

THE CITY OF PROVIDENCE
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

RESOLUTION OF THE CITY COUNCIL

No. 132

Approved February 19, 1965

WHEREAS, Providence College's undefeated basketball team has once again fired the spirit of competitive sports with its victories, which has focused National attention upon itself and the City of Providence, now being referred to as Basketball City, U. S. A., and

WHEREAS, "P.C." athletes, whether on the "Court" in the "Rink" on the "Diamond" or the "Gridiron" have proven to be the scoringest that Little Rhody has ever produced.

NOW THEREFORE BE IT RESOLVED, That His Honor Mayor Joseph A. Doorley, Jr., and the members of the City Council, proud of the accomplishments of the stalwart Providence College Quintet and of the National attention its team has caused to be focused upon the progressive City of Providence, do hereby cheer Coach "Joe" Mullaney and the Friars basketballers on to their coveted "23-0" goal, and

BE IT FURTHER RESOLVED, That a duly engrossed copy of this Resolution be transmitted forthwith by the City Clerk to Coach "Joe" Mullaney.

IN CITY COUNCIL

FEB 18 1965

READ and PASSED

Samuel J. Boyle
President
Annant. C. Clark
Clerk

APPROVED

FEB 19 1965

Joseph A. Doorley Jr.
MAYOR

RESOLUTION
OF THE
CITY COUNCIL

Mr. Hayton and
Mr. McCosker, for themselves and the members of the City Council

THE CITY OF PROVIDENCE
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

RESOLUTION OF THE CITY COUNCIL

No. 133

Approved February 19, 1965

WHEREAS, Charles V. Chapin Hospital, a City of Providence owned and operated facility, has rendered public health services to all citizens of the state of Rhode Island, and

WHEREAS, the entire costs of such public service has been and is the sole responsibility of the City of Providence, resulting in the cost to the taxpayers of this City of nearly one half of a million dollars.

NOW THEREFORE BE IT RESOLVED, That the General Assembly give passage to An Act transferring the Charles V. Chapin Hospital from the City of Providence to the State of Rhode Island, and

BE IT FURTHER RESOLVED, That a duly certified copy of this Resolution be transmitted to the Lieutenant Governor and to the Speaker of the House of Representatives.

IN CITY COUNCIL

FEB 18 1965

READ and PASSED

James H. Smith
President
Carrie A. Culp
Clerk

APPROVED

FEB 19 1965

Joseph A. Donley
MAYOR

RESOLUTION
OF THE
CITY COUNCIL

Mr. McCaskey, by request

TRANSFERRING THE CHARLES V. CHAPIN HOSPITAL FROM THE CITY OF PROVIDENCE TO THE STATE OF RHODE ISLAND BEING IN AMENDMENT OF AND IN ADDITION TO TITLE 23 OF THE GENERAL LAWS ENTITLED "HEALTH AND SAFETY", AND IN AMENDMENT OF AND IN ADDITION TO CHAPTER 36-9 OF THE GENERAL LAWS ENTITLED "RETIREMENT SYSTEM--MEMBERSHIP AND SERVICE CREDITS."

SECTION 1. Title 23 of the General Laws entitled "Health and Safety" is hereby amended by adding the following chapter:

TITLE 23
"Health and Safety"
CHAPTER 23-16.1
CHARLES V. CHAPIN HOSPITAL

23-16.1-1. Charles V. Chapin Hospital Commission - There is hereby established the Charles V. Chapin Hospital Commission consisting of seven (7) members who shall be appointed by the Governor.

23-16.1-2. Powers and Duties of Commission - Said Commission shall be and is hereby constituted a public corporation for the purpose of acquiring title to all the land and buildings known and designated as Charles V. Chapin Hospital, presently owned by the City of Providence, hereafter more particularly described. It shall be the duty of said Commission to administer the affairs of said Charles V. Chapin Hospital for a period of one year, commencing July 1, 1965, provided, however, that the City of Providence by and through its department of public health is hereby granted permission to continue to administer the laboratory division of its milk department, its tuberculosis division, the polio and vaccination clinics at said hospital and as much of the first floor of the "Nurses Home", so called, for the administrative offices

of said department, so long as said facilities or any of same are required, and provided further, that title to said land and buildings known and designated as Charles V. Chapin Hospital shall revert to the City of Providence if at any time subsequent to July 1, 1965, the State of Rhode Island shall abandon the said land and buildings for hospital or public health purposes.

23-16.1-3. Property Description - The land and buildings known and designated as Charles V. Chapin Hospital is located in the City of Providence on the southerly side of Eaton Street and is further described as Lot 8 on Plat 119 on record in the Office of the Tax Assessor in said City of Providence.

23-16.1-4. Transfer of Employees of Charles V. Chapin Hospital - All employees of the Charles V. Chapin Hospital who are certified by the hospital superintendent as having completed six (6) months' satisfactory service with said hospital prior to July 1, 1965, shall be granted appointment in the service of the State, commencing July 1, 1965, at the same rate of pay they were receiving from the City of Providence, including allowances for anticipated increments and credit for accumulated sick leave and annual leave.

All employees of the Charles V. Chapin Hospital with less than six (6) months' service with said hospital prior to July 1, 1965, shall be granted appointment in the service of the State in the same manner but subject to the classification survey herein provided for.

23-16.1-5. Classification Allocation - A classification survey shall be commenced by the State Division of Personnel on or before July 1, 1965 of all positions at the Charles V. Chapin Hospital, allocating said positions to appropriate classes in the State's competitive or non-competitive classified service. Said survey shall be completed on or before June 30, 1966.

23-16.1-6. Allocation of Employees--Competitive Classes - All employees of the Charles V. Chapin Hospital allocated to the competitive classes with at least six (6) months' continuous service with said hospital prior to July 1, 1965, shall be granted permanent status after

an unassembled examination consisting of 100 per cent experience and education, providing the superintendent of said hospital shall have certified to the state personnel administrator on the date the transfer becomes effective that the employees have performed their duties satisfactorily.

All employees of the Charles V. Chapin Hospital with less than six (6) months' continuous service with said hospital prior to July 1, 1965, whose positions would be allocated to the competitive classified service, in accordance with the survey provided for in Section 23-16.1-5 above, shall be required to take a competitive examination.

23-16.1-7. Allocation of Employees--Non-Competitive Classes - All employees allocated to the non-competitive classes with at least six (6) months' continuous service with said hospital prior to July 1, 1965, shall be deemed to have completed the probationary period and shall be granted permanent status, providing the superintendent of said hospital shall have certified to the State Personnel Administrator on the date the transfer becomes effective that the employees have performed their duties satisfactorily.

All employees of the Charles V. Chapin Hospital with less than six (6) months' continuous service with said hospital prior to July 1, 1965, whose positions would be allocated to the non-competitive classified service, in accordance with the survey provided for in Section 23-16.1-5 above, shall be required to successfully complete a six (6) month probationary period commencing July 1, 1965, before acquiring permanent status.

23-16.1-8. Pay Scale for Transferred Employees - All employees of the Charles V. Chapin Hospital shall be eligible for any increase in basic pay, determined by the survey provided for in Section 23-16.1-5 above, commencing July 1, 1965; provided, however, that no such employee shall receive less than the salary he was receiving from the City of Providence at the time of his transfer, together with any and all step increases to which he may become entitled by virtue of length of service.

23-16.1-9. Employees' Retirement Benefits - All employees of the

Charles V. Chapin Hospital who are members of the employees' retirement system of the City of Providence at the time of their transfer to the service of the State shall be granted service credit in the employees' retirement system of the State of Rhode Island for all the purposes thereof for all service to the City of Providence prior to July 1, 1965. To provide for such service credit, the City of Providence shall pay to the State of Rhode Island for all the purposes thereof for prior service to the City of Providence as soon as possible and practicable after July 1, 1965, for the account of said employees an amount equal to the actuarial value, as certified by the Retirement Board of said employees' retirement system of the State of Rhode Island, of a deferred life annuity beginning at age sixty (60) in the case of employees who are under age 60 on July 1, 1965, or the actuarial value of an immediate life annuity at attained age on July 1, 1965, in the case of employees who have attained their sixtieth (60th) birthday on or before July 1, 1965. The amount of retirement annuity earned by each employee for the service rendered the City of Providence prior to July 1, 1965, shall be computed according to tables of mortality, turnover and rate of interest presently in use by said Retirement Board of the employees' retirement system of the State of Rhode Island.

Upon receipt of said payment from the City of Providence, the retirement board shall establish appropriate contribution credits for said transferred employees which shall be equal to the contribution credits said employees would have accumulated had they been members of the employees' retirement system of the State of Rhode Island during the entire period of service rendered the City of Providence prior to July 1, 1965, for which said employees contributed to the employees' retirement system of the City of Providence.

In the event said payment by the City of Providence is delayed more than ninety (90) days after July 1, 1965, interest on said payment shall begin to accrue at the rate of three per cent (3%) per annum on said payment commencing upon expiration of said period of ninety (90)

days, and the amount of said interest shall form a part of the payment to be made by the City of Providence.

SECTION 2. Chapter 36-9 of the General Laws entitled "Retirement System--Membership and Service Credits" is hereby amended by adding thereto the following section:

36-9-30. Credit for Service to Charles V. Chapin Hospital Employees - All employees of the Charles V. Chapin Hospital who are transferred to the service of the State of Rhode Island on July 1, 1965, and who shall be members of the Retirement System of the City of Providence on such date shall be granted service credit in the Employees' Retirement System of the State of Rhode Island for all the purposes thereof for all services rendered the City of Providence prior to July 1, 1965, for which said employees contributed to the Employees' Retirement System of the City of Providence.

SECTION 3. This Act shall take effect July 1, 1965; and thereupon all Acts and parts of Acts inconsistent herewith shall stand repealed.

THE CITY OF PROVIDENCE
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

RESOLUTION OF THE CITY COUNCIL

No. 134

Approved February 19, 1965

WHEREAS, employees of the Charles V. Chapin Hospital who are members of the Employees Retirement System of the City of Providence who will become employees of the State of Rhode Island as of the thirtieth day of June, 1965 do now have certain retirement credits and benefits which should not be lost to them,

NOW THEREFORE BE IT RESOLVED That the General Assembly give passage to an Act transferring the Retirement Credits and benefits of employees of the Charles V. Chapin Hospital to the State of Rhode Island, and

BE IT FURTHER RESOLVED That the City Clerk be directed to transmit duly certified copies of this Resolution to the Lieutenant Governor and to the Speaker of the House of Representatives.

IN CITY COUNCIL

FEB 18 1965

READ and PASSED

Russell J. Boyle
President
Vincent J. Capria
Clerk

APPROVED

FEB 19 1965

Joseph A. Donley
MAYOR

RESOLUTION
OF THE
CITY COUNCIL

Mr. McCosker, by request

STATE OF RHODE ISLAND, &C.

IN GENERAL ASSEMBLY

January Session, A.D. 1965

AN ACT

IN AMENDMENT OF AND IN ADDITION TO CHAPTER 489 OF THE PUBLIC LAWS, 1923, ENTITLED "AN ACT TO PROVIDE FOR THE RETIREMENT OF EMPLOYEES OF THE CITY OF PROVIDENCE", AS AMENDED.

It is enacted by the General Assembly as follows:

SECTION 1. Chapter 489 of the Public Laws of 1923, as amended, is hereby amended by adding a new section 20 to read as follows:

"SEC. 20. Anything to the contrary in this chapter notwithstanding the following provisions shall apply with respect to any member who was an employee of the City by reason of his employment at the Charles V. Chapin Hospital as of the thirtieth day of June, 1965 and who on such date becomes an employee of the State of Rhode Island.

(1) Membership of such a member shall cease as of the first day of July, 1965 and he shall have no rights under the System except as hereinafter provided in this Section 20.

(2) All funds held in the Employees' Retirement System of the City of Providence on account of such a member which are attributable to his own contributions shall be transferred to the proper fund in the Employees' Retirement System of the State of Rhode Island and such transfer shall be a complete discharge of all liability of this System with respect thereto; provided, however, that any excess of the amount of such funds over the amount certified by the Retirement Board of the Employees' Retirement System of the State of Rhode Island to be equal to the contribution credits which he would then have had under such System if the entire period of

service credited to him under this System had been rendered as an employee of the State of Rhode Island shall be paid to him in a single lump sum prior to the first day of January, 1966.

(3) In addition, there shall be transferred an amount, which, when taken with the funds transferred in accordance with sub-division (2) above, shall be equal to the amount certified by the Retirement Board of the Employees' Retirement System of the State of Rhode Island as being required to provide service credit in such System for all purposes thereof for all service rendered the City of Providence, provided, however, that if the funds held hereunder on account of such members which are not attributable to their own contributions are not sufficient to provide such amount, the City of Providence shall contribute to the State System the deficit.

(4) Upon payment of the amounts herein provided, the employee shall be credited under the State System with all service and benefits that he would have had thereunder if all his City employment had been State employment.

SEC. 2. This Act shall take effect July 1, 1965, and all acts or parts of acts inconsistent herewith are hereby repealed.

THE CITY OF PROVIDENCE
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

RESOLUTION OF THE CITY COUNCIL

No. **135**

Approved February 19, 1965

WHEREAS, the necessity for additional water resources to meet the future needs for service to residents of Providence and to residents of those communities served by the Water Supply System is a most important step in planning for its expansion and for major improvements, and

WHEREAS, since the original planning, construction and implementation of the Water Supply System the present and projected future requirements for water service practically dictates for range planning,

NOW THEREFORE BE IT RESOLVED, That the General Assembly give passage to an Act authorizing the City of Providence to issue Bonds in the sum of Thirteen Million (\$13,000,000.) *2-2.* Dollars for the ~~Construct~~^{CONSTRUCTION} of Major improvements to the Providence Water Supply System, and

BE IT FURTHER RESOLVED, That the City Clerk be directed to transmit to the Lieutenant Governor and to the Speaker of the House of Representatives, duly certified copies of this Resolution.

IN CITY COUNCIL

FEB 18 1965

READ and PASSED

Russell J. Boyle
President
Wm. A. ...
Clerk

APPROVED

FEB 19 1965

Joseph A. Donley Jr.
MAYOR

THE CITY OF PROVIDENCE
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

RESOLUTION OF THE CITY COUNCIL

No. **135**

Approved February 19, 1965

WHEREAS, the necessity for additional water resources to meet the future needs for service to residents of Providence and to residents of those communities served by the Water Supply System is a most important step in planning for its expansion and for major improvements, and

WHEREAS, since the original planning, construction and implementation of the Water Supply System the present and projected future requirements for water service practically dictates for range planning,

NOW THEREFORE BE IT RESOLVED, That the General Assembly give passage to an Act authorizing the City of Providence to issue Bonds in the sum of Thirteen Million (\$13,000,000.) **CONSTRUCTION** 2-2.
Dollars for the ~~Construct~~^{CONSTRUCTION} of Major improvements to the Providence Water Supply System, and

BE IT FURTHER RESOLVED, That the City Clerk be directed to transmit to the Lieutenant Governor and to the Speaker of the House of Representatives, duly certified copies of this Resolution.

IN CITY COUNCIL

FEB 18 1965

READ and PASSED

Russell J. Boyle
President
Wm. A. P. P. P.
Clerk

APPROVED

FEB 19 1965

Joseph A. D'Amico
MAYOR

RESOLUTION
OF THE
CITY COUNCIL

Mr. McCosker, by request

STATE OF RHODE ISLAND, &C.
IN GENERAL ASSEMBLY

AN ACT

JANUARY SESSION, A.D. 19

65.

AUTHORIZING THE CITY OF PROVIDENCE TO ISSUE BONDS IN THE SUM OF \$13,000,000 FOR THE CONSTRUCTION OF MAJOR IMPROVEMENTS TO THE PROVIDENCE WATER SUPPLY SYSTEM

It is enacted by the General Assembly as follows:

SECTION 1. The city of Providence is hereby authorized and empowered, in addition to and not in substitution for authority previously granted, to issue, in addition to the bonds heretofore issued and now outstanding, under its corporate name and seal, serial bonds in any form which the city council of said city has heretofore approved or may approve, in an amount not exceeding THIRTEEN MILLION (\$13,000,000) DOLLARS. The principal thereof and the interest thereon shall be payable in any coin or currency of the United States of America, which at the time of payment is legal tender for public and private debts, and the debts incurred by said bonds shall be obligatory on said city in the same manner and to the same extent as other debts lawfully contracted by said city. The dates of maturity of said bonds shall, in no case, be more than thirty (30) years after date of issue; provided, however, that the first installment of the principal of the bonds issued under the provisions of this act shall mature on such date as said city council shall determine, but not later than five (5) years after the date of issuance.

SEC. 2. Said bonds shall be signed by the city treasurer and countersigned by the mayor of the city of Providence and shall be issued and sold at such times and in such amount as the city council of said city shall determine; provided, however, that the premiums, if any, arising from the

sale of said bonds shall be applied to the payment of the principal of said bonds in the order of their maturity. The proceeds arising from the sale of the bonds authorized by this act shall be delivered to the city treasurer and such proceeds, except as hereinbefore provided in respect to the premiums arising from the sale thereof, shall be expended for the construction of major improvements to the Providence water supply system, including a new tunnel and aqueduct, additional filters and incidental construction necessary in connection therewith. No purchaser of any of said bonds, however, shall be in any way responsible for the proper application of the proceeds derived from the sale thereof. The countersignature of the mayor may be by facsimile signature.

SEC. 3. Any proceeds of bonds or notes issued hereunder or of any applicable federal assistance, pending their expenditure, may be deposited or invested by the city treasurer in demand deposits, time deposits or savings deposits in banks which are members of the Federal Deposit Insurance Corporation (without regard to the limit of insurance) or in obligations issued or guaranteed by the United States of America or any agency or instrumentality thereof or by the state of Rhode Island or as may be provided in any other applicable law of the state of Rhode Island.

SEC. 4. The city of Providence shall annually appropriate a sum sufficient to pay the interest upon the bonds issued and outstanding under the authority of this act and also to pay the principal of the bonds maturing in any such year until said bonds are paid in full. All obligations of said city which are incurred under authority of this act shall be excepted from the operation of section 45-12-2 of the General Laws of 1956.

SEC. 5. The voters of the city of Providence, having authorized the issuance of bonds in the said sum of THIRTEEN MILLION (\$13,000,000) DOLLARS for the construction of major improvements to the Providence water supply system, including a new tunnel and aqueduct, additional filters and incidental construction necessary in connection therewith, at the general election held November 3, 1964, any further requirement for approval of

this act by the voters, whether by charter or by special law, is hereby waived and the bonds authorized by this act shall therefor be exempted from the provisions of Section 135 of Chapter 832 of the Public Laws, 1940, as amended by Chapter 1266, Public Laws of 1943, and from any other requirement for approval by the voters.

SEC. 6. This act shall take effect upon its passage.

THE CITY OF PROVIDENCE
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

RESOLUTION OF THE CITY COUNCIL

No. 136

Approved February 19, 1965

WHEREAS, for the purpose of effecting the intent of the Water Supply Boards program to provide an adequate water supply needs of areas entitled to receive water from the Citys system, it is necessary to acquire by purchase in various towns and cities, land, water rights, and/or easements,

NOW THEREFORE BE IT RESOLVED That the General Assembly give passage to an Act authorizing the City of Providence to acquire by purchase such land, water rights and/or easements and other property or interest in property, public and private, etc., build a supplementary tunnel and aqueduct to meet the water needs of areas entitled to receive water from the City of Providence, and

BE IT FURTHER RESOLVED That the City Clerk be directed to transmit duly certified copies of this Resolution to the Lieutenant Governor and to the Speaker of the House of Representatives.

IN CITY COUNCIL

FEB 18 1965

READ and PASSED

Russell J. Boyle
President
Vincent Despia
Clerk

APPROVED

FEB 19 1965

Joseph A. Donley
MAYOR

RESOLUTION
OF THE
CITY COUNCIL

Mr. McCosker, by request

DATE: 11-11-68
TO: SAC, ALBUQUERQUE

THE UNITED STATES OF AMERICA

The Board of Directors is composed of the following:

not exceed two hundred fifty (250) feet in width except at, adjoining or near the portals and shafts of any tunnel construction designed as part or parts of such aqueduct, at which locations, for the purpose of executing the work and removing and disposing of surplus earth and other materials, said restriction and limitation shall not apply.

SEC. 2. AUTHORIZATION OF CONDEMNATION. Whenever in the opinion of the chief engineer of the water supply board of the city of Providence the acquisition of land or other real property or any interest, estate, right or easement therein is necessary or advantageous for the purposes set forth herein, he shall, with the approval of the water supply board of said city of Providence, recommend to the city council of the city of Providence the acquisition thereof by condemnation proceedings and said city council of the city of Providence may, by resolution duly enacted, authorize the acquisition thereof by condemnation proceedings; provided, however, that said city council shall not authorize any land or estate owned and used by any railroad company to be taken until after a hearing before the division of public utilities of the state of Rhode Island and until the consent of such division of public utilities to said taking shall be given.

SEC. 3. FILING OF CONDEMNATION PAPERS - VESTING OF TITLE. Within six (6) months after the city council of the city of Providence has, by resolution duly enacted, authorized condemnation proceedings, the city of Providence shall file in the office of the recorder of deeds or town clerk in the city or town where the land or other real property to be acquired is situated, a description of such land or other real property and also a plat thereof and a statement that such land or other real property is taken pursuant to the provisions of this chapter, and the nature of the title to be acquired, whether the same be a fee simple estate or a right or easement in the land to be taken perpetual in duration, or whether same shall be subject to any easements or rights-of-way or to any reserved or outstanding interests or rights, or subject to any

such consideration and statement to be published in each newspaper publication in the county where such land or other real property are to be sold at least twice a week for three consecutive weeks.

ART. 6. ~~Section 10 of the City of Providence Charter of 1872~~
Amended. If any party shall agree with the city of Providence upon the sum to be paid for the value of the land or other real property as taken and of apparent damage to any structure or for the value of his estate, rights or interests therein, and such price shall be approved by the board of contract and supply of the city of Providence, the sum shall be paid to him forthwith by the city controller and the city treasurer out of any funds of the city appropriated for available purposes, or out of the proceeds of any lands or notes owned by the city and available for the purpose, or out of any other available funds; provided, however, that if any party shall fail to agree with the city of Providence, acting by and through the board of contract and supply of the city of Providence, upon the sum to be paid for the value of the land or other real property as taken and of apparent damage to any structure or for the value of his estate, rights or interests therein taken by said city of Providence, and shall petition for assessment of damages by a jury in accordance with the provisions of this chapter, then the superior court of the county therein shall petition for assessment of damages by a jury as provided, upon the application of said party as petitioner and of joinder of all other parties in interest, such order to be made according with precedent for an assessment of the just compensation to be awarded in said proceedings, and that when said petition (or) for one of the either of the city of Providence pending final disposition of the court proceedings. If the damages finally awarded in respect to any real property or any part thereof or any structure or interests therein shall exceed the amount of money as received by any person entitled thereto, the excess shall enter into the treasury of the city of Providence for the credit of the said city for the interest on the deficiency and costs. The board of contract and supply of the city of Providence shall have general authority to

represent the city and to make any agreements for the city under the provisions of this section and Section 10 hereof and to do any acts or things necessary or incidental to executing settlements and agreements and shall have authority to make offers in behalf of the city and to agree with the owner for the price of the land, real property, interest or easement therein so taken or purchased, and the same shall be paid by the city controller and the city treasurer out of funds made available for the purpose upon vouchers approved by the board of contract and supply and the city controller.

SEC. 7. PETITION FOR ASSESSMENT OF DAMAGES BY JURY. Any owner of, or persons entitled to any estate, interest or right in, any part of the land in which such fee, right, interest or easement is so taken, who cannot agree with the city upon the price to be paid for his estate, easement, right or interest in such land or other real property so taken and the appurtenant damage to the remainder, may within one (1) year from the filing of the description and statement aforesaid apply by petition to the superior court in the county of Providence or to the superior court for one of the counties in which said land, interest in land, easement or other real property may be situated, setting forth the taking of his land or his fee, right, interest or easement therein and praying for an assessment of damages by a jury. Upon the filing of such petition, the court shall cause twenty (20) days' notice of the pendency thereof to be given to the city of Providence by serving the mayor of the city of Providence and the chief engineer of the water supply board of the city of Providence with a certified copy thereof. All proceedings taken pursuant to this chapter shall take precedence over all civil matters pending before said court except condemnation proceedings involving the state of Rhode Island, and if the superior court in and for the county in which such real property or interest therein lies be not in session in such county or by agreement of all parties in interest, then the same may be heard in the superior court

for the counties of Providence and Bristol.

SEC. 8. LATE FILING OF PETITION FOR ASSESSMENT OF DAMAGES.

In case any owner of or any person having an estate or interest in such land or other real property shall fail to file his petition as above provided, the superior court in the county of Providence or the superior court for one of the counties in which said land or other real property may be situated, in its discretion, may permit the filing of such petition subsequent to said period of one (1) year from the filing of such description, plat and statement as provided in Section 3 hereof; provided, such person shall have had no actual knowledge of the taking of such land in season to file such petition; and provided, the city of Providence shall not have paid any other person or persons claiming to own such land the value thereof or be liable to pay for the same under any judgment rendered under the provisions of this chapter.

SEC. 9. PROCEDURE WHERE NO CLAIM FILED OR OWNER UNKNOWN OR UNDER DISABILITY. If, after the expiration of one (1) year following the filing of the description, plat and statement as provided in Section 3 hereof and after notice by publication as prescribed by Section 5 hereof, no petition for an assessment of damages has been filed in the superior court pursuant to Section 7 hereof or otherwise, the city of Providence may petition the superior court for one of the counties in which said land or other real property is situated for a determination of the fair value of the land or other real property so taken and to appurtenant damages to any remainder, or for the value of any estate, right or interest therein. After such notice as the court shall order, the court shall proceed to hear the matter and shall enter decision for the amount or amounts to be awarded and costs. Upon entry of judgment, the city of Providence shall forthwith deposit the sum so awarded in the registry of the court in a special account to accumulate for the benefit of the person entitled thereto. The city of Providence making such deposit shall take the receipt of the clerk of the superior court therefor which

shall operate as a release and discharge to the city of Providence for all claims for damages resulting from such taking. When any person entitled to money so deposited shall satisfy the superior court of his right to receive the same, the court shall cause the same to be paid over to him with all accumulations thereon.

If the owner of or person entitled to any estate, right or interest in any part of the land so taken shall be found to be a person unascertained or not in being or a person whose whereabouts are unknown or an infant or other person not capable in law to act in his own behalf or a person in military service, or if such owner or person shall default in answering such petition, the superior court before which the proceeding is pending shall appoint an attorney at law duly admitted to practice in this state as guardian ad litem or other representative for such person, and such guardian or representative shall appear and represent and be heard in behalf of such person. Before entering judgment the court shall fix the fee to be paid to such guardian or representative so appointed and the fees for any appraisers engaged by him and the amount of expenses to be allowed him, which fees and expenses shall be considered charges against and to be deducted from the sum deposited in the registry for the benefit of such person, and the receipt therefor of the guardian or representative so appointed shall be a sufficient discharge to the clerk of court.

SEC. 10. PRETRIAL CONFERENCE WITH BOARD OF CONTRACT AND SUPPLY - PROCEEDING TO TRIAL. Within fifty (50) days after the service of said certified copies of the petition for assessment of damages by a jury upon the mayor of the city of Providence and the chief engineer of the water supply board of the city of Providence, the owner of and any person entitled to any estate in or interested in any part of the land or other real property, right or easement so taken by the city of Providence shall confer with the board of contract and supply of the city of Providence and if at the expiration of seventy-five (75) days after the service of said certified copies upon the city of Providence, as heretofore set

forth, said owner of and person entitled to any estate in or interested in any part of the land or other real property, easement, right or interest so taken has not agreed with the board of contract and supply of said city of Providence upon the price to be paid for his estate, right, interest in such land or other real property so taken and the appurtenant damage to the remainder, he may proceed to the trial thereof in the superior court and said court shall determine all questions of law and fact arising in the proceedings. Any party in interest, with the consent and approval of the city solicitor of the city of Providence, may waive said pretrial conference by filing a stipulation to such effect in the superior court wherein said proceedings are pending and in such event the trial thereof may proceed as aforesaid.

SEC. 11. PAYMENT OF JUDGMENT. Upon recovery of final judgment, execution shall be issued therefor and shall be forthwith paid by the city controller and the city treasurer out of any funds appropriated and available therefor, including, but not limited to, the proceeds of any bonds issued by said city for the construction of major improvements to the Providence water supply system, as heretofore or hereafter authorized by an act passed by the General Assembly at its January session, 1965, and approved by the governor, but the verdict and judgment entered thereon shall not include any item for interest except as provided in Section 6 hereof.

SEC. 12. For the purpose of carrying and conveying water from its reservoir and purification plant located in the town of Scituate to the city of Providence and to other cities, towns and areas entitled to take and receive water from the city of Providence under the provisions of Chapter 1278 of the Public Laws of 1915, as amended, and also for the purpose of distributing water in the cities, towns and areas entitled to take and receive water from the city of Providence under the provisions of Chapter 1278 of the Public Laws of 1915, as amended, or as said chapter may be hereafter amended, the city of Providence is hereby authorized from

time to time to lay, maintain and repair its water pipes, mains, aqueducts, tunnels and appurtenances in and under any public highway, turnpike, freeway and street in the state of Rhode Island but in such a manner as not to permanently obstruct travel thereon and if in the exercise of this right conflict should arise with any other public service company using said public highway, turnpike, freeway and street and the parties are unable to agree as to location, method of construction and maintenance, either party may apply to the division of public utilities for a determination thereof and after hearing said water pipes, mains, aqueducts, tunnels and appurtenances shall be laid, constructed and maintained in such method and manner as may be ordered by said division and if either party is aggrieved by such order of said division, said party may appeal to the supreme court.

SEC. 13. The right of the city of Providence to use any public highway, turnpike, freeway and street in this state for the purposes set forth in Section 12 hereof, which said city of Providence is now using with or without the specific authority therefor of the state of Rhode Island, or any city or town therein, is hereby ratified, confirmed and henceforth authorized.

SEC. 14. If any part, clause, division or section of this act shall be declared invalid or unconstitutional, the validity of the remaining provisions shall not be affected thereby.

SEC. 15. This act shall take effect upon its passage and all acts and parts of acts inconsistent herewith are hereby repealed.

THE CITY OF PROVIDENCE
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

RESOLUTION OF THE CITY COUNCIL

No. 137

Approved February 19, 1965

WHEREAS, The Director of Public Works of the City of Providence has requested that certain streets or portions thereof located within the City be transferred to the State Highway System,

NOW THEREFORE BE IT RESOLVED That the General Assembly give passage to a Resolution that certain streets and/or portions thereof located in Providence be added to the State Highway System, and

BE IT FURTHER RESOLVED That the City Clerk be directed to transmit duly certified copies of this Resolution to the Lieutenant Governor and to the Speaker of the House of Representatives.

IN CITY COUNCIL

FEB 18 1965

READ and PASSED

Russell J. Boyle
President
Vincent C. Spina
Clerk

APPROVED

FEB 19 1965

Joseph A. Pawley
MAYOR

RESOLUTION
OF THE
CITY COUNCIL

MAKING ADDITIONS TO THE STATE HIGHWAY SYSTEM IN THE CITY OF PROVIDENCE (CERTAIN STREETS).

RESOLVED,

That certain streets in the City of Providence be and the same are hereby adopted as a part of the State Highway System, said highways described as follows:

| <u>STREET</u> | <u>FROM</u> | <u>TO</u> | <u>MILES</u> |
|-----------------------|-------------------|-----------------------|--------------|
| Eddy Street | Allens Avenue | Broad Street | 1.842 |
| Prairie Avenue | Point Street | Broad Street | 1.450 |
| Promenade Street | Gaspee Street | Acorn Street | 0.703 |
| River Avenue | Valley Street | Douglas Avenue | 1.765 |
| Eaton Street | Douglas Avenue | Smith Street | 1.049 |
| Academy Avenue | Smith Street | Atwells Avenue | 1.221 |
| Roger Williams Avenue | Reservoir Avenue | Elmwood Avenue | 0.420 |
| Potters Avenue | Eddy Street | Cranston Street | 1.613 |
| Mt. Pleasant Avenue | Atwells Avenue | Smith Street | 1.613 |
| Pocasset Avenue | Plainfield Street | Cranston City Line | 0.800 |
| Plainfield Street | Olneyville Square | Johnston Town Line | 1.469 |

THE CITY OF PROVIDENCE
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

RESOLUTION OF THE CITY COUNCIL

No. 138

Approved February 19, 1965

WHEREAS, the present Act to provide for the retirement of employees in the City of Providence incorporates and differentiates between two classes of City Employees namely Class "A" and Class "B", and

WHEREAS, Class "B" employees, being the members of the Police and Fire Departments, now enjoy the privilege of retirement at the completion of twenty-five years of municipal employment, and

WHEREAS, Class "A" employees must complete thirty-five years of municipal employment to be eligible for full retirement, and

WHEREAS, the Retirement Board of the Employees Retirement System did on February 2, 1965 voted to request that the Retirement Act be amended by the General Assembly to permit a thirty year Retirement at one-half ^{PAY} for Class "A" City Employees. ^{2.2.}

NOW THEREFORE BE IT RESOLVED, That the General Assembly be requested to give passage to an Act which would allow City of Providence Employees who are Class "A" members of the Employees Retirement System to retire at one-half pay after thirty years service, and

BE IT FURTHER RESOLVED That the City Clerk be directed to transmit duly certified copies of this Resolution to the Lieutenant Governor and to the Speaker of the House of Representatives.

IN CITY COUNCIL

FEB 18 1965

READ and PASSED

Russell J. Boyle
President
Vincent Despia
Clerk

APPROVED

FEB 19 1965

Joseph A. Donley
MAYOR

RESOLUTION
OF THE
CITY COUNCIL

IN AMENDMENT OF AND IN ADDITION TO CHAPTER 489 OF THE PUBLIC LAWS OF 1923 ENTITLED "AN ACT TO PROVIDE FOR THE RETIREMENT OF EMPLOYEES IN THE CITY OF PROVIDENCE", AS AMENDED.

Section 1. Subdivision (10) of Section 1 of Chapter 489 of the Public Laws of 1923, as amended, is hereby amended to read as follows:

(10) "Accumulated Contributions" shall mean the sum of all regular and excess amounts deducted from the compensation of a member, or contributed in lump sum by him in addition to such deductions, and credited to his individual account in the annuity savings fund, together with regular interest thereon.

Section 2. Subdivision (12) of Section 1 of said Chapter 489 is hereby amended to read as follows:

(12) "Annuity" shall mean payments for life derived from the accumulated contributions of a member. All annuities shall be paid in equal monthly installments. Notwithstanding the foregoing, for the purposes of paragraphs (b) and (c) of subdivisions (2) and (4) of Section 9 "annuity" shall mean the payments for life provided by the member's accumulated contributions attributable to his required regular deductions, including special contributions or deductions under the provisions of subdivisions (6), (7) and (8) of Section 8 and including the amount by which his required regular deductions would have been increased had he elected to increase his deductions as provided in subdivision (1) of Section 5, if he did not do so.

Section 3. The last paragraph of subdivision (1) of Section 5 of said Chapter 489 is hereby amended to read as follows:

The amount of any benefit which becomes payable under the provisions of this chapter shall be determined on the basis of the member's accumulated contributions less the outstanding balance of such loan, except that the annuity referred to in paragraphs (b) and (c) of subdivisions (2) and (4) of Section 9 shall be determined as if such loan had not been made.

Section 4. Paragraph (c) of Subdivision (3) of Section 5 of said Chapter 489 is hereby amended to read as follows:

(c) Immediately succeeding the first valuation, the actuary engaged by the retirement board shall compute the rate percentum of the total compensation of all members during the preceding fiscal year which is equivalent to four percentum of the amount of the total pension liability on account of all members and beneficiaries not dischargeable by the aforesaid normal contribution made on account of such members during the remainder of their active service. The rate percentum originally so determined shall be known as the "deficiency contribution rate". On the basis of the first actuarial valuation following the 1st day of April, 1965, the deficiency contribution rate shall be revised to provide for the liquidation of the deficiency then existing.

489 is Section 5. Subdivision (6) of Section 8 of said Chapter hereby amended to read as follows:

(6) Any member in service on January 1, 1954 who has rendered service as a member prior to his last becoming a member and terminated such previous service not less than six months prior to his last restoration to service may elect, by written notice filed with the retirement board, prior to June 30, 1955 to repay into the annuity savings fund, in such manner as shall be prescribed by said board, an amount equal to the amount of his regular deductions withdrawn by him on account of his last termination of membership together with regular interest thereon from his last termination of membership, to the date of repayment. Upon such repayment, anything to the contrary herein notwithstanding, such amount shall become a part of his accumulated contributions and the period of service during which such deductions were originally made shall be added to his period of service since last becoming a member. The crediting of such service shall be both for the purpose of computing the amount of pension on account of membership service which may become payable under this act and for the purpose of determining such member's eligibility for the benefits payable hereunder and the rights of any beneficiary claiming through him.

489 is Section 6. Subdivision (7) of Section 8 of said Chapter hereby amended to read as follows:

(7) Effective May 8, 1963 any employee who was a member on February 15, 1963 and who had a period of continuous service of at least one year's duration prior to his date of membership may, by written notice filed with the retirement board prior to January 1, 1964, elect to pay into the annuity savings fund, in such manner as shall be prescribed by said board, an amount equal to all or a part of the deductions which would have been made had he been a member during such period of continuous service and contributed during such period of service as an employee together with interest thereon from the beginning of said period to the date of payment.

Service prior to the fifth day of January, 1925, shall not be included in such period of service. Upon such payment, anything to the contrary notwithstanding, such amount shall become part of his accumulated contributions and the period of service on account of which such payment was made shall be added to his period of service since last becoming a member. The crediting of such service shall be both for the purpose of computing the amount of pension which may become payable under this act and for the purpose of determining such member's eligibility for the benefits payable hereunder and the rights of any beneficiary claiming through him.

489 is hereby amended to read as follows:

(8) Effective May 8, 1963 any person classified as a Class B employee on February 15, 1963 who had a period of service in a training school for such employees in the City of Providence prior to his date of membership may, by written notice filed with the retirement board prior to January 1, 1964, elect to pay into the annuity savings fund, in such manner as shall be prescribed by said board, an amount equal to all or a part of the deductions which would have been made had he been a member during such period of service and contributed during such period of service together with interest thereon from the beginning of said period to the date of payment. Service prior to the fifth day of January, 1925, shall not be included in such period of service. Upon such payment, anything to the contrary notwithstanding, such amount shall become part of his accumulated contributions and the period of service on account of which such payment was made shall be added to his period of service since last becoming a member. The crediting of such service shall be both for the purpose of computing the amount of pension which may become payable under this act and for the purpose of determining such members eligibility for the benefits payable hereunder and the rights of any beneficiary claiming through him.

489 is hereby added to read as follows:

(9) Effective October 1, 1964 any employee or any elected official who was a member on February 15, 1965 and who had a period of continuous service of at least one year's duration prior to his date of membership may, by written notice filed with the retirement board prior to January 1, 1966, elect to pay into the annuity savings fund, in such manner as shall be prescribed by said board, an amount equal to all or a part of the deductions which would have been made had he been a member during such period of continuous service and contributed during such period of service as an employee together with interest thereon from the beginning of said period to the date of payment.

Service prior to the fifth day of January, 1925, shall not be included in such period of service. Upon such payment, anything to the contrary notwithstanding, such amount shall become part of his accumulated contributions and the period of service on account of which such payment was made shall be added to his period of service since last becoming a member. The crediting of such service shall be both for the purpose of computing the amount of pension which may become payable under this act and for the purpose of determining such member's eligibility for the benefits payable hereunder and the rights of any beneficiary claiming through him.

Section 9. Paragraph (b) of Subdivision (2) of Section 9 of said Chapter 489 is hereby amended to read as follows:

(b) If the member is a Class A employee a pension which together with his normal annuity, exclusive of any excess annuity, shall be equal to one sixtieth of his final compensation multiplied by the number of years of his total service including certified prior service and in addition an excess annuity which shall be the actuarial equivalent of his accumulated excess contributions at the time of his retirement. In no event shall the pension of any member whose date of membership is prior to October 1, 1964 be less than it would have been had the provisions of this Paragraph (b) as in effect on September 30, 1964 continued without change to his date of retirement.

Section 10. Paragraph (b) of Subdivision (4) of Section 9 of said Chapter 489 is hereby amended to read as follows:

(b) If the member is a Class A employee, a pension which together with his normal annuity, exclusive of any excess annuity, shall be equal to nine-tenths of one-sixtieth of his final compensation multiplied by the number of years of his total service including certified prior service; no member retiring with less than 15 years of total service shall receive a benefit less than he would have received had he had 15 years of total service and in addition an excess annuity which shall be the actuarial equivalent of his accumulated excess contributions at the time of his retirement, with the exception, however, that if a member did not enter the city service until after he had attained an age within 15 years of the minimum service retirement age he shall not receive an allowance greater than ninety per cent of the rate of allowance which he would have received had he remained in service until the minimum retirement age. In no event shall his pension be less than it would have been had the provisions of this Paragraph (b) as in effect on September 30, 1964 continued without change to his date of retirement.

Section 11. Subdivision (9) of Section 13 of said Chapter 489 is hereby amended to read as follows:

(9) The City Council of said City of Providence shall from time to time upon the advice of the Finance Director appropriate such sums as may be necessary to carry out the provisions hereof. Any such sums thus appropriated shall be separately administered for the payment of the retirement allowances herein provided. Section 12. This act shall take effect October 1, 1964.

THE CITY OF PROVIDENCE
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

RESOLUTION OF THE CITY COUNCIL

No. 139

Approved February 19, 1965

RESOLVED,

That His Honor, Mayor Joseph A. Doorley, Jr.
and the City Council note with deep regret the recent
passing of former Councilman Charles I. Coffey, who
served as a member of the former Common Council from
the Sixth Ward from January 4, 1937 to January 6, 1941.

NOW THEREFORE BE IT RESOLVED, That the City Clerk
be instructed to cause a duly engrossed copy of this
Resolution to be delivered to the family of former
Councilman Charles I. Coffey.

IN CITY COUNCIL
READ AND PASSED
BY A UNANIMOUS RISING VOTE

FEB 18 1965

Russell J. Boyle
PRESIDENT
Vincent Cespe
CLERK

APPROVED

FEB 19 1965

Joseph A. Doorley Jr.
MAYOR

RESOLUTION
OF THE
CITY COUNCIL

Missrs Cola and Sciarretta

THE CITY OF PROVIDENCE
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

RESOLUTION OF THE CITY COUNCIL

No. 140

Approved February 19, 1965

WHEREAS, Battalion Chief John E. Sullivan, veteran of the Fire Department of his native City was called by Almighty God to his eternal reward on February 6, 1965, and

WHEREAS, Chief Sullivan whose devotion to service afforded him the opportunity for promotion to the post of Battalion Chief, which post brought him by exemplary conduct, much credit, and

WHEREAS, Chief Sullivan's religious, social and political interests exemplified the spirit of a citizen of high repute which made for him many friends.

NOW THEREFORE BE IT RESOLVED, That to his bereaved wife Sarah, his children and his relatives, are hereby extended most sincere and heartfelt sympathy by His Honor Mayor Joseph A. Doorley, Jr., and by the members of the City Council, in the loss of him who served his community with valor, and

BE IT FURTHER RESOLVED, That the City Clerk be directed to cause a suitable engrossed copy of this expression to be transmitted to Mrs. Sarah A. Sullivan.

IN CITY COUNCIL
READ AND PASSED
BY A UNANIMOUS RISING VOTE

FEB 18 1965

Russell J. Doyle
PRESIDENT
Vincent C. Spina
CLERK

APPROVED

FEB 19 1965

Joseph A. Doorley Jr.
MAYOR

RESOLUTION
OF THE
CITY COUNCIL

Messrs Lynch and Mascia