

CITY OF PROVIDENCE
RHODE ISLAND



CITY COUNCIL
JOURNAL OF PROCEEDINGS

No. 81 City Council Regular Meeting, Thursday, March 15, 1990, 7:30 o'clock P.M. (E.S.T.)

IN CITY COUNCIL

APR 5 1990

APPROVED:

PRESIDING

Pres. member CLERK

COUNCIL PRESIDENT

NICHOLAS W. EASTON

ROLL CALL

Present: Council President Easton, Councilmen Annaldo, Clarkin, Cola, Dillon, Councilwoman DiRuzzo, Councilmen Farmer, Glavin, Igliozi, Lombardi, Petrosinelli, Rollins and Councilwoman Young—13.

Absent: Councilwoman Fargnoli and Councilman Lopes—2.

INVOCATION

The Invocation is given by COUNCILMAN
MALCOLM FARMER, III.

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

COUNCILWOMAN JOSEPHINE DIRUZZO
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. 79 of the
Special Meeting of the City Council held
March 1, 1990, and the Journal of Proceed-
ings No. 80 of the Regular Meeting of the
City Council held March 11, 1990 and Posted
March 12, 1990, on that Bulletin Board
located on the Ground Floor Level of City
Hall, are Severally Approved as Printed, on
motion of COUNCILMAN GLAVIN, second-
ed by COUNCILMAN DILLON.

VETO BY HIS HONOR THE MAYOR

Communication dated March 9, 1990, informing the Honorable City Council of his Disapproval and Veto of that Resolution Requesting the Providence Public Building Authority to exercise its rights of Eminent Domain to acquire certain parcels of land for a Public Park.

March 9, 1990

The Honorable Nicholas W. Easton
and the Members of the Providence City Council

Dear Council President Easton:

I am vetoing a resolution passed by the City Council at its March 1st meeting. My understanding of the resolution was to compel the Providence Municipal Public Building Authority to acquire by means of eminent domain land currently owned by Miriam Hospital for use as a neighborhood park. While I wholeheartedly support the creation of a park in the Summit Avenue neighborhood, I feel that it is premature to compel the PBA to use its eminent domain powers.

Negotiations are currently underway that would allow Miriam to voluntarily offer land to

the city for a neighborhood park. This Resolution could jeopardize those negotiations and a lengthy court battle over eminent domain will only delay the construction of a park in that area.

It is my understanding that the Resolution in its present form fails to comply with RIGL section 45-50-10 which states that any act by the Public Building Authority must originate with the chief executive officer. I am, therefore, returning the Resolution to the City Council with my veto inasmuch as it was not introduced at my request.

As I have stated in the past, I am very much committed to a park in the Summit Avenue area, however, the use of eminent domain at this junction is premature and not in compliance with Rhode Island General Law.

Sincerely,

JOSEPH R. PAOLINO, JR.
Mayor of Providence

Received.

APPOINTMENT BY HIS HONOR THE MAYOR

Communication dated March 7, 1990, informing the Honorable City Council that pursuant to Section 302(b) of the Providence Home Rule Charter of 1980, He is this day appointing Karen Jessup of 223 Morris Avenue, Providence, Rhode Island, as a Member of the Historic District

Commission for a term expiring in September of 1993 replacing Susann G. Mark who has resigned.

March 7, 1990

March 15]

2400

[1990

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

who has resigned. Ms. Jessup will serve as chairperson of the commission to replace Antoinette Downing who has resigned as chairperson.

Dear Honorable Members:

Respectfully submitted,

Pursuant to Section 302(b) of the Providence Home Rule Charter of 1980, I am this day appointing Karen Jessup of 223 Morris Avenue, Providence, Rhode Island, as a Member of the Historic District Commission for a term to expire in September of 1993 to replace Susann G. Mark

JOSEPH R. PAOLINO, JR.
Mayor of Providence.

Received.

NOMINATION BY HIS HONOR THE MAYOR

Communication dated March 6, 1990, informing the Honorable City Council that pursuant to Section 203 of the Providence Home Rule Charter of 1980, He is this day nominating Anthony P. Pennine of 26 Grove Street, Providence, Rhode Island, as a Member of the Board of Canvassers for a term expiring on the first Monday in March, 1996.

Rule Charter of 1980, I am this day nominating Anthony P. Pennine of 26 Grove Street, Providence, Rhode Island, as a Member of the Board of Canvassers for a term expiring on the first Monday in March, 1996.

Respectfully submitted,

JOSEPH R. PAOLINO, JR.
Mayor of Providence.

March 6, 1990

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

Communication Received and Nomination Approved, on motion of COUNCILMAN GLAVIN, seconded by COUNCILMAN DILLON.

Dear Honorable Members:

The motion to Approve the Nomination is Sustained.

Pursuant to Section 203 of the Providence Home

SCHEDULE OF BILLS

FROM CITY CONTROLLER:

Street Lighting Bill from Narragansett Electric Company for February, 1990, in the amount of One Hundred Twelve Thousand, Seventy-Four Dollars and Eighty-Eight Cents (\$112,074.88).

Approved, on motion of COUNCILMAN GLAVIN, seconded by COUNCILMAN DILLON, by the following Roll Call Vote:

Ayes: Council President Easton, Council-

men Annaldo, Clarkin, Cola, Dillon, Councilwoman DiRuzzo, Councilmen Farmer, Glavin, Igliozi, Lombardi, Petrosinelli, Rollins and Councilwoman Young—13.

Absent: Councilwoman Fagnoli and Councilman Lopes.—2.

The motion to Approve is Sustained.

PRESENTATION OF ORDINANCE

COUNCIL PRESIDENT EASTON:

An Ordinance Prohibiting repairs to vehicles on the streets or publicly owned property within the City with certain exceptions, and also on privately owned property except under certain circumstances.

Referred to Committee on Ordinances, on motion of COUNCILMAN GLAVIN, seconded by COUNCILMAN DILLON.

The motion to Refer is Sustained.

PRESENTATION OF RESOLUTIONS

COUNCIL PRESIDENT EASTON:

Resolution of the City Council extending congratulations to Sgt. Raymond Owens and Officer Alfred Tooms in recognition of their diligent

efforts in pursuing and apprehending suspects in the homicide of Thomas J. Logan.

Whereas, On March 4, 1990, Thomas Logan, while tending his business without incident, was brutally slain by a patron, and

Whereas, Alert witnesses gave a description of the car and registration of the suspects to Police Officers, which was immediately broadcast, followed by numerous officers diligently searching the area, and

Whereas, Detectives went to the home and other known establishments in search of the pair, and

Whereas, Sergeant Raymond Owens recognizing the car at the Mobil Station on Elmwood Avenue, called for back up, and

Whereas, As he approached the vehicle, he was joined by Police Officer Alfred Tooms, he ordered him to apprehend one suspect while he arrested the second and placed them in separate vehicles,

Now Therefore Be It Resolved, That the members of the City Council take particular pride in acknowledging the dedicated service of the officers and men of the Providence Police Department having once again responded to their sworn duty, and

Be It Therefore Resolved, That special commendation is hereby given to Sergeant Raymond Owens and Police Officer Alfred Tooms, in acknowledging heroic efforts for their vigilance in apprehending the two suspects while placing their very lives in danger.

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

The motion for Passage is Sustained.

COUNCIL PRESIDENT EASTON and COUNCILWOMAN YOUNG:

Resolution endorsing House Bill 90-H 8896, presently pending before the Committee on Judiciary relating to Criminal Offenses—Control of Firearms.

Referred to the Committee on Finance, on motion of COUNCILMAN GLAVIN, seconded by COUNCILMAN DILLON.

The motion to Refer is Sustained.

COUNCILMAN COLA (By Request):

Resolution requesting the Traffic Engineer to cause the installation of a "Quiet Please—Sickness" sign along 26-28 Chaucer Street.

Resolved, That the Traffic Engineer is requested to cause the installation of a "Quiet Please—Sickness" sign along 26-28 Chaucer Street.

COUNCILMAN DILLON (By Request):

Resolution requesting the State Director of Transportation to conduct a study of the intersection of Park Avenue and Elmwood Avenue in the City of Cranston to relieve traffic congestion and safety hazards in that area.

Whereas, significant traffic congestion has been noted near the intersections of Elmwood Avenue and Park Avenue in the City of Cranston, and

Whereas, this congestion poses a danger for the many school children who must walk through this intersection to get to Saint Matthew School and church, and

Whereas, the citizens of both Providence and Cranston are affected by the dangerous conditions now existing at this location,

Now therefore, be it Resolved, that the Director of the Rhode Island Department of Transportation is requested to cause a study of this inter-

section to be conducted, to determine if changes in the traffic signalization or "Right Turn on Red" regulations would improve safety and traffic flow in this area, and

Be it further Resolved, that the Director of the Rhode Island Department of Transportation is respectfully requested to convey the results of this study to the City Councils of the cities of Providence and Cranston.

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

The motion for Passage is Sustained.

Resolution authorizing the City Collector to cause the taxes to be abated on that property located on Lot 565, City Assessor's Plat 31, as requested by West Elmwood Housing Development Corporation.

Referred to Committee on Finance, on motion of COUNCILMAN GLAVIN, seconded by COUNCILMAN DILLON.

The motion to Refer is Sustained.

COUNCILMAN FARMER (By Request):

Resolution designating and proclaiming April 22, 1990 as Earth Day 1990 to be set aside for public activities promoting preservation of the global environment and launching the "Decade of the Environment".

Whereas, Rhode Islanders have worked for many years to conserve the environment to protect natural resources and the beauty of our state and its cities and towns;

Whereas, Twenty years ago on April 22, 1970, twenty million Americans joined together on Earth Day to demonstrate a concern for the environment that resulted in sweeping new laws to protect our air, water and land;

Whereas, Since the first Earth Day, despite environmental improvements, the environmental health of the planet is increasingly threatened by problems such as global warming, ozone depletion, growing world population, tropical deforestation, toxic wastes, and ocean pollution, requiring action by all sectors of society;

Whereas, Earth Day 1990 is a national and international call for all citizens to join in a global effort to save the planet;

Whereas, Earth Day 1990 activities and events will educate all citizens on the importance of

adopting more environmentally sensitive lifestyles through actions such as recycling, conserving energy and water, and using efficient transportation;

using products least harmful to the environment and doing business with companies that are environmentally sensitive and responsible;

supporting legislation that helps protect the environment and voting for candidates who demonstrate an abiding concern for the environment;

Now, therefore, Be it Resolved, That the City of Providence designate and proclaim April 22, 1990, as Earth Day 1990, and that the day be set aside for public activities promoting preservation of the global environment and launching the "Decade of the Environment."

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

The motion for Passage is Sustained.

COUNCILMAN GLAVIN, COUNCILMAN DILLON and COUNCILWOMAN FARGNOLI (By Request):

Resolution granting an extension in time for certain teachers from the residency requirements established under Section 1210 of the Providence Home Rule Charter of 1980, until June 30, 1990.

Referred to Committee on Finance, on motion of COUNCILMAN GLAVIN, seconded by COUNCILMAN DILLON.

The motion to Refer is Sustained.

Resolution authorizing Grant of Easement to Capital Properties, Inc., owners of Parcel 2 in Capital Center.

Referred to Committee on Urban Redevelopment, Renewal and Planning, on motion of COUNCILMAN GLAVIN, seconded by COUNCILMAN DILLON.

COUNCILMAN FARMER desires to be recorded as "Not Voting".

The motion to Refer is Sustained.

COUNCILMAN LOMBARDI (By Request):

Resolution authorizing the City Collector to cause the taxes to be abated on that property located on lots 420, 23, 17, and 18 on City Assessor's

Plat 33, in the amount of \$2,472.23, as requested by New Homes for Federal Hill.

Referred to Committee on Finance, on motion of COUNCILMAN GLAVIN, seconded by COUNCILMAN DILLON.

The motion to Refer is Sustained.

Resolution requesting the Traffic Engineer to cause the "No Parking" signs along Adams and Marcello Streets to be replaced.

Resolved, That the Traffic Engineer is requested to cause the "No Parking" signs along Adams and Marcello Streets, to be replaced.

COUNCILWOMAN YOUNG (By Request):

Resolution requesting the Supervisor of Environmental Control to cause that vacant lot at Chester Avenue and Broad Street to be cleaned of tires and all debris.

Resolved, That the Supervisor of Environmental Control is requested to cause that vacant lot at Chester Avenue and Broad Street, to be cleaned of tires and all debris.

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

The motion for Passage is Sustained.

REPORTS FROM COMMITTEES

COUNCILMAN DAVID G. DILLON, Chairman

COMMITTEE ON FINANCE

The following Ordinance was in the City Council February 15, 1990, Read and Passed the First Time, Referred Back to Committee on Finance, and is Transmitted with Recommendation of Adoption, the Second Time:

An Ordinance in Amendment of Chapter 15 of the Code of Ordinances of the City of Providence, entitled: "Motor Vehicles and Traffic," as Amended.

Be it ordained by the City of Providence:

Section I. Chapter 15 of the Code of Ordinances of the City of Providence, entitled "Motor Vehicles and Traffic", as amended, is hereby further amended by adding thereto the following

Article VIII. Reasonable Speeds.

Section 15-108. Reasonable and prudent speeds.

No person shall drive a vehicle on a highway at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing in every event, speed shall be so controlled as may be necessary to avoid colliding with any person, vehicle, or other conveyance on or entering the highway in compliance with legal requirements and the duty of all persons to use due care.

Section 15-109. Conditions requiring reduced speed.

The driver of every vehicle shall, consistent with

the requirements of Section 15-108 drive at an appropriate reduced speed when approaching and crossing an intersection or railroad grade crossing, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway and when special hazard exists with respect to pedestrians or other traffic or by reason of weather or highway conditions.

Section 2. 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, Clarkin, Cola, Dillon, Councilwoman DiRuzzo, Councilmen Farmer, Glavin, Igliozzi, Lombardi, Petrosinelli, Rollins and Councilwoman Young—13.

Absent: Councilwoman Fagnoli and Councilman Lopes.—2.

The motion for Passage the Second Time is Sustained.

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

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

Resolution Authorizing His Honor the Mayor to enter into an Agreement authorizing North Main Associates, L.P. to erect and to maintain a Sign on Certain Land under Municipal Control.

Resolved, That His Honor the Mayor is authorized to enter into an agreement of easement granting permission to North Main Associates, (hereafter "NMA"), their successors and assigns to erect and maintain a free standing pylon sign within the line of Collyer Street. Said grant is predicated upon the following conditions:

a.) The sign and the area for its maintenance shall be a rectangular area not more than ten (10) feet by thirty (30) feet located adjacent to the easterly side of Collyer Street approximately one hundred ninety (190') feet northerly of the intersection of Collyer Street and Smithfield Avenue;

b.) Said grant shall continue for a term of twenty five (25) years provided; however, that NMA may retain said grant for five (5) successive year option periods. Each of said option periods shall be entered into only with the approval of the Providence City Council upon terms and conditions to be negotiated between the City Council and NMA before the commencement of each option period. The annual payment for said grant for the initial twenty-five (25) year period shall be 14.33 which shall be paid in advance on the first business day of each renewal year.

c.) That NMA enter into an agreement by which the City and members of the City Council are indemnified from any and all causes of action resulting from the erection and maintenance of the sign in a form satisfactory to the City Solicitor;

d.) That NMA provide proof of insurance in the amount not less than one hundred thousand (\$100,000.00) Dollars providing for coverage against personal injury and property damage. The City shall be listed as an additional insured on said policy;

e.) NMA shall proceed forthwith, to seek and to provide highway signage in the manner detailed before the City Council Committee on Public Works;

f.) That should the City of Providence at any time hereafter be entitled to assess abutting property owners for the private use and occupation of the public highways, this resolution shall in no manner affect the right of the City to charge and collect rent for the use of Collyer Street or any successor or assign in interest;

g.) The City shall retain a right of Reverter in the premises and should NMA fail to comply with or to abide by any of the above referenced conditions as well as any further restrictions imposed by the Mayor or the City Council or the City Solicitor, the premises shall automatically revert to the City of Providence, any Agreement shall be null and void and any easement or other fee extinguished without recourse by NMA;

Together with such other terms and conditions as may be imposed by His Honor the Mayor and the City Solicitor.

Read and Passd, on motion of COUNCILMAN GLAVIN, seconded by COUNCILMAN DILLON, by the following Roll Call Vote:

Ayes: Council President Easton, Councilmen Annaldo, Clarkin, Cola, Dillon, Coun-

cilwoman DiRuzzo, Councilmen Farmer, Glavin, Igliozi, Lombardi, Petrosinelli, Rollins and Councilwoman Young—13.

Absent: Councilwoman Fagnoli and Councilman Lopes.—2.

The motion for Passage is Sustained.

Resolution Granting Permission to the Providence Public Library at its Olneyville Square location to cause a Ramp to be erected along the Olneyville Square entrance to the Building.

The Providence Public Library (hereafter "P.P.L.") is hereby granted permission to erect a ramp along the Olneyville Square entrance to its Olneyville Square Branch. Said ramp shall extend not more than four (4) feet four (4) inches into the public right of way. Said permission shall continue for fifty (50) years unless earlier abrogated by agreement or as set out below. Said grant is conditioned upon:

a.) P.P.L. undertaking all construction in accordance with the plans submitted to the Director of the Department of Inspection and Standards;

b.) P.P.L. entering into an indemnification

agreement acceptable to the Office of the City Solicitor;

c.) P.P.L. providing insurance coverage against loss or injury in an amount of not less than One Hundred Thousand (\$100,000.00) Dollars with the City of Providence being named as an additional insured.

d.) That should the City of Providence at any time hereafter be entitled to assess abutting property owners for the private use and occupation of the public highways, this resolution shall in no manner affect the right of the City to charge and collect rent for the use of Collyer Street or any successor or assign in interest.

e.) The City shall retain a right of reverter in the premises and should P.P.L. fail to comply with or to abide by any of the above referenced conditions, the premises shall automatically revert to the full fee and control of the City of Providence any agreement hereunder shall be null and void, and any right or fee created hereunder shall be forever entinghished without recourse by P.P.L. and upon such other terms and conditions as may be imposed His Honor the Mayor and the City Solicitor.

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

The motion for Passage is Sustained.

REPORT

FROM THE CITY CONTROLLER

Received.

Monthly Financial Report for January, 1990.

FROM THE CLERK'S DESK

Petition of Sabatino Imondi for permission to assign numbers 17-19-21-23 going east to west on Hagan Street to Hagan Condominium which is on Plat 97, Lot 785.

Referred to Committee on Urban Redevelopment, Renewal and Planning, on motion of COUNCILMAN GLAVIN, seconded by COUNCILMAN DILLON.

The motion to Refer is Sustained.

Petitions for Compensation for Injuries and Damages, viz:

Theresa and Robert Bouchard

Martha Brown

Castor Carriers Corp. vs. City of Providence

Commerce Ins. Co., as sub. of William Murphy, III.

Grasso's Gulf, Inc.

Anthony P. Henry

Jonathan Jaskiewicz

Karen L. Jessup

Alice A. Kepping

Donna Masterson

Francis Nardolillo

Valerie Oliver

RI Orthopaedic Group, Inc.

Joao B. Rodrigues

Royal Ins. Co., as sub. of Rita Rainville

Maude Thorp

Phyllis Wray

Severally Referred to 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:

Resolutions extending Sympathy.

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

Satenig Garabedian

Elsie Elkins

Elvira Bonafiglia

April J. Terry

M. Henry Furlong

Armando C. Mosco

Catherine A. Swinson

Guido Mogatti

John Mancuso

Mary A. Hughes

Berry Lucas

Giovanna Testa

Arthur Coppola

Anthony Kanaczet

Carmella Scungio

Helen Fessel

Francesco De Cesare

Balduino Maccarone

Esther M. D'Orsi

Edward C. Fayerweather, Sr.

Peter DePari

Irving R. Corey

Guiseppe Cotoia

Thomas J. Logan

Juanita P. Allison

Rose E. Marses

Pasquale Caraccia

Armand Vigeant

Dante Ascenzi

Mario Cerilli

**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.

ADJOURNMENT

There being no further business, on motion of COUNCILMAN GLAVIN, seconded by COUNCILMAN DILLON, the City Council adjourns at 8:10 o'clock P.M. (E.S.T.) to meet again on THURSDAY, APRIL 5, 1990 at 7:30 o'clock P.M. (E.D.T.).

Rose M. Mendonca

City Clerk



March 15]

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[1990