

**CITY OF PROVIDENCE  
RHODE ISLAND**



**CITY COUNCIL**

**JOURNAL OF PROCEEDINGS**

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No. 71 City Council Regular Meeting, Thursday, November 2, 1989, 7:30 o'clock P.M. (E.D.T.)

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**IN CITY COUNCIL**

NOV 16 1989

**PRESIDING**

**APPROVED:**

*[Signature]* **CLERK**

**COUNCIL PRESIDENT**

**NICHOLAS W. EASTON**

**ROLL CALL**

**Present: Council President Easton, Councilmen Annaldo, Dillon, Councilwoman DiRuzzo, Councilmen Farmer, Glavin, Lopes, Petrosinelli, Rollins and Councilwoman Young—10.**

**Absent: Councilman Cola, Councilwoman Fargnoli and Councilman Lombardi—3.**

## INVOCATION

The Invocation is given by COUNCILMAN  
DAVID G. DILLON.

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

COUNCILMAN DONALD J. LOPES leads  
the Members of the City Council and the  
Assemblage in the Pledge of Allegiance to  
the Flag of the United States of America.

## APPROVAL OF RECORDS

The Journal of Proceedings No. 70 of the  
Regular Meeting of the City Council held  
October 19, 1989, and Posted October 26,  
1989, on that Bulletin Board located on the  
Ground Floor Level of City Hall, is Approved  
as Printed, on motion of COUNCILMAN  
GLAVIN, seconded by COUNCILMAN  
DILLON.

## ELECTION OF CERTAIN CITY OFFICERS

### ELECTION OF JUDGE OF PROBATE COURT:

The City Council proceeds to Elect the Judge of the Probate Court in accordance with the Provisions of Section XI of Chapter 3340 of the Public Laws of 1954, approved April 26, 1954, Entitled: "An Act in Amendment of Clause I of Section XI of Chapter 598 of the Public Laws, 1866, as Amended, relating to the Probate Court of the City of Providence".

ANTHONY B. SCJARRETTA, ESQUIRE, only Nominee, was nominated to succeed himself for the term of Six (6) Years ending on the First Thursday in November, 1995, at the Regular Meeting of the City Council held THURSDAY, OCTOBER 5, 1989, which date has allowed for the elapsed time of twenty days between the nomination and election of the Judge of Probate Court.

The Nomination of ANTHONY B. SCJARRETTA, ESQUIRE, as Judge of the Probate Court is thereupon taken from the City Clerk's Desk on motion of COUNCILMAN GLAVIN, seconded by COUNCILMAN DILLON.

The City Council thereupon proceeds to Elect ANTHONY B. SCJARRETTA, ESQUIRE, only Nominee as Judge of the Probate Court of the City of Providence, on motion of COUNCILMAN GLAVIN, seconded by COUNCILMAN DILLON, by the following Roll Call Vote:

Ayes: Council President Easton, Councilmen Annaldo, Dillon, Councilwoman DiRuzzo, Councilmen Farmer, Glavin, Lopes, Petrosinelli, Rollins and Councilwoman Young—10.

Noes: None.

Absent: Councilman Cola, Councilwoman Fagnoli and Councilman Lombardi—3.

COUNCIL PRESIDENT EASTON thereupon declares ANTHONY B. SCJARRETTA, ESQUIRE, Duly Elected Judge of the Probate Court of the City of Providence for a Term of Six (6) Years, Ending on the First Thursday in November, 1995.

### ELECTION OF CLERK OF PROBATE COURT:

The City Council proceeds to Elect the Clerk of the Probate Court in accordance with the Provisions of Section XI of Chapter 3340 of the Public Laws of 1954, approved April 26, 1954, Entitled: "An Act in Amendment of Clause I of Section XI of Chapter 598 of the Public Laws, 1866, as Amended, relating to the Probate Court of the City of Providence".

ELAINE T. BUCCI, ESQUIRE, only Nominee, was nominated to succeed herself for the term of Six (6) Years ending on the First Thursday in November, 1995, at the Regular Meeting of the City Council held THURSDAY, OCTOBER 5, 1989, which date has allowed for the elapsed time of twenty days between the nomination and election of the Clerk of Probate Court.

The Nomination of ELAINE T. BUCCI, ESQUIRE, as Clerk of the Probate Court is thereupon taken from the City Clerk's Desk on motion of COUNCILMAN GLAVIN, seconded by COUNCILMAN DILLON.

The City Council thereupon proceeds to Elect ELAINE T. BUCCI, ESQUIRE, only Nominee as Clerk of the Probate Court of the City of Providence, on motion of COUN-

**CILMAN GLAVIN**, seconded by **COUNCILMAN DILLON**, by the following Roll Call Vote:

**Ayes:** Council President Easton, Councilmen Annaldo, Dillon, Councilwoman DiRuzzo, Councilmen Farmer, Glavin, Lopes, Petrosinelli, Rollins and Councilwoman Young—10.

**Noes:** None.

**Absent:** Councilman Cola, Councilwoman Fargnoli and Councilman Lombardi—3.

**COUNCIL PRESIDENT EASTON** thereupon declares **ELAINE T. BUCCI, ESQUIRE**, Duly Elected Clerk of the Probate Court of the City of Providence for a Term of Six (6) Years, Ending on the First Thursday in November, 1995.

## APPOINTMENT BY HIS HONOR THE MAYOR

Communication, dated October 23, 1989, Informing the Honorable City Council that Pursuant to Sections 302(b) and 1107 of the Providence Home Rule Charter of 1980, He is this Day Appointing Mr. Theodore F. Low of 95 Blackstone Boulevard, Providence, Rhode Island, as a Member of the Providence Housing Authority for a Term Expiring in July of 1991.

### EXECUTIVE CHAMBER

October 23, 1989

The Honorable Members  
The City Council of the  
City of Providence  
City Hall  
Providence, Rhode Island 02903

Dear Honorable Members:

Pursuant to Sections 302(b) and 1107 of the Providence Home Rule Charter of 1980, I am this day appointing Mr. Theodore F. Low of 95 Blackstone Boulevard, Providence, Rhode Island, as a member of the Providence Housing Authority for a term expiring in July of 1991 replacing Joseph Cerilli who has resigned.

Respectfully submitted,

**JOSEPH R. PAOLINO, JR.**  
*Mayor of Providence*

Received.

## ORDINANCE SECOND READING

The following Ordinance was in City Council October 19, 1989, Read and Passed the First Time and Is Returned for Passage the Second Time:

An Ordinance in Amendment of Chapter 16, Article I of the Code of Ordinances of the City of Providence, Entitled: "Offenses and Miscellaneous Provisions", by Amending Section 16-3.

*Be it Ordained by the City of Providence:*

Section 1. Article I of Chapter 16 of Section 16-3 of the Code of Ordinances of the City of Providence is hereby amended to read as follows:

Section 16-3. *Disorderly and Indecent Conduct.* Any person who engages in conduct which violates any of the following subsections thereby commits disorderly conduct:

(a) Any person who shall act in a threatening, violent or tumultuous manner toward another whereby any person is placed in fear or safety of his life, limb or health or the property of any person is placed in danger of being destroyed or damaged; or

(b) Any person who shall, in a public place or near a private residence that he has no right to occupy, disturb any person by making loud and unreasonable noise which under the circumstances would disturb a person of average sensibilities; or

(c) Any person who shall in a public place use "fighting words" or offensive language or words which by their very utterance inflict injury or are likely to provoke a violent reaction on the part of the average person so addressed; or

(d) Any person, who alone or in concert with others, obstructs any place ordinarily used for the passage of persons, vehicles or conveyances or otherwise engages in conduct which obstructs or

interferes physically with a lawful meeting, procession or gathering; or

(e) Any person who shall assemble or congregate with another or others for the purpose of causing, provoking or engaging or who shall cause, provoke or engage in any fight or other riotous conduct whereby the life, limb, health or property of another is endangered; or

(f) Any person who shall throw any stone or other missile upon or at any person, vehicle, building, tree, sign or other public or private property; or

(g) Any person who shall urinate or defecate on any public street, alley, sidewalk or floor of any public building where the public gathers or has access; or

(h) Any person who enters upon the private property of another and looks into an occupied building structure located thereon without visible or lawful business with the owner or occupant thereof.

Any person, including a police officer may be a complainant for purposes of instituting action for any violation of this section.

Any person who commits any of the aforesaid offenses shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than two hundred dollars (\$200.00) or by imprisonment of not less than one (1) day nor more than thirty (30) days or both such fine and such imprisonment.

Section 2. *Severability of Parts of this Section.* It is hereby declared to be the intention of the

City Council that the paragraphs, sentences, clauses and phrases of this section are severable, and if any phrase, clause, sentence or paragraph of this section shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, and paragraphs of this section.

*Section 3.* This Ordinance shall take effect upon its passage.

**Read and Passed the Second Time, on motion of COUNCILMAN GLAVIN, seconded by COUNCILMAN DILLON, by the following Roll Call Vote:**

**Ayes: Council President Easton, Councilmen Annaldo, Dillon, Councilwoman DiRuzzo, Councilmen Farmer, Glavin, Lopes, Petrosinelli, Rollins and Councilwoman Young—10.**

**Noes: None.**

**Absent: Councilman Cola, Councilwoman Fargnoli and Councilman Lombardi—3.**

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

## PRESENTATION OF RESOLUTIONS

**COUNCIL PRESIDENT EASTON, COUNCILMAN ANNALDO, COUNCILMAN COLA, COUNCILWOMAN DiRUZZO, COUNCILWOMAN FARGNOLI, COUNCILMAN FARMER, COUNCILMAN GLAVIN, COUNCILMAN LOMBARDI, COUNCILMAN LOPES, COUNCILMAN PETROSINELLI, COUNCILMAN ROLLINS and COUNCILWOMAN YOUNG:**

**Resolution of Sympathy upon the Passing of Willard V. Horan.**

*Whereas,* Death has taken from this life, Willard V. Horan, beloved husband of Mary Horan and father of Michael F., William T., R. Kevin Horan and Sally A. Dillon, and

*Whereas,* Active in religious, social and veterans affairs, he was a member of Howard Rogers Post, American Legion, the AARP and the Friendly Sons of St. Patrick of South County, and

*Whereas,* He served our Country during World War II as a member of the Army Air Forces and worked for the Pawtucket Post Office for thirty-eight years until his retirement in 1975 where he became Assistant Postmaster, and

*Whereas,* He leaves a host of friends he has earned through the years who will mourn his passing,

*Now, therefore, be it Resolved,* That the Members of the Providence City Council hereby express their sincere sorrow to his bereaved wife, Mrs. Mary Horan, her family and to Sally A. Dillon, wife of our respected colleague, Councilman David G. Dillon, during this, their period of bereavement, and

*Be it further Resolved,* That upon passage of this Resolution by the City Council and its approval by His Honor the Mayor, the City Clerk is directed to transmit a duly engrossed copy to

the family of the late Willard V. Horan, that they be aware of the high esteem in which he was held.

**Read and Passed, on motion of COUNCILMAN GLAVIN, seconded by COUNCILMAN DILLON.**

**The motion for Passage, is Sustained.**

**COUNCIL PRESIDENT EASTON, COUNCILMAN ANNALDO, COUNCILMAN COLA, COUNCILMAN DILLON, COUNCILWOMAN DIRUZZO, COUNCILWOMAN FARGNOLI, COUNCILMAN FARMER, COUNCILMAN GLAVIN, COUNCILMAN LOMBARDI, COUNCILMAN LOPES, COUNCILMAN PETROSINELLI, COUNCILMAN ROLLINS and COUNCILWOMAN YOUNG:**

Resolution of the City Council Expressing Their Sincere Best Wishes to Margaret "Peggy" Scittarelli for a Complete and Speedy Recovery from Her Recent Surgery.

*Resolved*, That the Members of the City Council hereby express their sincere best wishes to Margaret "Peggy" Scittarelli for a complete and speedy recovery from her recent surgery.

**Read and Passed, on motion of COUNCILMAN GLAVIN, seconded by COUNCILMAN DILLON.**

**The motion for Passage, is Sustained.**

**COUNCILMAN ANNALDO and COUNCILMAN COLA (By Request):**

Resolution Authorizing His Honor the Mayor to Execute a Deed for the Acquisition of 56 Acres of Land in the Scituate/Cranston area for the

Purchase Price of One Hundred Fifty-Five Thousand Dollars (\$155,000.00) in Accordance with the Recommendation of the Water Supply Board.

**Referred to the Committee on City Property, on motion of COUNCILMAN GLAVIN, seconded by COUNCILMAN DILLON.**

**The motion to Refer, is Sustained.**

**COUNCILMAN COLA (By Request):**

Resolution requesting the Director of Public Works to cause a Barrier to be Installed along 66 Fruit Hill Avenue, Near St. Thomas Church.

*Resolved*, That the Director of Public Works is requested to cause a Barrier to be Installed along 66 Fruit Hill Avenue, Near St. Thomas Church.

**COUNCILMAN FARMER (By Request):**

Resolution requesting the Chief Electrical Inspector to Conduct Appropriate Studies and to cause a Street Light to be Installed at the Proper Location on Taber Avenue, between Emeline Street and Doyle Avenue.

*Whereas*, There are no street lights on Taber Avenue, between Emeline Street and Doyle Avenue, and

*Whereas*, The residents of that block are extremely concerned about the dangers arising from such absence

*Now, therefore, be it Resolved*, That the Chief Electrical Inspector is requested to Conduct Appropriate Studies and to cause a Street Light to be Installed at the Appropriate Location on Taber Avenue, between Emeline Street and Doyle Avenue, as Expeditiously as Possible.

**COUNCILMAN GLAVIN, COUNCILMAN  
DILLON and COUNCILWOMAN FARG-  
NOLI (By Request):**

Resolution Authorizing Picerne Properties to Appear Before the Providence Zoning Board of Review.

*Whereas*, Picerne Properties is proposing to erect a nylon pylon on property, a portion of which belongs to the City of Providence;

*Whereas*, Said proposal requires review by both the Providence Zoning Board and the Committee on Public Works;

*Whereas*, The Council Committee on Public Works has requested that Picerne Properties appear before the Providence Zoning Board prior to the Committee reviewing the proposal;

*Whereas*, Picerne Properties seeks the permission of the City to appear before the Providence Zoning Board on behalf of said City with respect of the Municipal Land within the scope of the Picerne Proposal;

*Whereas*, The Council wishes to facilitate the request of the Committee on Public Works;

*Now, therefore, be it Resolved*, That Picerne Properties is authorized to appear before the Providence Zoning Board on behalf of the City with respect to that parcel of land which affects the proposed pylon. The authority granted herein is conditioned in the following manner:

1. The authority granted is limited to the purpose of Picerne Properties appearance before the Providence Zoning Board and grants to Picerne Properties no interest other than that permission;
2. The same authority may be withdrawn at any time by Resolution of the Council; and
3. The grant of authority is to be construed as neither an indication of support or as an

expression of disapproval of the Petitioner's request before the Zoning Board.

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**COUNCILMAN PETROSINELLI (By  
Request):**

Resolution requesting the Chief Electrical Inspector to Order the Installation of a Street Light on Pole No. 2, located along Stanhope Street.

*Resolved*, That the Chief Electrical Inspector is requested to Order the Installation of a Street Light on Pole No. 2, located along Stanhope Street.

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**COUNCILMAN ROLLINS (By Request):**

Resolution requesting the Director of Public Works to cause that Depression at the Catch Basin located at the Corner of California and Indiana Avenues, to be Repaired.

*Resolved*, That the Director of Public Works is requested to cause that Depression at the Catch Basin located at the Corner of California and Indiana Avenues, to be Repaired.

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Resolution requesting the Director of Public Works to cause those Depressions located on Washington Avenue, between Narragansett Boulevard and Michigan Avenue, to be Repaired.

*Resolved*, That the Director of Public Works is requested to cause those Depressions located on Washington Avenue, between Narragansett Boulevard and Michigan Avenue, to be Repaired.

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Resolution requesting the Director of Public Works to cause that Depression located on Ocean Street, near Colfax Street, to be Repaired.

*Resolved*, That the Director of Public Works is requested to cause that Depression located on Ocean Street, near Colfax Street, to be Repaired.

Bassett Street, Hospital Street and the Surrounding Area.

*Resolved*, That the Chief Electrical Inspector is requested to Undertake a Survey to Upgrade and Install Street Lights along Imperial Place, Bassett Street, Hospital Street and the Surrounding Area for reasons of Security.

Resolution requesting the Director of Grounds Maintenance Services to cause that Tree located at 80 California Avenue, to be Trimmed.

*Resolved*, That the Director of Grounds Maintenance Services is requested to cause that Tree located at 80 California Avenue, to be Trimmed.

Resolution requesting the Director of Public Works to cause All Sewers in the Eleventh Ward, to be Cleaned.

*Resolved*, That the Director of Public Works is requested to cause All Sewers in the Eleventh Ward, to be Cleaned.

**COUNCILWOMAN YOUNG (By Request):**

Resolution requesting the Chief Electrical Inspector to Undertake a Survey to Upgrade and Install Street Lights along Imperial Place,

**Severally Read and Collectively Passed, on motion of COUNCILMAN GLAVIN, seconded by COUNCILMAN DILLON.**

**The motion for Passage, is Sustained.**

## REPORTS

**FROM THE CITY CONTROLLER:**

Monthly Financial Report for September, 1989.

**Received.**

**FROM THE PORT DIRECTOR:**

Report for the Month of September, 1989.

**Received.**

## FROM THE CLERK'S DESK

Petition of Dale Thompson, Director of Library Services, requesting Permission to Construct a Handicap Ramp on the City Sidewalk along One Olneyville Square.

**Referred to the Committee on Public Works, on motion of COUNCILMAN GLAVIN, seconded by COUNCILMAN DILLON.**

**The motion to Refer, is Sustained.**

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

Earl Adams, Jr.

Amica Insurance, as subrogee of Joseph Balducci

Denise Barge

John R. Bylenski, Sr.

Alfred Cardin

Janice L. Carrazzo

Commercial Union Insurance Co., as subrogee of Daniel Cabral

Arthur D'Amario

Zulmiro M. DeMello

Monique S. Doherty

John E. Driscoll

Patricia and David Gannon

Ralph C. Gemma

Elizabeth and Robert Gilroy

Alice Griffin

Donna J. Kelman

Richard Land, M.D.

Liberty Mutual Insurance, as subrogee of Patricia Pennacchia

Julio C. Mainelli

Thomas A. McCormick

Norma Medeiros

Ian O'Hara

Mildred Ortiz, p.p.a. Luis

Geraldine M. Piccirillo

Maria C. Russo

Robert P. Stizza

**Severally Referred to the Committee on Claims and Pending Suits, on motion of COUNCILMAN GLAVIN, seconded by COUNCILMAN DILLON.**

**The motion to Refer, is Sustained.**

## PRESENTATION OF RESOLUTIONS

### *"In Memoriam"*

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

Resolution extending Sympathy.

*Resolved*, That the Sympathy of the Members  
of the City Council is hereby expressed to the  
families of the following:

Guido D. Lautieri

Charlotte E. Woods

Francis X. LaFrance

Olga D. Carlone

Ralph M. Guglielmi

Anthony G. B. Rocchio

Marie Ferrieri

Gabriel A. Carroll, Jr.

John J. Mooney

Carmela Iacono

Gloria L. Miranda

Anthony F. Tortolani, Sr.

Charles B. Healy

Jennie Pertuso

Helen J. Conlon

Alice M. Miner

William O. Moore

Eleanor H. Benjamin

**Severally Read and Collectively Passed,  
by a Unanimous Rising Vote, on motion of  
COUNCILMAN GLAVIN, seconded by  
COUNCILMAN DILLON.**

**The motion for Passage, is Sustained.**

## MATTERS NOT APPEARING ON THE PRINTED DOCKET

**On motion of COUNCILMAN GLAVIN,  
seconded by COUNCILMAN DILLON, It is  
Voted to Suspend Rule 16 of the Rules of the  
City Council in Order to Allow the Introduc-  
tion of the following Matter Not Appearing  
on the Printed Docket.**

## REPORT FROM COMMITTEE

### COUNCILMAN JAMES A. PETROSINELLI, Chairman COMMITTEE ON PUBLIC WORKS

**Transmits the following with Recommendation,  
the Same be Adopted:**

**Resolution Authorizing the Installation of Gasoline Facilities at 98 India Street.**

*Resolved*, That the following named person, firm or corporation is hereby granted permission to erect, alter or use a building or structure at the location named herein for the sale of petroleum, kerosene, gasoline, coal oil and their products, compounds and components as described and shown in and on the application therefor and accompanying plat, all on file in the office of the Department of Inspection and Standards subject to the conditions that said person, firm or corporation shall not violate any of the laws of the State of Rhode Island or any of the Ordinances of the City of Providence relative to the erection, use or occupation of said structure and that said person, firm or corporation shall not allow petroleum, kerosene, gasoline, coal oil or their products, compounds or components, to be conveyed over or across any sidewalk by means of any pipe or hose, and upon such special conditions as are hereby enumerated and further provided that the Director of the Department of

Inspection and Standards may authorize minor changes in the structural detail of plans on file, viz:

India Point Associates, L.P., 98 India Street, Plat 18, Lots 331 and 24, to install Two (2) Ten Thousand (10,000) Gallon storage tanks and Two (2) Multi-Product dispenser pumps, making a total of Four (4) dual pumps and Twenty Thousand (20,000) Gallons of storage upon the premises.

The erection or location of any buildings or structures not shown on the original plat on file with the Director of Department of Inspection and Standards, or any change in the location of buildings or structures from that shown on said plat shall be deemed a violation of this permit.

**Read and Passed, on motion of COUNCILMAN GLAVIN, seconded by COUNCILMAN DILLON.**

**The motion for Passage, is Sustained.**

## ADJOURNMENT

There being no further business, on motion of COUNCILMAN GLAVIN, seconded by COUNCILMAN DILLON, the City Council adjourns at 8:00 o'clock P.M. (E.S.T.) to meet again on THURSDAY, NOVEMBER 16, 1989 at 7:30 o'clock P.M. (E.S.T.).

*Rose M. Mendonca*

*City Clerk*



November 2]

2250

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November 2]

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November 2]

2252

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