

CITY OF PROVIDENCE
RHODE ISLAND



CITY COUNCIL

JOURNAL OF PROCEEDINGS

No. 66 City Council Regular Meeting, Thursday, May 17, 2001, 7:30 o'clock P.M. (E.D.T.)

PRESIDING

COUNCIL PRESIDENT

JOHN J. LOMBARDI

ROLL CALL

Present: Council President Lombardi,
Councilmen Allen, Aponte, Butler, Clarkin,
DeLuca, Councilwoman DiRuzzo, Council-
men Hassett, Igliozi, Jackson, Mancini,
Councilwomen Nolan, Romano, Williams
and Young—15.

Absent: None.

IN CITY COUNCIL

AUG 2 2001

APPROVED,

Michael R. Clerkin CLERK

INVOCATION

The Invocation is given by COUNCILMAN
JOSEPH DeLUCA.

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

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

APPROVAL OF RECORDS

The Journal of Proceedings No. 62 of the
Regular Meeting of the City Council held
April 26, 2001; the Journal of Proceedings
No. 63 of the Special Meeting of the City
Council held May 2, 2001; and the Journal
of Proceedings No. 64 of the Regular
Meeting of the City Council held May 3,
2001, and Posted May 11, 2001, on that
Bulletin Board located on the Ground Floor
Level of City Hall, are severally approved
as printed, on motion of COUNCILMAN AL-
LEN, seconded by COUNCILWOMAN WIL-
LIAMS.

APPOINTMENT BY HIS HONOR THE MAYOR

Communication dated May 8, 2001, Informing the Honorable Members of the City Council that pursuant to Sections 302(b) and 1104 of the Providence Home Rule Charter of 1980, he is this day reappointing Joshua Teverow, Esquire,

of 2 Wriston Drive, Providence, Rhode Island 02906, as a Member of the Civic Center Authority for a term to expire on May 1, 2004.

Received.

PRESENTATION OF ORDINANCES

COUNCIL PRESIDENT LOMBARDI:

An Ordinance in amendment of Section 17-33(a) 10 of the Ordinances of the City of Providence relative to Standard of Conduct of Employees, approved June 27, 1984, by deleting "excluding employees and officers subject to Chapter 36-14 of Rhode Island General Laws."

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

The motion to Refer is Sustained.

COUNCILMAN ALLEN (By Request):

An Ordinance in amendment of and in addition to Chapter 1979-26 of the Ordinances of the City of Providence, approved June 22, 1979 and entitled, "An Ordinance approving and adopting the Official Redevelopment Plan

for the West End Project" for additional acquisition.

COUNCILMAN ALLEN and COUNCILMAN APONTE (By Request):

An Ordinance in amendment of and in addition to Chapter 1996-23 of the Ordinances of the City of Providence approved May 23, 1996 and entitled, "An Ordinance approving and adopting the Official Redevelopment Plan and the attached restrictions for the Douglas Avenue Revitalization Project" for the acquisition of Lot 618 on Plat 68, 134 Douglas Avenue.

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

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

The motion to Refer is Sustained.

COUNCILMAN APONTE (By Request):

An Ordinance in amendment of and in addition to Chapter 1986-53 of the Ordinances of the City of Providence approved October 23, 1986, and entitled, "An Ordinance approving and adopting the Official Redevelopment Plan for the Special Vacant Lot Project" for the acquisition of Lot 27 on Plat 53, 940 Broad Street.

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

The motion to Refer is Sustained.

COUNCILMAN HASSETT:

An Ordinance in amendment of Section 12-88 of the Code of Ordinances of the City of Providence, entitled "Fencing and Vacant Lots".

An Ordinance in amendment of Section 12-80 of the Code of Ordinances of the City of Providence, entitled "Penalties for Littering Violations", wherein certain penalties shall be increased.

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

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

The motion to Refer is Sustained.

PRESENTATION OF RESOLUTIONS

COUNCIL PRESIDENT LOMBARDI (By Request):

Resolution Requesting the Traffic Engineer to prohibit motor vehicle traffic along Swiss Street from Knight Street and Gesler Street on Thursday, May 10, 2001, between the hours of 9:00 o'clock a.m. to 10:30 o'clock a.m.

to accommodate the Holy Ghost School Flag Raising Ceremony.

Resolved, That the Traffic Engineer is requested to prohibit motor vehicle traffic along Swiss Street from Knight Street and Gesler Street on Thursday, May 10, 2001, between the hours of 9:00 o'clock a.m. to 10:30 o'clock a.m.

to accommodate the Holy Ghost School Flag Raising Ceremony.

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

The motion for Passage is Sustained.

Resolution Authorizing the Duly Elected Mayor of the City of Providence to submit an application to the U.S. Department of Housing and Urban Development for a Section 108 Guaranteed Loan in an amount not to exceed eleven million dollars (\$11,000,000.00) to finance certain capital costs associated with the development of the Heritage Harbor Museum Project.

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

The motion to Refer is Sustained.

COUNCILMAN ALLEN (By Request):

Resolution Requesting the Traffic Engineer to prohibit motor vehicle traffic along Peace Street between Buckling Street and Dexter Street, on Wednesday, June 20, 2001, between the hours of 10:00 o'clock a.m. to 9:00 o'clock p.m. to accommodate the End of Year Celebration for the Met School.

Resolved, That the Traffic Engineer is requested to prohibit motor vehicle traffic along Peace Street between Buckling Street and Dexter Street, on Wednesday, June 20, 2001, between the hours of 10:00 o'clock a.m. to 9:00 o'clock p.m. to accommodate the End of Year Celebration for the Met School.

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

The motion for Passage is Sustained.

COUNCILMAN ALLEN and COUNCILMAN APONTE (By Request):

Resolution Requesting to cancel or abate, in whole, the taxes assessed upon Assessor's Plat 31, Lot 245 (8 Hollis Street) in accordance with Rhode Island General Law Section 44-7-23, in the amount of one thousand eight hundred forty three dollars and ten cents (\$1,843.10), or any taxes accrued, including 2001 taxes, at the request of the Providence Redevelopment Agency.

Resolution Requesting to cancel or abate, in whole, the taxes assessed upon Assessor's Plat 28, Lot 515 (102 Federal Street) in accordance with Rhode Island General Law Section 44-7-23, in the amount of four hundred sixty eight dollars and twenty nine cents (\$468.29), or any taxes accrued, including 2001 taxes, at the request of the Providence Redevelopment Agency.

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

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

The motion to Refer is Sustained.

COUNCILMAN APONTE (By Request):

Resolution Requesting the Traffic Engineer to cause the installation of "No Parking" signs to be posted on Broad Street between Jillson Street and Broad Street, on Saturday, May 12, 2001 between the hours of 11:00 o'clock a.m. to 3:00 o'clock p.m., to accommodate the Broad Street Path to Health Grand Opening.

Resolved, That the Traffic Engineer is requested to cause the installation of "No Parking" signs to be posted on Broad Street between Jillson Street and Broad Street, on Saturday, May 12, 2001 between the hours of 11:00 o'clock a.m. to 3:00 o'clock p.m., to accommodate the Broad Street Path to Health Grand Opening.

Resolution Requesting the Traffic Engineer to prohibit motor vehicle traffic along Gordon Avenue between Potters Avenue and Sayles Street, on Thursday, May 17, 2001, between the hours of 5:00 o'clock p.m. to 9:00 o'clock p.m., to accommodate a Multi-Cultural Dinner for the Bailey School.

Resolved, That the Traffic Engineer is requested to prohibit motor vehicle traffic along Gordon Avenue between Potters Avenue and Sayles Street, on Thursday, May 17, 2001, between the hours of 5:00 o'clock p.m. to 9:00 o'clock p.m., to accommodate a Multi-Cultural Dinner for the Bailey School.

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

Collectively Passed, on motion of **COUNCILMAN ALLEN**, seconded by **COUNCILWOMAN WILLIAMS**.

The motion for Passage is Sustained.

Resolution Requesting the transfer of Assessor's Plat No. 48, Lot 290 (94 Potters Avenue) from the City of Providence to the Providence Redevelopment Agency for Housing Development.

Resolution Requesting the transfer of Assessor's Plat No. 48, Lot 254 (75 Trask Street) from the City of Providence to the Providence Redevelopment Agency for Housing Development.

Resolution Requesting the transfer of Assessor's Plat No. 48, Lot 253 (79 Trask Street) from the City of Providence to the Providence Redevelopment Agency for Housing Development.

Resolution Requesting the transfer of Assessor's Plat No. 48, Lot 488 (91 Burnside Street) from the City of Providence to the Providence Redevelopment Agency for Housing Development.

Resolution Requesting the transfer of Assessor's Plat No. 48, Lot 385 (63 Ocean Street) from the City of Providence to the Providence Redevelopment Agency for Housing Development.

Resolution Requesting the transfer of Assessor's Plat No. 48, Lot 487 (93 Burnside Street) from the City of Providence to the Providence Redevelopment Agency for Housing Development.

Resolution Requesting the transfer of Assessor's Plat No. 48, Lot 928 (62 Saratoga Street) from the City of Providence to the Providence Redevelopment Agency for Housing Development.

Resolution Requesting the transfer of Assessor's Plat No. 47, Lot 747 (9 Searle Street) from the City of Providence to the Providence Redevelopment Agency for Housing Development.

Resolution Requesting the transfer of Assessor's Plat No. 47, Lot 715 (267 Swan Street) from the City of Providence to the Providence Redevelopment Agency for Housing Development.

Resolution Requesting the transfer of Assessor's Plat No. 47, Lot 749 (17 Searle Street) from the City of Providence to the Providence Redevelopment Agency for Housing Development.

Resolution Requesting the transfer of Assessor's Plat No. 47, Lot 382 (336 Plain Street) from the City of Providence to the Providence Redevelopment Agency for Housing Development.

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

Resolution Requesting the transfer of Assessor's Plat No. 47, Lot 754 (133 Oxford Street) from the City of Providence to the Providence Redevelopment Agency for Housing Development.

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

The motion to Refer is Sustained.

COUNCILMAN BUTLER, COUNCILWOMAN NOLAN and COUNCILWOMAN WILLIAMS (By Request):

Resolution Authorizing His Honor, the Mayor, on behalf of the City of Providence to enter into an agreement for the construction of a "Boundless Playground" at Roger Williams Park.

Resolved, That the Traffic Engineer is requested to prohibit motor vehicle traffic along Benevolent Street between Thayer Street and Brook Street on Wednesday, May 23, 2001, between the hours of 5:00 o'clock p.m. to 11:00 o'clock p.m. to accommodate a Senior's Day Event at Oliver's Restaurant.

COUNCILMAN CLARKIN (By Request):

Resolution Requesting His Honor, the Mayor, or his designee, on behalf of the City of Providence to execute a Project Cooperation Agreement — "Certification Regarding Lobbying", between the Department of the Army and the City of Providence for the construction of the Fox Point Hurricane Barrier Repair Project.

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

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

The motion to Refer is Sustained.

COUNCILMAN HASSETT (By Request):

Resolution Requesting the Traffic Engineer to prohibit motor vehicle traffic along South Court between Wheaton Street and Benefit Street on Thursday, May 17, 2001 and Friday, May 18, 2001, between the hours of 8:30 o'clock a.m. to 5:00 o'clock p.m. on both days, to accommodate an annual event for the students of Rhode Island School of Design.

Resolved, That the Traffic Engineer to prohibit motor vehicle traffic along South Court between Wheaton Street and Benefit Street on Thursday, May 17, 2001 and Friday, May 18, 2001, between the hours of 8:30 o'clock a.m. to 5:00 o'clock p.m. on both days, to accommodate an annual event for the students of Rhode Island School of Design.

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

Collectively Passed, on motion of **COUNCILMAN ALLEN**, seconded by **COUNCILWOMAN WILLIAMS**.

The motion for Passage is Sustained.

Resolution Requesting the Traffic Engineer to prohibit motor vehicle traffic along Benevolent Street between Thayer Street and Brook Street on Wednesday, May 23, 2001, between the hours of 5:00 o'clock p.m. to 11:00 o'clock p.m. to accommodate a Senior's Day Event at Oliver's Restaurant.

COUNCILMAN HASSETT:

Resolution Requesting the Providence Redevelopment Agency to acquire that property located at 74-76 Robin Street, (Plat 66, Lot 84) pursuant to the Elimination of Blight initiative as part of the \$50 Million Dollar Neighborhood Bond Improvement Program.

Resolution Requesting the Providence Redevelopment Agency to acquire that property located at 160 Jewett Street, (Plat 67, Lot 116) as part of the city's vacant lot program.

Resolution Requesting the Providence Redevelopment Agency to acquire that property located at 3 Alton Street, (Plat 65, Lot 936) pursuant to the Elimination of Blight initiative as part of the \$50 Million Dollar Neighborhood Bond Improvement Program.

Resolution Requesting the City of Providence to establish that certain parcel, specifically identified as "Parcel 9" as 9 Waterplace, to accommodate an address designation for the Starwood Wasserman Project, located at Memorial Boulevard and Francis Street (Plat 19, Lot 109).

COUNCILMAN ALLEN moves to dis-
pense with the reading of the foregoing
matters.

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

The motion to Refer is Sustained.

COUNCILMAN IGLIOZZI (By Request):

Resolution Requesting the Traffic Engineer to prohibit motor vehicle traffic along Ralph Street between Eastwood Avenue and Laban Street on Saturday, May 26, 2001, between the hours of 1:00 o'clock p.m. to 8:00 o'clock p.m. to accommodate a birthday party.

Resolved, That the Traffic Engineer is requested to prohibit motor vehicle traffic along Ralph Street between Eastwood Avenue and Laban Street on Saturday, May 26, 2001, between the hours of 1:00 o'clock p.m. to 8:00 o'clock p.m. to accommodate a birthday party.

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

The motion for Passage is Sustained.

COUNCILMAN JACKSON (By Request):

Resolution Requesting the Mayor, the Director of Finance and the City Treasurer to authorize and take any and all action and to execute, file and deliver any and all agreements, notes, deeds, leases and other documents and amendments thereto, relative

to the New School and Public Facilities Bond Issue, in a total amount not to exceed forty one million dollars (\$41,000,000.00).

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

The motion to Refer is Sustained.

COUNCILWOMAN NOLAN (By Request):

Resolution Requesting the Traffic Engineer to cause the installation of a "No U-Turn" sign on the left hand turning lane at the corner of Elmwood Avenue and Gallatin Street.

Resolution Requesting the Traffic Engineer to cause the installation of a "No Thru Traffic Monday thru Friday during school hours" sign during the school year on Sackett Street, between Hamilton Street and Melrose Street.

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

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

The motion to Refer is Sustained.

Resolution Requesting the Traffic Engineer to prohibit motor vehicle traffic along Emerson Street between Gallatin Street and Sumter Steet on Saturday, May 12, 2001, between the hours of 3:00 o'clock p.m. to 12:00 o'clock Midnight to accommodate a Neighborhood Cookout/Block Party.

Resolved, That the Traffic Engineer is requested to prohibit motor vehicle traffic along Emerson Street between Gallatin Street and Sumter Steet on Saturday, May 12, 2001, between the hours of 3:00 o'clock p.m. to 12:00 o'clock Midnight to accommodate a Neighborhood Cookout/Block Party.

COUNCILWOMAN NOLAN:

Resolution Requesting to abate sixty percent (60%) of the outstanding taxes on that property located at 1137 Broad Street (Assessor's Plat 53, Lot 196), contingent upon agreement with present owner selling property.

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

The motion to Refer is Sustained.

Resolution Requesting the Director of Public Works to send out an inspector to the property located at 26 Warrington Street, and hire a plumbing firm and/or contractor to repair sewer line, sidewalk and extremely dangerous

"sinking hole" in street in front of said address. Funds to be paid out of Ward Nine Bond proceeds.

Resolved, That the Director of Public Works is requested to send out an inspector to the property located at 26 Warrington Street, and hire a plumbing firm and/or contractor to repair sewer line, sidewalk and extremely dangerous "sinking hole" in street in front of said address. Funds to be paid out of Ward Nine Bond proceeds.

COUNCILMAN BUTLER requests to be recorded as Not Voting on this matter.

Resolution Requesting the Traffic Engineer to prohibit motor vehicle traffic along Meeting Street between Thayer Street and Brook Street on Wednesday, May 2, 2001, between the hours of 6:00 o'clock a.m. to 9:00 o'clock p.m. to accommodate the Annual Ben & Jerry's Free Ice Cream Cone Day.

Resolved, That the Traffic Engineer is requested to prohibit motor vehicle traffic along Meeting Street between Thayer Street and Brook Street on Wednesday, May 2, 2001, between the hours of 6:00 o'clock a.m. to 9:00 o'clock p.m. to accommodate the Annual Ben & Jerry's Free Ice Cream Cone Day.

COUNCILWOMAN WILLIAMS (By Request):

Resolution Requesting the Traffic Engineer to prohibit motor vehicle traffic along Thayer Street between Bowen Street and Angell Street and Meeting Street from the Meeting Street Cafe to Ben and Jerry's Ice Cream on Saturday, September 22, 2001, between the hours of 7:00 o'clock a.m. to 6:00 o'clock p.m. to accommodate the Thayer Street Art Festival.

Resolved, That the Traffic Engineer is requested to prohibit motor vehicle traffic along Thayer Street between Bowen Street and Angell Street and Meeting Street from the Meeting Street Cafe to Ben and Jerry's Ice Cream on Saturday, September 22, 2001, between the hours of 7:00 o'clock a.m. to 6:00 o'clock p.m. to accommodate the Thayer Street Art Festival.

COUNCILWOMAN YOUNG (By Request):

Resolution Requesting the Traffic Engineer to prohibit motor vehicle traffic along Chestnut Street between Point Street and South Streets on Saturday, June 23, 2001, between the hours of 5:00 o'clock p.m. and 12:30 o'clock a.m. to accommodate Planned Parenthood of Rhode Island's 11th Annual Affairs to Remember fundraiser.

Resolved, That the Traffic Engineer is requested to prohibit motor vehicle traffic along Chestnut Street between Point Street and South Streets on Saturday, June 23, 2001, between the hours of 5:00 o'clock p.m. and 12:30 o'clock a.m. to accommodate Planned Parenthood of Rhode Island's 11th Annual Affairs to Remember fundraiser.

Resolution Requesting the Traffic Engineer to prohibit motor vehicle traffic along 62 Glenham Street between Broad and Taylor Streets on Saturday, May 19, 2001, between the hours of 3:00 o'clock p.m. and 10:00 o'clock p.m. to accommodate a graduation party.

Resolved, That the Traffic Engineer is requested to prohibit motor vehicle traffic along 62 Glenham Street between Broad and Taylor Streets on Saturday, May 19, 2001, between the hours of 3:00 o'clock p.m. and 10:00 o'clock p.m. to accommodate a graduation party.

Resolution Requesting the Chief Electrical Inspector to cause the upgrading of street lighting along Dartmouth Avenue to 27,500 lumens.

Resolved, That the Chief Electrical Inspector is requested to cause the upgrading of street lighting along Dartmouth Avenue to 27,500 lumens.

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

Collectively Passed, on motion of COUNCILMAN ALLEN, seconded by COUNCILWOMAN WILLIAMS.

The motion for Passage is Sustained.

COUNCILWOMAN YOUNG, COUNCILMAN APONTE and COUNCILWOMAN WILLIAMS:

Resolution Requesting the City Council to hire Legal Counsel to investigate and advise on several matters pertaining to Operation Plunderdome.

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

The motion to Refer is Sustained.

REPORTS FROM COMMITTEES

COUNCILMAN ROBERT M. CLARKIN, Chairman COMMITTEE ON PUBLIC WORKS

Transmits the following with recommendation the same be severally Approved:

Resolution Authorizing an easement to install a single four inch conduit between existing electric manhole on Greene Street, and an existing intermediate manhole located at the intersection of Greene and Fountain Streets.

It is hereby Resolved, That His Honor, the Mayor, is authorized to grant a non-exclusive sub-surface easement below Greene Street and Fountain Street in the City of Providence to NEES Communications, Inc. (NEESCOM). Said easements shall be granted specifically upon the following provisions:

1. Said easement shall be utilized only for the installation and maintenance of fiber optic conduit. Said easement shall not exceed the area of thirty-four feet by two feet by three feet and indicated by the cross-hatched area on the accompanying maps marked as Exhibit A.

2. Said easement shall be deemed to run with the land and shall operate against any successors in title and the easement or memorandum of same shall be recorded in the Office of Land Records for the City of Providence.

3. Said easement shall be subject to a right of reverter/right of reversion in the event that the situs of the easement is no longer utilized for the aforestated purposes. Additionally, it shall be for a term of not more than twenty (20) years.

4. NEESCOM shall tender the sum of two thousand nine hundred dollars (\$2,900.00) in legal tender of the United States of America.

5. Any breakout necessary for installation and/or repair shall be resurfaced/rehabilitated to the approval of the Director of the Department of Public Works.

6. Any installation of utilities or utility lines shall be underground so as to preserve the public right-of-way.

8. Petitioner shall ascertain that construction results in no adverse impact on any existing utility company and shall ensure the continued integrity of those existing structures.

9. NEESCOM shall execute an indemnification and hold-harmless agreement with the City of Providence. Said agreement shall be approved by the Department of Law of the City of Providence.

10. NEESCOM shall supply the City of Providence with an insurance policy naming the City of Providence, its agents, officers, servants and employees as additional-named insureds in a sum not less than one hundred thousand dollars (\$100,000.00) which policy shall be approved by the Department of Law of the City of Providence.

11. Grantee shall not lay, construct or affix to the realty any temporary or permanent structure other than described earlier herein.

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

23-107. *Indemnity of city against claims arising out of electrical installations.* No right of any person to maintain, use or operate any poles, wires, cables, conduits, ducts, pipes, manholes, handholes, or other appliances or appurtenances in any street or other traveled way in the city, shall be in preference or hindrance of public work in the city, and should any of the same in any way interfere with the construction, alteration or repair of any public work in, under, or over any such street or way,

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

23-108. *Precedence of wires, apparatus of city signal service.* The wires, poles, posts, structures and supports of the telephone, fire alarm and police signal service maintained by the city shall at all times take precedence and right-of-way as to all other wires, poles, posts, structures and supports maintained or erected in the city; and no lineman or other person, either in erecting wires, poles, posts, structures or supports in any way whatsoever shall interfere with, or disturb, dissarrange or change any wires maintained by the city, or any . . .

23-109. *Indemnity of city against claims arising out of electrical installation.* Every person erecting, maintaing or using electric wires or poles, fixture or structures, for the support or conducting of the same shall indemnify and save harmless the city, its officers, agents and servants, from and against all lawful claims and demands for injuries to persons or property occasioned by the existence of such poles, wires, fixtures or structures or the transmission of electric current by means thereof or by the digging up, opening or keeping

open of any street, highway, traveled way, public place or part thereof, which shall be or has been opened for the purpose of installing, constructing or repairing any underground conduit, duct, structure, appliance or appurtenance by or for such person, or by any failure of such person to restore and keep in sound and safe condition for the required time any ground opened or dug up in the prosecution of any of its work in any street, way or place. The city, the city council, or the officers, agents or servants of the city, exercising the rights, powers or permission, and subject to the restrictions, respectively given and reserved herein shall not be held liable by such person or corporation on account thereof, or by reason of any injury or damage caused thereby.

and NEESCOM, for itself and its successors, agrees to comply with the same.

13. NEESCOM shall repave all excavated roadways in accordance with relevant ordinances, industry standards and to the reasonable satisfaction of the Director of Public Works.

14. In addition to Paragraph 12 above, in the event that the City of Providence or its designee shall, for any public purpose, require the extinguishment of the easement granted herein and upon ninety (90) days notice hereinbefore mentioned, NEESCOM shall, at its own expense, remove said improvements to the easement area.

15. Such other terms and conditions as may be reflected in the record and minutes of the City Council Committee on Public Property and/or as may be deemed appropriate by the Mayor or the Department of Law.

Resolution Authorizing the abandonment of
Geoffreys Court.

Resolved, Decreed, and Ordered,

That the following-named street shown as cross-hatched area on the accompanying map entitled "Prov. RI, DPW-Engineering Office, Street line Section Plan No. 064660 dated March 22, 2001."

Viz: Geoffreys Court (portion of) as described in Attachment "A" shown on a cross-hatched area on the accompanying plan and designated by the letters A-B-C-D-A, having ceased to be useful to the public and is proposed to be abandoned as a public highway. Said abandonment is specifically conditioned precedent upon the following:

1. Petitioner agrees to tender the amount of six thousand two-hundred dollars (\$6,200.00) in legal tender U.S. currency to the City of Providence.

2. The petitioner shall convey an easement acceptable to the Narragansett Electric Company which will permit retention of its facilities in their existing location, together with the right to inspect, maintain, operate and replace the same and with twenty-four hour access to said facilities, or in the alternative should it be determined by the petitioner that any such facilities need be relocated in order to comply with an intended use, the Petitioner shall assume all costs of relocation.

3. The petitioner shall convey an easement acceptable to Providence Gas Company which will permit retention of its facilities in their existing location, together with the right to inspect, maintain, operate and replace the same and with twenty-four hour access to said

facilities, or in the alternative should it be determined by the petitioner that any such facilities need be relocated in order to comply with an intended use, the Petitioner shall assume all costs of relocation or, alternatively, shall refrain from making any improvements to the real estate until such time as Providence Gas Company abandons its aforesaid facilities.

4. The petitioner shall convey an easement acceptable to Providence Water Supply Board which will permit retention of its facilities in their existing location, together with the right to inspect, maintain, operate and replace the same and with twenty-four hour access to said facilities, or in the alternative should it be determined by the petitioner that any such facilities need be relocated in order to comply with an intended use, the Petitioner shall assume all costs of relocation or, alternatively, shall refrain from making any improvements to the real estate until such time as Providence Water Supply Board abandons its aforesaid facilities.

5. No permanent fixtures or other improvements be attached to the realty.

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

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

Ordered, That after the entry of this order or decree the City Clerk shall cause a notice thereof to be published in a newspaper,

published in the County of Providence at least once a week for three successive weeks and a further and personal notice shall be served by the City Sergeant upon every owner of land abutting the above-named highway which has been abandoned who is known to reside within the State.

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

Collectively Passed, on motion of COUNCILMAN ALLEN, seconded by COUNCILWOMAN WILLIAMS.

The motion for Passage is Sustained.

Transmits the following with recommendation the same be Denied:

Resolution Requesting the Traffic Engineer to cause the installation of a "stop" sign on Enfield Avenue at the intersection of Walton Street.

Read and Denied, on motion of COUNCILMAN ALLEN, seconded by COUNCILWOMAN WILLIAMS.

The motion to Deny is Sustained.

COUNCILWOMAN JOSEPHINE DiRUZZO, Chairwoman COMMITTEE ON CITY PROPERTY

Transmits the following with recommendation the same be Approved:

Resolution Requesting His Honor, the Mayor, to execute an easement agreement between the City of Providence by and through the Water Supply Board and the Providence Gas Company for the relocation of an existing Water Supply Board Easement.

Resolved, That His Honor, the Mayor, is authorized, to execute an easement agreement between the City of Providence by and through the Water Supply Board and the Providence Gas Company.

The easement agreement is for the relocation of an existing Water Supply Board easement to another location which will provide the Water Supply Board more immediate access to the 102" aqueduct to perform inspection, maintenance and repair work.

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

The motion for Passage is Sustained.

**COUNCILWOMAN RITA M. WILLIAMS, Chairwoman
COMMITTEE ON ORDINANCES
and
COUNCILMAN KEVIN M. JACKSON, Chairman
COMMITTEE ON FINANCE**

Jointly transmit the following with recommendation the same be Approved, as amended:

Resolution Requesting the Licensing Board to amend its rules and regulations to permit automotive repair servicing on Sundays upon certain restrictions.

Whereas, The City of Providence has determined that unregulated automobile repair shops constitute a public nuisance and detract from the quality of life of the citizenry;

Whereas, The City of Providence has sought to curtail the operation of unregulated automobile repair shops;

Whereas, As a result of the City's efforts to curb unregulated repair shops, no automotive repair is permitted on Sundays;

Whereas, The public convenience will nonetheless be served by permitting certain motor vehicle repairs to be made on Sundays;

Now, therefore, be it Resolved, That the Bureau of Licenses is requested to amend existing regulation and rule to the extent permitted by law so as to allow automobile repair or service on Sunday provided:

1.) Such service or repair be limited to normal and ordinary maintenance of a motor vehicle including but not limited to fluid changes/refill; tire sale and installation or other service, cleaning, the sale and installation of other minor mechanisms (e.g. wiper blades) so as to allow for the safe operation of the vehicle and;

2.) Such sale and or service be made at the same licensed location which is normally and usually operated during regular weekday business hours and;

3.) Any service or installation requiring the sale of automobile parts or items be made at the location at which the part was sold or;

4.) The sale of any automotive part or item be made at the location at which the service was performed.

5.) Nothing herein shall apply to state licensed new and/or used car dealers.

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

COUNCILWOMAN DiRUZZO, COUNCILWOMAN ROMANO, COUNCILWOMAN NOLAN and COUNCIL PRESIDENT LOMBARDI request to be recorded as voting "No" on the foregoing matter.

The motion for Passage is Sustained.

COMMUNICATIONS AND REPORTS

Communication from William V. Irons, Senate Majority Leader, dated May 3, 2001 informing the City Clerk of his appointment of Senator Frank T. Caprio to the Historic District Zoning Commission.

Received.

Communication from Linda W. Grenier, Providence School Teacher, dated April 25, 2001, requesting a waiver of the Residency Requirement.

COUNCIL PRESIDENT LOMBARDI Receives the Communication and Refers the same to the Committee on Finance.

The motion to Receive and Refer is Sustained.

Report from John J. Palmieri, Director, Department of Planning and Development for the Capital Improvement Program for Fiscal Years 2002-2006.

Received.

FROM THE CLERK'S DESK

Petitions for Compensation for Injuries and Damages, viz:

Jeannette Coia

Deana Litwin

Joe A. Gomes

Jennifer Moskal

Icilda Nembhard

Evelyn E. Foley

Liberty Mutual Insurance a/s/o Maria A. Lopes

Libby M. Peiser

Leah DelBarone (Peter J. Petrarca, Esquire)

Sarah E. Scaramella

MetLife Auto & Home a/s/o Victor Morales

Commerce Insurance a/s/o Philip P. Curry

COUNCIL PRESIDENT LOMBARDI
Severally Refers the Petitions to the
Committee on Claims and Pending Suits.

The motion to Refer is Sustained.

PRESENTATION OF CITATIONS

"In Congratulations"

COUNCIL PRESIDENT LOMBARDI and **the MEMBERS of the CITY COUNCIL:**

Citations Extending Congratulations.

Resolved, That the Members of the City Council extend their sincere congratulations to the following:

Reverend Robert J. Randall, in recognition of the celebration of your Golden Ordination Anniversary.

Jerilynn Johnson, in recognition of her induction into the Providence Recreation Hall of Fame.

Severally Read and Collectively Passed,
on motion of COUNCILMAN ALLEN, sec-
onded by COUNCILWOMAN WILLIAMS.

The motion for Passage is Sustained.

PERSONAL EXPRESSION

COUNCILMAN IGLIOZZI requests the privilege of the floor to speak on a point of personal expression and states:

"I got in my package a new Providence City Council Link Newsletter. I only have a couple of concerns, I think it has a lot of good merit to it. All I ask is that whoever is creating it that if they could also put the most update picture of the whole city council in it, maybe if they could get a new one. Also if there are different

wards mentioned, we could also put pictures of the council members. Like they have Ward 9 Neighborhood News. Maybe you could also put the council member's picture in there. You have Ward 14, you could put the council member's picture in there. This way they have a connection to the ward and the person. I just wanted to bring that up to you. It has a good beginning. I just ask that maybe we can add the other pictures. Thank you."

PRESENTATION OF RESOLUTIONS

"In Memorium"

COUNCIL PRESIDENT LOMBARDI and the MEMBERS of the CITY COUNCIL:

Resolutions Extending Sympathy.

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

Dorothy E. Gravell

Luco Lancellotti

Raymond J. "Ray Mac" Maccarone

Ronald H. Nani

Virginia "Gena" Vito

Victor Mourachian, Jr.

Callvia M. Linden

Richard "Dick The Star" Urbani

Kenneth J. Watkins

Florence Longo Redahan

Mary E. Ouimette

Sonia Naivarez

John Joseph Campopiano

Victor A. Balasco

Pasqualina "Pat" Fusco

Mario Colella

Robert C. McGovern

Leona A. Izzi

John A. McDermott

Mario Letteri

Agostino Cafaro

Winifred C. Cifelli

Patricia A. Murray

Francis E. Little, Jr.

Elizabeth F. Mullholland

John L. Angell

Jack A. Monda

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

The motion for Passage is Sustained.

ADJOURNMENT

There being no further business, on
motion of COUNCILMAN ALLEN, second-
ed by COUNCILWOMAN WILLIAMS, it is
voted to adjourn at 7:55 o'clock P.M. (E.D.T.)
to meet again on THURSDAY, JUNE 7,
2001 at 7:30 o'clock P.M. (E.D.T.).

Michael R. Clement

City Clerk

May 17]

1270

[2001

May 17]

1271

[2001
