

CITY OF PROVIDENCE
RHODE ISLAND



CITY COUNCIL

JOURNAL OF PROCEEDINGS

No. 91 City Council Regular Meeting, Thursday, March 21, 2002, 7:30 o'clock P.M. (E.S.T.)

PRESIDING

COUNCIL PRESIDENT

JOHN J. LOMBARDI

ROLL CALL

IN CITY COUNCIL

MAY 2 2002

APPROVED:

Michael R. Clement CLERK

Present: Council President Lombardi, Councilmen Allen, Aponte, Butler, Clarkin, DeLuca, Councilwoman DiRuzzo, Councilmen Hassett, Iglizzi, Jackson, Mancini, Councilwomen Nolan, Romano and Williams—14.

Absent: Councilwoman Young—1.

Also Present: Michael R. Clement, City Clerk, Claire E. Bestwick, Second Deputy City Clerk, Anna M. Stetson, Assistant Clerk, Charles R. Mansolillo, City Solicitor and Ralph Guglielmino, City Sergeant.

INVOCATION

The Invocation is given by COUNCIL-
WOMAN PATRICIA K. NOLAN.

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

Pledge of Allegiance to the Flag of the
United States of America led by Jonathon
Okewitz of Boy Scout Troop 22, Saint
Rocco's, Johnston.

APPROVAL OF RECORDS

The Journal of Proceedings No. 86 of the
Regular Meeting of the City Council held
February 7, 2002, and the Journal of
Proceedings No. 87 of the Regular Meeting
of the City Council held February 21, 2002,
and Posted March 14, 2002, on that Bulletin
Board located on the Ground Floor Level of
City Hall, is approved as printed, on motion
of COUNCILMAN ALLEN, seconded by
COUNCILWOMAN WILLIAMS.

ORDINANCE SECOND READING

The following Ordinance was in City Council March 7, 2002, Read and Passed the First Time and is Returned for Passage the Second Time:

An Ordinance in Amendment of and in Addition to Chapter 1984-17 of the Ordinances of the City of Providence Approved March 9, 1984, entitled "An Ordinance Approving and Adopting the Official Redevelopment Plan for the Upper South Providence Revitalization Project" for the Deletion of Lots 61, 584, 715 and 716 on Plat 23, 110-126 Providence Street, Respectively from the Property Acquisition List.

Be it Ordained by the City of Providence:

1. That Chapter 1984-17 of the Ordinances of the City of Providence, approved March 9, 1984, entitled, "An Ordinance Approving and Adopting the Official Redevelopment Plan for the Upper South Providence Revitalization Project" as amended by the following Ordinances of the City of Providence: Chapter 1990-13 (December 26, 1990), Chapter 1991-17 (April 26, 1991), Chapter 1992-44 (November 25, 1992), Chapter 1995-13 (June 9, 1995), Chapter 1997-9 (February 26, 1997), Chapter 1998-15 (March 2, 1998), Chapter 1998-51 (October 26, 1998) and Chapter 2000-32 (September 29, 2000) of the Ordinances of the City of Providence is hereby further amended as follows:

A. Delete the following lots from the acquisition list in Section E.2 entitled "Proposed Acquisition" as contained and set forth on Page 20 of the certain booklet entitled, "Upper South Providence Official Revitalization Project" which is part of the aforementioned Ordinance:

Plat/Lot	Address
023/584	126 Providence Street
023/61	120 Providence Street
023/715	116 Providence Street
023/716	110 Providence Street

B. All maps of the aforementioned Official Redevelopment Plan shall be amended to indicate the proposed acquisition.

2. That said Chapter 1984-17 of the Ordinance of the City of Providence as adopted and as heretofore amended, is hereby ratified and reaffirmed in all other respects.

3. This ordinance shall take effect upon passage and the City Clerk shall forward a certified copy to the Providence Redevelopment Agency.

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

Ayes: Council President Lombardi, Councilmen Allen, Aponte, Butler, Clarkin, DeLuca, Councilwoman DiRuzzo, Councilmen Hassett, Igliazzi, Jackson, Mancini, Councilwomen Nolan, Romano, Williams—14.

Nays: None.

Absent: Councilwoman Young—1.

The motion for Passage the Second Time is Sustained.

PRESENTATION OF RESOLUTIONS

COUNCIL PRESIDENT LOMBARDI (By Request):

Resolution Requesting Governor Lincoln Almond to introduce discussion of and promote a Coalition of Northeastern Governors (CONEG) Policy banning the use of MTBE as a gasoline additive in Northeastern United States.

Resolved, That the Governor Lincoln Almond is requested to introduce discussion of and promote a Coalition of Northeastern Governors (CONEG) Policy banning the use of MTBE as a gasoline additive in Northeastern United States.

Read and Passed, on motion of COUNCILMAN ALLEN, seconded by COUNCILWOMAN WILLIAMS.

The motion for Passage is Sustained.

Resolution Endorsing and Urging Passage of the General Assembly of House Bill 2002 H-7099 relating to Health and Safety — Rhode Island Resource Recovery Corporation.

Resolution Supporting Legislation Amendments to §40-13.2-5 — Criminal Records Check — Employee of Youth Serving Agency.

Resolution Supporting Legislation Amendments to Chapter 98 Energy Facility Siting Act §42-98-7(a)(2) — Powers and Duties.

Resolution Supporting Legislation Amendments to §45-37-7 — Tax Exemption and Payment for Services in Lieu of Taxes.

Resolution Supporting legislation to be filed amending the Bill of Rights to support a change in the makeup of the Hearing Committee so that Police Officers are not controlling the hearing process when decisions are being made on the conduct, activities or discipline of their "brother" Police Officers.

COUNCILMAN ALLEN Moves to Dispende with the Reading of the foregoing matters.

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

The motion to Refer is Sustained.

Resolution Requesting the Traffic Engineer to prohibit motor vehicle traffic along Aborn Street on Saturday, May 11, 2002, between the hours of 5:00 o'clock P.M. to 3:00 o'clock A.M.,

to accommodate the Fools Ball Yearly Fundraiser.

Resolved, That the Traffic Engineer is requested to prohibit motor vehicle traffic along Aborn Street on Saturday, May 11, 2002, between the hours of 5:00 o'clock P.M. to 3:00 o'clock A.M., to accommodate the Fools Ball Yearly Fundraiser.

Resolution Requesting the Chief Electrical Inspector to cause the upgrade of street lighting in front of 51 Superior Street to 27,500 lumen.

Resolved, That the Chief Electrical Inspector is requested to cause the upgrade of street lighting in front of 51 Superior Street to 27,500 lumen.

Resolution Requesting the Chief Electrical Inspector to cause the upgrade of street lighting along Willow Street, from Parade Street to Messer Street, to 27,500 lumen.

Resolved, That the Chief Electrical Inspector is requested to cause the upgrade of street lighting Willow Street, from Parade Street to Messer Street, to 27,500 lumen.

Resolution Requesting the Chief Electrical Inspector to cause the upgrade of street lighting along Sycamore Street, from Westminster Street to Chapin Street, to 27,500 lumen.

Resolved, That the Chief Electrical Inspector is requested to cause the upgrade of street lighting along Sycamore Street, from Westminster Street to Chapin Street, to 27,500 lumen.

COUNCILMAN BUTLER:

Resolution Extending Sincere Best Wishes to Matthew Bennet for a complete and speedy recovery from his recent surgery.

Resolved, That the Members of the Providence City Council hereby extend Sincere Best Wishes to Matthew Bennet for a complete and speedy recovery from his recent surgery.

**COUNCILMAN ALLEN Moves to Dis-
pense with the Reading of the foregoing
matters, and moves for Passage of the
Several Resolutions, seconded by COUN-
CILWOMAN WILLIAMS.**

The motion for Passage is Sustained.

COUNCILMAN MANCINI (By Request):

Resolution Requesting the Traffic Engineer to cause the installation of "No Parking Signs" along the northern side of Venice Street.

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

The motion to Refer is Sustained.

COUNCILMAN MANCINI:

Resolution Requesting the Traffic Engineer to cause the installation of a "Dead End" Street Sign on Joy Street.

Resolved, That the Traffic Engineer is requested to cause the installation of a "Dead End" Street Sign on Joy Street.

Resolution Requesting the Traffic Engineer to cause the replacement of the missing "Stop" Sign on Durham Street at the intersection with Admiral Street.

Resolved, That the Traffic Engineer is requested to cause the replacement of the missing "Stop" Sign on Durham Street at the intersection with Admiral Street.

Resolution Requesting the Traffic Engineer to cause the replacement of the missing Street Sign on Durham Street.

Resolved, That the Traffic Engineer is requested to cause the replacement of the missing Street Sign on Durham Street.

Resolution Requesting the Traffic Engineer to cause the replacement of the missing Street Sign on Rome Avenue.

Resolved, That the Traffic Engineer is requested to cause the replacement of the missing Street Sign on Rome Avenue.

Resolution Requesting the Traffic Engineer to cause the replacement of the missing Street Sign on Meridian Street.

Resolved, That the Traffic Engineer is requested to cause the replacement of the missing Street Sign on Meridian Street.

Resolution Requesting the Forestry Division of the Parks Department to cause the removal of the tree located at 42 Rome Avenue.

Resolved, That the Forestry Division of the Parks Department is requested to cause the removal of the tree located at 42 Rome Avenue.

**COUNCILMAN ALLEN Moves to Dis-
pense with the Reading of the foregoing
matters, and moves for Passage of the
Several Resolutions, seconded by COUN-
CILWOMAN WILLIAMS.**

The motion for Passage is Sustained.

**COUNCILWOMAN ROMANO (By Re-
quest):**

Resolution Requesting His Honor the Mayor to waive, for one transaction, a right of first refusal on the property located at 100 Clarkson Street in the City of Providence.

**COUNCIL PRESIDENT LOMBARDI
Refers the Resolution to the Committee on
City Property.**

The motion to Refer is Sustained.

COUNCILWOMAN YOUNG (By Request):

Resolution Endorsing and Urging Passage by the General Assembly of House Bill 2002-H-6899, Relating to Criminal Procedures.

COUNCIL PRESIDENT LOMBARDI Refers the Resolution to the Special Committee on State Legislation.

The motion to Refer is Sustained.

Resolution Extending Sincere Best Wishes to Nellie Jones for a complete and speedy recovery from her recent surgery.

Resolved, That the Members of the Providence City Council hereby extend Sincere Best Wishes to Nellie Jones for a complete and speedy recovery from her recent surgery.

Read and Passed, on motion of COUNCILMAN ALLEN, seconded by COUNCILWOMAN WILLIAMS.

The motion for Passage is Sustained.

COUNCILWOMAN YOUNG and COUNCILMAN BUTLER:

REPORTS FROM COMMITTEES

**COUNCILMAN RONALD W. ALLEN, Chairman
SPECIAL COMMITTEE ON STATE LEGISLATION**

Transmits the following with recommendation the same be Approved, As Amended:

Resolution Endorsing and Urging Passage by the General Assembly of Senate Bill 2002-2351 and House Bill 2002-7154, relating to Levy and Assessment of Local Taxes (Cooperative Housing).

Providence City Council hereby endorse and urge passage by General Assembly of Senate Bill 2002-2351 and House Bill 2002-7154, relating to Levy and Assessment of Local Taxes (Cooperative Housing).

Resolved, That the Members of the Provi-

**Transmits the following with recommenda-
tion the same be Approved:**

Resolution Endorsing and Urging Passage by the General Assembly of House Bill 2002-7417 and Senate Bill 2002-2726, relating to Recording of Instruments.

Resolved, That the City Council hereby endorses and urges passage by General Assembly of House Bill 2002-7417 and Senate Bill 2002-2726, relating to Recording of Instruments, in substantially the form attached.

Resolution Endorsing and Urging Passage by the General Assembly of Senate Bill 2002-2805, relating to Lead Paint — State Income Tax Credits.

Resolved, That the City Council hereby endorses and urges passage by General Assembly of Senate Bill 2002-2805, relating to Lead Paint — State Income Tax Credits, in substantially the form attached.

Resolution Endorsing and Urging Passage by the General Assembly of Senate Bill 2002-2804, relating to Lead Paint Actions.

Resolved, That the City Council hereby endorses and urges passage by General Assembly of Senate Bill 2002-2804, relating to Lead Paint Actions, in substantially the form attached.

Resolution Endorsing and Urging Passage by the General Assembly of Senate Bill 2002-2787, relating to Taxation — Tax Sales.

Resolved, That the City Council hereby endorses and urges passage by General Assembly of Senate Bill 2002-2787, relating to Taxation — Tax Sales, in substantially the form attached.

Resolution Endorsing and Urging Passage by the General Assembly of House Bill 2002-7394, relating to Assessment of Back Taxes on Real Estate Used by New Residents.

Resolved, That the City Council hereby endorses and urges passage by General Assembly of House Bill 2002-7394, relating to Assessment of Back Taxes on Real Estate Used by New Residents, in substantially the form attached.

Resolution Endorsing and Urging Passage by the General Assembly of Senate Bill 2002-2791 and House Bill 2002-7277, relating to Revaluation of Assessment of Local Taxes in the City of Providence.

Resolved, That the City Council hereby endorses and urges passage by General Assembly of Senate Bill 2002-2791 and House Bill 2002-7277, relating to Revaluation of Assessment of Local Taxes in the City of Providence, in substantially the form attached.

Resolution Endorsing and Urging Passage by the General Assembly of Senate Bill 2002-2790 and House Bill 2002-7538, relating to the Providence Water Supply Board.

Resolved, That the City Council hereby endorses and urges passage by General Assembly of Senate Bill 2002-2790 and House Bill 2002-7538, relating to the Providence Water Supply Board, in substantially the form attached.

Resolution Endorsing and Urging Passage by the General Assembly of House Bill 2002-7272, relating to the Providence Water Supply Board.

Resolved, That the City Council hereby endorses and urges passage by General Assembly of House Bill 2002-7272, relating to the Providence Water Supply Board, in substantially the form attached.

Resolution Endorsing and Urging Passage by the General Assembly of Senate Bill 2002-2803 and House Bill 2002-7533, relating to Taxation — Urban Mill Restoration Act.

Resolved, That the City Council hereby endorses and urges passage by General Assembly of Senate Bill 2002-2803 and House Bill 2002-7533, relating to Taxation — Urban Mill Restoration Act, in substantially the form attached.

Resolution Endorsing and Urging Passage by the General Assembly of Senate Bill 2002-2788 and House Bill 2002-7253, relating to Public Property and Works — Public Buildings.

Resolved, That the City Council hereby endorses and urges passage by General Assembly of Senate Bill 2002-2788 and House Bill 2002-7253, relating to Public Property and Works — Public Buildings, in substantially the form attached.

Resolution Endorsing and Urging Passage by the General Assembly of Senate Bill 2002-2730, relating to Towns and Cities — State Aid.

Resolved, That the City Council hereby endorses and urges passage by General Assembly of Senate Bill 2002-2730, relating to Towns and Cities — State Aid, in substantially the form attached.

Resolution Endorsing and Urging Passage by the General Assembly of House Bill 2002-7617, relating to State Aid.

Resolved, That the City Council hereby endorses and urges passage by General Assembly of House Bill 2002-7617, relating to State Aid, in substantially the form attached.

COUNCILMAN ROBERT M. CLARKIN, Chairman
COMMITTEE ON PUBLIC WORKS

**Transmits the following with recommenda-
tion the same be Approved, As Amended:**

Resolution Amending Resolution No. 493, approved September 14, 2001, regarding a non-exclusive sub-surface easement below Fones Alley, as amended.

Whereas, Upon review of "Resolution No. 493 Approved September 14, 2001," the map number referenced thereon is incorrect; and

Whereas, The City Council wishes to correct said error,

Now, Therefore, Be It Resolved, That the above-referenced Resolution is reconsidered.

Be It Further Resolved, That the amended Resolution shall read as follows and shall include that amendatory map attached hereto:

It Is Hereby Resolved, That His Honor, the Mayor, is authorized to grant a non-exclusive sub-surface easement below Fones Alley in the City of Providence to Brown University (Brown). Said easement shall be granted specifically upon the following provisions:

1. Said easement shall be utilized only for the installation and maintenance of fiber optic conduit. Said easement shall not exceed the area of thirty-five feet by three feet by three feet, and is indicated by the shaded area on the accompanying maps marked as Exhibit A.

2. Said easement shall be deemed to run with the land and shall operate against any successors in title and the easement or a memorandum of same shall be recorded in the Office of Land Records for the City of Providence.

3. Said easement shall be subject to a right of reverter/right of reversion in the event that the situs of the easement is no longer utilized for the aforesated purposes. Additionally, it shall be for a term of not more than twenty (20) years.

4. Brown shall tender the sum of One Thousand Fifty Dollars (\$1,050.00) in legal tender of the United States of America.

5. Any breakout necessary for installation and/or repair or replacement shall be resurfaced/rehabilitated to the approval of the Director of the Department of Public Works.

6. Any installation of utilities or utility lines shall be underground so as to preserve the public right-of-way.

7. Any installation of electrical mechanism shall be to the approval of the Director of the Department of Inspections & Standards.

8. Petitioner shall ascertain that construction results in no adverse impact on any existing utility company and shall ensure the continued integrity of those existing structures.

9. Brown shall execute an indemnification and hold-harmless agreement with the City of Providence. Said agreement shall be approved by the Department of Law of the City of Providence.

10. Brown shall supply the City of Providence with an insurance policy naming said City of Providence, its agents, officers, servants and employees as additional-named insureds in

a sum not less than One Hundred Thousand Dollars (\$100,000.00) which policy shall be approved by the Department of Law of the City of Providence.

11. Grantee shall not lay, construct or affix to the realty any temporary or permanent structure other than that described earlier herein.

12. Brown recognizes the applicability of Sections 23-107, 23-108 and 23-190 of the Code of Ordinances which read as follows:

23-107. Indemnity of city against claims arising out of electrical installations. No right of any person to maintain, use or operate any poles, wires, cables, conduits, ducts, pipes, manholes, handholes, or other appliances or appurtenances in any street or other traveled way in the city, shall be in preference or hindrance of public work in the city, and should any of the same in any way interfere with the construction, alteration or repair of any public work in, under, or over any such street or way, whether done by the city directly or by any contractor for the city, such person shall at his own expense protect, alter or move any of the same so interfering to some other location, or discontinue the use and operation thereof for the time being, as directed by the director of public works, without the city being liable for any damages suffered by such person thereby. The City shall notify such person not fewer than ninety (90) days prior to such public work, which will interfere with any of the same or the use or operation thereof. In case such person shall fail to comply with any such direction of said director, the city may protect, alter or move the same, and recover the cost thereof from such person.

23-108. Precedence of wires, apparatus of city signal service. The wires, poles, posts, structures and supports of the telephone, fire

alarm and police signal service maintained by the city shall at all times take precedence and right-of-way as to all other wires, poles, posts, structures and supports maintained or erected in the city; and no lineman or other person, either in erecting wires, poles, posts, structures or supports in any way whatsoever shall interfere with, or disturb, disarrange or change any wires maintained by the city, or any appurtenance thereof; and in every instance of removal of any of said wires, poles, posts, structures or supports for the accommodation of any other corporation or party, or to place the same beyond danger from the electric current of any other corporation or party, the expense incident to said removal shall be paid immediately by such other corporation or party.

23-109. Indemnity of city against claims arising out of electrical installation.

Every person erecting, maintaining or using electric wires or poles, fixture or structures, for the support or conducting of the same shall indemnify and save harmless the city, its officers, agents and servants, from and against all lawful claims and demands for injuries to persons or property occasioned by the existence of such poles, wires, fixtures or structures or the transmission of electric current by means thereof or by the digging up, opening or keeping open of any street, highway, traveled way, public place or part thereof, which shall be or has been opened for the purpose of installing, constructing or repairing any underground conduit, duct, structure, appliance or appurtenance by or for such person, or by any failure of such person to restore and keep in sound and safe condition for the required time any ground opened or dug up in the prosecution of any of its work in any street, way or place. The city, city council or the officers, agents or servants of the city, exercising the rights, powers or permission, and subject to the restrictions,

respectively given and reserved herein shall not be held liable by such person or corporation on account thereof, or by reason of any injury or damage caused thereby.

and Brown, for itself and its successors, agrees to comply with the same.

13. Brown shall repave all excavated roadways in accordance with relevant ordinances, industry standards and to the reasonable satisfaction of the Director of Public Works.

14. In addition to Paragraph 12 above, in the event that the City of Providence or its designee shall, for any public purpose, require the extinguishment of the easement granted herein and upon the ninety (90) days notice hereinbefore mentioned, Brown shall, at its own expense, and without claim against the City, its officers, servants or employees, remove said improvements to the easement area.

15. Such other terms and conditions as may be reflected in the record and minutes of the City Council Committee on Public Property and/or as may be deemed appropriate by the Mayor or the Department of Law.

Resolution Amending Resolution No. 702, approved December 14, 2001, regarding the abandonment of a portion of Ellis Street, as amended.

Whereas, Upon review of "Resolution No. 702 Approved December 14, 2001," the map number referenced thereon is incorrect; and

Whereas, The City Council wishes to correct said error,

Now, Therefore, Be It Resolved, That the above-referenced Resolution is reconsidered.

Be It Further Resolved, That the amended Resolution shall read as follows and shall include that amendatory map attached hereto:

Resolved, Decreed and Ordered:

That the following-named street shown as a cross-hatched area on the accompanying map entitled "Prov., RI, DPW-Engineering Office, Street line Section Plan Number 064668 dated July 26, 2001."

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

1. The Petitioner agrees to tender the amount of Fifty Thousand Five Hundred (\$50,500.00) Dollars in legal tender U.S. currency to the City of Providence.

2. The Petitioner shall convey an easement acceptable to the Narragansett Electric Company which will permit retention of its facilities in their existing location, together with the right to inspect, maintain, operate and replace the same and with twenty-four hour access to said facilities, or in the alternative should it be determined by the petitioner that any such facilities need be relocated in order to comply with an intended use, the Petitioner shall assume all costs of relocation.

3. The Petitioner shall convey an easement acceptable to Providence Gas Company which will permit retention of its facilities in their existing location, together with the right to inspect, maintain, operate and replace the same and with twenty-four hour access to said facilities, or in the alternative should it be determined by the petitioner that any such

facilities need be relocated in order to comply with an intended use, the Petitioner shall assume all costs of relocation;

4. The Petitioner shall convey an easement acceptable to Verizon which will permit retention of its facilities in their existing location, together with the right to inspect, maintain, operate and replace the same and with twenty-four hour access to said facilities, or in the alternative should it be determined by the petitioner that any such facilities need be relocated in order to comply with an intended use, the Petitioner shall assume all costs of relocation;

5. Petitioner shall assume all costs of severing existing water and hydrant services at the abandoned location and shall assume all costs incurred for reconnection of necessary water services for residential, commercial, industrial and public safety uses. Petitioner shall comply with all conditions posted in a letter dated 15 June, 2001 from the Providence Water Supply Board to the Council Committee on Public Works which is attached hereto as Exhibit "B."

6. The City of Providence shall retain for itself, its heirs, successors and assigns full sewer and fire hydrant easements on Ellis Street which will permit retention of its facilities in their existing location together with the right to inspect, maintain, operate and replace the same and with twenty-four hour access to said facilities, or in the alternative should it be determined by the City that any such facilities need be relocated in order to comply with an intended use, the Petitioner shall assume all costs of relocation;

7. Petitioner shall comply with all conditions contained herein not later than sixty (60) days from its approval. Upon failure to so comply for any reason, the within Resolution shall automatically and without further action by the City become a nullity.

8. Petitioner shall submit to the City Clerk copies of a traffic study to which it has made reference at the working study of the Council Committee on Public Works of 8 November, 2001 and shall as soon as practicable at its sole cost erect the traffic control devices referenced therein and at the meeting of that date.

9. Petitioner shall indemnify and hold harmless the City of Providence, its officers, agents, employees and servants from any demand(s), claim(s) of cause(s) of action of any kind arising from any level of environmental contamination at the abandoned situs.

Ordered, That the Traffic Engineer be and he 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.

Transmits the following with recommendation the same be Approved:

Resolution Granting approval to the Smith Hill Community Development Corporation to erect steel polling devices in various locations along sidewalks on Smith Street, Douglas Avenue, Chalkstone Avenue, Valley Street, Raymond Street, Oakland Avenue and Orms Street to accommodate the Smith Hill Commercial Gateway Project.

Resolved, That the Smith Hill Community Development Corporation is hereby granted permission to erect steel polling devices in various locations along sidewalks on Smith Street, Douglas Avenue, Chalkstone Avenue,

Valley Street, Raymond Street, Oakland Avenue and Orms Street to accommodate the Smith Hill Commercial Gateway Project.

COUNCILMAN ALLEN Moves to Dispense with the Reading of the foregoing matters, and moves for Passage of the Several Resolutions, seconded by COUNCILWOMAN WILLIAMS.

The Motion for Passage is Sustained.

**COUNCILMAN KEVIN JACKSON, Chairman
COMMITTEE ON FINANCE**

Transmits the following with recommendation the same be Adopted:

An Ordinance Establishing a Tax Stabilization Plan for Chalkstone Realty, LLC.

Read and Passed the First Time, on motion of COUNCILMAN ALLEN, seconded by COUNCILWOMAN WILLIAMS, and put to vote by the following Roll Call Vote:

Ayes: Council President Lombardi, Councilmen Allen, Aponte, Butler, Clarkin, DeLuca, Councilwoman DiRuzzo,

Councilmen Hassett, Igliozzi, Jackson, Mancini, Councilwomen Nolan, Romano and Williams—14.

Nays: None.

Absent: Councilwoman Young—1.

The motion for Passage the First Time is Sustained.

**COUNCILWOMAN PETER S. MANCINI, Chairman
COMMITTEE ON CLAIMS AND PENDING SUITS**

**Transmits the following with recommenda-
tion the same be Severally Approved:**

Certificates from the City Collector, No. 45, Recommending Cancellation of Hurricane Barrier Assessment Taxes pursuant to the provisions of Section 44-7-14 of the General Laws of Rhode Island, 1956, as amended, as the same are determined to be uncollectable.

Certificates from the City Assessor (5F and 6F) recommending the same be Severally Cancelled pursuant to the provisions of Sections 14 and 15 of Title 44, Chapter 7 of the General Laws of the State of Rhode Island, 1956, As Amended.

**COUNCILMAN ALLEN Moves to Dis-
pense with the Reading of the foregoing
matters, and moves for Passage of the
Several Certificates, seconded by COUN-
CILWOMAN WILLIAMS, by the following
Roll Call Vote:**

**Ayes: Council President Lombardi,
Councilmen Allen, Aponte, Butler, Clar-
kin, DeLuca, Councilwoman DiRuzzo,
Councilmen Hassett, Igliazzi, Jackson,
Mancini, Councilwomen Nolan, Romano
and Williams—14.**

Nays: None.

Absent: Councilwoman Young—1.

The motion for Passage is Sustained.

**On motion of COUNCILMAN BUTLER,
seconded by COUNCILMAN HASSETT, it
is voted to reconsider the following
matter:**

**An Ordinance Establishing a Tax Stabiliza-
tion Plan for Chalkstone Realty, LLC.**

**Read and Passed on motion of COUN-
CILMAN ALLEN, seconded by COUNCIL-
WOMAN WILLIAMS, and put to vote by the
following Roll Call Vote:**

**Ayes: Council President Lombardi,
Councilmen Allen, Aponte, Clarkin, De-
Luca, Councilwoman DiRuzzo, Council-
men Hassett, Igliazzi, Jackson, Mancini,
Councilwomen Nolan, Romano and Wil-
liams—13.**

Nays: None.

Not voting: Councilman Butler—1.

Absent: Councilwoman Young—1.

The motion for Passage is Sustained.

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

**Transmits the following with recommenda-
tion the same be Adopted, As Amended:**

An Ordinance in Amendment of Chapter 2000-22, Approved August 11, 2000, entitled "An Ordinance Limiting Residential Parking/

Standing of Certain Commercial Vehicles, As Amended.

**Transmits the following with recommenda-
tion the same be Severally Adopted:**

An Ordinance Amending the City of Providence Zoning Ordinance Chapter 1994-24, No. 365, Approved June 27, 1994, As Amended, to Modify the Text of Section 101.7 and Section 506—Westminster Street Overlay District. (West Side Overlay District)

Several Ordinances for the First Time, seconded by COUNCILWOMAN WILLIAMS, by the following Roll Call Vote:

Ayes: Council President Lombardi, Councilmen Allen, Aponte, Butler, Clarkin, DeLuca, Councilwoman DiRuzzo, Councilmen Iglizzi, Jackson, Mancini, Councilwomen Nolan, Romano and Williams—13.

An Ordinance in Amendment of Chapter 564 of the Ordinances of the City of Providence Entitled: "The City of Providence Zoning Ordinance", Approved June 27, 1994, As Amended, by Amending Providence Zoning District Map Number 56 of the Official Zoning Map by Changing the Zoning District Designation of Certain Lots from W-2 to W-2 with an I-2 Floating Zone.

Nays: Councilman Hassett on the Ordinance to amend the Zoning Map by Changing the Zoning District Designation of Certain Lots from W-2 to W-2 with an I-2 Floating Zone—1.

Absent: Councilwoman Young—1.

**COUNCILMAN ALLEN Moves to Dis-
pense with the Reading of the foregoing
matters, and moves for Passage of the**

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

COMMUNICATIONS AND REPORTS

Communication from Michael R. Clement, City Clerk, dated March 15, 2002, informing the Honorable Members of the City Council that in accordance with the provisions of Section 1201(b) of the Providence Home Rule charter of 1980, entitled: "Deputies, Appointments," he is this day appointing Claire E. Bestwick as First Deputy City Clerk.

Communication from Richard H. Aitchison, License Administrator, Board of Licenses, dated March 4, 2002, informing the City Clerk of the nomination of Andrew Annaldo as Chairman and Secretary of the Board of Licenses and Arline Feldman as Vice-Chairwoman.

Annual Report from Ferdinand C. Ihenacho, Director, Department of Public Works, for year ending December 31, 2001.

Report from Andrew J. Annaldo, Chairman and Secretary of the Board of Licenses, of all moneys received for licenses, etc., issued during the quarter ending September 30, 2001.

Report from Andrew J. Annaldo, Chairman and Secretary of the Board of Licenses, of all moneys received for licenses, etc., issued during the quarter ending December 31, 2001.

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

**COUNCIL PRESIDENT LOMBARDI
Receives the Several Communications and
Reports.**

FROM THE CLERK'S DESK

Petitions for Compensation for Injuries and Damages, viz:

Colleen M. Tellier (Robert J. Ameen, Esquire)

Ana Adorno (Linda C. Celio, Esquire)

Kevin Kaboni (Charles J. Vucci, Esquire)

Everett Durrell

Travelers a/s/o H&I Development, Inc.

Matthew G. Meinecke

Adrianna Cooley (Charles J. Vucci, Esquire)

A.I. Pacific Insurance Co. a/s/o/ Herenia Aquino

Leslie Kelly (Barry J. Kusinitz, Esquire)

Adalberto Perez (Christopher E. Fay, Esquire)

Eugene P. Monti

Derin Elagoz (Thomas M. Petronio, Esquire)

Ronke Akinfolarin

COUNCIL PRESIDENT LOMBARDI Severally Refers the Petitions to the Committee on Claims and Pending Suits.

The motion to Refer is Sustained.

PRESENTATION OF CITATIONS

“In Congratulations”

COUNCIL PRESIDENT LOMBARDI and the MEMBERS of the CITY COUNCIL:

Citations Extending Congratulations.

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

Laura Mahoney, Captain, in recognition of winning the Rhode Island Interscholastic League Division I State Championship.

Jamie Angell, Captain, in recognition of winning the Rhode Island Interscholastic League Division I State Championship.

Caitlin Feeney, in recognition of winning the Rhode Island Interscholastic League Division I State Championship.

Tara McCarthy, in recognition of winning the Rhode Island Interscholastic League Division I State Championship.

Beth Clark, in recognition of winning the Rhode Island Interscholastic League Division I State Championship.

Jessica Paulson, in recognition of winning the Rhode Island Interscholastic League Division I State Championship.

Maria Rojas, in recognition of winning the Rhode Island Interscholastic League Division I State Championship.

Jen Sayles, in recognition of winning the Rhode Island Interscholastic League Division I State Championship.

Colleen Feeney, in recognition of winning the Rhode Island Interscholastic League Division I State Championship.

Sarah Dwyer, in recognition of winning the Rhode Island Interscholastic League Division I State Championship.

Jocelyn Charest, in recognition of winning the Rhode Island Interscholastic League Division I State Championship.

Kate Lynch, in recognition of winning the Rhode Island Interscholastic League Division I State Championship.

Shauna Smith, in recognition of winning the Rhode Island Interscholastic League Division I State Championship.

Leo Butler, Head Coach, in recognition of winning the Rhode Island Interscholastic League Division I State Championship.

Jen Slack, Assistant Coach, in recognition of winning the Rhode Island Interscholastic League Division I State Championship.

Fred Saunders, Assistant Coach, in recognition of winning the Rhode Island Interscholastic League Division I State Championship.

Rodney Smith, Assistant Coach, in recognition of winning the Rhode Island Interscholastic League Division I State Championship.

Dave Grassini, Assistant Coach, in recognition of winning the Rhode Island Interscholastic League Division I State Championship.

Donald Kavanagh, Principal, in recognition of winning the Rhode Island Interscholastic League Division I State Championship.

Ted Quigley, Athletic Director, in recognition of winning the Rhode Island Interscholastic League Division I State Championship.

Karen Carty, Team Manager, in recognition of winning the Rhode Island Interscholastic League Division I State Championship.

Christopher and Christine Waldeck, in recognition of the celebration of the birth of their daughter, Alexis Catherina Waldeck, born on November 13, 2001 at 10:46 o'clock P.M.

Layllah Duarte, in recognition of the celebration of her 6th Birthday on March 19, 2002.

Jordan Duarte, in recognition of the celebration of his 6th Birthday on March 19, 2002.

Jacob Jenson, in recognition of the celebration of his 10th Birthday on March 29, 2002.

Paul Magayer, in recognition of being one of the finalists for the Rhode Island State Science Fair and Engineering Fair for Dredging and Water Quality.

Mr. and Mrs. Earl L. Lopez, in recognition of

the celebration of their marriage on September 29, 2001.

Severally Read and Collectively Passed, on motion of COUNCILMAN ALLEN, seconded by COUNCILWOMAN WILLIAMS.

The motion for Passage is Sustained.

PRESENTATION OF RESOLUTIONS

“In Memorium”

COUNCIL PRESIDENT LOMBARDI and the MEMBERS of the CITY COUNCIL:

Resolutions Extending Sympathy.

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

Fiorindo Suzzi

George F. Hopkins

Jacqueline F. Gray

Gerard Saial

Frederick J. Aurelio

Carlo P. Spinelli

Mary Frances O'Halloran

Michael D. Persichino

William J. McEney

Gloria J. Gemma

Elaine A. Culton

Severally Read and Collectively Passed, by a Unanimous Rising Vote, on motion of COUNCILMAN ALLEN, seconded by COUNCILWOMAN WILLIAMS.

The motion for Passage is Sustained.

**MATTER NOT APPEARING ON THE
PRINTED DOCKET**

On motion of COUNCILMAN ALLEN, seconded by COUNCILWOMAN WILLIAMS, 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.

**COUNCILMAN KEVIN JACKSON, Chairman
COMMITTEE ON FINANCE**

Transmits the following with recommendation the same be Approved, As Amended:

Resolution Ratifying the Collective Bargaining Agreement by and between the Providence School Board and Local 1033 of the Laborer's International Union of North America (LIUNA), for the period of July 1, 2001 to June 30, 2004, for City Council ratification.

Resolved, Together with accompanying copy of the Collective Bargaining Agreement by and between the Providence School Board and Local 1033 of the Laborer's International Union of North America (LIUNA), for the period of July 1, 2001 to June 30, 2004, for City Council ratification.

Read and Passed, on motion of COUNCILMAN ALLEN, seconded by COUNCIL-

WOMAN WILLIAMS, by the following Roll Call Vote:

Ayes: Council President Lombardi, Councilmen Allen, Aponte, Butler, Clarkin, DeLuca, Councilwoman DiRuzzo, Councilmen Hassett, Igliozzi, Jackson, Mancini, Councilwomen Nolan, Romano and Williams--14.

Nays: None.

Absent: Councilwoman Young--1.

The motion for Passage is Sustained.

ADJOURNMENT

There being no further business, on motion of COUNCILMAN ALLEN, seconded by COUNCILWOMAN WILLIAMS, it is voted to adjourn at 8:00 o'clock P.M. (E.S.T.) to meet again on THURSDAY, APRIL 4, 2002 at 7:30 o'clock P.M. (E.S.T.).

Michael R. Clement

City Clerk



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