

**CITY OF PROVIDENCE
RHODE ISLAND**



**CITY COUNCIL
JOURNAL OF PROCEEDINGS**

No. 5 City Council Regular Meeting, Thursday, March 3, 1983, 8:00 P.M. (E.S.T.)

IN CITY COUNCIL

MAR 17 1983

PRESIDING

APPROVED:

Rose M. Mancoske CLERK

COUNCIL PRESIDENT

JOSEPH R. PAOLINO, JR.

ROLL CALL

Present: Council President Paolino and Councilman Annaldo, Councilwoman Brasil, Councilmen Cola, Dillon, Councilwoman DiRuzzo, Councilman Easton, Councilwoman Fagnoli, Councilmen Farmer, Glavin, Griffin, O'Connor, Petrosinelli, Pitts and Stravato—15

City of Providence
City Hall
Providence, RI 02903

Dear Honorable Members:

Pursuant to Sections 302 and 1003 of the Providence Home Rule Charter of 1980, I am this day appointing Kathryn G. Owen of 140 Arlington Avenue, Providence, a member of the Board of Park Commissioners for a term to expire on the first Monday in January, 1986.

Respectfully,

VINCENT A. CIANCI, JR.
Mayor of Providence

Received.

Communication dated February 7, 1983, Informing the Honorable City Council that pursuant to Sections 302 and 1003 of the Providence Home Rule Charter of 1980, he is this day Appointing Beatrice E. Blackwell of 50 Woodbine Street, Providence, as a member of the Board of Park Commissioners for a term to expire on the first Monday in January, 1987.

February 7, 1983

The Honorable Members
The City Council of the
City of Providence
City Hall
Providence, RI 02903

Dear Honorable Members:

Pursuant to Sections 302 and 1003 of the Providence Home Rule Charter of 1980, I am this day appointing Beatrice E. Blackwell of 50 Woodbine Street, Providence, a member of the

Board of Park Commissioners for a term to expire on the first Monday in January, 1987.

Respectfully,

VINCENT A. CIANCI, JR.
Mayor of Providence

Received.

Communication dated February 18, 1983, Informing the Honorable City Council that pursuant to Sections 302 and 1104 of the Providence Home Rule Charter of 1980, he is this day Appointing Donald Dwares of 3 Harian Road, Providence, as a Member of the Providence Civic Center Authority for a term to expire on the first day of May, 1984.

February 18, 1983

The Honorable Members
The City Council of the
City of Providence
City Hall
Providence, RI 02903

Dear Honorable Members:

Pursuant to Sections 302 and 1104 of the Providence Home Rule Charter of 1980, I am this day appointing Donald Dwares of 3 Harian Road, Providence, Rhode Island, a member of the Providence Civic Center Authority for a term to expire on the first day of May, 1984.

Respectfully,

VINCENT A. CIANCI, JR.
Mayor of Providence

Received.

Communication dated February 18, 1983, Informing the Honorable City Council that pursuant to Sections 302 and 1104 of the Providence Home Rule Charter of 1980, he is this day Appointing Carolyn Kee of 251 Gallatin Street, Providence, as a Member of the Providence Civic Center Authority for a term to expire on the first day of May, 1985.

February 18, 1983

The Honorable Members
The City Council of the
City of Providence
City Hall
Providence, RI 02903

Dear Honorable Members:

Pursuant to Sections 302 and 1104 of the Providence Home Rule Charter of 1980, I am this day appointing Carolyn Kee of 251 Gallatin Street, Providence, Rhode Island, a member of the Providence Civic Center Authority for a term to expire on the first day of May, 1985.

Respectfully,

VINCENT A. CIANCI, JR.
Mayor of Providence

Received.

Communication dated February 18, 1983, Informing the Honorable City Council that pursuant to Sections 302 and 1104 of the Providence Home Rule Charter of 1980, he is this day Appointing Martin T. Byrne of 145 Nelson Street, Providence, as a member of the Providence Civic Center Authority for a term to expire on the first day of May, 1985.

February 18, 1983

The Honorable Members
The City Council of the
City of Providence
City Hall
Providence, RI 02903

Dear Honorable Members:

Pursuant to Sections 302 and 1104 of the Providence Home Rule Charter of 1980, I am this day appointing Martin T. Byrne of 145 Nelson Street, Providence, Rhode Island, a member of the Providence Civic Center Authority for a term to expire on the first day of May, 1985.

Respectfully,

VINCENT A. CIANCI, JR.
Mayor of Providence

Received.

Communication dated February 18, 1983, Informing the Honorable City Council that pursuant to Sections 302 and 815 of the Providence Home Rule Charter of 1980, he is this day Appointing Steven A. Pitassi of 49 Monticello Street, Providence, as a member of the Board of Investment Commissioners for a term to expire on the first Monday in January, 1984.

February 18, 1983

The Honorable Members
The City Council of the
City of Providence
City Hall
Providence, RI 02903

Dear Honorable Members:

Pursuant to Sections 302 and 815 of the Providence Home Rule Charter of 1980, I am this day appointing Steven A. Pitassi of 49 Monticello

Street, Providence, Rhode Island, a member of the Board of Investment Commissioners for a term to expire on the first Monday in January, 1984.

Respectfully,

VINCENT A. CIANCI, JR.
Mayor of Providence

Received.

Received.

Communication dated February 18, 1983, Informing the Honorable City Council that pursuant to Sections 302 and 815 of the Providence Home Rule Charter of 1980, he is this day Appointing Richard D. Worrell of 54 Irving Avenue, Providence, as a member of the Board of Investment Commissioners for a term to expire on the first Monday in January, 1986.

February 18, 1983

Communication dated February 18, 1983, Informing the Honorable City Council that pursuant to Sections 302 and 815 of the Providence Home Rule Charter of 1980, he is this day Appointing Clarke Simonds of 50 Benefit Street, Providence, as a member of the Board of Investment Commissioners for a term to expire on the first Monday in January, 1985.

February 18, 1983

The Honorable Members
The City Council of the
City of Providence
City Hall
Providence, RI 02903

The Honorable Members
The City Council of the
City of Providence
City Hall
Providence, RI 02903

Dear Honorable Members:

Pursuant to Sections 302 and 815 of the Providence Home Rule Charter of 1980, I am this day appointing Richard D. Worrell of 54 Irving Avenue, Providence, Rhode Island, a member of the Board of Investment Commissioners for a term to expire on the first Monday in January, 1986.

Dear Honorable Members:

Pursuant to Sections 302 and 815 of the Providence Home Rule Charter of 1980, I am this day appointing Clarke Simonds of 50 Benefit Street, Providence, Rhode Island, a member of the Board of Investment Commissioners for a term to expire on the first Monday in January, 1985.

Respectfully,

VINCENT A. CIANCI, JR.
Mayor of Providence

Respectfully,

VINCENT A. CIANCI, JR.
Mayor of Providence

Received.

Communication dated February 18, 1983, Informing the Honorable City Council that pursuant to Sections 302 and 1101 of the Providence Home Rule Charter of 1980, he is this

day Appointing Richard A. Carroll of 61 Flora Street, Providence, as a member of the Water Supply Board for a term to expire on the first Monday in January, 1984.

February 18, 1983

The Honorable Members
The City Council of the
City of Providence
City Hall
Providence, RI 02903

Dear Honorable Members:

Pursuant to Sections 302 and 1101 of the Providence Home Rule Charter of 1980, I am this day appointing Richard A. Carroll of 61 Flora Street, Providence, Rhode Island, a member of the Water Supply Board for a term to expire on the first Monday in January, 1984.

Respectfully,

VINCENT A. CIANCI, JR.
Mayor of Providence

Received.

Communication dated February 18, 1983, Informing the Honorable City Council that pursuant to Sections 302 and 1101 of the Providence Home Rule Charter of 1980, he is this day Appointing Joseph G. Formicola of 45 Canton Street, Providence, as a member of the Water Supply Board for a term to expire on the first Monday in January, 1985.

February 18, 1983

The Honorable Members
The City Council of the
City of Providence

City Hall
Providence, RI 02903

Dear Honorable Members:

Pursuant to Sections 302 and 1101 of the Providence Home Rule Charter of 1980, I am this day appointing Joseph G. Formicola of 45 Canton Street, Providence, Rhode Island, a member of the Water Supply Board for a term to expire on the first Monday in January, 1985.

Respectfully,

VINCENT A. CIANCI, JR.
Mayor of Providence

Received.

Communication dated February 18, 1983, Informing the Honorable City Council that pursuant to Sections 302 and 1101 of the Providence Home Rule Charter of 1980, he is this day Appointing Mary A. Nocera of 145 Jastram Street, Providence, as a member of the Water Supply Board for a term to expire on the first Monday in January, 1986.

February 18, 1983

The Honorable Members
The City Council of the
City of Providence
City Hall
Providence, RI 02903

Dear Honorable Members:

Pursuant to Sections 302 and 1101 of the Providence Home Rule Charter of 1980, I am this day appointing Mary A. Nocera of 145 Jastram Street, Providence, Rhode Island, a member of the Water Supply Board for a term to expire on the first Monday in January, 1986.

Respectfully,

VINCENT A. CIANCI, JR.
Mayor of Providence

The City Council of the
City of Providence
City Hall
Providence, RI 02903

Received.

Dear Honorable Members:

Communication dated February 18, 1983, Informing the Honorable City Council that pursuant to Sections 302 and 1101 of the Providence Home Rule Charter of 1980, he is this day Appointing Armando Parillo of 56 Magdalene Street, Providence, as a member of the Water Supply Board for a term to expire on the first Monday in January, 1987.

Pursuant to Sections 302 and 1101 of the Providence Home Rule Charter of 1980, I am this day appointing Armando Parillo of 56 Magdalene Street, Providence, Rhode Island, a member of the Water Supply Board for a term to expire on the first Monday in January, 1987.

Respectfully,

VINCENT A. CIANCI, JR.
Mayor of Providence

Received.

February 18, 1983

The Honorable Members

APPOINTMENTS BY THE PRESIDENT OF THE CITY COUNCIL

Communication, dated February 28, 1983 Informing the City Council of His Appointment of Harry A. Johnson, of Providence, as Administrative Assistant to the City Council.

Febraury 28, 1983

Honorable Members
of the City Council
Providence, Rhode Island

In accordance with the provisions of Chapter 1974-59, approved December 20, 1974, I am appointing Harry A. Johnson, of Providence, as Administrative Assistant to the City Council effective March 7, 1983.

Sincerely,

Joseph R. Paolino, Jr.
Council President

Dear Honorable Members:

Received.

Communication dated February 28, 1983, Informing the City Clerk of His Appointments to the Special Committee Created for the Purpose of Planning and Conducting a Proper Observance of Saint Patrick's Day, March 17, 1983.

February 28, 1983

Mrs. Rose M. Mendonca,
City Clerk
City Hall
Providence, Rhode Island

Dear Mrs. Mendonca:

In accordance with the authority granted me under Provisions of Resolution No. 73 of the City Council, approved January 28, 1983, I hereby make the following appointments to the Special Committee for the purpose of planning and conducting a proper observance of Saint Patrick's Day, March 17, 1983:

Councilman David G. Dillon
Councilman Thomas M. Glavin
Councilwoman Carolyn F. Brassil
Councilman Nicholas W. Easton, and
Councilman Malcolm Farmer, III.

Councilman Dillon, being the first named member, shall have the authority to call the first meeting for the purpose of organization.

Very truly yours,

Joseph R. Paolino, Jr.
Council President

Received.

Communication dated February 28, 1983, Informing the City Clerk of His Appointments to the Special Committee for an Appropriate Observance of the Feast of St. Joseph, the Worker, 1983.

February 28, 1983

Mrs. Rose M. Mendonca,
City Clerk
City Hall
Providence, Rhode Island

Dear Mrs. Mendonca:

In accordance with the authority granted me under the Provisions of Resolution No. 72 of the City Council, approved January 28, 1983, I hereby make the following appointments to the Special Committee for an Appropriate Observance of the Feast of Saint Joseph, the Worker, 1983:

Councilwoman Evelyn V. Fagnoli
Councilwoman Josephine DiRuzzo
Councilman James A. Petrosinelli
Councilman Andrew J. Annaldo, and
Councilman Raymond Cola.

Councilwoman Fagnoli, being the first named member, shall have the authority to call the first meeting for the purpose of organization.

Very truly yours,

Joseph R. Paolino, Jr.
Council President

Received.

PRESENTATION OF ORDINANCES

COUNCIL PRESIDENT PRO TEMPORE STRAVATO (By Request):

An Ordinance in Amendment of Article II of Section 15-18(b), 15-22(a) and 15-23(a) of the Code of Ordinances of the City of Providence Relative to Vehicle Towing and Storage Charges.

COUNCILMAN FARMER and COUN- CILWOMAN BRASSIL (By Request):

An Ordinance in Amendment of and in Addition to Chapter 21 of the Code of Ordinances of the City of Providence entitled "Tax Stabilization for Industrial Property."

COUNCILMAN FARMER and COUN- CILMAN PITTS (By Request):

An Ordinance Amending the Appropriation Ordinance Chapter 1982-42 Approved July 7, 1982, by transferring Certain Sums of Money Within Several Departments.

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

The motion to Refer is Sustained.

PRESENTATION OF RESOLUTIONS

COUNCIL PRESIDENT PAOLINO:

Resolution Creating a Special Committee of the City Council to Establish and Oversee a Program for City Government Student Internships.

Resolved, That a Special Committee be and the same is hereby created consisting of Six (6) Members: Five (5) of whom shall be Members of the City Council appointed by the President of the City Council; and One (1) of whom shall be the President of the City Council who shall serve by virtue of his office as an ex-officio member of said Committee who shall serve as members of said Committee as long as they shall be members

of the City Council and whose purpose it shall be to:

Establish a Student Intern Program within the City Government and to oversee its Development and Operation and to,

Work with the Administrative Assistant to the City Council, or a designee by the Council President, who shall administer the Intern Program, and to

Establish an Academic Committee on Interns consisting of one member from each of the Political Science Departments of the participating colleges and universities, who shall select the

students from the participating schools to serve as interns in the Program, and to

Recommend to the full City Council an amount they deem sufficient for payment of stipends, if stipends shall be paid to interns, and for the payment of necessary expenses incurred in the operation of said Program, and

Be It Further Resolved, So as to afford participating students an off-campus educational and/or work experience supplemental to the academic atmosphere of the college or university which is relevant to their specific educational objective and to encourage young people to consider careers and citizens leadership roles in programs of development and to provide service opportunities for students seeking to participate in the study and solution of complex social and economic problems and to:

Make available to the various departments of City Government the talents and creative ideas of this untapped wealth and source of knowledge,

Now, Therefore, Be It Resolved, That the Council adopt this Resolution and direct the President of the Council to appoint the Members of this Committee upon its passage.

**COUNCILMAN PRESIDENT PAOLINO,
COUNCILMAN ANNALDO and COUN-
CILMAN PETROSINELLI:**

Resolution extending the Congratulations of the Members of the City Council to Carmine A. Bucci for the dedicated service he rendered to the City of Providence during his tenure at North Burial Ground and as Chairman of the Board of Park Commissioners.

Whereas, Carmine A. Bucci, was one of eight children, born on July 20, 1909 in Providence,

Rhode Island to John and Gabriela Bucci, attended St. Ann's Parochial School in Providence until at the age of fourteen he began working a fifty-four hour week in a textile mill, and

Whereas, In 1931 he began a distinguished career of service in the North Burial Ground rising thru the ranks from summer employee to assistant foreman, to foreman/grower, to the first sexton in North Burial Ground history, to Superintendent of the North Burial Ground in 1966, and finally in April 1974 becoming Superintendent Emeritus of the North Burial Ground, giving to the burial ground in these years the devoted service, distinguished leadership and fine professional skill, and

Whereas, During his decades of service at the North Burial Ground he trained many of today's leaders in the Department of Public Parks, among them John T. Campanini, Director of Grounds Maintenance Services and Manuel Teixeira, Chief of Greenhouses, as well as serving in retirement as city supervisor in the restoration in the Temple of Music in Roger Williams Park in 1976-77 and providing invaluable assistance as an advisor to Superintendent of Parks James W. Diamond early in his term of office, and

Whereas, Carmine A. Bucci was elected Chairman of the Board of Park Commissioners in 1979 and was re-elected repeatedly by his colleagues being the last Chairman of the Board of Park Commissioners to serve under the Legislative Charter, and

Whereas, Carmine A. Bucci was elected by this honorable City Council as the council's first non-member representative on the Board of Park Commissioners under the new Home Rule Charter, and

Whereas, Carmine A. Bucci was the first employee in the history of the Department of Public Parks to rise thru the ranks to the Chairmanship of the Board of Park Commissioners,

Now, Therefore, Be It Resolved, On the recommendation of Mayor Vincent A. Cianci, Jr. and the entire Board of Park Commissioners, the City Council bestows upon Carmine A. Bucci the title of Chairman Emeritus of the Board of Park Commissioners and wishes him many happy, healthy years of future service to the people of Providence and the Department of Public Parks, and

Be It Further Resolved, That the City Council extend its best wishes to his wife, the former Margaret Pisaturo, and his daughter Sister Clarice A. Bucci, MPF and directs that an engrossed copy of this Resolution be transmitted by the City Clerk to Chairman Emeritus Carmine A. Bucci and that a second engrossed copy be transmitted by the City Clerk to the North Burial Ground where it is to be displayed permanently in a public space in the offices for all to see.

COUNCILWOMAN DIRUZZO:

Resolution requesting the Chief of the Providence Police Department to enforce the provisions of Sec. 12-57 of the Code of Ordinances of the City of Providence, entitled "Littering."

Whereas, Sec. 12-57 of the Code of Ordinances of the City of Providence has defined certain laws with respect to Littering,

Now, Therefore, Be It Resolved, That the Chief of the Providence Police Department is hereby requested to enforce the provisions of Sec. 12-57, that all persons shall cease and desist from dumping and depositing rubbish, garbage and miscellaneous articles on public or private property within the City of Providence.

COUNCILWOMAN DIRUSSO (By Request):

Resolution requesting the Superintendent of the School Department to expedite the landscaping along the areas where plumbing repairs were recently made in the William D'Abate School.

Whereas, Plumbing repairs were necessary within the School grounds of the William D'Abate School, creating a hazardous condition in the school yard which could result in injuries to children,

Now, Therefore, Be It Resolved, That the Superintendent of the School Department is hereby requested to cause the landscaping of the areas, where plumbing repairs were recently made in the William D'Abate School, to be expedited.

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

The motion for Passage is Sustained.

COUNCILMAN EASTON and COUNCILMAN DILLON:

Resolution requesting the Finance Director and the City Collector to reinstate the former policy of allowing one year's grace in a tax sale situation.

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

The motion to Refer is Sustained.

COUNCILMAN EASTON (By Request):

Resolution requesting the General Assembly of the State of Rhode Island to Investigate the Municipalizing of Narragansett Electric Company.

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

The motion to Refer is Sustained.

COUNCILMAN FARMER and COUNCILMAN PITTS (By Request):

Resolution authorizing and empowering His Honor the Mayor, on behalf of the City of Providence to execute a deed of conveyance to the Providence Redevelopment Agency for the Sum of One Dollar, Lot 653, on City Assessor's Plat 70, containing approximately 1,173 sq. ft. of land.

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

The motion to Refer is Sustained.

REPORTS FROM COMMITTEES

COUNCILMAN ANDREW J. ANNALDO, Chairman COMMITTEE ON CITY PROPERTY

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

Resolution Requesting that the City of Providence Enter Into a Lease at Fields Point in Providence.

Whereas, Metals Processing Company ("Processing"), a Delaware Corporation, is Lessee, and the City of Providence is Lessor, of certain real estate at Fields Point in Providence under the following Leases ("the Leases"):

A. Lease dated December 15, 1969, recorded in Deed Book 1155 at Page 615

B. Lease dated April 27, 1971, recorded in Deed Book 1227 at Page 1193

C. Lease dated November 1, 1974, recorded in Deed Book 1183 at Page 1102, as amended.

D. Lease dated April 8, 1970, recorded in Providence Land Evidence Records on February 16, 1983, at 12:30 p.m.; and

Whereas, Since 1977, certain modifications of the rights and obligations of the parties have been made thereunder; and

Whereas, Processing wishes to sell certain of its assets, including its rights under the Leases, to Metals Acquisition Corp. ("Acquisition"), a Delaware Corporation; and

Whereas, The parties wish to clarify and memorialize their respective rights and obligations pursuant to the Leases and modifications thereof and to effect the transfer thereof to *Acquisition*;

Now Therefore, Be It Resolved, That contemporaneously with the consummation of the purchase of the aforesaid assets of *Processing* by *Acquisition*, His Honor the Mayor, be and is hereby authorized and directed as follows:

1) Subject to delivery of appropriate mutual releases between *Processing* and the City of Providence with respect to the foregoing, and satisfaction of outstanding rental obligations of *Processing* to the City of Providence, to cancel the Leases.

2) To execute on behalf of the City of Providence as Lessor to *Acquisition*, a Delaware Corporation, As Lessee, a certain Lease for premises at Fields Point in Providence in the form attached hereto as Exhibit A.

3) To execute such other documents as may be requested, upon terms approved by the City Solicitor, to carry out the purposes of the foregoing Resolution.

Read and Passed, on motion of COUNCILMAN ANNALDO, seconded by COUNCIL PRESIDENT PRO TEMPORE STRAVATO, by the following Roll Call Vote:

Ayes: Councilman Annaldo, Councilwoman Brassil, Councilman Cola, Councilwoman DiRusso, Councilman Easton, Councilwoman Fagnoli, Councilmen Farmer, O'Connor, Petrosinelli and Stravato—10.

Noes: Council President Paolino and Councilmen Dillon, Glavin and Pitts—4.

Absent: Councilman Griffin—1.

The motion for Passage is Sustained.

Resolution Authorizing His Honor the Mayor to Execute a Deed of Conveyance of the Summit Avenue School to Miriam Hospital for the Sum of One Hundred Forty Thousand Dollars (\$140,000.00) and Rescinding Resolution No. 106, Approved March 19, 1982.

Whereas, There appears to have arisen some concern over the sale of the Summit Avenue School;

Whereas, It is in the best interest of the City to convey said property.

Whereas, It is in the best interest of the City to preserve residential property values in the immediate vicinity of the Summit Avenue School.

Whereas, The 1976 Master Plan for Recreation called for an increase in recreation facilities in the Hope neighborhood.

Therefore Be It Resolved, That Resolution No. 106 approved March 9, 1982, is hereby rescinded.

Be It Further Resolved, That Resolution No. 21 approved January 28, 1982, which was rescinded by Resolution No. 106 is and continues to be rescinded.

Be It Further Resolved, That His Honor the Mayor is hereby authorized to execute a Deed of Conveyance to the Miriam Hospital, 164 Summit Avenue, Providence, Rhode Island 02906; for land and buildings located along 86 Fourth Street, designated as Lot 374 on City Assessor's Plat 73, comprising an area of approximately 50,045 square feet of land, more or less, known as the former Summit Avenue School, for the total sum of One Hundred Forty Thousand Dollars (\$140,000.).

Said conveyance is to be made subject to an annual payment, made by the Miriam Hospital or its Successors to the City Collector, in lieu of taxes. Said payment is to be in the amount of Eight Thousand Dollars (\$8,000.) for the first five (5) years after the execution of said Deed of Conveyance. After the expiration of said five (5) year period, said payment is to be determined in accordance with the tax rate established by the City Assessor and shall be adjusted annually as said tax rate is adjusted; provided, however, that the assessed value of said premises shall remain at its present level. It is further provided that in the event that the General Assembly of the State of Rhode Island enacts legislation subjecting property owned by hospitals, institutions to property taxation, then the Miriam Hospital or its successors will not be obligated to make annual payments, once said legislation takes effect; rather the Miriam Hospital or its successors shall be obligated to make such payments as required by the said legislation.

Further, it is provided that the following clause be made part of said Deed of Conveyance:

It is hereby agreed, understood and stipulated that if ever the said land and buildings hereby conveyed are sold by the Miriam Hospital or its successors to an institution exempt from property tax by the General Laws of the State of Rhode Island or by Charter, then said land and buildings shall revert to and become the property of the City of Providence.

Said conveyance is to be further made under such terms and conditions as may be provided for by His Honor the Mayor and the City Solicitor.

Said conveyance is to be further made under the following conditions:

(a) *Location of the Park Area:* The only on-site parking area shall be located within that portion of the yard area adjoining Fifth Street and extending across the full width of the lot with a maximum depth of 120 feet measured perpendicular to the southerly side of Fifth Street,

provided that a minimum sixteen ft. (16') wide planting strip for screening and landscaping be installed along the westerly side lot line and a minimum eight ft. (8') wide planting strip for screening and landscaping be installed along the easterly side lot line adjoining Summit Ave.

(b) *Screening of the Parking Area:* Said parking area shall be screened by a wall of solid and uniform appearing compact evergreen screen, fence or wall having a height of not less than four (4) feet at the entire easterly and westerly edges of said parking area.

(c) *Open Space:* The balance of existing yard areas shall remain open and shall be adequately landscaped and maintained at all times.

It is hereby expressly declared to be the opinion of the City Council that said land and properties have become unsuitable and have ceased to be used for public or municipal purposes.

Read and Passed, on motion of COUNCILMAN ANNALDO, seconded by COUNCIL PRESIDENT PRO TEMPORE STRAVATO, by the following Roll Call Vote:

Ayes: Council President Paolino and Councilman Annaldo, Councilwoman Bras-sil, Councilmen Cola, Dillon, Councilwoman DiRuzzo, Councilman Easton, Councilwoman Fagnoli, Councilmen Farmer, Griffin, Petrosinelli and Stravato—12.

Noes: Councilmen Glavin, O'Connor and Pitts—3.

The motion for Passage is Sustained.

Resolution Authorizing His Honor the Mayor to Execute a Deed of Conveyance to Mr. and Mrs. Robert Morris, 46 Potters Avenue, Provi-

dence, Rhode Island, of Lot 670 on City Assessor's Plat 47, located at 50 Potters Avenue for the Sum of Seven Hundred Fifty Dollars (\$750.00).

Resolved, That His Honor the Mayor be and he is hereby authorized to execute a deed of conveyance to Mr. and Mrs. Robert Morris of 46 Potters Avenue, Providence, Rhode Island, of that certain lot or parcel of land situated on Lot 670, City Assessor's Plat 47, containing approximately thirty-two hundred (3,200) square feet of land, more or less, and located along 50 Potters Avenue, for the total sum of Seven Hundred Fifty Dollars (\$750.00).

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

Ayes: Council President Paolino and Councilman Annaldo, Councilwoman Bras-sil, Councilmen Cola, Dillon, Councilwoman DiRuzzo, Councilman Easton, Councilwoman Fagnoli, Councilmen Farmer, Glavin, Griffin, O'Connor, Petrosinelli, Pitts and Stravato—15.

The motion for Passage is Sustained.

COUNCILMAN THOMAS M. GLAVIN, Chairman COMMITTEE ON ORDINANCES

**The following was in City Council
February 17, 1983, Read and Passed the
First Time, Referred to Committee on
Ordinances, and Is Returned for Passage
the Second Time, as amended:**

An Ordinance in Amendment of Chapter 15 of Article II and Article III of the Code of Ordinances of the City of Providence, relative to Towing and Impoundment of Vehicles, as amended.

Be It Ordained By The City Of Providence:

Section 1. Section 15-18 of Article II of the Code of Ordinances is hereby amended to read as follows:

*"Sec. 15-18. Removal or Impounding of
Illegally Parked Vehicles.*

(a) *Generally* Any police officer may remove and impound or cause to be removed or impounded any vehicle illegally parked upon any street or highway, in such violation of any parking regulation or ordinance (other than over-time parking), as to constitute an obstruction to traffic or as to create an unsafe condition, thus jeopardizing public safety; provided nevertheless, that the Police Department shall, within 48 hours, notify the vehicle owner of the said removal or impoundment; of the opportunity for a hearing before a "neutral official", in which the owner may contest the towing (or the deprivation of said vehicle), and the payment of costs or charges accompanying the towing or impound-

ment; all substantially in accordance with the procedure set forth in sub-section (b) of this section.

(b) Post-Seizure Hearings for Towed or Impounded Vehicles.

(1) Notice and Request for Hearing.

As to any vehicle towed or impounded pursuant to this Section 15-18 by or at the request of the City of Providence, its agents or employees, a person who has a legal entitlement to possession of the vehicle has a right to a post-seizure administrative hearing to determine whether there was probable cause to impound the vehicle if such person files a written demand, on forms so provided for such a hearing, with the Police Department within ten (10) days after such person has learned such vehicle has been impounded or within ten (10) days after the mailing of the date set in the Notice of Stored Vehicle, whichever occurs first. The Notice of Stored Vehicle shall be sent in the mail to the legal and registered owner or their agent and to the garage where the vehicle is stored within forty-eight (48) hours, excluding weekends and holidays, after impounding and storage of the vehicle.

(2) Conduct of Hearing.

A hearing shall be conducted before a "Neutral" hearing officer designated by a Judge of the Municipal Court within forty-eight (48) hours of receipt of a written demand therefor from the person seeking the hearing unless such person waives the right to a speedy hearing. Saturdays, Sundays, and City holidays are to be excluded from the calculation of the 48-hour period. The hearing officer shall be someone other than the person who directed the impounding and storage of the vehicle. The sole issue before the hearing officer shall be whether there was probable cause to impound the vehicle in question.

"Probable cause to impound" shall mean such a state of facts as would lead a person of ordinary

care and prudence to believe that there was sufficient breach of local, state or federal law to grant legal authority for the removal of the vehicle.

The hearing officer shall conduct the hearing in an informal manner and shall not be bound by technical rules of evidence. The person demanding the hearing shall carry the burden of establishing that such person has the right to possession of the vehicle. The Police Department shall carry the burden of establishing that there was probable cause to impound the vehicle in question. At the conclusion of the hearing, the hearing officer shall prepare a brief written decision. A copy of such decision shall be provided to the registered owner of the vehicle. The hearing officer's decision in no way affects any criminal proceeding in connection with the impound in question and that any criminal charges involved in such proceeding may only be challenged in the appropriate court. The decision of the hearing officer is final. Failure of the registered or legal owner, or his agent to request or attend a scheduled post-seizure hearing shall be deemed a waiver of the right to such hearing.

(3) Decisions of the Hearing Officers and Their Effect.

The hearing officer shall only determine that as to the vehicle in issue either (a) there was probable cause to impound the vehicle or (b) there was no such probable cause, in the event that the hearing officer determines that there was no probable cause, the hearing officer shall prepare and date a Certificate to No Probable Cause, copies of which shall be given to the possessor of the vehicle and the Police Department. Upon receipt of the possessor's copy of such certificate, the Official Police Garage having custody of the vehicle shall release the vehicle to its possessor. Upon a finding of no probable cause, towing and storage fees shall be paid by the City in accordance with arrangements made between the City and the authorized Garages. If the possessor fails to present such certificate to the authorized Garage having custody of the vehicle within

twenty-four (24) hours of its receipt, excluding such days when the said Garage is not open for business, the possessor shall assume liability for all subsequent storage charges. Such certificate shall advise the possessor of such requirement. (c) Payment of charges. A charge of fifteen dollars (\$15.00) for towing, if such towing was performed during the hours of 8:00 a.m. to 6:00 p.m., or twenty dollars (\$20.00) for towing, if such towing was performed during the hours of 6:00 p.m. to 8:00 a.m., and/or truck towing charges shall be twenty-five dollars (\$25.00) with six (6) tires; forty dollars (\$40.00) with ten (10) tires; forty-five dollars (\$45.00) with fourteen (14) tires and fifty dollars (\$50.00) with eighteen (18) tires, plus a storage charge after the first four (4) hours of three dollars (\$3.00) per day (twenty-four (24) hours) or for a fraction thereof, for storage off the public highway; a further charge for extra labor shall be fifteen dollars (\$15.00) for motor vehicles with no tires, winching ten dollars (\$10.00) and unlocking and locking of transmission five dollars (\$5.00), shall be paid to the clerk of the municipal court or some official person, firm or corporation designated by said clerk before any such vehicle shall be released except for vehicles towed during periods when emergency regulations controlling parking and traffic movements during storm periods are in effect. The payment of such towing and storage charges shall not release the operator or owner of the vehicle from any penalty imposed for violation of a traffic regulation."

Sec. 2. The said Chapter 15 of Article II of the Code of Ordinances is further amended by adding the following Section 15-26:

"Sec. 15-26. Towing or Impoundment of Vehicles of Scofflaws.

(a) Upon an Order of a Judge of the Municipal Court of the City of Providence, obtained in accordance with sub-section (b) of this section, any police officer of the City shall have the authority to impound or seize (or cause the same to be done) any vehicle, whether by towing or otherwise (such as by use of the "Denver Boot",

so-called) if five (5) or more parking tickets or citations for violations of the Traffic Ordinances or Regulations of the City of Providence have been issued against it and which remain outstanding and delinquent for more than 15 days.

(b) The procedure to be followed in the enforcement of the preceding sub-section (a) shall be as follows:

(1) Prior to any such vehicle being ordered to be towed, seized or impounded, if the vehicle is registered in the State of Rhode Island, and a registration is on file with the State, a notice of non-compliance and an order to respond to the Municipal Court to answer to the traffic violations shall be forwarded to the owner of record by registered or certified mail.

(2) Said notice and order shall state that the registrant may appear before the Municipal Court at any session during the following fourteen (14) days, and request a hearing as to whether the vehicle should be towed or seized and impounded for said violations.

(3) If after twenty-one (21) days from the date of mailing said notice or order, the registrant fails to appear, a Judge of the Municipal Court shall issue a written order to the Providence Police Department to tow (or seize by use of the "Denver Boot") and impound said vehicle.

(4) Prior to any such vehicle being ordered towed or seized and impounded, if the vehicle is registered in a state other than Rhode Island, said notice of non-compliance and order to repond (as aforesaid) shall be mailed (by registered or certified mail) to the Registrar of Motor Vehicles (supplying as much information as reasonably available) of the state in which such vehicle is registered. Said notice of non-compliance and order and the procedure and consequences shall be the same as for a Rhode Island registrant, except that an *out-state* registrant shall be given twenty-one (21) days to appear before the

Municipal Court, and twenty-eight (28) days before said Court Order shall issue.

(5) Upon such a vehicle being thus towed or seized and impounded, the Providence Police Department shall maintain a record of same, and upon inquiry by the registrant or other authorized person, notify same that they may appear at the next regular session of the Municipal Court, for the purpose of securing a hearing as to the towing and/or impoundment of vehicle, liability for any charges arising therefrom, and for arraignment on the outstanding violations; provided that the registrant (or other authorized person) may either pay the outstanding traffic or parking fines, or deposit with the Court sufficient security for the payment thereof in the event the same are duly contested.

(6) Upon such a vehicle being thus duly towed and impounded in a convenient and safe place within the city, the charge as set forth in Section 15-18 (c) shall be paid by the registrant of such vehicle or other authorized person, firm or corporation designated by said registrant before any such vehicle shall be released.

(7) No vehicle thus towed and/or impounded under this section may be released by the Providence Police Department unless issued written notice to do so by the Clerk of the Municipal Court.

(8) No vehicle thus towed and impounded under this section shall be disposed of or sold by any person, company or organization having possession or custody of same, nor by the Police Department, the City or any of its agents, except by written order of the Municipal Court (or the Clerk thereof) obtained pursuant to applicable state law, if any; and if there be no applicable state law, then the following procedure shall govern and apply:

If such property remains unclaimed in the possession of the Police Department, an Officer or agent thereof, or an authorized towing company or garage for one month and the owner

thereof or his place of abode or business is unknown, or if the owner and his place of abode or business are known and the owner, after receipt by registered mail of a written notice from such department or member to take possession of said property, refuses or fails for a period of ten (10) days following said receipt so to do, such department may sell the same by public auction, notice of the time and place of sale, with a description of the property to be sold, first being given by publishing the same once in each of three successive weeks in a newspaper published in Providence."

Sec. 3. The said Chapter 15 as contained in Article II and III of the Code of Ordinances is further amended by adding the following Section 15-27:

"Sec. 15-27. Post-Seizure Hearings For Towed Or Impounded Vehicles Applicable To Other Sections Of The Code Of Ordinances.

The procedure for post-seizure hearings for towed or impounded vehicles shall also apply to Sections 15-19 and 15-22 of Article II and to Sections 15-37, 15-39, 15-40, 15-41 and 15-42 of Chapter III, entitled 'Storage of Dismantled, Junked or Abandoned Vehicles.' "

Sec. 4. This Ordinance shall take effect upon its passage and all ordinances or parts of ordinances inconsistent herewith are hereby repealed.

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

Ayes: Council President Paolino and Councilman Annaldo, Councilwoman Bras-sil, Councilmen Cola, Dillon, Councilwoman DiRuzzo, Councilman Easton, Councilwoman Fagnoli, Councilmen Farmer, Glavin, Griffin, Petrosinelli, Pitts and Stravato—14.

Noes: Councilman O'Connor—1.

The motion for Passage the Second Time,
is Sustained.

COMMUNICATIONS AND REPORTS

FROM COUNCILMAN ANDREW J. ANNALDO, CHAIRMAN OF THE COMMITTEE ON CITY PROPERTY:

Communication transmitting copies of the Rules adopted by that Committee on February 23, 1983.

Received.

FROM FINANCE DIRECTOR, JEROME I. BARON:

Communications (3) dated February 25, 1983, Informing the Honorable City Council that pursuant to Section 813 of the Providence Home Rule Charter of 1980, of His Appointments of Frank E. Corrente, 55 Leslie Drive, Providence, as City Controller; Theodore C. Littler, 227 Irving Avenue, Providence, as City Assessor; and Ronald L. Tarro, 24 Freedom Road, Providence, as City Collector.

Severally Received.

FROM KARL HAFFENREFFER, CHAIRMAN OF HARBOR WATCH:

Communication requesting the Members of the City Council join them as sponsors of "Conserve Our Barrier Beaches, with its seven recommendations to the Coastal Resources Management Council."

Received.

FROM THE CITY COLLECTOR:

Certificate (No. 11), Recommending the Same be Cancelled, Pursuant to the Provisions of Section 44-7-11 of the General Laws of Rhode Island, 1956, as Amended, Inasmuch as the Same have been Determined to be Uncollectible as Such Amounts were Not Reported as Required on the Statement of Lien.

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

The motion to Refer is Sustained.

FROM THE PORT DIRECTOR:

Monthly Report for January, 1983.

Received.

FROM THE CLERK'S DESK

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

Mary Burns

Joseph E. Carosi

John R. Gallo

Norine Gervaise p.p.a. Gerrienne Gervais

The Hertz Corporation

Myberg Janitorial Services, Inc.

Eileen M. Schenck

Michelle Thomas

Ronald Verdi

**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 Congratulations"

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

Resolutions Extending Congratulations to the
following:

Maurice A. Bissonnette, In Recognition of his

promotion to the Position of Senior Resident
Officer and Associate Director at Tucker,
Anthony & R.L. Day.

Douglas B. Pickard, In Recognition of his promotion to the rank of Branch Office Manager at Tucker, Anthony & R.L. Day.

Auxiliary to the Constantine Temple No. 14 Prince Hall Shriners.

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

The motion for Passage is Sustained.

Allene R. Maynard, Upon Her Election and Installation as Illustrious Commandress of Constantine Court No. 8, Daughters of Isis, and

PRESENTATION OF RESOLUTIONS

"In Memoriam"

COUNCIL PRESIDENT PAOLINO and the MEMBERS of the CITY COUNCIL:

Resolutions Extending Sympathy of the Members of the City Council to the Families of Various Decedents:

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

Jennie W. Cassie

Edna J. Carello

Joseph Marcello

Edith Colavecchio

Emidio DeSantis

William B. Berger

Mary K. Carroll

Eda DeAugustinis

Anthony E. DeSimone, Esq.

Estelle Scalera

George T. Plunkett

Anthony Campano

Sylvia C. DiCostanzo

Freda Dodge

Francis J. White

Thomas Verdi

Jennie Aloia

Domenico Ivone

William M. Keaveny

Francesco A. Mete

Giulia M. Iaonata
 Vilma M. Tenaglia
 Charles B. Aiken
 Frederico Pallotta

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

The motion for Passage is Sustained.

MATTERS NOT APPEARING ON THE PRINTED DOCKET

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

PRESENTATION OF RESOLUTION

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

a member of the Bureau of Licenses on July 11,
 1966, and

Resolution of the Members of the City Council
 Extending Congratulations to John J.
 Sheehan, Jr., Upon the Occasion of his Well
 Earned Retirement.

Whereas, John Sheehan, was subsequently
 elected Chairman of the Bureau of Licenses in
 1970 and served faithfully and diligently until
 January of 1979, and

Whereas, John J. Sheehan, Jr., is retiring after
 having served as a loyal and faithful employee of
 the City of Providence for twenty years, and

Whereas, John Sheehan, was appointed
 Administrative Assistant to the Providence City
 Council on January 22, 1979, and has
 distinguished himself in this position by his
 always congenial and cooperative temperament

Whereas, John Sheehan was first appointed as

and his eagerness to serve the Members of the City Council, and

Whereas, John Sheehan will now have the time needed to spend improving his "slices" and "hooks" and in hot pursuit of that elusive "Hole In One" as he travels his beloved "Links",

Now, Therefore, Be It Resolved, That the Members of the City Council do hereby offer their earnest congratulations to "Jack Sheehan" on the occasion of his well earned retirement and

convey to "Jack" and his family their very best wishes for a long, healthy and prosperous future.

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

The motion for Passage is Sustained.

ADJOURNMENT

There being no further business, on motion of COUNCILMAN GLAVIN, seconded by COUNCILMEN EASTON and GRIFFIN, the City Council adjourns at 9:10 o'clock P.M. (E.S.T.) to meet again on THURSDAY, MARCH 17, 1983 at 7:00 o'clock P.M. (E.S.T.).

Rose M. Mendonca

City Clerk