

CITY OF PROVIDENCE
RHODE ISLAND



CITY COUNCIL

JOURNAL OF PROCEEDINGS

No. 53 City Council Regular Meeting, Thursday, October 1, 1992, 7:30 o'clock P.M. (E.D.T.)

PRESIDING

COUNCIL PRESIDENT

JAMES A. PETROSINELLI

IN CITY COUNCIL

NOV 5 1992

APPROVED:

Richard K. Clement
CLERK

ROLL CALL

Present: Council President Petrosinelli, Councilmen Clarkin, DeLuca, Dillon, Councilwomen DiRuzzo, Fagnoli, Councilmen Fenton, Glavin, Igliazzi, Lombardi, Mancini, Councilwoman Nolan, Councilman Rollins, Councilwomen Williams and Young—15.

Absent: None.

INVOCATION

The Invocation is given by COUNCILWOMAN RITA M. WILLIAMS.

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

COUNCILMAN PETERS S. MANCINI leads the members of the City Council and the Assemblage in the Pledge of Allegiance to the Flag of the United States of America.

APPOINTMENTS BY THE PRESIDENT OF THE CITY COUNCIL

Communication dated September 17, 1992, Informing the City Clerk of His Appointment of Councilman Robert M. Clarkin, Councilwoman Balbina A. Young, Councilman Joshua N. Fenton, Councilman Joseph DeLuca and Councilman David V. Iglizzi to serve on the Committee of the Employees' Retirement System, in accordance with Resolution No. 428, approved September 11, 1992.

September 17, 1992

Honorable Michael R. Clement
City Clerk
City Hall
Providence, Rhode Island 02903

Dear Mr. Clement:

In accordance with Resolution No. 428, approved September 11, 1992, I am appointing Councilman Robert M. Clarkin, Councilwoman Balbina A. Young, Councilman Joshua N.

Fenton, Councilman Joseph DeLuca and Councilman David V. Iglizzi, to serve on the Committee on the Employee Retirement System.

JAMES A. PETROSINELLI
Council President

Very Truly Yours,

Received.

PRESENTATION OF ORDINANCES

COUNCILWOMAN DiRUZZO:

An Ordinance in Amendment of Chapter 564 of the Ordinances of the City of Providence, entitled: "The City of Providence Zoning Ordinance" approved October 24, 1991 by amending Providence Zoning District Map Number 105 of the Official Zoning Map by changing the Zoning District Designation of a Portion of Lot 47 from C-2 to M-1.

COUNCILMAN IGLIOZZI:

An Ordinance Relating to the Establishment of a Juvenile Hearing Board in the City of Providence.

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

The motion to Refer is Sustained.

PRESENTATION OF RESOLUTIONS

COUNCIL PRESIDENT PETROSINELLI, COUNCILMAN CLARKIN, COUNCILMAN DeLUCA, COUNCILMAN DILLON, COUNCILMAN GLAVIN, COUNCILMAN LOMBARDI, COUNCILWOMAN NOLAN and COUNCILWOMAN WILLIAMS:

Resolution Authorizing the hiring of outside legal counsel to seek declaratory judgments regarding the authority of the City Council to Approve Contracts, and minimum manning provisions

of the firefighters contract, and the Consent Decree entered into in regards to Retirement System.

Whereas, Section 17-27 of the Code of Ordinances provides that no Collective Bargaining Agreement shall become effective unless and until it is ratified by the City Council, and

Whereas, The City Council Approved Collective Bargaining Agreements and/or extensions with

Council 94 AFSCME, AFL-CIO, Local 1339 Providence School Clerical Employees, and the Providence Teachers Union, AFT Local 958 respectively, by its approval of Resolutions Number 226, 227, and 228 on May 13, 1992,

Whereas, The City Council Approved Collective Bargaining Agreements with the International Association of Firefighters Local 799 by its approval of Resolution Number 267, approved June 11, 1990; Number 234, approved April 28, 1988; Number 373, approved June 14, 1985; Number 607, approved November 15, 1984; and Number 520, approved September 10, 1982; and

Whereas, The City Council Approved Collective Bargaining Agreements with the Public Service Employees Local Union 1033 of the Laborers International Union by its approval of Resolution Number 225, approved May 13, 1992; Number 298, approved June 16, 1989; Number 559, approved September 10, 1987; Number 499, approved September 13, 1985; and Number 575, approved October 15, 1982; and

Whereas, The City Council Approved Collective Bargaining Agreements with Lodge Number 3 of the Fraternal Order of Police by its approval of Resolution Number 224, approved May 13, 1992; Number 589, approved December 11, 1989; Number 101, approved February 25, 1988; Number 449, approved August 9, 1985; Number 675, approved December 26, 1984; Number 639, approved November 24, 1982; and Number 650, approved November 12, 1981; and

Whereas, In spite of these ordinance provisions and past practices, disagreements have arisen regarding the City Council's authority to approve Collective Bargaining Agreements, and

Whereas, Resolution Number 65, effective February 12, 1990 and Number 138, approved April 6, 1990, City Council Approved the hiring of the Law Firm of Blish and Cavanaugh to represent the City in litigation regarding the Retirement System known as the City of Prov-

idence et al v. the Employee Retirement Board et al C.A. No. 90-2119, and

Whereas, On December 18, 1991, without the approval of the City Council, a Consent Decree was entered into regarding this aforementioned case, and

Whereas, Various opinions, formal and informal, have been advanced regarding these matters, and

Whereas, The best interest of the all parties involved, and the efficient conduct of City Government would be served by a formal resolution of these disputes,

Now Therefore, Be It Resolved, That Attorneys be engaged under the provisions of Section 401 (d) of the Providence Home Rule Charter, to request a Declaration of Rights, Status, or legal relations under these contracts, ordinances, state statutes, or applicable case law under the Uniform Declaratory Judgment Act of Rhode Island or any other applicable Acts, and to take such other legal actions as may be necessary to obtain clarifications of these matters.

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

The motion for Passage is Sustained.

COUNCILMAN DeLUCA:

Resolution Requesting the President of the City Council appoint a Seven (7) Member Committee to study the feasibility of Casino Gambling in the City of Providence.

Resolved, That the President of the City Council is requested appoint a Seven (7) Member Committee to study the feasibility of Casino Gambling in the City of Providence, and

Be It Further Resolved, That said Committee be authorized to make recommendations to the City Council on the feasibility of establishing Casino Gambling in the City of Providence and to report its findings to the City Council by December 31, 1992.

COUNCILMAN FENTON moves the Resolution be Denied.

This motion is seconded by **COUNCILMAN GLAVIN**.

COUNCILMAN DeLUCA moves the Resolution be Read and Passed.

This motion being seconded by **COUNCILMAN GLAVIN** and having precedence over the Main Motion to Deny is Put to Vote and Passed by the following Roll Call Vote:

Ayes: Council President Petrosinelli, Councilmen Clarkin, DeLuca, Dillon, Councilwomen DiRuzzo, Fagnoli, Councilmen Igliazzi, Lombardi, Mancini, Councilwoman Nolan and Councilman Rollins—11.

Noes: Councilmen Fenton, Glavin, Councilwomen Williams and Young—4.

Absent: None.

The motion for Passage is thereupon Sustained.

COUNCILWOMAN FARGNOLI (By Request):

Resolution Requesting the Traffic Engineer to cause the installation of "No Thru Trucking" Signs on Wabun Avenue, at its intersection with Smith Street.

Resolution Requesting the Traffic Engineer to cause the installation of "No Thru Trucking" Signs on Wabun Avenue, at its intersection with Academy Avenue.

Severally Referred to Committee on Public Works, on motion of **COUNCILMAN GLAVIN**, seconded by **COUNCILMAN LOMBARDI**.

The motion to Refer is Sustained.

COUNCILMAN FENTON (By Request):

Resolution Requesting the Traffic Engineer to prohibit motor vehicle traffic along Belair Avenue, from Cypress Street to Phillips Street, on Friday, September 18, 1992, from 3:00 o'clock P.M. to Monday, September 21, 1992 at 8:00 o'clock A.M., to accommodate a Neighborhood Block Party.

Resolved, That the Traffic Engineer is requested to prohibit motor vehicle traffic along Belair Avenue, from Cypress Street to Phillips Street, on Friday, September 18, 1992, from 3:00 o'clock P.M. to Monday, September 21, 1992 at 8:00 o'clock A.M., to accommodate a Neighborhood Block Party.

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

The motion for Passage is Sustained.

COUNCILMAN FENTON and **COUNCILWOMAN YOUNG**:

Resolution Relative to the 1992-1993 Budget.

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

o'clock A.M. to 3:00 o'clock P.M. at the corner of Eastwood Avenue and Laurel Hill Avenue.

The motion to Refer is Sustained.

COUNCILMAN IGLIOZZI (By Request):

Resolution Requesting the Traffic Engineer to Study the Feasibility of Installing a Traffic Signal Light at the Intersection of Laurel Hill Avenue and Plainfield Street.

Resolution Requesting the Traffic Engineer to establish Eastwood Avenue, from Laurel Hill Avenue to Merino Street be established as a One-Way Street.

Severally Referred to Committee on Public Works, on motion of COUNCILMAN LOMBARDI, seconded by COUNCILMAN IGLIOZZI.

The motion to Refer is Sustained.

Resolution Requesting the Director of Public Works to cause Crosswalks to be Painted along Laurel Hill Avenue, at its intersection with Plainfield Street, Hartford Avenue, Cleveland Street, Eastwood Avenue and Laban Street.

COUNCILMAN IGLIOZZI:

Resolution Requesting the Chief Electrical Inspector to Repair or Replace that Street Light on Pole No. 64, located opposite 467 Plainfield Street.

Resolved, That the Chief Electrical Inspector is requested to Repair or Replace that Street Light on Pole No. 64, located opposite 467 Plainfield Street.

Resolution Requesting requesting the Traffic Engineer to Post "Do Not Enter" signs at the intersections of Cleveland Street and Laurel Hill Avenue during School Hours — 8:00 o'clock A.M. to 3:00 o'clock P.M.

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

The motion for Passage is Sustained.

Resolution Requesting the Traffic Engineer to establish at the intersection of Merino Street and Cleveland Street as a One-Way Street, down Cleveland Street at the corner of Merino Street and Eastwood Avenue.

COUNCILMAN MANCINI:

Resolution Requesting the Traffic Engineer post "Children" and "School Advance" Signs and any other appropriate Signs to be installed in

Resolution Requesting the Traffic Engineer post "Do Not Enter" Signs during School Hours 8:00

the approximate vicinity of the Veazie Street School to ensure the safety of the students.

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

The motion for Passage is Sustained.

Resolution Requesting the Traffic Engineer Post New "25 Miles Per Hour" Speed Limit Signs along Stansbury Street.

COUNCILWOMAN NOLAN:

Resolution Requesting the Traffic Engineer to Post "No Parking" Signs along the northerly side of Miller Avenue bordering Roger Williams Park and also signs indicating that the Parking Laws will be Strictly Enforced at that location.

Resolution Requesting the Traffic Engineer Post New "Children" and "School Advance" Signs along Stansbury Street, in the vicinity of the Veazie Street Playground.

Severally Referred to Committee on Public Works, on motion of COUNCILMAN GLAVIN, seconded by COUNCILMAN LOMBARDI.

The motion to Refer is Sustained.

Resolution Requesting the Traffic Engineer to Post "25 Miles Per Hour" Speed Limit Signs along Edgewood Boulevard and also signs indicating that the Speeding Laws will be Strictly Enforced at that location.

Severally Referred to Committee on City Property, on motion of COUNCILMAN LOMBARDI, seconded by COUNCILMAN IGLIOZZI.

The motion to Refer is Sustained.

Resolution Requesting the Chief Electrical Inspector to study the feasibility of Upgrading the Street Lighting along Shiloh Street.

Resolved, That the Chief Electrical Inspector is requested to study the feasibility of Upgrading the Street Lighting along Shiloh Street.

COUNCILWOMAN WILLIAMS (By Request):

Resolution Requesting the Director of Public Works to cause the overgrown brush, trees and garbage to be Removed from Shiloh Street.

Resolved, That the Director of Public Works is requested to cause the overgrown brush, trees and garbage to be Removed from Shiloh Street.

Resolution Requesting the Traffic Engineer to prohibit motor vehicle traffic along Loring Avenue, from President Avenue to Channing Avenue, on Friday, October 23, 1992 at 3:00 o'clock P.M. to Monday, October 26, 1992 at 8:00 o'clock A.M., to accommodate a Neighborhood Block Party.

Resolved, That the Traffic Engineer is requested to prohibit motor vehicle traffic along Loring Avenue, from President Avenue to Channing Avenue, on Friday, October 23, 1992 at 3:00 o'clock P.M. to Monday, October 26, 1992 at 8:00 o'clock A.M., to accommodate a Neighborhood Block Party.

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

The motion for Passage is Sustained.

REPORTS FROM COMMITTEES

COUNCILMAN ROBERT M. CLARKIN, Chairman COMMITTEE ON PUBLIC WORKS

Transmits the following with Recommendation the same be Adopted:

Resolution Granting Algonquin Gas Transmission Company permission for the installation of a Natural Gas Pipeline under the Providence Hurricane Barrier.

Whereas, Algonquin Gas Transmission Co., has made petition requesting the City of Providence to allow it to construct a natural gas pipeline under certain portions of the Providence Hurricane Barrier.

Whereas, Said construction will allow for a reliable source of fuel for, among others, the Narragansett Electric Company's Manchester Street Station.

Whereas, The construction as proposed in the design plans for the pipeline will not interfere in the integrity or operation of the Hurricane Barrier.

Now Therefore, Be It Resolved, That Algonquin Gas Transmission Company is granted permission to breach the aforementioned easement for the purposes of installing and maintaining a

natural gas pipeline and His Honor the Mayor is authorized to execute any documents to effect the same.

That said grant is expressly conditioned upon the following:

A.) The dimensions of said breach of easement shall be only so large as necessary to permit the construction and maintenance of said pipeline as the same has been indicated in the plans submitted to the City Council. Said plans are incorporated herein by reference.

B.) The Petitioner shall obtain the full and unreserved approval of the United States of America Army Corps of Engineers for said plans as submitted to the City Council.

C.) The Petitioner shall supply the City with a certificate of insurance in an amount to be agreed upon by the Petitioner and the City. The City shall be named as an additional-named insured on said policy, which shall be with a

Severally Read and Collectively Passed, the First Time, on motion of COUNCILMAN GLAVIN, seconded by COUNCILMAN LOMBARDI by the following Roll Call Vote:

Councilwoman Nolan, Councilman Rollins, Councilwomen Williams and Young—15.

Noes: None.

Ayes: Council President Petrosinelli, Councilmen Clarkin, DeLuca, Dillon, Councilwomen DiRuzzo, Fagnoli, Councilmen Fenton, Glavin, Igliozi, Lombardi, Mancini,

Absent: None.

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

The following is Transmitted with Recommendation the same be Adopted as Amended:

An Ordinance Establishing a Compensation Plan for the Water Suply Board and Repealing Chapter 1992-9, approved March 16, 1992, as Amended.

cilwomen DiRuzzo, Fagnoli, Councilmen Fenton, Glavin, Igliozi, Lombardi, Mancini, Councilwoman Nolan, Councilman Rollins, Councilwomen Williams and Young—15.

Read and Passed, the First Time, As Amended, on motion of COUNCILMAN GLAVIN, seconded by COUNCILMAN LOMBARDI, by the following Roll Call Vote:

Noes: None.

Absent: None.

Ayes: Council President Petrosinelli, Councilmen Clarkin, DeLuca, Dillon, Coun-

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

The following are Transmitted with Recommendation the same be Severally Received:

Communication from Alan R. Sepe, Acting Director of Public Property-Subject-Status \$41 Million School Bond Issue.

Received.

Received.

Communication from L. Jim Williams, Executive Director, DPIA, relative to the Master Lease Agreement.

Received.

Communication from Peggy Boyd Sharpe, Henry D. Sharpe, Jr., Carolyn B. Haffenreffer and Timothy T. More, relative to the Mary Elizabeth Sharpe Tree Endowment.

Communication from Charles R. Mansolillo, City Solicitor, in response to your request for an opinion as to whether or not the petition submitted by V. Virgilio et al, to the City Council on June 18, 1992, pursuant to Section 209 of the Providence

Home Rule Charter of 1980 ("Virgilio 209 Petition") meets the Charter mandates for consideration of said petition by the City Council.

Received.

COMMUNICATIONS AND REPORTS

FROM THE CITY ASSESSOR:

Certificates (Nos. 6W and 7W) Recommending the same be Severally Cancelled pursuant to the provisions of Sections 14 and 15 of Title 44, Chapter 7 of the General Laws of the State of Rhode Island, 1956 as Amended.

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

The motion to Refer is Sustained.

FROM LAURENCE K. FLYNN, EXECUTIVE SECRETARY OF THE BOARD OF CANVASSERS:

Communication dated September 28, 1992, informing the City Council of the September 15, 1992 Primary Election Results.

Received.

Communication from the City Collector Recommending Cancellation of Tangible Taxes for the

Years 1980, 1981 and 1982 pursuant to the provisions of Section 44-7-14 of the General Laws of the State of Rhode Island, 1956 as Amended, inasmuch as the same have been determined to be Uncollectible.

Communication from the City Collector Recommending Cancellation of Excise Taxes for the Years 1980, 1981 and 1982 pursuant to the provisions of Section 44-7-14 of the General Laws of the State of Rhode Island, 1956 as Amended, inasmuch as the same have been determined to be Uncollectible.

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

The motion to Refer is Sustained.

Statistical Report from the Port of Providence for August 1992.

Received.

FROM THE CLERK'S DESK

Petitions for Compensation for Injuries and Damages, viz:

Thomas Porter

Mae Hiotelis

William Natale

David M. Spinella

Linda Bessette

Margaret E. Cook

Kerrin Cook

Jacobo Melgar

Cheri Thompson

George Thompson

Tyler Thompson

Jahnai Thompson

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

The motion to Refer is Sustained.

PRESENTATION OF CITATIONS

"In Congratulations"

COUNCIL PRESIDENT PETROSINELLI and the MEMBERS of the CITY COUNCIL:

Citations Extending Congratulations.

Resolved, That the Congratulations of the
Members of the City Council is hereby extended
to the following:

Mr. and Mrs. Eugene Bernard, upon the
celebration of their recent marriage.

Mr. and Mrs. Elman Aquino, upon the celebra-
tion of their recent marriage.

Mr. and Mrs. Russell Ferrara, Jr., upon the
celebration of their recent marriage.

Mr. and Mrs. Michael Tetreault, upon the
celebration of their recent marriage.

Mr. and Mrs. Eduardo Mendonca, upon the
celebration of their recent marriage.

Mr. and Mrs. Joshua Pearson, upon the cele-
bration of their recent marriage.

Mr. and Mrs. Michael Amado, upon the cele-
bration of their recent marriage.

Mr. and Mrs. Robert Sprague, upon the celebration of their recent marriage.

Mr. and Mrs. Jonathan Harris, upon the celebration of their recent marriage.

Mr. and Mrs. Rodolfo Miron, upon the celebration of their recent marriage.

Mr. and Mrs. Carlos Ortiz, upon the celebration of their recent marriage.

Mr. and Mrs. Jeffrey Potter, upon the celebration of their recent marriage.

James Angell, upon his 18 years of dedicated service to the Providence Police Department.

Captain Alexander Rossi, upon his 30 years of dedicated service to the Providence Police Department.

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

The motion for Passage is Sustained.

PRESENTATION OF RESOLUTIONS

"In Memoriam"

**COUNCIL PRESIDENT PETROSINELLI
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:

Carmela M. Pascale

Frank Mancini

Sebastian Giocastro

Meyer Tenenbaum

Patricia L. Thornton

Stanley T. Thompson

Raymond D. Finizia

Florie Imondi

Anthony Anzelone

Albert J. Ferrante

Ethel J. Whitworth

Dulce A. G. Aquino

Augustine J. DiMeo

Josephine DiPrete

Carmine Lucciola

Francis J. Amitrano

Kevin T. Hanrahan

Mario Cicchetti

C. Irene Judge

Carlo A. Colavecchio

**COUNCILMAN GLAVIN, seconded by
COUNCILMAN LOMBARDI.**

The motion for Passage is Sustained.

**Severally Read and Collectively Passed,
by a Unanimous Rising Vote, on motion of**

ADJOURNMENT

There being no further business, on motion of COUNCILMAN GLAVIN, seconded by COUNCILMAN IGLIOZZI, it is voted to adjourn at 9:00 o'clock P.M. (E.D.T.) to meet again on THURSDAY, OCTOBER 15, 1992 at 7:30 o'clock P.M. (E.D.T.).

Michael R. Clement

City Clerk

