilizations to great companies like GTECH and Marriott Courtyard and the mall. They also sent us up here to do the right thing about how we make government run and how we provide the services. Why start off by thanking them is because also today as you know we're going to be taking off the docket a proposed legislation. Before I get to that piece I now also want to take the opportunity to thank my Council colleagues because the entire Council is unanimously supporting this piece of legislation that we're going to take off the docket. It's going to be the first ever Tax Interest Amnesty Week in the City of Providence and it's a way in which the City of

Providence through the City Council is going to show just a little compassion to our taxpayers. We're going to just show a little break to our taxpayers and just give them a little respite from the heavy burden that they've been carrying to develop this City. To pay for the City services, to pay for the jobs in the City, for the development in the City and what this proposal will do is create the first ever Tax Interest Amnesty Week for the week of February 6<sup>th</sup> through the 10<sup>th</sup> and what it will do is that any taxpayer who owes any type of taxes and they're behind on their taxes can come to the City of Providence during that week or mail it in and have their interest and penalties waived if they bring their accounts up-to-date. That's a minor consideration that we are giving to our taxpayers but it's actually a great consideration because they need the break. Just for a little background on it to my Council colleagues. Although I appreciate and I know the taxpayers appreciate what you're doing this Tax Interest Amnesty Program isn't the first of it's kind. The State of Rhode Island did it recently a few years ago. Not on tax interest but on income tax and by the way practically every State in the Union created some type of interest or Tax Amnesty Program because they understood. They needed to also have an even balanced hand on how they put forward their tax policy and how they taxed the citizens of their locals. One of the interesting things that will happen of course hopefully when it gets sent to committee is we're going to have

discussion hopefully we may have to tweak it here or there but we're going to be able to provide just a little relief, a break to our taxpayers during February 6<sup>th</sup> through the 10<sup>th</sup> which of course is in the middle of winter. Utility bills are going through the roof not to mention holiday blues and I think it's a way for us to say thank you to our taxpayers. I know I'm sure there is going to be some representation by some officials probably why we shouldn't do this but you know what? These are the same officials that tell us how we should do all these other wonderful projects but of course it's from their idea in their head and they are out there to promote their position. My point is that don't be wavered, stay the course and don't lose your eye on the ball. We need to help our taxpayers, we need to give them a break and we need to be able to give them an opportunity to catch up and to begin anew. Give them that second chance. The other two pieces to this proposed legislation is a re-calculation of interest and an automatic reinstatement into the City's standard four quarterly payment program and just to give you an example if a taxpayer owes \$4,000.00 to the City of Providence they are sent a bill, as you know, in July in which it says you have to pay that \$4,000.00 in four quarterly payments. A thousand, a thousand, a thousand, a thousand. So let's say the taxpayer pays the first quarter on time, they pay their \$1,000.00 then the taxpayer shows up two days late, a day late for the second

quarter payment. What happens to the taxpayer is they're bounced off the payment plan, interest is due as well as the full payment of taxes. The interesting thing there is that the taxpayer can't afford the full payment. They will pay their quarter, they will give the City their pound of flesh and pay the interest but yet the City still will not put them back in good graces and put them back on the standard four quarterly payment plan. They say no you have to stay in that gerbil cage and keep running around in that circle and keep making that interest toll until we say may I. Folks, the people are not here for government, we're here for them. That is a problem with government. People keep on thinking that we need to be doing these kinds of things and in some instances are very abusive and extreme punitive measures to our taxpayer. They pay the freight, they entrust us with the responsibility of these positions and we should try to do everything we can to be fair, balanced and compassionate in our tax policy. So I want to once again thank all my colleagues. Everybody has signed on board on this proposition. I know we have to do a few minor changes but I think this is a step and I feel confident and all of you believe it's a step in the right direction. That we can say a simple thank you to the taxpayers. Thank you.

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## FROM THE CLERK'S DESK

Certificates from the City Assessor (Nos. 3K and 4K), recommending the same be severally cancelled pursuant to the provisions of Sections 14 and 15 of Title 44, Chapter 7 of the General Laws of Rhode Island, As Amended.

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Certificates from the City Collector, No. 59, Recommending the cancellation of the taxes for the year 1993 in the amount of One Million Eight Hundred Thirty Five Thousand Three Hundred Thirty Seven Dollars and Eighty One (1,835,337.81) Cents and for the year 1994 in the amount of Two Million Seventy Thousand Twenty Four Dollars and Nine (2,070,024.09) Cents (Excise Tax), pursuant to Section 44-7-14 of the General Laws of Rhode Island, 1956, As Amended, as the same are determined to be uncollectible.

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Certificates from the City Collector, No. 60, Recommending the cancellation of the

taxes for the year 1993 in the amount of One Million One Hundred Ten Thousand Four Hundred Eighty Five Dollars and Fifty (\$1,110,485.50) Cents and for the year 1994 in the amount of One Million Twenty One Thousand Two Hundred Twenty Seven Dollars and Twenty Seven (\$1,021,227.27) Cents (Tangible Tax), pursuant to Section 44-7-14 of the General Laws of Rhode Island, 1956, As Amended, as the same are determined to be uncollectible.

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

## PERSONAL EXPRESSION

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

I had the privilege of meeting Jerry Florio about ten or eleven years ago as an employee of the Providence Water Supply Board where on occasion they needed and still do need employees to

go over and help plow the snow during the winter. I've always known Jerry to work long hours. Sometimes unfortunately days and days without going home. Staying at the Ernest Street location making sure that everyone in the City has been plowed out. I've known him as a volunteer in my community because Jerry also lives in the 5<sup>th</sup> Ward. Not only himself but

gathering friends to help out at our local park. He has always been someone who's been able to be there. He'll be there just pick up the phone and call him. I made some comments in today's paper about being able to pick-up the phone and not having to go back to check to make sure that the request that I put in was taken care of because I knew it would happen. Re-organization, today they failed. I made a phone call to Public Works because I don't have Jerry

to call and I didn't go by 3 hours later. One of the reasons why I was late tonight was I went by 6 1/2 hours later and what I called about is still sitting there on the sidewalk on Tyndall Avenue. So, as I said in today's paper, if this doesn't work maybe we'll have to look at re-organizing from the top down. Thank you.

## COMMITTEE ON URBAN REDEVELOPMENT

### RENEWAL AND PLANNING

#### COUNCILWOMAN BALBINA A. YOUNG, Chairwoman

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

Resolution Proclaiming December 1, 2005  
"Rosa Parks Day" in the City of Providence.

*Whereas*, Rosa Louise McCauley was born February 4, 1913 in Tuskegee, Alabama to James McCauley, a carpenter, and Leona McCauley, a school teacher; and

*Whereas*, At the age of 11 she enrolled in the Montgomery Industrial School for Girls and later at Alabama State Teachers College. At twenty, Rosa married a barber named Raymond Parks; and

*Whereas*, Mrs. Parks, on December 1, 1955, refused to give up her bus seat to a white passenger in Montgomery, Alabama, resulting in her arrest; and

*Whereas*, Mrs. Parks' defiance triggered the famous Montgomery Bus Boycott and earned her the title "Mother of the Civil Rights Movement"; and

*Whereas*, The 382-day Boycott introduced the world to Reverend Dr. Martin Luther King, Jr. who was President of the Montgomery Improvement Association and the Boycott's spokesperson; and

*Whereas*, The federal district court on June 4, 1956, ruled bus segregation unconstitutional; and

*Whereas*, Mrs. Parks and her husband, Raymond Parks, in 1957 moved to Detroit, Michigan where Mrs. Parks served on the staff of U.S. Representative John Conyers; and

*Whereas*, The Southern Christian Leadership Council later established an annual Rosa Parks Freedom Award in her honor; and

*Whereas*, Mrs. Parks founded the Rosa and Raymond Parks Institute for Self-Development to offer guidance to young African-Americans; and

*Whereas*, President Clinton presented Mrs. Parks with the Congressional Medal of Freedom in 1995; and

*Whereas*, Mrs. Parks spent her last years in Detroit, where she died on October 24, 2005 at the age of 92.

*Now, Therefore, Be It Resolved*, That the Providence City Council, in meeting assembled, remembers Rosa Parks and the sacrifices that she made in advancing civil rights; and

*Be It Further Resolved*, That the Providence City Council, proclaims December 1, 2005, and every December 1st thereafter "Rosa Parks Human Rights Day" in the City of Providence and encourages all workplaces and schools in the City of Providence, both public and private to either close on December 1st, or allow the many workers and students who want to attend Rosa Parks

Commemoration events to do so without impunity.

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

**The Motion for Passage is Sustained.**

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

Mamadou Diallo  
(Christopher E. Fay, Esquire)

Marie G. DiMartino

Vicki F. Stokes

James V. Hennessey

Estate of Michael Calouri  
(Michael DiChiro, Jr., Esquire)

Heloisa L. Goncalves

Robert Robinson  
(Joseph M. Martinous, Esquire)

Carmen Roderick Reid and  
Lorraine Roderick

Heather Ganley

Helen Simmons

Sylvestre Jimenez  
(Robert V. Russo, Esquire)

Providence Washington Insurance  
a/s/o James & Stevra Soucy

Giovanni Simeone

Catherine B. Winchild

Barbara Ornazian

Ronald C.F. Antony

Angelica Delalla  
(Charles J. Vucci, Esquire)

John Lescault, Jr.  
(Leslie N. Tuchapsky, Esquire)

Maria Frazar

Edward Lama  
(Christopher E. Fay, Esquire)

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

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

**PRESENTATION OF RESOLUTIONS**  
*"In Congratulatiuns"*

**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:

Thomas P. Whitten, in recognition of the celebration of his retirement after twenty-eight years of tireless and dedicated service as President and CEO of John Hope Settlement House.

Dr. Ruth Simmons, in recognition of her Brown Bears capturing the Ivy League Football Championship for 2005. Congratulations on this outstanding achievement.

Jonathan Boerner, Classical High School, in recognition of being the Boys Soccer Division IV Champions and State Championship Finalists.

Andres Mazo, Classical High School in recognition of being the Boys Soccer Division IV Champions and State Championship Finalists.

Edwin Durango, Classical High School, in recognition of being the Boys Soccer Division IV Champions and State Championship Finalists.

Oscar Zorrilla, Classical High School, in recognition of being the Boys Soccer Division IV Champions and State Championship Finalists.

Michael Martinez, Classical High School, in recognition of being the Boys Soccer Division IV Champions and State Championship Finalists.

David Volucci, Classical High School, in recognition of being the Boys Soccer Division IV Champions and State Championship Finalists.

Jose Talevera, Classical High School, in recognition of being the Boys Soccer Division IV Champions and State Championship Finalists.

Ajiboye Babatope, Classical High School, in recognition of being the Boys Soccer Division IV Champions and State Championship Finalists.

Bruno Canido, Classical High School, in recognition of being the Boys Soccer Division IV Champions and State Championship Finalists.

Daniel Estrada, Classical High School, in recognition of being the Boys Soccer Division IV Champions and State Championship Finalists.

Daniel Phillip, Classical High School, in recognition of being the Boys Soccer Division IV Champions and State Championship Finalists.

Nikol Hinojosa, Classical High School, in recognition of being the Boys Soccer Division IV Champions and State Championship Finalists.

Jordan Shays, Classical High School, in recognition of being the Boys Soccer Division IV Champions and State Championship Finalists.

Juan Lindstrom, Classical High School, in recognition of being the Boys Soccer Division IV Champions and State Championship Finalists.

Joseph Carnevale, Classical High School, in recognition of being the Boys Soccer Division IV Champions and State Championship Finalists.

Andrew Durkin, Classical High School, in recognition of being the Boys Soccer Division IV Champions and State Championship Finalists.

Louis Lee, Classical High School, in recognition of being the Boys Soccer Division IV Champions and State Championship Finalists.

Jesse Stokes, Classical High School, in recognition of being the Boys Soccer Division IV Champions and State Championship Finalists.

Hector Bonilla, Classical High School, in recognition of being the Boys Soccer Division IV Champions and State Championship Finalists.

Brian Helmstetter, Classical High School, in recognition of being the Boys Soccer Division IV Champions and State Championship Finalists.

Roberto Ramirez, Classical High School, in recognition of being the Boys Soccer Division IV Champions and State Championship Finalists.

Barry Cohen, Classical High School, in recognition of being the Boys Soccer Division IV Champions and State Championship Finalists.

Dewey Carmona, Classical High School, in recognition of being the Boys Soccer Division IV Champions and State Championship Finalists.

Ryan Cafferty, Head Coach, Classical High School, in recognition of being the Boys Soccer Division IV Champions and State Championship Finalists.

Richard Peters, Assistant Coach, Classical High School, in recognition of being the Boys Soccer Division IV Champions and State Championship Finalists.

Alexis Bolvin, Classical High School, in recognition of being the Girls Tennis Division III North Champions.

Samantha Bowen, Classical High School, in recognition of being the Girls Tennis Division III North Champions.

Aria Casinelli, Classical High School, in recognition of being the Girls Tennis Division III North Champions.

Chanda Chhun, Classical High School, in recognition of being the Girls Tennis Division III North Champions.

Kelsi Connor, Classical High School, in recognition of being the Girls Tennis Division III North Champions.

Classical High School, in recognition of being the Girls Tennis Division III North Champions.

Hali Dorfman, Classical High School, in recognition of being the Girls Tennis Division III North Champions.

Kunthy Douk, Classical High School, in recognition of being the Girls Tennis Division III North Champions.

Sarah Goliger, Classical High School, in recognition of being the Girls Tennis Division III North Champions.

Qian Jiang, Classical High School, in recognition of being the Girls Tennis Division III North Champions.

Sarah Kelly, Classical High School, in recognition of being the Girls Tennis Division III North Champions.

Kariline Krerorian, Classical High School, in recognition of being the Girls Tennis Division III North Champions.

Kiyara Leis, Classical High School, in recognition of being the Girls Tennis Division III North Champions.

Ami Negishi, Classical High School, in recognition of being the Girls Tennis Division III North Champions.

Nancy Nghe, Classical High School, in recognition of being the Girls Tennis Division III North Champions.

Roz Raskin, Classical High School, in recognition of being the Girls Tennis Division III North Champions.

Rosie Rith, Classical High School, in recognition of being the Girls Tennis Division III North Champions.

Anny Robert, Classical High School, in recognition of being the Girls Tennis Division III North Champions.

Mila Sivilai, Classical High School, in recognition of being the Girls Tennis Division III North Champions.

Steve Cohan, Head Coach, Classical High School, in recognition of being the Girls Tennis Division III North Champions.

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

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

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

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

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

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

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

Vilma Saban, Classical High School, in recognition of being the Girls Soccer Division

IV Champions and Division IV State Champions.

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

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

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

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

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

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

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

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

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

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

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

Annie Lastowski, Classical High School, in recognition of being the Girls' Fall Volleyball Varsity State Champions–Division II and the Junior Varsity State Champions–Division II.

Jasmin Rojas, Classical High School, in recognition of being the Girls' Fall Volleyball Varsity State Champions–Division II and the Junior Varsity State Champions–Division II.

Melissa Fajardo, Classical High School, in recognition of being the Girls' Fall Volleyball Varsity State Champions–Division II and the Junior Varsity State Champions–Division II.

Jhokania De Los Santos, Classical High School, in recognition of being the Girls' Fall Volleyball Varsity State Champions–Division II and the Junior Varsity State Champions–Division II.

Ashley Milan, Classical High School, in recognition of being the Girls' Fall Volleyball Varsity State Champions–Division II and the Junior Varsity State Champions–Division II.

Hannah Cooney, Classical High School, in recognition of being the Girls' Fall Volleyball Varsity State Champions–Division II and the Junior Varsity State Champions–Division II.

Ilana Eides, Classical High School, in recognition of being the Girls' Fall Volleyball Varsity State Champions–Division II and the Junior Varsity State Champions–Division II.

Chloe Deflorimonte, Classical High School, in recognition of being the Girls' Fall Volleyball Varsity State Champions–Division II and the Junior Varsity State Champions–Division II.

Tova Tenenbaum, Classical High School, in recognition of being the Girls' Fall Volleyball Varsity State Champions–Division II and the Junior Varsity State Champions–Division II.

Julissa Polanco, Classical High School, in recognition of being the Girls' Fall Volleyball Varsity State Champions–Division II and the Junior Varsity State Champions–Division II.

Jessica Ho, Classical High School, in recognition of being the Girls' Fall Volleyball Varsity State Champions–Division II and the Junior Varsity State Champions–Division II.

Eva Jablow, Classical High School, in recognition of being the Girls' Fall Volleyball Varsity State Champions–Division II and the Junior Varsity State Champions–Division II.

Katie L. Piroli, Classical High School, in recognition of being the Girls' Fall Volleyball Varsity State Champions–Division II and the Junior Varsity State Champions–Division II.

Marina Chek, Classical High School, in recognition of being the Girls' Fall Volleyball Varsity State Champions–Division II and the Junior Varsity State Champions–Division II.

Roisin Mcmanus, Captain, Classical High School, in recognition of being the Girls' Fall Volleyball Varsity State Champions–Division II and the Junior Varsity State Champions–Division II.

Leah Miller, Classical High School, in recognition of being the Girls' Fall Volleyball Varsity State Champions–Division II and the Junior Varsity State Champions–Division II.

Jemima Monchery, Classical High School, in recognition of being the Girls' Fall Volleyball Varsity State Champions–Division II and the Junior Varsity State Champions–Division II.

Alexandra Morrolla, Classical High School, in recognition of being the Girls' Fall Volleyball Varsity State Champions–Division II and the Junior Varsity State Champions–Division II.

Karen Cruz, Classical High School, in recognition of being the Girls' Fall Volleyball Varsity State Champions–Division II and the Junior Varsity State Champions–Division II.

Dena White, Classical High School, in recognition of being the Girls' Fall Volleyball Varsity State Champions–Division II and the Junior Varsity State Champions–Division II.

Nancy Leuthavone, Classical High School, in recognition of being the Girls' Fall Volleyball Varsity State Champions–Division II and the Junior Varsity State Champions–Division II.

Monichan Phay, Classical High School, in recognition of being the Girls' Fall Volleyball Varsity State Champions–Division II and the Junior Varsity State Champions–Division II.

Rhiannon Ketchem, Classical High School, in recognition of being the Girls' Fall Volleyball Varsity State Champions–Division II and the Junior Varsity State Champions–Division II.

Brennan Johnson, Classical High School, in recognition of being the Girls' Fall Volleyball Varsity State Champions–Division II and the Junior Varsity State Champions–Division II.

Mary Rothemich, Classical High School, in recognition of being the Girls' Fall Volleyball Varsity State Champions–Division II and the Junior Varsity State Champions–Division II.

Tekesha Rhodes, Classical High School, in recognition of being the Girls' Fall Volleyball Varsity State Champions–Division II and the Junior Varsity State Champions–Division II.

Rachel Mccray, Classical High School, in recognition of being the Girls' Fall Volleyball Varsity State Champions–Division II and the Junior Varsity State Champions–Division II.

Alerino Iacobo, Head Coach, Classical High School, in recognition of being the Girls' Fall Volleyball Varsity State Champions–Division II and the Junior Varsity State Champions–Division II.

Sam Pho, Assistant Coach, Classical High School, in recognition of being the Girls' Fall Volleyball Varsity State Champions–Division II and the Junior Varsity State Champions–Division II.

Kerry Anzivino, in recognition of the celebration of her fortieth birthday.

**The Motion for Passage is Sustained.**

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

## PRESENTATION OF RESOLUTIONS

### "In Memoriam"

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

Florence Marsella

Judith Boylan

Resolution Extending Sympathy.

Salvatore V. "Sal" DeAngelis

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

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

Rachel Rose Cavarretta

**The Motion for Passage is Sustained.**

Anthony Martone

Hilda V. Mannolini

Giacomo "Jack" Mattoni

## MATTER 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 Matter Not Appearing on the Printed Docket.

## PRESENTATION OF ORDINANCE

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

An Ordinance Relating to Tax Interest Amnesty Week and Tax Policy Reform.

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

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## ADJOURNMENT

There be no further business, on Motion of COUNCILMAN APONTE, seconded by COUNCILWOMAN WILLIAMS, it is voted to adjourn in memory of Rosa Parks on her 50<sup>th</sup> Anniversary of her historic civil disobedience at 8:40 o'clock P.M. (E.S.T.), to meet again on THURSDAY, DECEMBER 15, 2005 at 7:30 o'clock P.M. (E.S.T)

*Michael R. Clement*

MICHAEL R. CLEMENT  
CITY CLERK

