

CITY OF PROVIDENCE
RHODE ISLAND



CITY COUNCIL

JOURNAL OF PROCEEDINGS

No. 114 City Council Regular Meeting, Thursday, October 17, 2002, 7:30 o'clock P.M. (E.D.T.)

PRESIDING

ACTING COUNCIL PRESIDENT

BALBINA A. YOUNG

ROLL CALL

Present: Acting Council President Young,
Councilmen Allen, Aponte, Butler, DeLuca,
Councilwoman DiRuzzo, Councilmen Has-
sett, Igliozzi, Jackson, Mancini, Council-
women Nolan and Williams—12.

Absent: Councilwoman Romano—1.

Also Present: Michael R. Clement, City
Clerk, Anna M. Stetson, Second Deputy City
Clerk, Sheri A. Petronio, Assistant Clerk,
Raymond Dettore, Deputy City Solicitor and
Ralph Guglielmino, City Sergeant.

2281

IN CITY COUNCIL

JAN 16 2003

APPROVED:

CLERK

INVOCATION

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

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

COUNCILMAN LUIS A. APONTE 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 RECORD

The Journal of Proceedings No. 107 of the Special Meeting of the City Council held August 20, 2002, and Posted October 16, 2002, on that Bulletin Board located on the Ground Floor Level of City Hall, is approved as printed, on motion of COUNCILMAN ALLEN, seconded by COUNCILWOMAN WILLIAMS.

LEADY MOUTH

1

APPOINTMENTS BY HIS HONOR THE MAYOR

Communication dated October 10, 2002, Informing the Honorable Members of the City Council that pursuant to Sections 302(b) and 1001 of the Providence Home Rule Charter of 1980, he is this day appointing Thomas DiLuglio as Acting Commissioner of Public Safety of the City of Providence for a period not to exceed 90 days.

Received.

Council that pursuant to Sections 302(b) and 1001 of the Providence Home Rule Charter of 1980, he is this day appointing Thomas DiLuglio as Commissioner of Public Safety of the City of Providence and respectfully submits the same for approval.

**ACTING COUNCIL PRESIDENT
YOUNG Refers the Communication to the
Committee on Finance.**

The motion to Refer is Sustained.

Communication dated October 11, 2002, Informing the Honorable Members of the City

ORDINANCES SECOND READING

**The following Ordinances were in City
Council October 3, 2002, Read and Passed
the First Time and are severally returned
for Passage the Second Time:**

An Ordinance Amending Chapter 4 of Article I of the Code of Ordinances of the City of Providence.

Be it Ordained by the City of Providence:

Section 1. Chapter 4 of Article I of the Code of Ordinances of the City of Providence shall be amended to include the following:

Within the City of Providence any animal subject to destruction under the laws of the State of Rhode Island or the ordinances of the

City shall be euthanized by lethal injection only. No animal may destroyed by use of a gas chamber. This enactment shall supercede the provisions of 4-41 or any other relevant section of the Code of Ordinances.

Section 2. Disposition or destruction of animals. — Any animal relinquished to any animal shelter or pound by an individual claiming to be the animal's owner shall be held for not fewer than 72 hours, excluding Saturday, Sundays and Holidays. A new or previous owner of said animal shall pay the

reasonable and customary fees associated with the adoption process. The provisions of this section relating to the seventy-two (72) hour holding period shall not apply to any animal which, being impounded hereunder, is in need of immediate medical attention and which same animal has been examined by a licensed veterinarian or shelter staff who shall confirm, in writing, that the animal should be destroyed for humanitarian reasons.

Section 3. This Ordinance shall take effect upon passage.

An Ordinance in Amendment of Chapter 21 of Article VII entitled: "Tax Stabilization for Industrial Property" of the Code of Ordinances of the City of Providence.

Be it Ordained by the City of Providence:

Section 1. Chapter 21 of Article VII of the Code of Ordinances of the City of Providence, is amended by adding the following:

21-170. Property Taxes for Designated Properties in Providence.

The City Council has the authority under the General Laws of the State of Rhode Island to provide special tax considerations for designated projects, as defined below. Private investment is needed to rehabilitate buildings as well as to introduce economically viable uses for these buildings, but investment has been insufficient because of the high cost of renovation and difficulty in obtaining commercial tenants. It is therefore in the public interest to provide property tax incentives for owners of designated properties on the landmark list, as defined below, as part of the mill restoration program and in the Arts and Entertainment District in order that there may be substantial rehabilitation of the properties

and attract residential, commercial and institutional uses. It is also in the public interest to offer these incentives for a limited duration.

Eligible Property. Eligible properties shall be properties designated on the landmark list as part of the mill restoration program and in the Arts and Entertainment District in the City of Providence as approved by the City Council and shall be eligible if certified by the city Building Inspector as in need of substantial rehabilitation. "Substantial Rehabilitation" shall mean rehabilitation that adheres to the applicable building and fire codes, extends to all occupiable floors of the building, and equals at least fifty percent (50%) of the current replacement value of the structure, as certified by the city Building Inspector.

Upon enactment, property taxes levied on eligible properties as of December 31, 2000 shall reflect the adopted tax considerations. Owners of eligible properties are required to begin renovations by December 31, 2005 in order to qualify for continued tax considerations. Properties that fail to meet this deadline will be required retroactively to pay the difference between their actual tax payments and what they would have paid if ineligible for the specified tax considerations.

Tax Considerations. The City of Providence shall provide tax considerations for a period beginning with the assessments of December 31, 2001 up to and including December 31, 2011. During this period, eligible properties shall pay annual taxes on land and buildings in an amount equal to the tax assessed as of December 31, 2000. This tax shall be fixed regardless of changes in the tax rate, or of changes in valuation resulting from periodic revaluation. During this period of eligibility, the tax shall be fixed regardless of increased property value resulting from substantial rehabilitation.

During the period of eligibility, the City of

Providence shall also use special considerations in taxing tangible property located in businesses in eligible properties. This tax consideration shall not be available for any business relocating from another area of the City of Providence unless that business has been involuntarily relocated or has been relocated as a result of a catastrophic occurrence. This shall apply, however, to expansion projects by businesses already located within this area. For the ten year period, the rate of thirty-three dollars and forty-four cents (\$33.44) shall be applied annually to tangible property value as it is determined and any change from year to year. This consideration shall apply to all taxable businesses occupying eligible properties during the period of eligibility, regardless of when they first occupied the property.

Transfer of exempt or stabilized property. Tax benefits for eligible properties shall be transferable to new owners or tenants, but the life of the tax consideration shall not be extended.

Other considerations. This section shall not diminish the authority of any body to review and approve the construction plans for overall appearance or historical preservation standards. This section shall not limit or otherwise preclude the city council from also exempting or stabilizing taxes on properties which would otherwise be permitted by the General Laws of the State of Rhode Island or by this code of ordinances, including but not limited to section 21-169. In the event another exemption or stabilization program is applied to the eligible property, the annual taxes on land and buildings would be the amount equal to the tax assessed as of December 31, 1998 and that will serve as the assessed valuation of the property from which the abatement shall be computed.

The City Assessor shall develop forms and procedures as he or she deems necessary and proper. The procedure for eligible properties under this section shall be the same as in section 21-169(b)(1).

Revocation. The City Council shall terminate an exemption granted hereunder prior to the expiration thereof in the event of fraud or misrepresentation by an applicant regarding any statements or representations contained in the application.

Section 2. This Ordinance shall take effect upon passage.

**COUNCILMAN ALLEN Moves to Dis-
pense with the Reading of the foregoing
matters.**

**Severally Read and Passed the Second
Time, on motion of COUNCILMAN AL-
LEN, seconded by COUNCILWOMAN
WILLIAMS, by the following Roll Call
Vote:**

**Ayes: Acting Council President Young,
Councilmen Allen, Aponte, Butler, De-
Luca, Councilwoman DiRuzzo, Council-
men Hassett, Igliazzi, Jackson, Mancini,
Councilwomen Nolan and Williams—12.**

Nays: None.

Absent: Councilwoman Romano—1.

**The motion for Passage the Second Time
is Sustained.**

PRESENTATION OF ORDINANCE

COUNCILMAN HASSETT:

An Ordinance in Amendment of Chapter 2001-54, Approved December 21, 2001 entitled: "An Ordinance Establishing a Tax Stabilization Plan for Kinsley Harris, LLC on behalf of Jefferson at Providence Place.

ACTING COUNCIL PRESIDENT YOUNG Refers the Ordinance to the Committee on Finance.

The motion to Refer is Sustained.

COUNCILMAN ALLEN Moves to Invoke the Rules of the City Council and takes the following Matter Out of Order, seconded by COUNCILWOMAN WILLIAMS.

REPORT OF COMMITTEE

COUNCILWOMAN RITA M. WILLIAMS, Chairwoman COMMITTEE ON ORDINANCES

Transmits the following with Recommendation the Same be Adopted, as Amended:

An Ordinance entitled Providence External Review Authority (PERA), as Amended.

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

Ayes: Acting Council President Young, Councilmen Allen, Aponte, DeLuca, Councilwoman DiRuzzo, Councilmen Hassett,

Jackson, Councilwomen Nolan and Williams—9.

Noes: Councilmen Butler, Igliozi and Mancini—3.

Absent: Councilwoman Romano—1.

The motion for Passage the First Time, as Amended, is Sustained.

PRESENTATION OF RESOLUTIONS

ACTING COUNCIL PRESIDENT YOUNG (By Request):

Resolution requesting the Traffic Engineer to prohibit motor vehicle traffic along Adrian Hall Way (formerly Aborn Street) between Washington and Fountain Streets, on Saturday, October 12, 2002, between the hours of 9:00 o'clock a.m. to 9:00 o'clock p.m., to accommodate the Trinity Brewhouse and WHJY-FM Radio Birthday Celebration.

Resolved, That the Traffic Engineer is requested to prohibit motor vehicle traffic along Adrian Hall Way (formerly Aborn Street) between Washington and Fountain Streets, on Saturday, October 12, 2002, between the hours of 9:00 o'clock a.m. to 9:00 o'clock p.m., to accommodate the Trinity Brewhouse and WHJY-FM Radio Birthday Celebration.

Resolution requesting the Traffic Engineer to prohibit motor vehicle traffic along Brown Street between Angell and Waterman Streets and Brown Street between Angell and Meeting Streets, on Thursday, October 24, 2002, between the hours of 6:00 o'clock a.m. to 3:30 o'clock p.m., to accommodate a Groundbreaking Ceremony for the new Glenn & Darcy Weiner Center at Brown University.

Resolved, That the Traffic Engineer is requested to prohibit motor vehicle traffic along Brown Street between Angell and Waterman Streets and Brown Street between Angell and Meeting Streets, on Thursday, October 24, 2002, between the hours of 6:00 o'clock a.m. to 3:30 o'clock p.m., to accommodate a Groundbreaking Ceremony for the new Glenn & Darcy Weiner Center at Brown University.

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

The motion for Passage is Sustained.

Resolution Authorizing the City Council of the City of Providence, Rhode Island to request that certain United States Bureau of Census Tracts be nominated by the City of Providence to the Enterprize Zone Council for re-designation as Enterprize Zone Providence II (should said tracts be designated, the City will use its best efforts to ensure Federal and Municipal resources are targeted and allocated to the Enterprize Zone).

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

The motion to Refer is Sustained.

COUNCILMAN ALLEN and COUNCILMAN APONTE (By Request):

Resolution requesting to cancel or abate, in whole the taxes assessed upon Assessor's Plat 49, Lot 321 (67 Mitchell Street), in accordance with Rhode Island General Law Section 44-7-23, in the amount of Three Thousand Sixteen Dollars and Forty-Five Cents (\$3,016.45), or any taxes accrued, including 2001 taxes, at the request of the Providence Redevelopment Agency.

ACTING COUNCIL PRESIDENT YOUNG Refers the Resolution to the Committee on Finance.

The motion to Refer is Sustained.

COUNCILMAN APONTE (By Request):

Resolution requesting the Traffic Engineer to prohibit motor vehicle traffic along Reynolds Avenue between Gordon and Baxter Streets, on Monday, October 7, 2002, between the hours of 8:00 o'clock a.m. to 1:00 o'clock p.m., to accommodate a Ground Breaking Ceremony.

Resolved, That the Traffic Engineer is requested to prohibit motor vehicle traffic along Reynolds Avenue between Gordon and Baxter Streets, on Monday, October 7, 2002, between the hours of 8:00 o'clock a.m. to 1:00 o'clock p.m., to accommodate a Ground Breaking Ceremony.

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

The motion for Passage is Sustained.

ACTING COUNCIL PRESIDENT YOUNG, COUNCILMAN ALLEN, COUNCILMAN APONTE, COUNCILMAN BUTLER, COUNCILMAN DeLUCA, COUNCILWOMAN DiRUZZO, COUNCILMAN HASSETT, COUNCILMAN IGLIOZZI, COUNCILMAN JACK-

SON, COUNCILMAN MANCINI, COUNCILWOMAN NOLAN, COUNCILWOMAN ROMANO and COUNCILWOMAN WILLIAMS:

Resolution requesting that all Applicants and Members of all Boards, Committees and Commissions are required to file a Board, Committee or Commission Application.

ACTING COUNCIL PRESIDENT YOUNG Refers the Resolution to the Committee on Finance.

The motion to Refer is Sustained.

COUNCILMAN BUTLER, COUNCILMAN DeLUCA, COUNCILMAN IGLIOZZI and COUNCILWOMAN NOLAN:

Resolution requesting the Finance Director to immediately bid the Banking Services for the City of Providence through the Board of Contract and Supply.

ACTING COUNCIL PRESIDENT YOUNG Refers the Resolution to the Committee on Finance.

The motion to Refer is Sustained.

COUNCILMAN DeLUCA:

Resolution requesting His Honor the Mayor, John J. Lombardi to investigate all police files and records on public officials pertaining to illegal surveillance and wire tapping.

Resolved, That His Honor the Mayor, John J. Lombardi is requested to investigate all police files and records on public officials pertaining to illegal surveillance and wire tapping.

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

The motion for Passage is Sustained.

COUNCILMAN IGLIOZZI (By Request):

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

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

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

The motion for Passage is Sustained.

COUNCILMAN IGLIOZZI, COUNCILMAN BUTLER, COUNCILMAN DeLUCA and COUNCILMAN HASSETT:

Resolution requesting His Honor the Mayor,

John J. Lombardi, to submit his appointee for Commissioner of Public Safety to the Providence City Council for its approval.

ACTING COUNCIL PRESIDENT YOUNG Refers the Resolution to the Committee on Finance.

The motion to Refer is Sustained.

COUNCILWOMAN WILLIAMS (By Request):

Resolution requesting the Traffic Engineer to prohibit motor vehicle traffic along Thayer Street between Bowen Street to Angell Street, on Saturday, May 24, 2003 and Saturday, September 20, 2003, between the hours of 7:00 o'clock a.m. to 6:00 o'clock p.m., to accommodate the Semi-Annual Thayer Street Arts Festival.

Resolved, That the Traffic Engineer is requested to prohibit motor vehicle traffic along Thayer Street between Bowen Street to Angell Street, on Saturday, May 24, 2003 and Saturday, September 20, 2003, between the hours of 7:00 o'clock a.m. to 6:00 o'clock p.m., to accommodate the Semi-Annual Thayer Street Arts Festival.

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

The motion for Passage is Sustained.

REPORTS FROM COMMITTEES

COUNCILMAN KEVIN JACKSON, Chairman COMMITTEE ON FINANCE

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

An Ordinance Establishing a Tax Stabilization Plan for Harrisburg Associates, LLC (O'Gorman Building), as Amended.

COUNCILMAN DeLUCA Requests to be Recorded as Voting "No" on this Matter.

Transmits the following with recommendation the Same be Severally Adopted:

An Ordinance of the City of Providence Approving the Financing of Security Improvements to the Providence Water Supply System and all Attendant Expenses and Approving the Issuance of Water Revenue Bonds and Notes therefor in an amount not to exceed Two Million Dollars (\$2,000,000).

COUNCILMAN BUTLER Requests to be Recorded as Voting "No" on this Matter.

An Ordinance Establishing a Tax Stabilization Plan for 100 Wayland Avenue.

COUNCILMAN DeLUCA Requests to be Recorded as Voting "No" on this Matter.

Severally Read and Collectively Passed the First Time, on motion of COUNCIL-

MAN ALLEN, seconded by COUNCILWOMAN WILLIAMS, by the following Roll Call Vote:

Ayes: Acting Council President Young, Councilmen Allen, Aponte, Butler, DeLuca, Hassett, Igliozi, Jackson, Mancini, Councilwomen Nolan and Williams—11.

Nays: Councilman Butler on #22 and Councilman DeLuca on #'s 21 and 23—2.

Absent: Councilwomen DiRuzzo and Romano—2.

The motion for Passage the First Time is Sustained.

Transmits the following with recommendation the Same be Severally Approved:

Resolution requesting His Honor, the Mayor, to execute an amendment to the existing revolving credit agreement between the City of Providence, on behalf of the Providence Water Supply Board, and Fleet National Bank, such that the existing Two Million Dollar (\$2,000,000.00) revolving loan will be extended for an additional 364 day period through August 12, 2003.

Resolved, That His Honor, the Mayor, is hereby authorized to execute an amendment to the existing revolving credit agreement between the City of Providence, on behalf of the Providence Water Supply Board, and Fleet National Bank, such that the existing Two Million Dollar (\$2,000,000.00) revolving loan will be extended for an additional 364 day period through August 12, 2003.

The terms and conditions of the agreement and any promisory note delivered in connection therewith shall be consistent with the Board of Contract and Supply award of July 31, 2000 to Fleet National Bank, low bidder, for RFP for Short Term Line of Credit Borrowing up to \$2,000,000.00 plus interest, in an amount not to exceed 70 basis points above the floating LIBOR Rate (or greater upon the occurrence of an event of default).

Resolution requesting to cancel or abate, in whole, the taxes assessed upon Assessor's Plat 36, Lot 257 (421 Cranston Street), in accordance with Rhode Island General Law Section 44-7-23, in the amount of Six Thousand Six Hundred Eighty-Eight Dollars and Sixty-Four Cents (\$6,688.64), or any taxes accrued, including 2001, at the request of the Providence Redevelopment Agency.

Whereas, The Providence Redevelopment Agency hereby certifies that the following lots consisted of an uninhabited boarded up or otherwise uninhabitable buildings and that subject parcel was subject to Foreclosure proceedings by the City of Providence, and

Whereas, The City was to transfer said parcel to the PRA and abate any and all taxes owed including any taxes accrued while in PRA ownership.

Address	Plat	Lot	Taxes
421 Cranston St.	36	257	\$6,688.64

Now, therefore, be it Resolved, That the City Council does hereby cancel or abate, in whole, the taxes assessed upon the above mentioned property, in accordance with Rhode Island General Law, Section 44-7-23, or any taxes accrued including 2002 taxes.

Resolution requesting to cancel or abate, in whole, the taxes assessed upon Assessor's Plat 43, Lot 923 (712 Cranston Street), in accordance with Rhode Island General Law Section 44-7-23, in the amount of Nine Thousand Nine Hundred Twenty-One Dollars and Eighty-Seven Cents (\$9,921.87), or any taxes accrued, including 2001, at the request of the Providence Redevelopment Agency.

Resolved, That the taxes assessed upon Assessor's Plat 43, Lot 923 (712 Cranston Street), are hereby cancelled or abated, in whole, in accordance with Rhode Island General Law Section 44-7-23, in the amount of Nine Thousand Nine Hundred Twenty-One Dollars and Eighty-Seven Cents (\$9,921.87), or any taxes accrued, including 2001, at the

request of the Providence Redevelopment Agency.

Resolution requesting to cancel or abate, in whole, the taxes assessed upon Assessor's Plat 43, Lot 386 (838 Potters Avenue), in accordance with Rhode Island General Law Section 44-7-23, in the amount of Twelve Thousand One Hundred Fifty-Seven Dollars and Forty-Two Cents (\$12,157.42), or any taxes accrued, including 2001, at the request of the Providence Redevelopment Agency.

Resolved, That the taxes assessed upon Assessor's Plat 43, Lot 386 (838 Potters Avenue), are hereby cancelled or abated, in whole, in accordance with Rhode Island General Law Section 44-7-23, in the amount of Twelve Thousand One Hundred Fifty-Seven Dollars and Forty-Two Cents (\$12,157.42), or any taxes accrued, including 2001, at the request of the Providence Redevelopment Agency.

Resolution requesting to cancel or abate, in whole, the taxes assessed upon Assessor's Plat 43, Lot 385 (9 Puritan Street), in accordance with Rhode Island General Law Section 44-7-23, in the amount of Five Thousand Eighty-One Dollars and Ninety-One Cents (\$5,081.91), or any taxes accrued, including 2001, at the request of the Providence Redevelopment Agency.

Resolved, That the taxes assessed upon Assessor's Plat 43, Lot 385 (9 Puritan Street), are hereby cancelled or abated, in whole, in accordance with Rhode Island General Law Section 44-7-23, in the amount of Five Thousand

Eighty-One Dollars and Ninety-One Cents (\$5,081.91), or any taxes accrued, including 2001, at the request of the Providence Redevelopment Agency.

COUNCILMAN ALLEN 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: Acting Council President Young, Councilmen Allen, Aponte, Butler, DeLuca, Hassett, Jackson, Mancini, Councilwomen Nolan and Williams—10.

Noes: Councilman Butler Requests to be Recorded as Voting "No" on number 24.

Absent: Councilwoman DiRuzzo, Councilman Igliozi and Councilwoman Romano—3.

The motion for Passage is Sustained.

Communication from Peter S. Mancini, Chairman, Committee on Claims and Pending Suits, dated September 27, 2002, recommending that the City Council retain the services of independent legal counsel to advise the City Council on the requests of Artin H. Coloian for indemnification of legal fees paid by him.

COUNCILMAN ALLEN Refers the foregoing Communication Back to the Committee on Finance, seconded by **COUNCILWOMAN WILLIAMS**.

The motion to Refer Back is Sustained.

**COUNCILWOMAN RITA M. WILLIAMS, Chairwoman
COMMITTEE ON PUBLIC WORKS**

Transmits the following with recommenda-
tion the Same be Severally Approved:

Resolution requesting the Traffic Engineer to cause the installation of "No Parking" Signs in front of 25 Hawkins Street.

Resolved, That the Traffic Engineer is requested to cause the installation of "No Parking" Signs in front of 25 Hawkins Street.

Resolution requesting the Traffic Engineer to cause the installation of "No Parking to Corner" Signs on Joseph Street at Douglas Avenue.

Resolved, That the Traffic Engineer is requested to cause the installation of "No Parking to Corner" Signs on Joseph Street at Douglas Avenue.

Resolution requesting the Traffic Engineer to cause the installation of "No Parking" Signs on the northern side of Joseph Street.

Resolved, That the Traffic Engineer is requested to cause the installation of "No Parking" Signs on the northern side of Joseph Street.

Resolution requesting the Traffic Engineer to cause the installation of a "Stop" Sign on Blackstone Boulevard at Elmgrove Avenue in a southerly direction.

Resolved, That the Traffic Engineer is requested to cause the installation of a "Stop" Sign on Blackstone Boulevard at Elmgrove Avenue in a southerly direction.

Resolution requesting the Traffic Engineer to cause the installation of a Pedestrian Crossing Signal, with a button, at the corner of Dexter Street and Hollywood Road.

Resolved, That the Traffic Engineer is requested to cause the installation of a Pedestrian Crossing Signal, with a button, at the corner of Dexter Street and Hollywood Road.

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

The motion for Passage is Sustained.

Resolution Granting the Abandonment of Wamsutta Place and to Transfer all rights, title and interest to the abutting land owner.

COUNCILMAN ALLEN Refers the foregoing Resolution back to the Committee on Public Works, seconded by **COUNCILWOMAN WILLIAMS**.

The Motion to Refer Back, is Sustained.

COMMUNICATION

Communication from Laurence K. Flynn, Executive Secretary, Board of Canvassers, dated September 19, 2002, submitting the official results from the 2002 Democratic Primary, held on September 10, 2002.

Received.

FROM THE CLERK'S DESK

Petition from Alan Sepe, Acting Director, Public Property, requesting permission to abandon a portion of Ocean Street, for the new High School being built on the Mandella Woods site.

Petition from Narragansett Electric Company, requesting permission to install new electrical ductline on Eddy Street starting at Richmond Street and ending near Crary Street, for the I-195 Relocation Project.

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

ACTING COUNCIL PRESIDENT YOUNG Refers the Petitions to the Committee on Public Works.

The motion to Refer is Sustained.

Petitions for Compensation for Injuries and Damages, viz:

Charles E. Lawrence

Troy King

Dianne McElroy (Stephen J. Angell, Esquire)

Rafel Rosa

Howard S. Gilbert

MetLife Auto & Home a/s/o Robert L. Johnston

PHH Arval

Stephen Johnson and Judith Wagner (Jeffrey P. Finan, Esquire)

Options Realty, LLC (Patrick T. Conley, Esquire)

Kimberly A. Gould

Kelvin Calderon (Christopher E. Fay,
Esquire)

Astrides F. Alves

Chris Payne

ACTING COUNCIL PRESIDENT

**YOUNG Severally Refers the Petitions to
the Committee on Claims and Pending
Suits.**

The motion to Refer is Sustained.

PRESENTATION OF CITATIONS

"In Congratulations"

**ACTING COUNCIL PRESIDENT YOUNG
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:

Mr. and Mrs. Raymond DeStefanis, in
recognition of the celebration of their marriage
on October 26, 2002.

Mr. and Mrs. Richard Fernandes, in

recognition of the celebration of their marriage
on September 14, 2002.

Johanne Washington, in recognition of his
many years of service to the Rhode Island
Veterans Action Center and being the recipient
of a 2002 Patriots Award.

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

The motion for Passage is Sustained.

PRESENTATION OF RESOLUTIONS

"In Memorium"

**ACTING COUNCIL PRESIDENT YOUNG
and the MEMBERS of the CITY
COUNCIL:**

Ida Rossi

Lillian M. Hayman

Resolutions Extending Sympathy.

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

Catherine J. White

**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, seconded by COUNCILWOMAN WILLIAMS, it is voted to adjourn at 8:10 o'clock P.M. (E.D.T.) to meet again on THURSDAY, NOVEMBER 7, 2002 at 7:30 o'clock P.M. (E.S.T.).

Michael R. Clement

City Clerk



C I T Y O F P R O V I D E N C E
R H O D E I S L A N D



C I T Y C O U N C I L

JOURNAL OF PROCEEDINGS

No. 115 City Council Regular Meeting, Thursday, November 7, 2002, 7:30 o'clock P.M. (E.S.T.)

PRESIDING

ACTING COUNCIL PRESIDENT

BALBINA A. YOUNG

ROLL CALL

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

Absent: Councilman Igliazzi—1.

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

2297

IN CITY COUNCIL

JAN 16 2003

APPROVED:

Michael R. Clement
CLERK

INVOCATION

The Invocation is given by COUNCIL-
WOMAN PATRICIA K. NOLAN.

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

COUNCILWOMAN RITA M. WILLIAMS
leads the members of the City Council and
the Assemblage in the Pledge of Allegiance
to the Flag of the United States of America.

APPOINTMENTS BY HIS HONOR THE MAYOR

Communication dated October 28, 2002, Informing the Honorable Members of the City Council that pursuant to Section 302(b) of the Providence Home Rule Charter of 1980 and R.I.G.L. 45-24.1-3, as well as Zoning Ordinance Section 501.1(c), he is this day re-appointing Mr. Clark Schoettle of 24 Meeting Street, Providence, Rhode Island, as a Member of the Historic District Commission for a term to expire in September, 2005.

Received.

Communication dated October 28, 2002, Informing the Honorable Members of the City

Council that pursuant to Section 302(b) of the Providence Home Rule Charter of 1980 and R.I.G.L. 45-24.1-3, as well as Zoning Ordinance Section 501.1(c), he is this day re-appointing Mr. Cornelis DeBoer of 107 Halsey Street, Providence, Rhode Island, as a Member of the Historic District Commission for a term to expire in September, 2005.

Received.

Communication dated October 28, 2002, Informing the Honorable Members of the City Council that pursuant to Section 302(b) of the Providence Home Rule Charter of 1980 and

R.I.G.L. 45-24.1-3, as well as Zoning Ordinance Section 501.1(c), he is this day re-appointing Ms. Mildred Parillo of 340 Woodward Road, Providence, Rhode Island, as a Member of the Historic District Commission for a term to expire in September, 2005.

Received.

Communication dated October 29, 2002, Informing the Honorable Members of the City Council that pursuant to Section 302(b) of the Providence Home Rule Charter of 1980 and 1994 Ordinance 365, Chapter 502.1, he is this day re-appointing Mr. Michael J. Everett of 48 Barnes Street, Providence, Rhode Island, as a Member of the Downcity District Design Review Commission for a term to expire in September 2005 as the First Alternate Member.

Received.

Communication dated October 29, 2002,

Informing the Honorable Members of the City Council that pursuant to Section 302(b) of the Providence Home Rule Charter of 1980 and 1994 Ordinance 365, Chapter 502.1, he is this day re-appointing Ms. Elizabeth Chace of 140 Wickenden Street, Providence, Rhode Island, as a Member of the Downcity District Design Review Commission for a term to expire in September 2005.

Received.

Communication dated October 29, 2002, Informing the Honorable Members of the City Council that pursuant to Section 302(b) of the Providence Home Rule Charter of 1980 and 1994 Ordinance 365, Chapter 502.1, he is this day re-appointing Mr. Alan Chille of the Providence Performing Arts Center, 220 Weybosset Street, Providence, Rhode Island, as a Member of the Downcity District Design Review Commission for a term to expire in September 2005.

Received.

ORDINANCES SECOND READING

The following Ordinances were in City Council October 17, 2002, Read and Passed the First Time and are severally returned for Passage the Second Time:

An Ordinance of the City of Providence, Approving the Financing of Security Improvements to the Providence Water Supply System and all Attendant Expenses and Approving the

Issuance of Water Revenue Bonds and Notes therefore in an amount not to exceed \$2,000,000.

Be it Ordained by the City of Providence:

Section 1. The sum of \$2,000,000 is appropriated for the purpose of financing security improvements to the Providence Water Supply System and all attendant expenses (the "Project"). The period of usefulness of the Project is expected to be not less than five (5) years.

Section 2. In accordance with Chapter 46-12.8 of the Rhode Island General Laws, the City Treasurer and the Mayor be and hereby are authorized to borrow an amount not exceeding Two Million Dollars (\$2,000,000) from the Rhode Island Clean Water Finance Agency, and to evidence such loan, such officers are authorized to issue and refund on behalf of the City, an amount not exceeding Two Million Dollars (\$2,000,000) water revenue bonds (the "Bonds") of the City, at one time, or from time to time in order to meet the foregoing appropriation.

Section 3. The said officers from time to time may issue and refund not exceeding \$2,000,000 interest bearing or discounted water revenue notes (the "Notes") in anticipation of the issue of said Bonds.

Section 4. The Bonds and Notes shall be payable solely from revenues of the Providence Water Supply System. The manner of sale, amount, denominations, maturities, conversion or registration privileges, interest rates, medium of payment, and other terms, conditions and details of the Bonds or Notes may be fixed by the officers authorized to sign the Bonds or Notes. The net debt of the City is not affected by the issuance of the Bonds or Notes and the Bonds or Notes authorized hereby will be within all debt and other limitations prescribed by the Constitution and laws of Rhode Island.

Section 5. Pending the issuance of the Bonds under Section 2 hereof or pending or in lieu of the issue of Notes under Section 3 hereof, the General Manager and Chief Engineer of the

Providence Water Supply Board, may expend funds from the Water Fund of the City for the purposes specified in Section 1 hereof. Any advances made under this section shall be repaid without interest from the proceeds of the Bonds or Notes issued hereunder or from the proceeds of applicable federal or state assistance or from other available funds.

Section 6. The City Treasurer, the Mayor and the General Manager and Chief Engineer of the Providence Water Supply Board are also authorized, empowered and directed, on behalf of the City, to: (i) execute, acknowledge and deliver any and all other loan agreements, documents, certificates or instruments necessary to effectuate such borrowing; (ii) amend, modify or supplement the Bonds or Notes any and all other loan agreements, documents, certificates or instruments at any time and from time to time, in such manner and for such purposes as such officers shall deem necessary, desirable or advisable; (iii) do and perform all such other acts and things deemed by such officers to be necessary, desirable or advisable with respect to any matters contemplated by this Ordinance in order to effectuate said borrowing and the intent hereof.

Section 7. The City Treasurer and the Mayor be, and hereby are, authorized to deliver the Bonds or Notes to the purchaser and said officers be, and hereby are, authorized and instructed to take all actions, on behalf of the City, necessary to ensure that interest on the Bonds or Notes will be excludable from gross income for federal income tax purposes and to refrain from all actions which would cause interest on the Bonds or Notes to become subject to federal income taxes.

Section 8. This Ordinance is an affirmative action of the City Council of the City toward the issuance of the Bonds and Notes in accordance with the purposes of the laws of the State. This Ordinance constitutes the City's declaration of official intent, pursuant to

Treasury Regulations § 1.150-2, to reimburse the City's Water Fund for certain capital expenditures for the project paid on or after February 20, 2002. Such amounts to be reimbursed shall not exceed \$2,000,000 and shall be reimbursed not later than eighteen (18) months after (a) the date on which the expenditure is paid or (b) the date the project is placed in service or abandoned, but in no event more than three (3) years after the date the expenditure is paid.

Section 9. The City's Director of Finance, the Mayor and the General Manager and Chief Engineer of the Providence Water Supply Board are authorized to take all actions necessary to comply with federal tax and securities laws including Rule 15c2-12 of the Securities and Exchange Commission (the "SEC Rule") and to execute and deliver a Continuing Disclosure Certificate in connection with the Bonds or Notes in the form as shall be deemed advisable by the City's Director of Finance and the Mayor in order to comply with the SEC Rule. The City hereby covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Certificate, as it may be amended from time to time. Notwithstanding any other provision of this ordinance or the bonds or notes, failure of the City or the Providence Water Supply Board to comply with the Continuing Disclosure Certificate shall not be considered an event of default; however, any Bondholder or Noteholder may take such actions as may be necessary and appropriate, including seeking mandate or specific performance by court order, to cause the City of the Providence Water Supply Board to comply with its obligations under this Section and under the Continuing Disclosure Certificate.

Section 10. This Ordinance shall take effect upon its passage.

COUNCILMAN BUTLER Requests to be Recorded as Voting "No" on this Matter.

An Ordinance Establishing a Tax Stabilization Plan for 100 Wayland Avenue.

Be it Ordained by the City of Providence:

Whereas, Section 21-169 of the Ordinances of the City of Providence grants authority to the City Council, pursuant to Section 44-3-9 of the General Laws of the State of Rhode Island, as amended, to exempt property used for industrial, commercial or residential purposes from the payment of property tax if the granting of the exemption meets certain conditions set forth in said Sections of the Ordinance; and

Whereas, Kenneth Dulgarian (hereinafter referred to as the "Developer") has made application under, and has satisfied each condition of the above-mentioned Ordinance; and

Whereas, The Developer intends to construct residential units in the City of Providence on Assessor's Plat 14, Lot 586 ("Project");

Whereas, The Project will cause an increase in the tax base of the City and will increase residential apartments in the City; and

Whereas, It is in the interest of the residents of the City of Providence to grant such an exemption to induce the development and construction of the apartments in the City, and such exemption will inure to the benefit of the City;

Be It Ordained by the City of Providence

Section 1. That the findings set forth in the preceding WHEREAS Clauses are hereby made and confirmed.

Section 2. As long as the Developer owns or operates the facility, it will continue to pay taxes on the facility. The Developer, his successors and assigns, agrees that this

property will be subject to taxation at the expiration of the tax treaty. The Developer also agrees not to transfer the property to a tax-exempt entity or to allow any transfer by any subsequent transferee to a tax-exempt entity during the term of the tax treaty. The Developer is also required as a condition precedent to this tax treaty to record notice of the requirement that the property covered by this Ordinance be transferred only to a tax paying entity, as set forth herein in the Land Evidence Records of the City of Providence. Notwithstanding this provision, in the event that the successor to the property does not make the payments under the tax treaty, the Developer will be responsible to make payments in lieu of taxes to the City of Providence in the amounts set forth in the attached schedule. In the event that the property covered by this Ordinance is transferred to a tax-exempt entity, whether by the Developer or any subsequent transferee of such property, the Developer will be responsible to make payments in lieu of taxes to the City of Providence equal to the amount of taxes which would have been paid to the City of Providence if such prohibition against transfer to a tax-exempt entity had not been violated. Notwithstanding anything to the contrary herein or in the tax treaty used in connection herewith, the provisions of this Section 2 shall continue to be given full force and effect until such time as the same shall be amended or terminated by majority vote of the City Council of Providence.

Section 3. It shall be the goal of the Developer to use its best efforts to award to Minority Business Enterprises as defined in Rhode Island General Laws, Section 37-14.1 ("MBE Act") no less than 20% of the dollar value of the construction costs for the Project (as determined in accordance with the rules and regulations promulgated pursuant to the MBE Act). The Developer shall use its best efforts to award to women business enterprises ("WBE") no less than 20% of the dollar value of the construction costs for the projects (as

determined in accordance with Section 21-52 of the Code of Ordinances of the City of Providence). It shall be a further goal of the Developer to achieve a minimum level of 20% for minority and 20% for female employment.

Section 4. The City of Providence had entered this tax treaty as a result of increasing demand for apartments in the City. In consideration for this tax treaty, the Developer agrees to rent 20% of the units at below market value for the term of this treaty. This treaty shall only be in effect as long as the property is utilized for primarily residential purposes would render that treaty null and void. The parties do not intend that this agreement would extend to the use of the building as a "dormitory" or "apartment dormitory" use.¹ In fact, use of the building for "dormitory" or "apartment dormitory" purposes would also render the treaty null and void. The treaty being rendered null and void for any reason would require the owner to pay all taxes and fees as due and owing as if no treaty had been entered.

¹For purposes of this ordinance, the definition of the term "dormitory" or "apartment dormitory" is defined according to Section 1000.12 of the Zoning Ordinance for the City of Providence.

Section 5. The schedule listed below is based upon information provided to the Tax Assessor by the Developer including, but not limited to, estimated construction costs. In the event any of this information is inaccurate or proves to be erroneous, this treaty shall be modified to reflect the accurate information. This tax treaty is also conditioned upon commencement of this project pursuant to Section 8 below. Failure to begin construction within that time frame or failure to make said payments in full shall render the tax treaty null and void. The treaty being rendered null and void for any reason would required the owner to pay all taxes and fees as if no treaty had been entered.

Section 6. That the real property taxes

payable to the City by the Project during the term of this Ordinance shall be based upon the real property tax rates in effect for the City's 2002 fiscal year. The treaty is further conditioned upon the Developer or any subsequent successor or assign at all times owing no back taxes to the City of Providence or remaining current on a payment plan approved by the Tax Collector. Failure to make said timely payments may render this treaty null and void at the sole discretion of the City of Providence.

Section 7. That the City, in accordance with Section 44-3-9 of the Rhode Island General Laws and Section 21-169 of the Code of Ordinances for the City of Providence, is hereby authorized to grant an exemption from the assessed valuation for tax purposes as of December 31, 2002 up to and including December 31, 2012 to the Developer on a portion of Assessor's Plat 14, Lot 586 as provided in the above mentioned Ordinance, in accordance with the schedule in Exhibit A.

Section 8. Appended to this Ordinance, and made a part hereof, is a schedule showing the total assessment and payments over the ten (10) year stabilization period. The total assessment and resulting payments are based upon a total of sixteen (16) apartment units.

Section 9. This tax stabilization agreement is conditioned upon construction commencing on or before one year from the date of passage of this treaty. In the event construction does not commence during that time period, this agreement shall be null and void, unless said condition is waived or amended by the City Council of the City of Providence. The treaty is also conditioned upon tax payments being made in a timely fashion. The Construction phase shall be terminated at the time a temporary or permanent certificate of occupancy is received.

Section 10. This Ordinance shall take effect upon its passage.

COUNCILMAN DeLUCA Requests to be Recorded as Voting "No" on this Matter.

COUNCILMAN ALLEN Moves to Dis-pense with the Reading of the foregoing Matters.

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

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

Nays: Councilman Butler on No. 10 and Councilman DeLuca on No. 11—2.

Absent: Councilman Igliazzi—1.

The motion for Passage the Second Time is Sustained.

An Ordinance entitled Providence External Review Authority (PERA).

Be it Ordained by the City of Providence:

Providence External Review Authority (PERA) established.

Section 1. There is hereby created a Providence External Review Authority ("PERA" or "Authority"). The Authority shall review all allegations of misconduct on the part

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

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

(a) *Use of Excessive Force.* Excessive force shall mean "the use of greater physical force than reasonably necessary to repel an attacker or terminate resistance, it does not include force that is reasonably necessary to effect a lawful purpose."

(b) *Inappropriate Language or Conduct.* Inappropriate language shall mean "harsh, violent, profane, or derogatory language or any action that demeans the dignity of an individual, including, but not limited to, profanity, racial, ethnic, sexist or racial slurs."

(c) *Harassment.* Harrassment shall mean "repeated, unwarranted verbal or physical annoyances, or abuse (whether physical or verbal) threats or demands."

(d) *Theft.* Theft shall mean "the taking or concealing of any item or thing of value without the consent of the rightful owner and with the intent to deprive the rightful owner of that item of thing."

(e) *Discrimination in the provision of police services or other discriminatory conduct on the*

basis of race, color, creed, religion, ancestry, national origin, sex, sexual or gender orientation, disability, age, gender, or economic status.

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

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

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

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

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

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

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

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

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

Section 9. Policy Review. Upon its own initiative or upon request of the Mayor, a member of the City Council or the Executive

Director, the Authority may initiate an examination of police policies, trends, or practices and issue recommendation for change.

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

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

(a) An alleged victim;

(b) A witness;

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

Section 12. Preliminary Review. Within thirty (30) days of the date on which the complaint is filed the Executive Director shall review such complaint and recommend to the Authority either: (1) the complaint be dismissed; (2) the complaint be forwarded to mediation and (3) the complaint be transmitted for full investigation. The Authority shall promulgate guidelines delineating those factors to be assessed in making such recommendation.

All complaints shall be kept on file without regard to subsequent action of the Executive Director and the Authority and shall be available to the public; provided that the name of the complainant and/or respondent shall be kept confidential to the extent required by law.

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

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

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

Section 16. Evidentiary hearings. Upon completion of such investigation, the Executive Director, may dismiss the complaint (and in such event he/she shall file a written statement providing reasons for such dismissal) or forward the same to full hearing. The Authority shall randomly select a five (5) person panel from its members to consider the matter and the Chairperson shall designate a foreperson of the panel. At such evidentiary hearing, the Authority shall weigh and consider all reliable and credible evidence. The panel shall make all reasonable efforts to complete evidentiary hearings and render a written decision within sixty (60) days of the completion of the investigation. In those instances in which the complaint is otherwise unrepresented by counsel, the Authority legal counsel shall present evidence to the panel on behalf of the complainant. The police officer may be represented by counsel and union representatives, may present evidence and conduct cross-examination of witnesses.

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

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

Section 19. Findings of fact and determination. Within thirty (30) days of the completion of an evidentiary hearing, the hearing panel shall issue a written report containing findings of fact; a determination of whether or not the complaint has been sustained by a preponderance of the evidence; if applicable the level of violation described in the disciplinary matrix developed by PERA and the Chief of Police, and a recommendation of discipline. When a complaint is sustained, the findings of fact and the determination shall be submitted to the chief of police. The chief shall impose discipline based upon the level of violation as found in the disciplinary matrix, to be promulgated by the Authority in accordance with Section 5(a). The Chief of Police shall, also provide the Authority, the city council, and the Mayor with a written explanation of the reason(s) for his/her disciplinary decision. The hearing panel report and the Police Chief's explanation for his/her decision shall be available to the public provided that the name of the Complainant and/or respondent shall be kept from the same.

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

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

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

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

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

Noes: Councilmen Butler, Mancini and Councilwoman Romano—3.

Absent: Councilman Iglizzi—1.

The motion for Passage the Second Time, is Sustained.

The following Ordinance was in City Council September 6, 2001, First Reading, Read and Passed and Referred Back to the Committee on Finance. On October 3, 2002, the said Ordinance was in City Council and Referred Back to the Committee on Finance and on October 17, 2002, said Ordinance was inadvertently passed again the first time, and therefore, the Ordinance is hereby returned and recommended for Approval for the Second Time:

An Ordinance Establishing a Tax Stabilization Plan for Harrisburg Associates, LLC and Lerner Associates, LLC.

Be It Ordained by the City of Providence:

Whereas, The City Council, pursuant to the General Laws of the State of Rhode Island, as Amended, has the authority to exempt property in the designated Downcity Tax District used for commercial purposes from the payment of property tax if the granting of the exemption meets certain conditions set forth in said

sections of the General Laws of the State of Rhode Island and the Code of Ordinances of the City of Providence; and

Whereas, Both Harrisburg Associates, LLC and Lerner Associates, LLC have made application under, and each has satisfied the conditions of the above-mentioned Ordinance; and

Whereas, It is in the public interest to provide property tax incentives for owners of under utilized property in the Downcity District in

order that there may be substantial rehabilitation of the properties and attract new residential, commercial, and institutional uses. It is also in the public interest to offer these incentives for a limited duration; and

Whereas, These are commercial buildings intended to be converted into residential units in the City of Providence, located at 220-226 Westminster Street, 232-234 Westminster Street, and 93 Eddy Street, to residential use, on Assessor's Plat 20, Lots 155, 156 and 203, respectively and located at 210 Westminster Street on Assessor's Plat 20, Lot 154; and

Whereas, The Projects will cause an increase in the tax base of the City and will increase residential apartments in the DownCity Arts & Entertainment District in the City; and

Whereas, It is in the interest of the residents of the City of Providence to grant such an exemption to induce the development and construction of the apartments in the City, and such exemption will inure to the benefit of the City;

Be it Ordained by the City of Providence:

Section 1. That the findings set forth in the preceding WHEREAS clauses are hereby made and confirmed.

Section 2. Definitions. The following terms shall have the meanings set herein:

(a) "Commencement Date" shall mean date of passage of this ordinance.

(b) "Personal Property" means any and all tangible personal property, including, but not limited to all fixtures, equipment, furnishings, vehicles and other personal property, now or hereafter located at the Project Site.

(c) "Project Owner" means the owner or any successor permitted hereunder.

(d) "Project A" means the property located on Plat 20, Lots 155, 156 and 203 located at 220-226 Westminster Street, 232-234 Westminster Street and 93 Eddy Street; and

"Project B" means the property located on Plat 20, Lot 154 located at 210 Westminster Street.

(e) "Project Taxable Properties" means, collectively, the Projects as proposed, the Real Property Improvements as made on the assumptions in the attached exhibit and the Personal Property as proposed, together, constituting the Projects.

(f) "Real Property Improvements" means all structures, buildings, renovations and improvements currently proposed to be located at the Projects. Any material additional improvements, excluding customary repairs and renovations, shall require a modification of this treaty.

(g) "Projects" means the Project sites in Project A and B, the real property improvements in connection with the construction and operation of residential units attached as Exhibit A.

(h) "Stabilized Tax Payment" means, with respect to the Project Taxable Properties, the amounts listed on the attached schedule.

(i) "Termination Date" means June 30, of the tenth year in which Stabilized Tax Payments are payable hereunder, as per the attached schedule.

Section 3. Term. The term of this agreement shall be for a period commencing on the date hereof and terminating on the termination date per the attached schedule.

Section 4. Transfers. As long as Harrisburg Associates, LLC and Lerner Associates, LLC (hereinafter referred to as "Owners") owns or

operates the respective facility, it will continue to pay taxes on the facility. The Owners, and all successors and assigns, agree that this property will be subject to taxation at the expiration of the tax treaty. The Owners also agree not to transfer the properties to a tax-exempt entity or to allow any transfer by any subsequent transferee to a tax-exempt entity during the term of the tax treaty. The Owners also are required as a condition precedent to this tax treaty to record notice of the requirement that the property covered by this Ordinance be transferred only to a tax paying entity as long as this agreement is in effect, as set forth herein in the Land Evidence Records of the City of Providence. Notwithstanding this provision, in the event that the successor to the property does not make the payments under the tax treaty, the Owners will be responsible to make payments in lieu of taxes to the City of Providence in the amounts set forth in the attached schedule. In the event that the property covered by this Ordinance is transferred to a tax-exempt entity, whether by the Owners or any subsequent transferee of such property, the Owners will be responsible to make payments in lieu of taxes to the City of Providence equal to the amount of taxes which would have been paid to the City of Providence if such prohibition against transfer to a tax-exempt entity had not been violated. Notwithstanding anything to the contrary herein or in the tax treaty used in connection herewith, the provisions of Section 2 shall continue to be given full force and effect until such time as the same shall be amended or terminated by majority vote of the City Council of Providence.

Section 5. Payment of Taxes. (a) The Owners shall make Stabilized Tax Payments as prescribed in the attached schedule to the City in lieu of all other real property and personal property taxes and the City agrees to accept the Stabilized Tax Payments in lieu of such real property and personal property taxes on the Project Taxable Property.

(b) Stabilized Tax Payments due to the City, pursuant to the terms of this agreement, may be made in either a lump sum during the first quarter of the applicable tax year or in equal quarterly installments. If the quarterly payments are to be made, they shall be due on the same dates that quarterly taxes are due for all other taxpayers in the City.

(c) It is understood by the parties that Stabilized Tax Payments made hereunder are deemed by the City to be tax payments, and the Owners shall be entitled to all the rights and privileges of a taxpayer in the City.

(d) The liability for Stabilized Tax Payments due and owing under this agreement shall constitute an obligation of the Owners, and the City shall be granted by the Owners a lien on the respective Project Taxable Properties, which lien shall be of the same priority and entitle the City to the same foreclosure remedy as the lien and foreclosure remedy provided under applicable laws and ordinances with respect to real and personal property taxes.

Section 6. Satisfaction of Obligations. The City agrees that so long as the Stabilized Tax Payments are made by the Owners in accordance with the terms of this agreement, the City shall, during the term of this agreement, accept said payments in full satisfaction of the obligations of the Owners as to the payment of any and all taxes and property assessments to the City which would otherwise be levied upon or with respect to the respective Project Taxable Properties, including future customary repairs and customary renovations of the Facilities and the Personal Property which may now exist or which may hereafter be placed or erected thereon or located thereat or used therein, but excluding material renovations or improvements to the Facilities beyond that contemplated in the definition of Facility herein.

Section 7. Employment. It shall be the goal

and the Owners shall use its best efforts to award Minority Business Enterprises as defined in Rhode Island General Laws, Section 37-14.1 ("MBE Act") no less than 10% of the dollar value of the construction costs for the Projects (as determined in accordance with the rules and regulations promulgated pursuant to the MBE Act). It shall be the goal and the Owner shall use its best efforts to award to women business enterprises (WBE) no less than 10% of the dollar value of the construction costs for the Projects (as determined in accordance with Section 21-52 of the Code of Ordinances of the City of Providence).

Section 8. Purpose. The City of Providence has entered this tax treaty as a result of increasing demand for apartments in the City's Arts and Entertainment District by artists interested in taking advantage of the tax incentives available in that district as well as other professionals seeking apartments in the center of the DownCity area. As required by state law, each of these buildings are a former commercial building being converted into apartment use. This treaty shall only be in effect as long as the property is utilized primarily for residential purposes and failure to use the building for primarily residential purposes would render the treaty null and void. The parties do not intend that this agreement would extend to use of the building as a "dormitory" or "apartment dormitory" use.¹ In fact, use of the building for "dormitory" or "apartment dormitory" purposes would also render the treaty null and void. The treaty being rendered null and void for any reason would require the owner to pay all taxes and fees as due and owing as if no treaty had been entered. Additionally, it is a strong policy position of the City of Providence to provide affordable housing. Therefore, in consideration for this tax treaty, the Owners and all successors and assigns agree to maintain no less than twenty percent (20%) of the residential units at a below market rate, as hereinafter defined. The below market rate shall be equal to the per square foot

fair market rental rate for downtown Providence area as determined from time to time by a Rhode Island real estate appraiser less ten percent (10%), but in no event shall such rental rate for the below market units be less than the current per square foot market rental rate less ten percent. The City and the Owners acknowledge pursuant to a market analysis prepared by CB Richard Ellis on October 19, 2001, that for the purposes of this document and determining the below market rate for the first year, the current per square foot market rental rate for the downtown Providence area is \$1.35. The City and the Owners also acknowledge that in no event shall the set aside requirement of the below market units extend beyond the term of the treaty.

¹For the purposes of this ordinance, the definition of the term "dormitory" or "apartment dormitory" is defined according to Section 1000.12 of the Zoning Ordinance for the City of Providence.

Section 9. Basis of Calculation. The schedule listed below is based upon information provided to the Tax Assessor by the Owners including, but not limited to, estimated construction costs. In the event any of this information is inaccurate or proves to be erroneous, this treaty shall be modified to reflect the accurate information. This tax treaty is also conditioned upon commencement of construction and the payment of all taxes due and owing on the property within sixty (60) days of this Ordinance going into effect. Failure to begin construction or to make full payment within that time frame renders the treaty null and void unless said time frame is amended by the City Council. The treaty being rendered null and void would require the owner of the property to pay all taxes as due and owing as if no treaty had been entered.

Section 10. Back Taxes. That the real property taxes payable to the City by the projects during the term of this Ordinance shall be based upon the real property tax rates in

effect for the City's 2001 fiscal year. This treaty is further conditioned upon both Owners at all times owing no back taxes to the City of Providence or remaining current on a payment plan approved by the Tax Collector. Failure to make said timely payments may render this treaty null and void at the sole discretion of the City of Providence.

Section 11. Exemption Dates. That the City, in accordance with the Laws of the State of Rhode Island and the Code of Ordinances of the City of Providence, is hereby authorized to grant an exemption from the assessed valuation for tax purposes as of December 31, 2001 up to and including December 31, 2011 to Harrisburg Associates, LLC, for property located at 220-226 Westminster Street, 232-234 Westminster Street, and 93 Eddy Street, in Providence, Rhode Island, on a portion of Assessor's Plat 20, Lots 155, 156 and 203, respectively, and Lerner Associates, LLC for property located on Plat 20, Lot 154 on 210 Westminster Street as provided in the above-mentioned Ordinance, in accordance with the schedule in Exhibit A.

Section 12. Effective Date. This Ordinance shall take effect upon its passage.

Section 13. Applicable Law. This agreement shall be construed under the laws of the State of Rhode Island.

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

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

Noes: Councilman DeLuca—1.

Absent: Councilman Igliazzi—1.

The motion for Passage the Second Time, is Sustained.

PRESENTATION OF ORDINANCES

**ACTING COUNCIL PRESIDENT
YOUNG:**

An Ordinance in Amendment of Chapter 2001-33, Appropriating \$50 Million Dollars and Authorizing the Issuance of \$50 Million Dollars in Bonds for Neighborhood and Capital Improvements, as Amended.

ACTING COUNCIL PRESIDENT

YOUNG Jointly Refers the Ordinance to the Committee on Finance and the Committee on Urban Redevelopment, Renewal and Planning.

The motion to Refer is Sustained.

COUNCILMAN JACKSON (By Request):

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

An Ordinance making an Appropriation of Two Hundred Sixty-Nine Million Four Hundred Fifteen Thousand Nine Hundred Ninety-Three Dollars (\$269,415,993) for the Support of the Providence School Department for the Fiscal Year Ending June 30, 2003, and repealing Ordinance Chapter 2001-50, Approved October 19, 2001.

An Ordinance Establishing a Compensation Plan for the Providence School Department and Repealing Ordinance Chapter 2001-51, Approved October 29, 2001.

An Ordinance Establishing the Classes of Positions, the Maximum Number of Employees and the Number of Employees in Certain Classes in the Providence School Department and Repealing Ordinance Chapter 2001-34, Approved October 29, 2001.

COUNCILWOMAN WILLIAMS (By Request):

An Ordinance Making an Appropriation of Fifty Million One Hundred Twenty-Two Thousand Three Hundred Forty-Seven Dollars (\$50,122,347) for the Support of the Providence

Water Supply Board for the Fiscal Year Ending June 30, 2003.

An Ordinance Making an Appropriation of Five Million Seven Hundred Seventy-Six Thousand Four Hundred Sixty-Eight Dollars (\$5,776,468) for the Water Supply Board Water Quality Protection Fund for the Fiscal Year Ending June 30, 2003.

An Ordinance Making an Appropriation of Three Million Two Hundred Fifty-Two Thousand Five Hundred Fifty Dollars (\$3,252,550) for the Water Supply Board Insurance Fund for the Fiscal Year Ending June 30, 2003.

An Ordinance Making an Appropriation of Eighteen Million Eight Hundred Twenty-Nine Thousand Two Hundred Thirty-Nine Dollars (\$18,829,239) for the Water Supply Board Infrastructure Replacement Program Fund for the Fiscal Year Ending June 30, 2003.

An Ordinance Making an Appropriation of Four Million Seven Hundred Seventy-Four Thousand Nine Hundred Sixty-Six Dollars (\$4,774,966) for the Water Supply Board Capital Fund for the Fiscal Year Ending June 30, 2003.

An Ordinance Making an Appropriation of Five Hundred Twenty-Four Thousand Six Hundred Fifty-Five Dollars (\$524,655) for the

Water Supply Board Meter Replacement Fund for the Fiscal Year Ending June 30, 2003.

An Ordinance Making an Appropriation of One Million Five Hundred Ninety-One Thousand One Hundred Sixteen Dollars (\$1,591,116) for the Water Supply Board Equipment Replacement Fund for the Fiscal Year Ending June 30, 2003.

An Ordinance Making an Appropriation of Three Hundred One Thousand Four Hundred Seventy-Six Dollars (\$301,476) for the Water Supply Board Alternative Supply Fund for the Fiscal Year Ending June 30, 2003.

An Ordinance Making an Appropriation of One Million One Hundred Thirty-Two Thousand Seven Hundred Twenty-Four Dollars (\$1,132,724) for the Water Supply Board 102" Butterfly Valve Fund for the Fiscal Year Ending June 30, 2003.

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 2001-48, Approved November 9, 2001, as Amended.

An Ordinance Establishing a Compensation Plan for the Water Supply Board and Repealing Ordinance Chapter 2001-49, Approved November 9, 2001, as Amended.

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

ACTING COUNCIL PRESIDENT YOUNG Refers the Several Ordinances to the Committee on Finance.

The motion to Refer is Sustained.

PRESENTATION OF RESOLUTIONS

ACTING COUNCIL PRESIDENT YOUNG
(By Request):

Resolution requesting the Traffic Engineer to prohibit motor vehicle traffic along Union Street between Washington Street and Fountain Street, on Tuesday, November 5,

2002, between the hours of 6:00 o'clock a.m. until 12:00 o'clock Noon on November 6, 2002, to accommodate a Pre-Election Celebration to be held at Union Street Station.

Resolved, That the Traffic Engineer is requested to prohibit motor vehicle traffic along

Union Street between Washington Street and Fountain Street, on Tuesday, November 5, 2002, between the hours of 6:00 o'clock a.m. until 12:00 o'clock Noon on November 6, 2002, to accommodate a Pre-Election Celebration to be held at Union Street Station.

Resolution requesting the Traffic Engineer to prohibit motor vehicle traffic along Adrian Hall Way between Washington Street and Fountain Street, on Saturday, November 9, 2002, between the hours of 6:00 o'clock a.m. to 5:00 o'clock p.m., to accommodate the Trinity Repertory Company Open House.

Resolved, That the Traffic Engineer is requested to prohibit motor vehicle traffic along Adrian Hall Way between Washington Street and Fountain Street, on Saturday, November 9, 2002, between the hours of 6:00 o'clock a.m. to 5:00 o'clock p.m., to accommodate the Trinity Repertory Company Open House.

Resolution requesting the Traffic Engineer to prohibit motor vehicle traffic along Elbow Street between Chestnut Street and Ship Street, on Friday, November 15, 2002, between the hours of 12:00 o'clock Noon to 12:00 o'clock Midnight, to accommodate a Providence College Event.

Resolved, That the Traffic Engineer is requested to prohibit motor vehicle traffic along Elbow Street between Chestnut Street and Ship Street, on Friday, November 15, 2002, between the hours of 12:00 o'clock Noon to 12:00 o'clock Midnight, to accommodate a Providence College Event.

COUNCILMAN ALLEN moves to dispense with the reading of the foregoing matters and moves passage of the Several

Resolutions, seconded by COUNCILWOMAN WILLIAMS.

The motion for Passage is Sustained.

ACTING COUNCIL PRESIDENT YOUNG and COUNCILMAN APONTE (By Request):

Resolution requesting that the New Water Fountain Park to be located on Myrtle, Friendship and Dudley Streets be named the "Jacqueline M. Clements Memorial Park".

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

The motion to Refer is Sustained.

Resolution Authorizing the Mayor to Engage the Services of the Rhode Island Public Expenditure Council to conduct a Financial Management Study of the City of Providence and to identify the immediate financial issues facing the City together with suggested options to improve management effectiveness.

Whereas, The City of Providence is in need of an independent evaluation of the City's financial and management practices; and

Whereas, The Rhode Island Public Expenditure Council has established itself as an organization skilled at analyzing both financial and management systems; and

Whereas, The Mayor and the Rhode Island Public Expenditure Council have outlined in a

letter of agreement the scope of the study to be undertaken and the reports that are expected to be generated; and

Whereas, The first phase of the study is estimated to cost approximately forty thousand dollars (\$40,000.00) and is expected to be funded from both the private sector grants and City funds; and

Whereas, The expected cost to the City for the first phase shall not exceed ten thousand dollars (\$10,000.00), the balance being funded and paid by the private sector grants.

Now, therefore, be it Resolved, That the Mayor is hereby authorized to engage the Rhode Island Public Expenditure Council to conduct the financial and management study as outlined in the letter of agreement and that a sum not to exceed ten thousand dollars (\$10,000.00) is hereby authorized to be expended for said study; and

Be it further Resolved, That in conjunction with the goals of the study to be performed, the Mayor is hereby authorized to create the *Providence Management Task Force* whose duty shall be to assist in the study. Said Task Force shall consist of fifteen (15) members to be appointed by the Mayor with the Executive Director of the Rhode Island Public Expenditure Council as a member of the Task Force and Chairman thereof. Appointed members may designate an individual to act in his/her stead on the Task Force. Members shall not be compensated for service on the Task Force and shall serve at the pleasure of the Mayor. Upon completion of the study, the Task Force duties shall be complete and the Task Force shall cease to exist.

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

Ayes: Acting Council President Young,

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

Noes: None.

Absent: Councilman Igliazzi—1.

The motion for Passage is Sustained.

COUNCILMAN ALLEN (By Request):

Resolution requesting the Traffic Engineer to prohibit motor vehicle traffic along Hawthorne Street between Elmwood Avenue and Bucklin Street, on Saturday, October 26, 2002, between the hours of 12:00 o'clock Noon to 4:30 o'clock p.m., to accommodate a Halloween Party for the Center for Hispanic Policy and Advocacy.

Resolved, That the Traffic Engineer is requested to prohibit motor vehicle traffic along Hawthorne Street between Elmwood Avenue and Bucklin Street, on Saturday, October 26, 2002, between the hours of 12:00 o'clock Noon to 4:30 o'clock p.m., to accommodate a Halloween Party for the Center for Hispanic Policy and Advocacy.

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

The motion for Passage is Sustained.

Resolution requesting to Cancel or Abate, in whole, the taxes assessed upon Assessor's Plat 29, Lot 505 (93 Cranston Street), in accordance with Rhode Island General Law

Section 44-7-23, in the amount of Three Hundred Sixty-Five Thousand Four Hundred Fifty-Seven Dollars and Fifty-Six Cents (\$365,457.56), and that the property remain tax exempt until transfer by the PRA to a developer, at the request of the Providence Redevelopment Agency.

Resolution requesting to Cancel or Abate, in whole, the taxes assessed upon Assessor's Plat 44, Lot 412 (70 Peace Street), in accordance with Rhode Island General Law Section 44-7-23, in the amount of Two Hundred Fifty-Three Thousand Eight Hundred Twenty-Nine Dollars and Forty-Nine Cents (\$253,829.49), and that the property remain tax exempt until transfer by the PRA to a developer, at the request of the Providence Redevelopment Agency.

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

ACTING COUNCIL PRESIDENT YOUNG Refers the Several Resolutions to the Committee on Finance.

The motion to Refer is Sustained.

COUNCILMAN ALLEN, COUNCILMAN JACKSON and COUNCILWOMAN WILLIAMS:

Resolution Relative to the Providence Public Building Authority/Qualified Zone Academy Bond.

ACTING COUNCIL PRESIDENT YOUNG 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 BUTLER (By Request):

Resolution requesting the Traffic Engineer to prohibit motor vehicle traffic along Durham Street between Admiral Street and Sunbury Street, on Saturday, October 19, 2002, between the hours of 12:00 o'clock Noon to 6:00 o'clock p.m., to accommodate a Neighborhood Party.

Resolved, That the Traffic Engineer is requested to prohibit motor vehicle traffic along Durham Street between Admiral Street and Sunbury Street, on Saturday, October 19, 2002, between the hours of 12:00 o'clock Noon to 6:00 o'clock p.m., to accommodate a Neighborhood Party.

Resolution requesting the Traffic Engineer to prohibit motor vehicle traffic along Elmhurst Avenue between Eaton Street and Fair Oaks Avenue, on Saturday, October 19, 2002, between the hours of 6:00 o'clock a.m. to 11:00 o'clock a.m., to accommodate the Saint Pius Road Race.

Resolved, That the Traffic Engineer is requested to prohibit motor vehicle traffic along Elmhurst Avenue between Eaton Street and Fair Oaks Avenue, on Saturday, October 19, 2002, between the hours of 6:00 o'clock a.m. to 11:00 o'clock a.m., to accommodate the Saint Pius Road Race.

Resolution requesting the Traffic Engineer to prohibit motor vehicle traffic along Mount Pleasant Avenue between Rhode Island College and Galileo Avenue, on Saturday, October 26, 2002, between the hours of 12:45 o'clock p.m. to 1:45 o'clock p.m., to accommodate the Classical High School Homecoming Weekend.

Resolved, That the Traffic Engineer is requested to prohibit motor vehicle traffic along Mount Pleasant Avenue between Rhode Island College and Galileo Avenue, on Saturday, October 26, 2002, between the hours of 12:45 o'clock p.m. to 1:45 o'clock p.m., to accommodate the Classical High School Homecoming Weekend.

COUNCILMAN HASSETT:

Resolution Extending Sincere Congratulations to Robert Fitzpatrick upon the Celebration of His 75th Birthday, on October 28, 2002.

Resolved, That the Members of the Providence City Council hereby Extend Sincere Congratulations to Robert Fitzpatrick upon the celebration of his 75th Birthday on October 28, 2002.

COUNCILMAN JACKSON (By Request):

Resolution requesting the Traffic Engineer to prohibit motor vehicle traffic along Dexterdaledale Road between Camp Street and Summit Avenue, on Sunday, October 27, 2002, between the hours of 10:00 o'clock a.m. to 4:00 o'clock p.m., to accommodate a Halloween Parade.

Resolved, That the Traffic Engineer is

requested to prohibit motor vehicle traffic along Dexterdaledale Road between Camp Street and Summit Avenue, on Sunday, October 27, 2002, between the hours of 10:00 o'clock a.m. to 4:00 o'clock p.m., to accommodate a Halloween Parade.

COUNCILMAN MANCINI (By Request):

Resolution requesting the Forestry Division of the Parks Department to cause that tree to be trimmed at 128 Texas Avenue.

Resolved, That the Forestry Division of the Parks Department is requested to cause that tree to be trimmed at 128 Texas Avenue.

Resolution requesting the Chief of Police to have a patrol unit for radar use located on River Avenue between Admiral Street and Douglas Avenue.

Resolved, That the Chief of Police is requested to have a patrol unit for radar use located on River Avenue between Admiral Street and Douglas Avenue.

COUNCILWOMAN WILLIAMS (By Request):

Resolution requesting the Traffic Engineer to prohibit motor vehicle traffic along Keene Street between Thayer Street and Brown Street, on Saturday, October 26, 2002, between the hours of 12:00 o'clock Noon to 4:00 o'clock p.m., to accommodate a Neighborhood Block Party.

Resolved, That the Traffic Engineer is requested to prohibit motor vehicle traffic along Keene Street between Thayer Street and Brown Street, on Saturday, October 26, 2002, between the hours of 12:00 o'clock Noon to 4:00 o'clock p.m., to accommodate a Neighborhood Block Party.

Resolution requesting the Chief Electrical Inspector to cause the upgrade of street lighting along Pratt Street between Jenks Street and Wheaton Street.

Resolved, That the Chief Electrical Inspector is requested to cause the upgrade of street lighting along Pratt Street between Jenks Street and Wheaton Street.

Resolution requesting the Chief Electrical Inspector to cause the installation of street lights on Pole No. 3 located on Wheaton Street and also on Poles No. 11 and No. 13 located on Pratt Street.

Resolved, That the Chief Electrical Inspector is requested to cause the installation of street lights on Pole No. 3 located on Wheaton Street and also on Poles No. 11 and No. 13 located on Pratt Street.

COUNCILMAN ALLEN moves to dispense with the reading of the foregoing

matters and moves passage of the Several Resolutions, seconded by COUNCILWOMAN WILLIAMS.

The motion for Passage is Sustained.

Resolution requesting the City Council to consider Authorizing "Resident Only" Parking Permits to Residents of Pratt Street between Jenks Street and Wheaton Street due to the hardship situation.

ACTING COUNCIL PRESIDENT YOUNG Refers the Resolution to the Committee on Public Works.

The motion to Refer is Sustained.

Resolution requesting "Wheaton" Street, which runs between Pratt Street and South Court to be re-named to "Pratt" Street.

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

The motion to Refer is Sustained.

REPORTS FROM COMMITTEE

COUNCILMAN KEVIN JACKSON, Chairman COMMITTEE ON FINANCE

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

An Ordinance Establishing a Tax Stabilization Plan for Monohassett Mill, LLC.

Transmits the following with recommendation the same be Severally Adopted:

An Ordinance Establishing a Tax Stabilization Plan for the Abingdon at Westminster Crossing Condominium Associates, LLC, as Amended.

An Ordinance Establishing a Tax Stabilization Plan for Peerless/Keen Partners.

An Ordinance Establishing a Tax Stabilization Plan for Promenade Building Associates, LLC.

An Ordinance Establishing a Tax Stabiliza-

tion Plan for Stanley Weiss Associates, LLC, as Amended.

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

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

Nays: Councilman DeLuca—1.

Absent: Councilman Igliazzi—1.

The motion for Passage the First Time is Sustained.

Transmits the following with recommendation the same be Severally Approved:

Resolution Accompanying a copy of the Collective Bargaining Agreement by and between the Providence School Board and Rhode Island Council 94 of the American Federation of State, County and Municipal Employees (AFSCME) Local 1339 (Clerical Employees), for Ratification for the Term of September 1, 2001 to August 31, 2004, is 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.

Resolved, That the Accompanying copy of the Collective Bargaining Agreement by and between the Providence School Board and Rhode Island Council 94 of the American Federation of State, County and Municipal Employees (AFSCME) Local 1339 (Clerical Employees), for Ratification for the Term of September 1, 2001 to August 31, 2004, is 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.

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

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

Noes: None.

Absent: Councilman Igliozi—1.

The motion for Passage is Sustained.

Communication, dated October 1, 2002, Informing the Honorable Members of the City Council that pursuant to Sections 302(b) and 1001 of the Providence Home Rule Charter of 1980, he is this day appointing Thomas DiLuglio as Commissioner of Public Safety of the City of Providence and respectfully submits the same for Approval.

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

Ayes: Acting Council President Young, Councilmen Allen, Aponte, DeLuca, Councilwoman DiRuzzo, Councilmen Hassett, Jackson, Mancini, Councilwomen Romano and Williams—10.

Noes: Councilwoman Nolan—1.

Not Voting: Councilman Butler—1.

Absent: Councilman Igliozi—1.

The motion for Passage is Sustained.

COMMUNICATIONS

Communication from Paul Pinault, P.E., Executive Director, submitting the Narragansett Bay Commission's 2004-2008 Capital Improvement Program Report.

Received.

Island General Assembly in the 2002 legislative session.

Received.

Communication from Ernest A. Almonte, Auditor General for the State of Rhode Island, enclosing a copy of the letter sent to the finance director and a copy of Public Law, Chapter 414, relative to the annual post audit required of all Rhode Island cities and towns summarizing amendments to these laws passed by the Rhode

Communication from Jason D. Martin, Preservation Planner/PHDC Staff, submitting the 2001-2002 Annual Report of the Providence Historic District Commission (PHDC).

Received.

FROM THE CLERK'S DESK

Petitions for Compensation for Injuries and Damages, viz:

GFM Food Service, Inc. d/b/a Anybuddy's (Bruce P. Gladstein, Esquire)

Jay Stephen Padroff

Andrew Noah Keats

Cheryl A. Marfeo

Michael E. Reynolds

Kalomo Vanterpool

Oscar A. Placco

Carmen Rivera, Felix Cortes and Mary Santiago (Robert V. Russo, Esquire)

Maria N. Simoes

Richard Hall (Christopher E. Fay, Esquire)

Amica Insurance Company a/s/o Loretta Farrelly

Mildred Neary

Leesa Feyisetan

Joan Sammartino and William Sammartino,
M.D. (Raymond A. Pacia, Esquire)

John T. Wilmot

Jumanabai Prakash (Charles J. Vucci,
Esquire)

Shantamma Prakash (Charles J. Vucci,
Esquire)

Charles Creamer (Robert G. Clark, III,
Esquire)

Fiordaliza Castillo (Christopher E. Fay,
Esquire)

Narragansett Electric

Virginia Neri

Jenny Dickinson

John Grewer

Gina Bambinelli

Victor M. Gomes

**ACTING COUNCIL PRESIDENT
YOUNG Severally Refers the Petitions to
the Committee on Claims and Pending
Suits.**

The motion to Refer is Sustained.

PRESENTATION OF CITATIONS

"In Congratulations"

**ACTING COUNCIL PRESIDENT YOUNG
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:

David J. Peters, in recognition of being elected
President of Providence Firefighters Union,
Local 799.

Michael Tapalian, in recognition of being
inducted into the Providence Gridiron Club.

Joseph and Angela Burgio, in recognition of
the celebration of their 70th Birthday on
November 2, 2002.

Charles Pisaturo, in recognition of being the
recipient of the Loggia Vittoria No. 585, Order
Sons of Italy Award at its 48th Annual Dinner
Dance.

Louis A. Bobola, in recognition of the celebra-
tion of his 50th Birthday, born on October 22,
1952.

John and Angelica Keating, in recognition of
the celebration of their marriage on October 27,
2002.

Robert Fitzpatrick, in recognition of the celebration of his 75th Birthday on October 28, 2002.

Jerry, in recognition of participating in the "Webster Avenue Tree Beautification" Project.

Vanessa Morel, in recognition of participating in the "Webster Avenue Tree Beautification" Project.

Maria Meza, in recognition of participating in the "Webster Avenue Tree Beautification" Project.

Miriam Gonzalez, in recognition of participating in the "Webster Avenue Tree Beautification" Project.

Nancy Roy, in recognition of participating in the "Webster Avenue Tree Beautification" Project.

Dario Lopez, in recognition of participating in the "Webster Avenue Tree Beautification" Project.

Eduardo Morales, in recognition of participating in the "Webster Avenue Tree Beautification" Project.

Erick Estrada, in recognition of participating in the "Webster Avenue Tree Beautification" Project.

Cynthia Fernandez, in recognition of participating in the "Webster Avenue Tree Beautification" Project.

Willitine Vieira, in recognition of participating in the "Webster Avenue Tree Beautification" Project.

Ada Lopez, in recognition of participating in the "Webster Avenue Tree Beautification" Project.

Anibal Rivera, in recognition of participating in the "Webster Avenue Tree Beautification" Project.

Victor Perez, in recognition of participating in the "Webster Avenue Tree Beautification" Project.

Jose Torrez, in recognition of participating in the "Webster Avenue Tree Beautification" Project.

Oscar Vargas, in recognition of serving as a "Tree Captain" for "The Providence Neighborhood Planting Program".

Mike Spino, in recognition of serving as a "Tree Captain" for "The Providence Neighborhood Planting Program".

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

The motion for Passage is Sustained.

PRESENTATION OF RESOLUTIONS

"In Memorium"

**ACTING COUNCIL PRESIDENT YOUNG
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:

Orlando DiFruscio, Sr.

Samuel Lonardo, Jr.

Virginia "Ginger" DeVito

Thomas A. Conley

Doris C. Wilkins

Edward J. Lynch

Mary C. Doorley

**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.

MATTER NOT APPEARING ON THE PRINTED DOCKET

On motion of COUNCILMAN ALLEN, seconded by COUNCILWOMAN WILLIAMS, it is voted to Suspend Rule 16 of the Rules of the City Council in order to allow the introduction of the following matter not appearing on the Printed Docket.

COMMUNICATION

Communication from Lawrence J. Lepore, Executive Director, Dunkin Donuts Center, dated November 7, 2002, requesting a one time advance of One Hundred Fifty Thousand Dollars (\$150,000.00) for the projected deficit for the current fiscal year for the operation of the Fleet Skating Center.

**ACTING COUNCIL PRESIDENT
YOUNG Refers the Communication to the
Committee on Finance.**

The motion to Refer is Sustained.

ADJOURNMENT

There being no further business, on motion of COUNCILMAN ALLEN, seconded by COUNCILWOMAN WILLIAMS, it is voted to adjourn at 8:05 o'clock P.M. (E.S.T.) to meet again on THURSDAY, NOVEMBER 21, 2002 at 7:30 o'clock P.M. (E.S.T.).

Richard R. Clement

City Clerk



November 7]

2326

[2002
