

CITY OF PROVIDENCE

RHODE ISLAND

DEPARTMENT OF CITY CLERK

PUBLIC HEARING

Before the

COMMITTEE ON FINANCE OF  
the City

on that

Resolution providing for the assessment and collection of a special assessment in a sum not less than one million six hundred thousand (\$1,600,000.) dollars, nor more than two million (\$2,000,000.) dollars to be used to help defray the city of Providence's share of the cost of the hurricane barrier across the Providence River at Fox Point.

May 10, 1966

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COUNCILMAN CHARLES H. O'CONNOR (CHAIRMAN):

Gentlemen, the hearing will now come to order. The Clerk will read the resolution, the reasons<sup>th</sup> for this hearing, and anybody speaking for or against will give their full name to the Clerk and the full name of the property that they maybe talking about. The Clerk will now read the resolution.

CITY CLERK, VINCENT VESPIA: (reading) --  
"City of Providence, Rhode Island Department of City Clerk Public Hearing on that resolution providing for the assessment and collection of a special assessment in a sum not less than one million six hundred thousand (\$1,600,000.) dollars, nor more than two million (\$2,000,000.) dollars to be used to help defray the City of Providence 's share of the cost of the hurricane barrier across the Providence River at Fox Point.

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The Committee on Finance of the City Council will conduct a Public Hearing on the above noted Resolution, in the Chamber of the City Council, City Hall, Providence, Rhode Island Tuesday, May 10, 1966, starting at 10:00 o'clock a.m. (EDST), at which time all persons interested in the above noted Resolution will be granted the privilege of expressing their views and/or to submit communications

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in writing on the subject Resolution.

The Resolution and related documents incorporated therein by reference, on file in the Department of City Clerk, City Hall, Providence, Rhode Island is available for inspection, at said Department, during regular business hours. By order of the Committee on Finance, Councilman Charles H. O'Connor, Chairman; Councilmen Robert J. McOsker, Robert J. Haxton, Robert F. Lynch, Frank Lazarus, Vincent Vespia, City Clerk; date of notice as published being April 15, 1966."

COUNCILMAN CHARLES O'CONNOR, CHAIRMAN:

Gentlemen, the Finance Committee has been meeting with the approval of the Mayor, in fact, it was his suggestion that where it's feasible, and we're almost sure it will be feasible that the discount from five to ten percent should be given.

Now gentlemen, I would like to have the proponents come forward at this time. I would like to have the Clerk read a letter from the Narragansett Electric Company.

CITY CLERK, VINCENT VESPIA: This communication was addressed to Chairman Charles H. O'Connor, Chairman of the Committee on Finance relative to the assessment of the Fox Point Hurricane Barrier.

Mr. Vespia reading; "Dear Mr. O'Connor; it is our understanding from the Resolution providing for an assessment in connection with the Fox Point Hurricane Barrier and the special assessment rule, which is incorporated therein, by reference that the evaluation of this property which will be subject to such assessment is \$36,939,690 which at the proposed rate of \$3.50 per one hundred thousand dollars will produce a tax of 498,685. This thus appears that on this basis this company's share of the total assessment will be in a range of approximately 31% down to 25% of the total amount to be assessed.

We are writing to state that if the assessment is made in accordance with the requirements of the enabling act P.L. of 1960 , chapter 1-5, and over the period of time proposed we do not intend to contest it.

Although this company has spent approximately \$200,000 in flood proofing its South Street and Manchester generating plants we believe the Fox Point Hurricane Barrier is - and in the future will be - of very substantial importance in preserving and furthering the economic growth of the down town Providence area.

We support it as an improvement of a major public importance, and as the largest single

tax payer in this City as well as the one bearing the largest portion of the proposed assessment we acquiesce and appropriate programs to carry out the proposed purposes of the legislation in question. Respectively yours, Edward Boyer, President."

COUNCILMAN CHARLES H. O'CONNOR, CHAIRMAN:

And now the proponents will speak, if they will please.

CITY CLERK, VINCENT VESPIA: Are there any proponents to the proposal before us today. I repeat, are there any proponents?

MR. HASTINGS: Mr. O'Connor, we represent part proponent and part oponent on the perimeter question on the Institution of Savings and the Rhode Island School of Design who are proponents in part of the fairness of the Resolution which is before the Committee but we wish to raise a particular question.

I would like to make available for the members of the Council a memoranda on behalf of the Rhode Island School of Design and on behalf of the Providence Institution for Savings. On behalf of both institutions, both of them are well aware of the importance of the hurricane barrier to the City of Providence and its down town area. Both of them have considerable property that is wholly flooded and is on the assessment rolls at a rate which

fair and equitable and to which they make no objection. I wish to -- I think having made those remarks and having I guess, on behalf of the Institution for Savings as well as the Rhode Island School of Design as lessee of several other down town Providence areas such as the one at Dorrance and Westminster they will be bearing a substantial part of the rental payment to the lessor again, with no objection. We do wish to raise briefly a specific question with respect to the parcels of land situated on the easterly side of North Main Street as to which in our opinion there is a problem of the fairness of the assessment.

I think I might address my remarks first to the Rhode Island School of Design as to which we have no particular testimony to present since we are in full agreement with the flood line as drawn by the City Engineer on the map in the City Clerk's office. Five parcels taxed to the School of Design, one of these, rather all on Assayer's Plat 12, one of the parcels is parcel number 17 which is the School of Design Auditorium next to the cannal. It's fully taxed as it should be. The other is the Old Market Square Building also situated between the cannal and North Main Street that is block number 24, fully taxed as it should be. We call your attention to the fact that the School of Design is not objecting

to the tax on the land and the buildings, even though the City of Providence is the owner of the land, the City of Providence gave the building to the School of Design, the Old Market Building. Consequently, they feel it is in fairness the thing for them to do to pay the tax in full upon land and building of the Market Square building are as to the building as to the three lots situated on the easterly side of North Main. Lots 96, 97, 98. Lot 96 is the parking lot between the old People's Savings Bank and the old Textron Building which is now a parking lot according to the line is shown to be flooded from along its frontage approximately 6 (six) feet in on the southerly side approximately 10 (ten) feet in on the northerly side; and on it as you will note in our memoranda we are suggesting a part of that tax based on the square footage to be flooded. The footage is 680 feet in I recollect and the total lot size is approximately 6,232 feet. We have suggested an apportionment on the second page of our assessment.

COUNCILMAN ROBERT McOSKER: Would you point out on the map what you are talking about?

MR. HASTINGS: We are talking about the property just west of the Court House here and over here (pointing on the map). The Court House occupies that square

the School of Design occupies this square going over to Waterman, between College and Waterman Street and the property, the three (3) lots in question about half way up this line. The line goes to the street at that point about half way to the tunnel area and in here it goes in a maximum of 10 feet and it starts approximately 3 feet up College Hill. It runs only on the main School of Design building that goes all the way from North Main Street to Benefit to College. It touches that corner about 3 feet and as I have indicated for the parking lot area the apportionment for the Old People's Savings Bank building with it coming by which you will remember was sold to the School of Design. The flood line ran in to 4 feet and 6 feet in fairly low I am told by the maintenance man at the People's Savings Bank at the time who was there in 1938. The only actual flooding was from back up valves or the failure of check valves of toilets in the cellar. The principal question goes to the large administration building of the School of Design which as most of you will recall is one which is in a series of levels going up sharply on College Hill, just north of the Court House building.

There the survey line shows the water coming up 3 feet from the lot line a negligible amount, on the corner by the Court House running in to about 4 feet on the side by the Old People's Saving Bank. As I think most of you know that building is really two buildings separated by an archway that meets midway up College Hill opposite the 3rd floor entrance of the Court House; and the only part of that that would be effected by that 3 feet in from the lot line low water would be the very lowest part of that building. I think the figures that are shown on this memoranda are self-explanatory. We offer them for your Committee's consideration and recommendation to the Council.

I think if I may turn to the Providence Institution for Savings which is known as the Old Stone Bank the problem is comparable to there. The lots -- no, this is also on Plat 12 and the lot known as 6 is a so-called Court House parking lot area which is fully flooded and which the assessment there is fair and equitable-- no problem.

Lot number 246 for the Old Stone Bank is a fairly large lot of land containing 26,000 square feet a little in excess of that ; and including on the three buildings the Old Stone Bank building,

the annex building which is a colonial building situated just to the southeast of it between that and the Fireman's Mutual building and a sort of garage building situated back up on the hill behind the two buildings. The flood line as shown by the engineer does not touch the annex and the garage building at all and that too is on the east side garage area. I do have a witness here who was present at the time of flooding and who would, if the Council Committee could like, would be available to testify that the flood line which is shown as going in a maximum of 8 feet from the lot line at the northwest conner which is the conner the old Providence Bank building occupies now; by John Nicholas Brown, the colonial building between the title company IBM building and the Old Stone Bank flood line is shown going in 8 feet, coming in at a sharp triangular shape midway in, where the Old Stone entrance would be.

It's a sharp triangle ranging from 10 to 8 feet in at that northwest conner as shown on our memoranda. That would not actually touch the main part of the building at all of the Old Stone bank building it would touch it about 4 inches in on the -- I am sorry about a foot in on an ornamental balcony

attached to the Old Stone which is not an integral part of the building which would be touched on the survey line .

Mr. Jordon, one of the assistant Vice-Presidents of the Bank is here. He was present at the time. His testimony would be, if you wish to hear it, to the effect that water in 1938 reached just in front of the Old Stone Bank. It did not overflow the curb along their frontage. If the Council is willing to accept it -- the offer of testimony -- that would be agreeable to us, if you do not wish to take the further time and are willing to assume the fact which we have represented in this memoranda; if you wish to have it given, I can put him on for that purpose?

COUNCILMAN ROBERT J. McCOSKER: We are willing to accept that as testimony if given. You are saying the testimony would be substantiate and in agreement with the lines as drawn on the map here or would you ---

MR. HASTINGS: It would be to dispute the line drawn on the map in this case. The survey shown the line as drawn in as I say approximately 8 feet in on the lot line at the northwest conner. We would dispute the accuracy of this assessment as

to the high water level , Mr. Jordon having witnessed it at the time as not having overflowed the curb line there. The Vice President of the Bank, he happens to be on vacation now, but a deposition could be offered by him to the same effect. He and Mr. Jordon both witnessed it at high water on September 28, 1938.

Since this is an informal and not judicial hearing you may be willing to accept this proof of testimony Mr. Chairman.

COUNCILMAN ROBERT J. McOSKER: You mean September 23.

MR. HALL: I was not in this community at that time I was in one that escaped the worst of the hurricane.

We are suggesting on the memoranda on the Old Stone Bank that if the line as drawn by the engineer is taken as correct that a small portion of it, of the assessment on lot number 26, on a small portion on the lot and Bank building would be fair but more than that to tax the whole lot for this special assessment would not be. I have made reference to the matter of College Street, the old case in Rhode Island involving the special assessment on the widening of College Street which does refer

to this sort of a problem, the special assessment. Charitable institutions and exempt institutions such as the School of Design are proper so long as the benefits are in line with the assessment.

I think that same principal would apply as well to non-charitable institutions such as the Providence Institution for Savings in terms of the fairness of the assessment where the water line touches. If it's only minimal on the property -- incidentally, the testimony of all of these parties of the School of Design engineer and the Institution for Savings would be that this building did not suffer from the flooding at all, that there was no intaking of water. I realize, that this point, however, may be considered immaterial if they were so constructed as to avoid water. The fact that the water level reached this point would subject them to some assessment. Thank you very much.

COUNCILMAN CHARLES O'CONNOR, CHAIRMAN:

Thank you. Any other proponents? Any objectors now.? Will they come forward?

MR. ROBERT W. CANDON: I would like to speak as a proponent for this plan for the Howard Foundation which owns property on Westminster and Dorrence. Remembering the cost not only to us but

to our tenants and the inconvenience, we have been proponents of the Hurricane Barrier since it was proposed and we feel the assessment is a fair one to us.

COUNCILMAN CHARLES O'CONNOR, CHAIRMAN:

Thank you sir. Is there anybody else who would like to speak for the proposal, come forward.

MR. SHEA: I own two parcels on Valley Street. I am in favor of this proposal. I would like to know about this-- that I own considerable land beside a building. Now this land is not bringing in any revenue and is entirely different from land in the down town area. Is that land being assessed at the same evaluation as the down town area where parking fees are paid?

COUNCILMAN ROBERT J. McOSKER: Mr. Shea, do they take all your land or a portion there of?

MR. SHEA: I still own it. I mean, there is about 180,000 square feet of land and building of which there is about 90,000 feet of building, the rest is land. Now if the water travels also on that land there is no damage. If it travels into the building there is. Am I being assessed on this land? It does not really make any difference if

the water gets on it or not.

COUNCILMAN CHARLES O'CONNOR, CHAIRMAN:

Mr. Cote, can you answer that?

MR. COTE: You mean Shone Realty and Bodilite Realty Company?

COUNCILMAN CHARLES O'CONNOR, CHAIRMAN:

Was your question based on this map?

MR. SHEA: I wanted to know if there was any consideration about the land there is considerable land. If that area, if its flooded there is no damage of any kind. Is this land being assessed whereas the problem would be if the damage is in the building?

MR. COTE: We have taken the proposition that the land and building within the particular area are subject to the special assessment so that whether there is or there is not a building it will not effect the tax rate.

MR. SHEA: I understand that, but it does not seem feasible when you have a building so close together where you have no land and they are being taxed the same and this is really the outskirts of down town and you have a large portion of land that is not effected by the flooding.---

COUNCILMAN ROBERT J. McOSKER: I am sure

you will find the assessment on those buildings fluctuates. The assessment in the down town area is much higher. They would pay more of a tax.

MR. WALSH: I desire to speak as a proponent of the assessment. I represent the Shepard Company which either are the leasees or the owners of the block where they are located., in Westminster, Washington, and Union. Of course, they suffered tremendously as a result of the Hurricanes in the past and feel that this Hurricane Dam will be a help and hope it will be a security against any further loss, of course, what effect it will have nobody knows what the future has in store.

I would like to say a word with regard to some of the suggestions that have been made here. My purpose in doing this is only because if we interrupt the plans that have already been devised by making variations or exceptions on the amount of money to be raised. If it is going to stay constant you will have to find the money other ways.

In other words, I understand the amount of money you want to raise is constant. If you go taking out of the assessment rolls as you have already tried to establish it, that money will have to be made up some where else. As I look at the act,

the Council is given the right to determine the assessment district and the bases of the special assessment. One must be uniform throughout the district. It seems to me a fallacy to say that because the Council used it as a guide for the special assessment district that the district should contain only that land which was flooded. Specifically in 1938 or any other hurricane. The purpose of this legislation is to help to have security against further hurricanes and who knows where they might throw a loss and how sever they would be.

In regards to the property along North Main Street, it seems to me that the flood line was just used as a guide for establishing the hurricane district not necessarily for the purpose of determining the district and it seems to me, of course, in land was flooded even a little bit, if there happened to be a building in there and it flooded into the celler they would have been damaged. It's certainly an accurate guide as to the area which might be flooded or might have been flooded in the future in a hurricane had not the Dam been built. I don't think the Council is limited to the number of square feet to tax a lot that was

in the area that was actually flooded by the 1938 hurricane. Thank you sir.

COUNCILMAN CHARLES O'CONNOR, CHAIRMAN:

The Committee on Finance would like anyone in the audience who has any questions pertaining to this assessment or any questions they would like to have solved they are free to come forward before this Committee.

Any other comments?

MR. HALL: Mr. Chairman, Council members; I am speaking on behalf of this as Vice-President and Co-chairman of the Hurricane Barrier dedication Committee. We have supported this from the inception of the plan for the Barrier from the beginning and we think your recommendations as an equitable one for the property owners involved. Speaking on behalf of the company of which I am president and treasurer, we own 6 properties in the flooded area, the Westminster Street area and we own several that are lease hold situations where it would be partially effected by the assessment. We approved and supported your recommendations, we think it's equitable and a fair situation.

COUNCILMAN CHARLES O'CONNOR; CHAIRMAN;

Thank you very much sir.

MR. HASTINGS: I would like to address a short reply to the remarks by Mr. John Walsh who has spoken on behalf of the Shepard Company. The clients as I spoke of have no objection to the full assessment on the property which they own that was fully flooded as the Shepard Company might have been on their other property. The objection was to a tax an assessment tax on property above the flood line.

Mr. Walsh has said the Council is not limited to the 38' flood line that may be true, the enabling act does say the area vulnerable to flooding as far as we know, historically, the 1938 flood line is that area. We might get a larger one if the 1869, 1938, 1954 were used. Of those, the 1938 was the highest thus far. True, the dam protects at a level higher in the 1938 line in the Council should redetermine that the area vulnerable to flooding should be at a higher point than the 1938 hurricane this would require your engineer to bring in other property as well as those which we indicate minumly touched at all.

Mr. Walsh would agree, even though the whole city benefits , a property such as the First Church of Christ on the top of Prospect Street which

should not be taxed since that is not included in this, we will all benefit but we are taxing as I understand it the flooded area.

COUNCILMAN ROBERT J. McOSKER: As Mr. Walsh pointed out the line is drawn as a guide and this was determined because the 1938 hurricane had a higher level than any other that we knew about within our life time.

MR. HASTINGS: Yes sir.

COUNCILMAN ROBERT J. McOSKER: Because this had a higher line than the subsequent hurricane we would determine that this would be as far as we were considering the maximum area of vulnerability. Now the proposition, of course, no one can predict the future, and can not at that time, only the Good Lord knows and only He can determine that but at the same time what would you say about the fact that this property having been flooded on a previous occasion no matter how slight was subject to flooding and would potentially receive protection from the Dam what about that proposition, no matter how slight the area of flooding was?

MR. HASTINGS: My point on that might best be illustrated by to take a non taxable property,

and State property is exempt, for example, the Providence County Court House. The Providence County Court House obviously receives some benefit this is in the same area of which we speak. It receives more property than either because there is a little dip which one might notice as South Main Street goes along there and there is flooding just over the stone steps into the court yard of the Court House.

By and large, the Court House obviously<sup>th</sup> is not susceptible to flooding while the whole property should be assessed because if the --- if it were situated where the City Hall property is, it would be fully assessable if it were taxable property.

COUNCILMAN ROBERT J. McOSKER: You feel that a proposition that we have come to in this property of being flooded on a previous occasion, no matter how slight could be subject to flooding at a further date based upon this, if there were to be no damage, your answer to this is in terms of uniformity of the assessment.

MR. HASTINGS: That is right.

COUNCILMAN ROBERT J. McOSKER: The fact which the Council is considering as I understand it

is the 1938 hurricane.

MR. HASTINGS: Based upon its vulnerability at that time.

COUNCILMAN ROBERT J. McOSKER: Right.

MR. HASTINGS: As I understand from Mr. Walsh you are not limited you can go further--

COUNCILMAN ROBERT J. McOSKER: I don't think it comes under the Resolution on the line, and the question then comes as to these parimeters, the property that maybe only slightly touched as the Old Stone Bank.

MR. HASTINGS: Our testimony is that this main property other than the parking lot property was not touched at all as to the School of Design there was very minimal flooding at the base of the Hill which did in fact exist.

COUNCILMAN ROBERT J. McOSKER: We did not draw an Ordinance which excluded the possibility that it could be flooded to a greater extent in the future. If we base it upon the fact that a portion of the property was indicated and as a result of that the further protection we could not predict with out the Dam , if there were no hurricanes greater in flood level than 1938.

MR. HASTINGS: Well -----

COUNCILMAN ROBERT J. McOSKER: We could not predict that, we were only dealing with taxability, and what we were faced with on a previous occasion.

So that if we determine that this particular property in question, which a portion of your property was indicated that at a further time should the hurricane be at a greater level at least your property would have sustained further flooding to go beyond that, that would be in the area of extreme speculation, at least we had the tax Act to work with. That your property at one time, that a portion of it was under water.

MR. HASTINGS: Well, if there were further flooding at a later date those areas above would bear no part of this assessment even though they may get some benefit. Your view is that you are protecting us against the possibility of further larger floods, particularly in the case of the main Administrative building of the School of Design, that goes up the way of Benefit. You are dealing with a large lot, 10,000 square feet which is broken into several parts which is not under the tax assessment. If it were a small lot, tax assessors had a small lot it would only cover the small section at the bottom of the Hill, simply the Old Stone Bank

if you accept the survey line, there are three buildings, 26,000 feet. If they were broken down to a survey line on the lots, a number of those would be over the flooding area and not included in this at all. They are included by having large lots, one corner of which maybe low enough to be touched bearely touched. Thank you.

COUNCILMAN CHARLES H. O'Connor, CHAIRMAN:

Anyone else wish to be heard, if not, this hearing will adjourn to the Executive Session and consider the suggestions both for and against.

I swear that the  
transcript herein is  
a true and accurate  
one according to my notes.

Paul Rocheleau  
Paul Rocheleau

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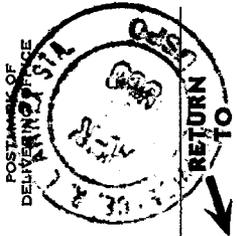
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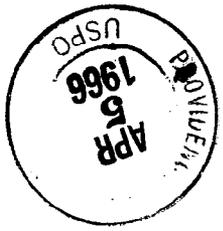
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