

**CITY OF PROVIDENCE
RHODE ISLAND**



**CITY COUNCIL
JOURNAL OF PROCEEDINGS**

No. 36 City Council Regular Meeting, Thursday, February 19, 2004, 7:30 o'clock P.M. (E.S.T.)

**PRESIDING
COUNCIL PRESIDENT
JOHN J. LOMBARDI**

ROLL CALL

**Present: Council President Lombardi,
Councilmen Allen, Aponte, Butler, DeLu-
ca, Councilwoman DiRuzzo, Councilmen
Hassett, Iglizzi, Jackson, Luna, Mancini,
Councilwoman Romano, Councilman Segal,
Council Women Williams And Young - 15.**

Absent: None.

**Also Present: Bruce D. Todesco, Depu-
ty City Solicitor, Michael R. Clement, City
Clerk, Claire E. Bestwick, First Deputy City
Clerk and Lori L. Hagen, Assistant Clerk**

2006 APR 10 A 11: 25
DEPT. OF CITY CLERK
PROVIDENCE, R.I.

APR 20 2006

IN CITY COUNCIL

John J. Lombardi

READ

WHEREUPON IT IS ORDERED THAT
THE SAME BE APPROVED.

INVOCATION

The Invocation is given by COUNCIL-
WOMAN CAROL A. ROMANO.

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

COUNCILMAN JOSEPH DeLUCA Leads
the Members of the City Council and the As-
semblage in the Pledge of Allegiance to the
Flag of the United States of America.

IN CLERK'S OFFICE

CITY CLERK
CITY OF CHICAGO

ORDINANCES SECOND READING

The Following Ordinance was in City Council November 20, 2003, Read and Passed the First Time and in City Council December 4, 2003 and Referred Back to the Committee on Ordinances and is Returned for Passage the Second Time, as Amended.

An Ordinance Establishing a prohibition on Unauthorized removal of City Vehicles from the City, as Amended.

Be it ordained by the City of Providence:

SECTION 1. The Code of Ordinances of the City of Providence is hereby amended by adding the following section:

Personal Use of City Vehicles.

A. No City vehicle may be taken beyond the boundaries of the City of Providence for personal use unless prior written authorization for such use has been obtained from the Mayor, his designee, or by the director of the department to which the vehicle has been assigned. Personal use shall be limited to travel

to and ITom work or a work-related event. A copy of the authorization must be delivered to the City Clerk and to the Director of City Property.

B. The Department of City Property shall to promulgate regulations setting forth the monitoring and reporting requirements for use of vehicles consistent with this ordinance.

C. Violators will be subject to disciplinary proceedings in accordance with collective bargaining agreements and the rules and regulations as promulgated by the Department of City Property. Disciplinary action shall increase to include suspension without pay up to termination if continued violations of this section occur.

SECTION 2. This Ordinance shall take effect ninety days following passage.

COUNCILMAN APONTE moves to accept the amendments to the foregoing matter, Seconded by **COUNCILWOMAN WILLIAMS**.

COUNCILMAN DE LUCA Moves to Amend the foregoing and replace Part B.

COUNCILMAN DE LUCA withdraws his motion.

COUNCIL WOMAN WILLIAMS moves to amend the foregoing Matter by deleting the word "to" in section B of the Ordinance, Seconded by **COUNCILMAN BUTLER**.

Read and Passed the Second Time on motion of COUNCILMAN APONTE, Seconded by COUNCILWOMAN WILLIAMS, by the following Roll Call Vote:

Ayes: Council President Lombardi, Councilmen Aponte, Butler, DeLuca, Councilwoman DiRuzzo, Councilmen Hassett, Iglizzi, Jackson, Luna, Mancini, Councilwoman Romano, Councilman Segal, Councilwomen Williams and Young - 14.

Nays: Councilman Allen - 1.

The Motion for passage the Second time, as Amended, is Sustained.

The Following Ordinance was in City Council February 5, 2004, Read and Passed the First Time and is Returned for Passage the Second Time.

An Ordinance Relating to Article IV, Chapter 17, Section 17-189(5) of the Code of Ordinances.

Be it ordained by the City of Providence:

SECTION 1. Notwithstanding the language of Section 17-189(5) of the Code of Ordinances which provides that "[t]he application to accomplish such [accidental disability] retirement must be filed within eighteen (18) months of the date of the accident," the Retirement Board of the City of Providence may consider and act upon the accidental disability retirement application of Alfred Fontaine, Equip-

ment Operator, Water Supply Board, even though more than eighteen (18) months have passed since the date of the accident which is the averred proximate cause of each of the above-named applicant for a disability retirement allowance.

SECTION 2. Said application shall be subject to and considered in accordance with all other applicable ordinances, regulations, standards and practices relating to accidental disability retirement applications.

SECTION 3. This Ordinance shall take effect upon its passage.

Read and Passed the Second Time on motion of COUNCILMAN APONTE, Seconded by COUNCILWOMAN WILLIAMS, by the following Roll Call Vote:

Ayes: Council President Lombardi, Councilmen Allen, Aponte, Butler, DeLuca, Councilwoman DiRuzzo, Councilmen Hassett, Igliazzi, Jackson, Luna, Man-

cini, Councilwoman Romano, Councilman Segal, Councilwomen Williams and Young - 14.

Nayes: None.

The Motion for passage the Second time is Sustained.

PRESENTATION OF ORDINANCE

COUNCILMAN MANCINI and COUNCILMAN BUTLER:

An Ordinance in Amendment of Chapter 2003-41, Approved July 31, 2003, of the Ordinances of the City of Providence making an Appropriation of Five Hundred Fifty-Four Million, One Hundred Seventy-One Thousand, and Twenty Dollars (\$554, 171,020.00) for the Fiscal Year ending June 30, 2004, as Amended.

COUNCIL PRESIDENT LOMBARDI refers the Ordinance to the Committee on Finance.

PRESENTATION OF RESOLUTIONS

**COUNCIL PRESIDENT LOMBARDI,
COUNCILMEN ALLEN, APONTE,
BUTLER, DeLUCA, COUNCILWOMAN
DIRUZZO, COUNCILMEN HASSETT,
IGLIOZZI, JACKSON, LUNA, MANCINI,
COUNCILWOMAN ROMANO, COUN-
CILMAN SEGAL, COUNCILWOMEN
WILLIAMS and YOUNG:**

Resolution Retaining R. Kelly Sheridan, Esquire, at a rate of \$130.00 per hour, wherein the maximum payment shall not exceed \$5,000.00, under the provisions of the Providence Home Rule Charter of 1980, As Amended Section 40 1 (d), for the purpose of reviewing the employment contract of the Chief of Police as negotiated by the Mayor.

Resolved, That the City Council, pursuant to Section 401(d), of the Providence Home Rule Charter, as amended, wherein it states that powers and duties of the city council shall include, without limitation, the following:

“(d) To retain by two thirds vote of the entire city council and to fix the salaries of those consultants it deems necessary for the exercise of its functions including, but not limited to, legal counsel, accountants, engineers, and other experts not regularly employed in any city department or service. The city council shall have the power to appropriate funds to defray the costs thereof”.

hereby retains the legal services of R. Kelly Sheridan for the purpose of reviewing the employment contract of the Chief of Police as negotiated by the Mayor; to consult and advise on the legislative powers of the city council as they concern employment contracts, personal service contracts and any other similar contract that mayor may not require a financial commitment from the city; and to further advise the city council as to the legislative authority vested with the city council to ratify such contracts, at a rate of \$130.00 per hour, wherein the maximum payment shall not exceed \$5,000.00.

Read and Passed, on motion of COUNCILMAN APONTE, Seconded by COUNCILWOMAN WILLIAMS, by the following Roll Call Vote:

Ayes: Council President Lombardi, Councilmen Aponte, Butler, DeLuca, Councilwoman DiRuzzo, Councilmen Hassett, Igliazzi, Jackson, Luna, Mancini, Councilwoman Romano, Councilman Segal, Councilwomen Williams and Young - 14.

Not Voting: Councilman Allen - 1.

The Motion for Passage is Sustained.

COUNCIL PRESIDENT LOMBARDI, COUNCILMEN ALLEN, APONTE, BUTLER, DeLUCA, COUNCILWOMAN DIRUZZO, COUNCILMEN HASSETT, IGLIOZZI, JACKSON, MANCINI, COUNCILWOMAN ROMANO, COUNCILMAN SEGAL, COUNCILWOMEN WILLIAMS and YOUNG:

Resolution Extending Sincere Best Wishes for a Happy Birthday to Councilman Miguel C. Luna on March 2, 2004.

Resolved, That the Members of the Providence City Council hereby Extend Sincere Best Wishes for a Happy Birthday to Councilman Miguel C. Luna on March 2, 2004.

**COUNCILMAN BUTLER, COUNCILMAN
MANCINI and COUNCIL WOMAN WIL-
LIAMS:**

Resolution Extending Sincere Congratulations to Joseph M. Fernandez, City Solicitor on the celebration of his 40th Birthday on February 19, 2004.

Resolved, That the Members of the Providence City Council hereby Extend Sincere Congratulations to Joseph M. Fernandez, City Solicitor on the celebration of his 40th Birthday on February 19, 2004.

COUNCILMAN APONTE moves to suspend the reading of the foregoing matters and Moves Passage of the Several Resolutions, Seconded by COUNCILWOMAN WILLIAMS.

The Motion for Passage is Sustained.

COUNCILMAN HASSETT:

Resolution Amending Resolution No. 26, Approved January 18, 2004, relative to the abandonment of Bassi Lane.

Whereas, Resolution No. 26, Approved January 18, 2004, is hereby amended by correcting the underscored language:

Resolved, Decreed, and Ordered: That the following-named street shown on a cross-hatched area on the accompanying map entitled "Prov., RI, DPW-Engineering Office, Street line Section Plan No. 064735 dated February 14, 2003."

VIZ: Bassi Lane, as described in Attachment "A" and shown as the crosshatched areas on the accompanying plan and designated by the letters A-B-C-D-A, having ceased to be useful to the public, is proposed to be abandoned as a public highway. Said abandonment is specifically conditioned precedent upon the following:

1. The Petitioners agree to tender the amount of Eighteen Thousand Seven Hundred Fifty (\$18,750) Dollars in legal tender U.S. currency to the City of Providence.

2. The Petitioners agree to perpetually maintain the abandoned portion as open space, in a wooded and undeveloped state.

3. The Petitioners shall comply with all conditions contained herein, including recording this Resolution, not later than sixty (60) days from its approval. Upon failure to so comply for any reason, the within resolution shall automatically become a nullity.

4. Such other conditions as the Mayor or the Law Department shall see fit to impose.

Ordered: That the Traffic Engineer be and she is hereby directed to cause a sign to be placed on the above-named highway abandoned as aforesaid, having thereon the words, "Not a Public Highway," and it is further

Ordered: That after the entry of this order or decree the City Clerk shall cause a notice thereof to be published in a newspaper, published in the County of Providence at least once a week for three successive weeks and a further and personal notice shall be served by the City Sergeant upon every owner of land abutting the above-named highway which has been abandoned, who is known to reside within the State.

COUNCILMAN HASSETT Moves to amend the foregoing matter by changing the dollar amount to \$18,750.00, Seconded by COUNCILWOMAN DiRUZZO

COUNCILMAN HASSETT Moves Passage of the foregoing matter, as Amended, Seconded by COUNCILWOMAN DiRUZZO.

The Motion for passage, as Amended, is sustained.

COUNCILMAN MANCINI (By Request):

Resolution Requesting the Traffic Engineer to post "No Dumping" Signs with set fines along Cornwall Street.

Resolved, That Narragansett Electric Company is requested to cause the installation of a street light next to pole No. 21 on Cornwall Street.

Resolution Requesting the Traffic Engineer to cause the installation of a "Dead End" Sign at the beginning of Cornwall Street.

Resolution Requesting the Forestry Division of the Parks Department to cause the removal of that tree located at 52 Royal Avenue.

**COUNCILMAN APONTE Moves to Dis-
pense with the Reading of the foregoing
matters.**

Resolved, That the Forestry Division of the Parks Department is requested to cause the removal of that tree located at 52 Royal Avenue.

**COUNCIL PRESIDENT LOMBARDI
Refers the Several Resolutions to the
Committee on Public Works.**

**COUNCILMAN APONTE Moves to Dis-
pense with the Reading of the foregoing
matters and Moves Passage of the Several
Resolution, seconded by COUNCILWOM-
AN WILLIAMS.**

Resolution Requesting Narragansett Electric Company to cause the installation of a street light next to pole No. 21 on Cornwall Street.

The motion for Passage is Sustained.

COUNCILMAN SEGAL (By Request):

Resolution Requesting the Traffic Engineer to cause the removal of the "Tree Bump Outs" and "Road Work in Progress" Signs at the intersection of Thayer Street and Arnold Street.

Resolution Requesting the Traffic Engineer to cause the length of the No Parking Zone along Brook Street, at the northwest corner of Wickenden Street and Brook Street, to be reduced by the length of one space, allowing cars to park in the space to the east of the current parking/no parking border.

**COUNCILMAN APONTE Moves to Dis-
pense with the Reading of the foregoing
matters.**

COUNCILMAN SEGAL:

Resolution Requesting the Traffic Engineer to cause the No Parking Zone along Brook Street, at the southwest corner of Wick end en Street and Brook Street, to be extended west one space, and to indicate the No Park- ing Zone by applying yellow striping to that portion of Brook Street.

**COUNCIL PRESIDENT LOMBARDI
Refers the Several Resolutions to the
Committee on Public Works.**

Resolution Requesting the Traffic Engineer to cause the painting of crosswalks on Benefit Street.

Resolved, That the Traffic Engineer is requested to cause the painting of crosswalks on Benefit Street.

Read and Passed, on Motion of COUNCILMAN APONTE, Seconded by COUNCIL WOMAN WILLIAMS.

The Motion for Passage is Sustained.

COUNCILWOMAN WILLIAMS (By Request):

Resolution Requesting the Traffic Engineer to cause the installation of "Four-Way Stop" Signs at the intersection of Brown Street and Bowen Street.

COUNCIL PRESIDENT LOMBARDI Refers the Resolution to the Committee on Public Works.

COUNCIL WOMAN WILLIAMS:

Resolution Endorsing and Urging Passage by the General Assembly of House Bill 2004 H-7370, Relating to Motor Vehicles - Diesel Bus Idling Standards.

Resolution Endorsing and Urging Passage by the General Assembly of House Bill 2004 H-7371, Relating to Motor and other Vehicles Miscellaneous Rules.

**COUNCILMAN APONTE Moves to Dis-
pense with the Reading of the foregoing
matters.**

**COUNCIL PRESIDENT LOMBARDI
Refers the Several Resolutions to the
Committee on State Legislation.**

COUNCILWOMAN YOUNG (By Request):

Resolution Requesting the Director of Public Works to cause the catch basins to be cleaned along Pearl Street between Prairie Avenue and Broad Street.

Resolved, That the Director of Public Works is requested to cause the catch basins to be cleaned along Pearl Street between Prairie Avenue and Broad Street.

**Read and Passed on Motion of COUN-
CILMAN APONTE, Seconded by COUN-
CILWOMAN WILLIAMS.**

The Motion for Passage is Sustained.

REPORTS FROM COMMITTEES

COMMITTEE ON FINANCE COUNCILMAN KEVIN JACKSON, Chairman

**Transmits the Following with Recommendation
the Same be Severally Approved, as Amended:**

Communication from His Honor the Mayor, dated February 4, 2004, Informing the Honorable Members of the City Council that pursuant to Section 302(b) of the Providence Home Rule Charter of 1980, as amended, and Section 8-17 of the Code of Ordinances, he is this day appointing Roberto Gonzalez of 12 Village Drive, Riverside, Rhode Island 02915, to the Providence Housing Court as Chief Judge for a term to expire on the First Monday in January, 2007, and respectfully submits the same for your approval.

Communication from His Honor the Mayor, dated February 4, 2004, Informing the Honorable Members of the City Council that pursu-

ant to Section 302(b) of the Providence Home Rule Charter of 1980, as amended, and Section 8-17 of the Code of Ordinances, he is this day appointing Ms. Lynette Labinger of 658 Hope Street, Providence, Rhode Island 02906, to the Providence Housing Court for a term to expire on the First Monday in January, 2007, and respectfully submits the same for your approval. (Ms. Labinger will replace Judge Daniel Calenda whose term has expired).

**COUNCILMAN APONTE Moves to Dis-
pense with the Reading of the foregoing
matters.**

**COUNCILMAN APONTE Moves to Re-
ceive and Approve the Several Communi-
cations, Seconded by COUNCILWOMAN
WILLIAMS.**

**COMMITTEE ON ORDINANCES
COUNCILWOMAN RITA M. WILLIAMS, Chairwoman**

**Transmits the Following with Recommendation
the Same be Severally Adopted, as Amended:**

An Ordinance in Amendment of Article IX, Section 14-171 through 185 of the Code of Ordinances of the City of Providence relative to Peddlers and Hawkers, as Amended.

COUNCILMAN APONTE Moves to Refer the Ordinance back to the Committee on Ordinances, Seconded by COUNCILWOMAN WILLIAMS.

COUNCIL PRESIDENT LOMBARDI refers the forgoing ordinance to the Committee on Ordinances.

MATTER DISCHARGED FROM COMMITTEE

The Following Ordinance was in City Council February 5, 2004 and discharged from the Finance Committee and is hereby presented for Passage the First Time, as Amended:

An Ordinance Establishing A Tax Stabilization Plan for One Reservoir Avenue.

COUNCILMAN APONTE Moves to Lay on the Clerk's Desk the foregoing matter, Seconded by COUNCILWOMAN WILLIAMS.

COUNCILMAN ALLEN Moves to Deny the foregoing matter, Seconded by COUNCILMAN LUNA.

The motion to Lay on the Clerk's Desk takes Precedence.

Ayes: Council President Lombardi, Councilmen Aponte, Butler, DeLuca, Councilwoman DiRuzzo, Councilmen Hassett, Mancini, Councilwoman Romano, Councilman Segal, Councilwomen Williams and Young -11.

Nayes: Councilmen Allen, Jackson and Luna - 3.

Absent: Councilman Igliazzi - 1.

The Motion to Lay on the Clerk's Desk is Sustained.

COMMUNICATIONS

Communication from John P. Leyden, Chief of Structures and Zoning, dated January 30, 2004, requesting an extension of the Residency Requirement for the City of Providence.

COUNCIL PRESIDENT LOMBARDI Receives and Refers the foregoing matter to the Committee on Finance.

Communication from Frank S. Lombardi, Esquire, dated February 4, 2004, Informing Council President John J. Lombardi that he is this day submitting his resignation as Clerk of the Probate Court effective February 27, 2004.

Communication from Providence Place Group Limited Partnership, dated February 3, 2004, Informing the Honorable Mayor David N. Cicilline and Council President John J.

Lombardi of the anticipated sale of the Providence Place Mall, in accordance with the Tax Treaty Agreement for the Providence Place Project dated October 22, 1996.

COUNCILMAN APONTE Moves to Dispende with the reading of the foregoing Communications.

COUNCIL PRESIDENT LOMBARDI receives the foregoing Communications.

Communication from Peter V. Lacouture, Nixon Peabody, LLP, requesting permission to install a new transformer at its Point Street Substation at the southeast corner of Point Street and Eddy Street.

COUNCIL PRESIDENT LOMBARDI refers the foregoing Communication to the Committee on Public Works and the Committee on City Property, Jointly.

FROM THE CLERK'S DESK

Petition from Frank Gaglione and Richard A. Cardello, requesting permission for a grade change along a portion of Dedham Street.

COUNCIL PRESIDENT LOMBARDI refers the foregoing Petitioner to the Committee on Public Works.

Petitions for Compensation for Injuries and Damages, viz:

Luigi Porreca

Marino Mignanelli

Alexandre & Ana DaCosta
(Mark B. Laroche, Esquire)

Ann S. Comella

James H. Leach
(Peter P.D. Leach, Esquire)

MetLife Auto & Home
a/s/o Patrick Appiah

Jason Shemnitz

Robert Primes
p.p.a. Paul Carosi Primes

Allstate Insurance
a/s/o Stephen Kaba

Debra Manni

John E. Silva

Amy Johnson

Marjorie Mann
(Steven A. Minicucci, Esquire)

Marcia Chatelain

Ronald E. Burns

Marie-Paule Gonon

Keir A. Maloney

Farah Paul
(William A. Quattrucci, Jr., Esquire)

Richard F. Dunn

Carolyn M. Keegan

Joseph Paul Moniz IV

Randolph Grayson Pomfret III

Margaret H. Whitman

Louis D. Paganetti IV

Thomas H. Walsh
(Douglas J. Darnbrough, Esquire)

Terri Ciolfi

Carolyn Gamble-Rivers
(Thomas W. Pearlman, Esquire)

Barbara K. Roney

**COUNCIL PRESIDENT LOMBARDI
Refers the Several Petitions to the Com-
mittee on Claims and Pending Suits.**

PRESENTATION OF RESOLUTIONS

“In Congratulations”

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

Resolution Extending Congratulations.

Resolved, That the Members of the City Council hereby extend their sincere congratulations to the following:

Nancy V. Thomas, in recognition of the celebration of the occasion of her retirement from the Division of Taxation in the State of Rhode Island after 57.9 years of service.

Sarina Brown, in recognition of her dedication to the Teen Council and her commitment to further her education in Community Service and Government.

Tanya Dowdy, in recognition of her dedication to the Teen Council and her commitment to further her education in Child Development.

Jessica Gomes, in recognition of her dedication to the Teen Council and her commitment to further her education in Human Sciences.

Robert Johnson, in recognition of his dedication to the Teen Council and his commitment to further his education in Communications and Sports Medicine.

Lola B. Oni, in recognition of her dedication to the Teen Council and her commitment to further her education in Pediatrics and Business Management.

Samuel Tejada, in recognition of his dedication to the Teen Council and his commitment to join the Armed Forces and further his education in Law and Government.

Francilia Wilkins, in recognition of her dedication to the Teen Council and her commitment to further her education in Business and Education.

George Pesare, in recognition of the celebration of the occasion of his sixtiffth birthday.

Madeline M. Gurwitz, in recognition of the celebration of the occasion of her ninetieth birthday, born on February 20, 1914.

**Severally Read and Collectively Passed,
on Motion of COUNCILMAN APONTE,
Seconded by COUNCILWOMAN WIL-
LIAMS.**

The Motion for Passage is Sustianed.

PRESENTATION OF RESOLUTIONS

“In Memoriam”

**COUNCIL PRESIDENT LOMBARDI and
the MEMBERS OF THE CITY COUN-
CIL:**

Resolution Extending Sympathy.

Resolved, That the Members of the City Council hereby extend their sincere sympathy to the families of the following.

Asuncion V. “Sue” Brown

Kenneth H. Metts

Pasquale Persechino

Mary T. Bucci

Barbara Dalomba

Ernest Forte

Maria Ann DiBiase

Esther M. Renzulli

John Dimaio

Anthony J. DeFusco

Paul M. Romanelli, Sr.

John J. McConnell

Joseph “Pippy” Caprio

Robert J. Lawton

**Severally Read and Collectively Passed,
by Unanimous Rising Vote, on motion of
COUNCILMAN APONTE, Seconded by
COUNCILWOMAN WILLIAMS.**

The Motion for Passage is Sustained.

ADJOURNMENT

There being no further business, on Motion of COUNCILMAN APONTE, Seconded by COUNCIL WOMAN WILLIAMS, it is voted to adjourn the meeting at 8:20 o'clock P.M. (E.S.T), to meet again on THURSDAY, MARCH 4, 2004 at 7:30 o'clock P.M. (E.S.T.)

Michael R. Clement

CITY CLERK

