

# RESOLUTION OF THE CITY COUNCIL

No. 610

**Approved** August 18, 2003

WHEREAS, the events of September 11, 2001 have raised the security concerns of all Americans; and

WHEREAS, the Port of Providence ("the Port") is a large waterfront facility, is accessible to a significant number of watercraft, and is a storage area for large supplies of volatile and otherwise dangerous material; and

WHEREAS, ProvPort is a large landowner within the designated Port area;

WHEREAS, the federal, state and municipal governments and ProvPort wish to ensure the security of the port area; and

WHEREAS, on September 28, 2001, the Mayor of Providence issued an emergency directive designating the Port as a restricted zone; and

WHEREAS, certain emergency security measures were undertaken at the Port so as to provide enhanced security there; and

WHEREAS, the United States of America through the United States Coast Guard has made certain suggestions with reference to the land security at the port;

WHEREAS, the City and ProvPort wish to modify certain of the existing security measures, yet, they wish to continue to abide by the spirit of the Emergency Directive of September 28, 2002,

NOW, THEREFORE, BE IT RESOLVED, that the City of Providence and ProvPort agree as follows:

1. The existing security plan unless amended herein shall remain as is.
2. The existing security plan shall be amended as follows:

(a) The security checkpoint now sited at or near the intersection of Ellis Street and Terminal Road shall be relocated to a site on Terminal Road at ProvPort

headquarters.

**CITY COUNCIL**  
**AUG 7 2003**  
**READ AND PASSED**  
*Robbie Agnew*  
**PRES. ACTING**  
*Michael B. Clement*  
**CLERK**  
CB

**APPROVED**  
*[Signature]*  
**MAYOR** 8/18/03

IN CITY COUNCIL  
APR 3 2003  
FIRST READING  
REFERRED TO COMMITTEE ON  
FINANCE

Michael R. Clement  
CLERK *ans*

IN CITY COUNCIL  
APR 3 2003  
FIRST READING  
REFERRED TO COMMITTEE ON  
ORDINANCES

Michael R. Clement  
CLERK *ans*

*Jointly*

THE COMMITTEE ON

Finance & Ordinances, jointly

Recommendations - Refer to

David M. Steina  
CLERK

5-12-03

Public Works

City Property,  
*jointly*

THE COMMITTEE ON

Public Work - City Property, jointly

Recommendations - Approved, As

Michael R. Clement  
CLERK *ans*

7-28-03

*Amended*

*Route B. Pasquet*

(b) Private security personnel will be assigned to the Terminal Road checkpoint. The security personnel will be paid by the Port of Providence and will act only to control access to the restricted area of the Port. The Providence Police Department will provide first response services.

(c) The checkpoint located at or near the easterly intersection of Harborside Boulevard and 9 Fields Point Drive will be replaced with a locked gate.

(d) An existing street barricade located northwesterly of the intersection of New York Avenue and Service Road will be replaced with a locked gate.

(e) ProvPort shall install speed bumps on Harborside Boulevard and Service Road.

3. (a) The modifications to be made in b, c, & d of Paragraph 2 shall be at ProvPort's sole costs and expense.

(b) ProvPort shall, if necessary receive appropriate roadway alteration permits from the Department of Public Works;

(c) The Traffic Engineer shall temporarily close Harborside Boulevard and Service Road so as to facilitate the ProvPort construction;

(d) During construction and/or relocation:

(1) ProvPort shall maintain an insurance policy in the sum of not less than \$100,000.00 naming the City of Providence its officers, agents, servants and employees as additional named insureds to protect them during the construction period;

(2) ProvPort shall execute the attached indemnification and hold harmless agreement;

(3) ProvPort shall complete any roadway construction to the reasonable approval of the Director of Public Works;

(4) ProvPort shall employ the MUTCD (Manual on Uniform Traffic Control Devices) during all phases of construction and the completed construction shall meet MUTCD requirements.

4. Upon completion of said modifications to the approval of the Director of Public Works, ProvPort shall tender and give over any interest it may have in said fences to the City of Providence, which shall accept the same.

5. (a) Upon construction of the above-referenced Terminal Road checkpoint, ProvPort shall, at its sole cost and expense, provide security personnel to staff said checkpoint. ProvPort shall retain ownership of the checkpoint and shall maintain the same. Provided, further, that any increase in police or security personnel, occasioned by the arrival or departure of any vessel shall not be the responsibility of ProvPort.

(b) The security personnel stationed at the checkpoint shall provide checkpoint identification review only;

(c) The Providence Police Department shall provide "first response services" at the port;

(d) ProvPort and its security hiree shall provide an insurance policy in a sum of not less than \$500,000 providing coverage to the City of Providence, its officers servants and employees. Said policy shall be to the approval of the Department of Law.

(e) ProvPort shall furnish an indemnification and hold harmless agreement acceptable to the City Solicitor.

(f) The Commissioner of Public Safety shall deputize those individuals stationed at the checkpoint to the extent ("limited" or "full") necessary under law in order to accomplish checkpoint identification.

(g) ProvPort shall provide security personnel twenty-four (24) hours a day seven (7) days per week at the checkpoint unless some change in staffing is approved, in writing, by the Public Safety Task Force of the City.

6. This document shall be submitted to the Providence City Council for legislative authorization and subsequently to the Mayor for executive approval.

7. The city recognizes that Prov Port wishes to proceed in an expeditious manner so as to effect these changes in the port area. The Public Safety Task Force also wishes to promote these modifications. Hence, if it so desires, Prov Port may commence construction prior to final approval of this enactment. In the event it does so, Prov Port shall meet both the insurance and indemnification requirements cited above. Additionally, once having thus started construction Prov Port shall have no claim of equitable estoppel or detrimental reliance based on such undertaking. In the event that the within Resolution is not approved, Prov Port shall remove at it's own expense any

construction undertaken in accordance to this document. Provided, however, that any construction undertaken shall not give rise to allegations of highway obstruction.

8. If ProvPort ceases to exist, or the security measures outlined herein are no longer needed, all property used by ProvPort for these security measures shall revert to the City of Providence.

9. This agreement cannot be assigned without prior approval by the City of Providence.