

CITY OF PROVIDENCE  
RHODE ISLAND



CITY COUNCIL  
JOURNAL OF PROCEEDINGS

No. 25 City Council Special Meeting, Monday, August 29, 2005, 5:30 o'clock P.M. (E.D.T.)

PRESIDING  
COUNCIL PRESIDENT  
JOHN J. LOMBARDI

ROLL CALL

Present: COUNCIL PRESIDENT LOMBARDI, COUNCILMEN ALLEN, APONTE, COUNCILWOMAN DIRUZZO, COUNCILMEN HASSETT, IGLIOZZI, JACKSON, LUNA, MANCINI, COUNCILWOMAN ROMANO, COUNCILMAN SEGAL and COUNCILWOMAN YOUNG -12.

Absent: COUNCILMEN BUTLER, DeLUCA and COUNCILWOMAN WILLIAMS - 3.

Also Present: Adrienne G. Southgate, Deputy City Solicitor, Claire E. Bestwick, Acting City Clerk and Sheri A. Petronio, Assistant Clerk.

FILED  
2007 FEB - 8 P 12: 55  
DEPT. OF CITY CLERK  
PROVIDENCE, R.I.

IN CITY COUNCIL  
FEB 15 2007

READ  
WHEREUPON IT IS ORDERED THAT  
THE SAME BE RECEIVED  
*John M. Allen* CLERK



August 26, 2005

Claire E. Bestwick  
Acting City Clerk  
City Hall Providence, RI 02903

Dear Mrs. Bestwick:

In accordance with the Provisions of Section 406 of the Providence Home Rule Charter of 1980, I am, this day, calling a Special Meeting of the City Council to be held on Monday, the 29<sup>th</sup> day of August 2005 at 5:30 o'clock P.M., in the City Council Chamber, Third Floor, City Hall for the purpose of acting upon the following:

**RESOLUTION RETAINING R. KELLY SHERIDAN, ESQUIRE, UNDER THE PROVISIONS OF THE PROVIDENCE**

**HOME RULE CHARTER OF 1980, AS AMENDED, SECTION 401(D), RELATIVE TO THE CADILLAC LOUNGE, AT THE RATE OF \$150.00 PER HOUR OR A TOTAL AMOUNT NOT TO EXCEED \$10,000.00.**

Respectfully,



President John J. Lombardi

Received.

---

# WARRANT FOR SPECIAL MEETING

Warrant of the Acting City Clerk to Vincent J. Berarducci, City Sergeant with Return Certification that he has notified each Member of the City Council of the Special Meeting Called for the 29<sup>th</sup> day of August, 2005 at 5:30 o'clock P.M., in the City Council Chamber, Third Floor, City Hall.

DEPARTMENT OF CITY CLERK  
CITY HALL

August 26, 2005 .

TO VINCENT J. BERARDUCCI, CITY SERGEANT:

Whereas, Council President John J. Lombardi has, pursuant to Section 406 of the Providence Home Rule Charter of 1980, requested the Acting City Clerk, in writing, to Call a Special Meeting of the City Council to be held on the 29<sup>th</sup> day of August, 2005, A.D. at 5:30 o'clock P.M., in the Chamber of the City Council, Third Floor, City Hall for the purpose of Enacting the following:

**RESOLUTION RETAINING R. KELLY SHERIDAN, ESQUIRE, UNDER THE PROVISIONS OF THE PROVIDENCE HOME RULE CHARTER OF 1980, AS AMENDED, SECTION 401(D), RELATIVE TO THE CADILLAC LOUNGE, AT THE RATE OF \$150.00 PER HOUR OR A TOTAL AMOUNT NOT TO EXCEED \$10,000.00.**

You are therefore, hereby commanded and required to summon each Member of the City Council to that Special Meeting, as Called.

Hereof, Fail Not, and make a true return of this Warrant, with your doings thereon.

Given under my Hand and the Official Seal of the City of Providence, State of Rhode Island and Providence Plantations this 26<sup>th</sup> day of August, 2005, A.D.



Claire E. Bestwick  
Acting City Clerk

STATE OF RHODE ISLAND AND  
PROVIDENCE PLANTATIONS  
THE CITY OF PROVIDENCE, Sc.

AUGUST 26, 2005

I, Vincent J. Berarducci, City Sergeant do hereby certify that I have notified each Member of the City Council of the Special Meeting scheduled to be held on Monday, August 29, 2005 at 5:30 o'clock P.M., in the Chamber of the City Council, City Hall, Providence, in accordance with the subject warrant by delivering to each member a copy thereof.



Aug 26, 05  
Date

Received.

## PRESENTATION OF RESOLUTION

**COUNCILMAN APONTE and COUNCILWOMAN ROMANO:**

Resolution Retaining R. Kelly Sheridan, Esquire, under the provisions of the Providence Home Rule Charter of 1980, As Amended, Section 401(d), relative to the Cadillac Lounge, at the rate of \$150.00 per hour or a total amount not to exceed \$10,000.00.

*Resolved,* That the City Council hereby retains R. Kelly Sheridan, Esquire, under the provisions of the Providence Home Rule Charter of 1980, As Amended, Section 401(d), relative to the Cadillac Lounge, at the rate of \$150.00 per hour or a total amount not to exceed \$10,000.00.

**Read and Passed, on Motion of COUNCILMAN APONTE, seconded by**

**COUNCILWOMAN YOUNG, by the Following Roll Call Vote:**

**AYES: COUNCIL PRESIDENT LOMBARDI, COUNCILMEN ALLEN, APONTE, COUNCILWOMAN DiRUZZO, COUNCILMEN HASSETT, IGLOZZI, JACKSON, LUNA, MANCINI, COUNCILWOMAN ROMANO, COUNCILMAN SEGAL and COUNCILWOMAN YOUNG - 12.**

**NAYES: NONE.**

**ABSENT: COUNCILMEN BUTLER, DeLUCA and COUNCILWOMAN WILLIAMS - 3**

---

## ADJOURNMENT

There being no further business, on Motion of COUNCILMAN APONTE, seconded by COUNCILMAN IGLIOZZI, it is voted to adjourn at 5:50 o'clock P.M. (E.D.T.), to meet again on THURSDAY, SEPTEMBER 1, 2005 at 7:30 o'clock P.M. (E.D.T)

*Claire E. Bestwick*

CLAIRE E. BESTWICK  
ACTING CITY CLERK







- 141 -

# CITY OF PROVIDENCE RHODE ISLAND



## CITY COUNCIL JOURNAL OF PROCEEDINGS

No. 26 City Council Regular Meeting, Thursday, September 1, 2005, 7:30 o'clock P.M. (E.D.T.)

**PRESIDING  
COUNCIL PRESIDENT  
JOHN J. LOMBARDI**

### ROLL CALL

**Present: COUNCIL PRESIDENT LOMBARDI, COUNCILMEN APONTE, BUTLER, DeLUCA, HASSETT, LUNA, MANCINI, COUNCILWOMAN ROMANO, COUNCILMAN SEGAL and COUNCILWOMEN WILLIAMS and YOUNG - 11.**

**Absent: COUNCILMAN ALLEN, COUNCILWOMAN DiRUZZO, COUNCILMEN IGLIOZZI and JACKSON-4.**

**Also Present: Adrienne G. Southgate, Deputy City Solicitor, Claire E. Bestwick, Acting City Clerk, Anna M. Stetson, Second Deputy City Clerk, Sheri A. Petronio, Assistant Clerk and Vincent J. Berarducci, City Sergeant.**

2007 FEB - 8 P 12: 55  
DEPT. OF CITY CLERK  
PROVIDENCE, R.I.

**FILED**

**IN CITY COUNCIL  
FEB 15 2007**

READ -  
WHEREUPON IT IS ORDERED THAT  
THE SAME BE RECEIVED.  
*Anna M. Stetson* CLERK

## INVOCATION

The Invocation is given by DR. HERMAN  
SEGAL.

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

COUNCILMAN LUIS APONTE Leads  
the Members of the City Council and the  
Assemblage in the Pledge of Allegiance to  
the Flag of the United States of America.

COUNCILMAN JACKSON JOINS THE MEETING.

## APPOINTMENT BY HIS HONOR THE MAYOR

Communication dated August 10, 2005,  
Informing the Honorable Members of the  
City Council that pursuant to the Articles of  
Incorporation of the Providence Plan, he is  
this day appointing Richard Spies of 66  
Humboldt Avenue, Providence, RI 02906, as  
a member of the Providence Plan Board of

Directors for a term to expire on June 30,  
2010.

**COUNCIL PRESIDENT LOMBARDI**  
Receives the foregoing Communication.

---

# ORDINANCES SECOND READING

The Following Ordinances were in City Council August 4, 2005, Read and Passed the First Time and are Severally Returned for Passage the Second Time:

An Ordinance Relative to Displaced Workers Notification, As Amended.

~~the Fair Labor Standards Act; or (b) is employed less than 15 hours a week.~~

*Be it ordained by the City of Providence:*

(4) "Person" means any individual, proprietorship, partnership, joint venture corporation, limited liability company, trust, association, or other entity that may employ individuals or enter into other contracts.

## PROVIDENCE CODE CHAPTER —

### Section . Definitions.

The following definitions shall apply throughout this Chapter:

(5) "Service contract" means a contract let to a contractor by the awarding authority for the furnishing of ~~security, janitorial, or building maintenance service, or non-professional health care services, including any services to be performed by registered nurses.~~

(1) "Awarding authority" means any person that awards or otherwise enters into contracts for ~~security, janitorial, building maintenance or health care services performed within the City of Providence, including any subcontracts for these services.~~ **This section shall not apply to real properties containing five or less residential units.**

(6) "Successorship service contract" means a service contract with the awarding authority where substantially the same services to be performed have previously been rendered to the awarding authority as part of the same program or at the same facility under another service contract that recently has been terminated or has ended within the previous ninety (90) days.

(2) "Contractor" means any person that enters into a service contract with the awarding authority and any sub-contractors to such service contract at any tier, who employs ~~three at least~~ (3) or more persons.

### Section ~~9-2302~~. Transition Employment Period

(3) "Employee-" means any person employed to provide services pursuant to a service contract, ~~and includes registered nurses. "Employee" does not include a person who is (a) a managerial, supervisory, or confidential employee, including those employees who would so be defined under~~

All service contractors and awarding authorities who enter into service contracts to be performed within the City of

Providence shall be subject to the following obligations:

(1) The awarding authority shall give advance notice to a service contractor, and any collective bargaining representative of any of the service contract employees, that a service contract will be terminated or ended and the name, telephone number and address of the successor contractor or contractors if known. The terminated or ending contractor shall, within three (-3) days after receipt of such notice, provide to the successor contractor, the name, date of hire, and employment occupation classification of each employee employed at the site or sites covered by the predecessor contractor at the time of receiving said notice.

(2) On the date said contract ends, the terminating or ending contractor shall update the information previously provided to make it current to the actual termination date.

(3) If the terminating contractor is not notified of the identity of the successor contractor, in the notice required by paragraph (1) of this section, the terminating contractor shall provide such information to the awarding authority within three (3) days of receipt of such notice. The awarding authority shall be responsible for providing such information to the successor contractor as soon as that contractor has been selected.

(4) A successor contractor or subcontractor shall retain, for a ninety (90)-day transition employment period commencing with the onset of the successorship service contract, all employees who have been employed by the

terminated contractor or its subcontractor at the site or sites covered by the contract for at least the eight (8) months immediately preceding the date the predecessor contract is terminated.

In the event that the successorship service contract is terminated or ended prior to the expiration of the 90-day transition employment period, then any contractor or subcontractor awarded a subsequent successorship service contract shall be bound by the requirements set forth in this subsection to retain, for a new ninety (90)-day transition employment period commencing with the onset of the subsequent successorship service contract, all employees who have been employed by any one or a combination of the terminated or ending contractors at the site or sites covered by the contract for at least the eight (8) months immediately preceding the date of the most recently terminated or ended contract.

The successor contractor or subcontractor shall hand deliver a written offer of employment to each employee as required by this section in the employee's native language or another language in which the employee is fluent. Such offer shall state the time within which the employee must accept such offer but in no case may that time be less than ten (10) days from the date of the offer and in no case may the tenth day occur any later than five (5) days prior to expiration of the predecessor contract.

The written offer required by this Section shall be substantially in the form set forth in Section \_\_\_ - in a language in which each employee is fluent.

(5) If at any time a successor contractor determines that fewer employees are required to perform the new service contract than were required by the terminated contractor, the successor contractor shall be required to retain employees by seniority within each job classification.

(6) During ~~the such~~ ninety (90)- day transition employment period, the successor contractor shall maintain a preferential hiring list of employees eligible for retention under ~~paragraph (Section 4) of this section~~, not retained by the successor contractor from which the successor contractor shall hire additional employees.

(7) Except as provided under ~~subsection paragraph~~ (6) of this section, during the transition employment ~~such 90-day~~ period, the successor contractor shall not discharge without cause an employee retained pursuant to the Chapter. Cause shall be based only on the performance or conduct of the particular employee.

#### Section 9-2303. Enforcement.

(1) An employee displaced or terminated in violation of this Chapter may bring an action in a Court of competent jurisdiction against the awarding authority, the terminated contractor and/or the successor contractor, jointly or severally, for violations of any obligations imposed under this Chapter and may be awarded:

(a) back pay, including the value of benefits, for each day during which the violation continues, which shall be calculated at a rate of compensation not less than the higher of:

(i-1) the average regular rate of pay received by the employee, during the last year of the employee's employment in the same job classification times average hours worked per work day over the past four (4) months or

(ii-2) the final regular rate of pay received by the employee at the time of termination times the average hours worked per work day over the past four (4) months; and

(b) reinstatement to his or her former position at no less than the last wage rate, with benefits and hours worked per work day, that the employee received.

(2) If the employee is the prevailing party in any such legal action, the Court shall award reasonable attorney's fees and costs to the employee as part of the costs recoverable.

(3) This section shall not be construed to limit an employee's right to bring common law cause of action for wrongful termination.

(4) Each day a violation continues shall constitute a separate violation.

~~(5) Any awarding authority or contractor who knowingly violates this Chapter shall pay penalties per employee per day of violation of \$50 to \$100.~~

#### Section 9-2304. Notice to Displaced Worker.

(1) English Language Notice:

DATE:

TO: (name of employee)

IMPORTANT INFORMATION  
REGARDING YOUR EMPLOYMENT

We have received information that you are employed by (name of predecessor contractor) and are currently performing work at (address of worksite). (Name of predecessor contractor) has lost its contract with the owners of (address of worksite) and will no longer be providing (~~security~~ or janitorial or building maintenance ~~or food and beverage, hotel service or health care~~) services as of (last day of predecessor contract).

We are (name of successor contractor) and have been hired by the owners of (address of worksite) to provide the same (~~security~~ or janitorial or building maintenance ~~or food and beverage, hotel service or health care~~) service. We are offering you a job with us for a 90 day probationary period starting (first day of successor contract) to perform the same type of work that you have already been doing for (name of predecessor contractor) under the following terms:

Pay rate (per hour): \$ \_\_\_\_\_  
Hours per shift: \_\_\_\_\_  
Total Hours Per Week: \_\_\_\_\_  
Benefits: \_\_\_\_\_

You must respond to this offer within the next ten (10) days. If you want to continue working at (address of worksite) you must let us know by (mm/dd/yyyy - no later than 5 days prior to the expiration of the predecessor contract or 10 days after the date of this letter if the predecessor

contract has already expired). If we do not receive your response by the end of business that day, we will not hire you and you will lose your job. We can be reached at (successor contractor phone number).

The Protection of Displaced Contract Workers Ordinance, Chapter of the Providence Code gives you the following rights:

1. You have the right, with certain exceptions, to be hired by our company for the first ninety (90) days that we begin to provide services at (address of worksite).
2. During this 90 day period, you cannot be fired without just cause.
3. If you believe that you have been fired or laid off in violation of this Ordinance, you have the right to sue us and be awarded back pay, attorneys fees and court costs.

FROM: (Name of successor contractor)  
(Address of successor contractor)  
(Telephone # of successor contractor)

(2) Spanish Language Notice:

FECHA: \_\_\_\_\_

PARA: (nombre del trabajador)

INFORMACION IMPORTANTE  
SOBRE SU EMPLEO

Hemos recibido información que usted está empleado por (nombre de la Compañía anterior) y que actualmente está trabajando en (dirección del lugar de empleo). (Nombre de la compañía anterior) ha terminado el termino de su contrato con los dueños de(dirección del lugar de empleo) y no

proveerá más (servicios de ~~seguridad~~ o de limpieza o mantenimiento de edificio ~~o de comida y bebida, servicios a hoteles o servicios de salud~~) servicios desde el (el último día de contrato de la compañía anterior).

Somos (nombre de la nueva compañía en contrato) y hemos sido contratados por los dueños de (dirección del lugar de trabajo) para proveer el mismo (~~seguridad~~ o de limpieza o mantenimiento de edificio ~~o de comida y bebida, servicio de hoteles o servicios de salud~~) servicio. Le estamos ofreciendo un empleo con nosotros con 90 días de periodo probatorio comenzando el (primer día de contrato de la compañía nueva) desempeñando el mismo tipo de trabajo que ha estado haciendo para (nombre de la compañía anterior) bajo los siguiente términos:

Salario (por hora): \$ \_\_\_\_\_  
 Horas por días: \_\_\_\_\_  
 Total de horas por semana: \_\_\_\_\_  
 Beneficios: \_\_\_\_\_

Usted deberá de contestar nuestra oferta entre los próximos diez días. Si usted quiere continuar trabajando en (dirección del lugar de trabajo) deberá de dejárnoslo saber no mas tardar del (mes/día/año) - a no más tardar de 5 días antes de la expiracion del contrato de la compañía anterior o 10 días después de haber recibido esta carta si el contrato de la compañía anterior ya está expirado). Si no recibimos su contestación ese día al terminar el día laboral no le contrataremos y usted perderá su empleo. Puede comunicarse con nosotros (número telefónico de la compañía nueva).

La Ordenanza de Protección para Trabajadores Desempleados bajo Contrato.

Capitulo 9-2300 del Código de Filadela le da los siguientes derechos:

1. Usted tiene el derecho, con ciertas excepciones, de ser contratado por nuestra compañía por los primeros 90 días en que comencemos a dar servicios en (dirección del lugar de empleo).

2. Durante este periodo de 90 días usted no puede ser despedido sin causa justificada.

3. Si usted cree que ha sido despedido o le han dado de baja en violación a esta Ordenanza usted tiene el derecho de demandarnos y recibir su salario, honorarios de abogado y costo de corte.

DE: (Nombre de la Compañía nueva bajo contrato)  
 (Direccidn de la Compañía nueva bajo contrato)  
 (Telefono # de la Compañía nueva bajo contrato)

~~SECTION 2. Section of the Providence code is hereby amended to read as follows:~~  
 \_\_\_\_\_ Licenses.

\* \* \*

~~(4) Every person required to procure a license under this Section shall as a condition to the receipt or retention of said license:~~

\* \* \*

~~(d)(1) The Department of \_\_\_\_\_ and \_\_\_\_\_ shall refrain from issuing or shall revoke, the business privilege license of any person, who under color of such license intends to operate, or is operating, in violation of the~~

~~provisions of sub-sections \_\_\_\_\_4)(b), [or] (4)(o) [or] (4)(d), or (4)(e), and shall take all steps necessary to terminate the business operations of any business establishment that has violated any of such subsections, including but not limited to the following:~~

~~\* \* \*~~

~~(e) refrain from violating any provision of chapter \_\_\_\_\_ of the Providence Code entitled "Protection of Displaced Contract Workers." The Providence Labor Standards Unit shall have the responsibility for the enforcement of the provisions of this subsection and in connection therewith shall:~~

~~(.1) Cause a notice containing the provisions of this ordinance to be sent to all persons currently engaged in performing health care, janitorial or building maintenance services within the City of Providence as indicated on the application for Providence Business Tax Account Number filed with the Revenue Department and to all persons who shall in the future indicate on their application for Providence Business Tax Account Number filed with the Revenue Department that they intend to engage in such businesses.~~

~~(.2) Maintain a current list of all business privilege license holders for performing, health care, janitorial or building maintenance services within the City of Providence.~~

~~(.3) Investigate all complaints against any contractor or subcontractor or awarding authority and in connection therewith or with respect to any investigations shall have full power and authority to subpoena any witness, books,~~

~~records, or other data of any person for the purposes of obtaining information pertinent to such investigation. The Director of the Providence Labor Standards Unit shall make a finding in writing with respect to each complaint filed, and shall send a copy thereof to the complainant and the contractor and shall maintain it on file. Upon request, the unit shall provide any affected contractor or subcontractor with a hearing.~~

~~(.4) Refer all complaints determined to have merit to the Department of Licenses and Inspections for revocation of the offending person's business privilege pursuant to this subsection (d)(1).~~

~~(.5) Monitor the operations of contractors, subcontractors and awarding authorities to ensure compliance with Chapter \_\_\_\_\_ of the Providence Code.~~

~~-(e)-(f)~~

~~\* \* \*~~

~~-(f)-(g)~~

~~\* \* \*~~

SECTION 3. Effective Date. This ordinance shall take effect thirty (30) days after its final enactment.

An Ordinance Establishing a First Source List, As Amended.

*Be it ordained by the City of Providence:*

Whereas, It is critical to the economic survival of our City to insure a strong employment base, and

*Whereas*, Effective means must be found to address the onerous problem of unemployed and underutilized human resources, and

*Whereas*, A high rate of employment will expand the tax base, and improve the quality of neighborhood and family life,

We therefore shall adopt a "First Source List." An approach that will put people to work, with a minimum of government involvement. The First Source Agreement should be viewed first and foremost as a means to encourage the retention of working, homeownership families, who will live and work in Providence. Secondly, the First Source Agreement should be seen as an effective tool to persuade employers to come to Providence with the assurance that a trained and motivated work force will be in place to fill their requirements.

*Therefore, Be it ordained that the City of Providence does hereby establish the following "First Source Ordinance":*

SECTION I. Applicability - The provisions of this Ordinance shall apply to any and all businesses in the City of Providence who shall receive aid in cash or in-kind from the City of Providence above and beyond the normal services provided to all businesses and residents in the City. This shall include tax concessions, and/or abatements, other than adjustments made by the tax assessor or the Board of Tax Assessment Review; grants-in-aid, grants from the Office of Community Development, Office of Economic Development, U.D.A.G.'s, H.O.D.A.G.'s of any other program requiring authorization by resolution of the City Council unless specifically exempted by Ordinance. In

Addition, this shall include any project funded in whole or in part by City funds, or funds which, in accordance with a federal grant or otherwise the City expends or administers, or which the City is a signatory to the construction contract. This requirement shall not apply, however, to businesses of four employees or less.

SECTION II. Coverage - Jobs covered by this Ordinance and requiring adherence to the provisions of a first source agreement shall include all non-supervisory positions created as a result of internal promotions, terminations, and expansion of the employers workforce, except those filled by internal promotion from within the employers local workforce.

SECTION III. Agreements - Any business either existing in the City of Providence or establishing itself in the City of Providence receiving any aid from the City as outlined above shall as a condition of the receipt of such aid enter into a First Source Agreement covering the hiring of any and all employees as outlined in Section II for the terms of such aid but no case for less than three nor more than ten years. Any contractor or developer entering into a contract for a city-funded project shall enter into a First Source Agreement covering the hiring of employees necessary to complete the project.

Under a first source agreement employers shall agree to recruit and hire all covered employees from the First Source List provided by the Department of Planning and Development and associated agencies.

At least ten days before hiring the employer shall notify D.O.P.D. who shall

refer appropriately trained and qualified employees to said employer until the employer has filled such jobs. In the event that the employer is unable to find acceptable employees after exhausting the entire First Source List, the employer shall notify the D.O.P.D that it wishes to seek outside employees. If after conference the employer and D.O.P.D. agree that the First Source List is unable to provide suitable employees for said positions the employer shall be free to seek employees from other sources. If the employer and D.O.P.D. do not agree that the D.O.P.D. is able to find suitable employees the D.O.P.D. shall be given an additional thirty days to recruit employees for said positions. If at the end of thirty days the D.O.P.D. is unable to provide suitable employees the employer shall be free to hire from other sources.

Employers shall comply with Federal Equal Employment Opportunity Policy on non-discrimination for those with prison records. Whenever an Employer is in receipt of information which is part of an employment applicant's or employee's criminal history record information file, he may use that information for the purpose of deciding whether or not to hire the applicant or fire the employee, only in accordance with this section, unless such denial of employment or termination is required by municipal, state or federal law.

(1) Convictions should only be considered by the employer to the extent that they relate to the applicant's suitability for employment in the position for which they have applied or in which they are in. that is, where there is a justified business necessity. In determining whether a justified business necessity exists, the employer must consider:

a. The gravity of the offense or offenses;

b. The time that has passed since the conviction and/or completion of the sentence; and

c. The nature of the job held or sought.

(2) Process

In the case when an individual is being denied employment as a result of a business necessity as described above, the Employer is required to give written notification to the individual being denied or fired, explaining the reasons why he/she was denied employment, and informing him/her of the right to appeal to the D.O.P.D.

SECTION IV - D.O.P.D. - The Department of Planning and Development shall maintain a First Source List and at least one full-time employee of the Department shall be assigned to work exclusively on implementing, and ensuring compliance with, the First Source Agreement.

The list shall consist of any bona-fide Providence resident seeking employment who wishes to register with said Agency.

This list shall include with the names and addresses of such job seekers any special skills, training or education which the job seeker may have.

D.O.P.D. in conjunction with other appropriate government agencies shall be responsible for recruiting, training, and advertising no less frequently than once every three months the existence of said list and the method by which a person may be included on such list. Advertising shall be in a newspaper of general circulation as well

as any other method deemed appropriate by such agency and shall also include notification of any and all public job placement and referral agencies in the City of Providence.

The agency shall also establish training and referral programs for such persons and notify all persons on the First Source List of such programs. Selection for such training programs shall be in accordance with the following guidelines. The D.O.P.D. shall strive to place a proportionate share of women, minorities and handicapped persons in all training and job opportunities. The goals will be 50% women, ~~25%~~ 50% minorities and 5% handicapped persons.

Training and referral programs shall be established at regular intervals and shall be in the following areas:

- 1.) Any area in which a covered employer who expects to be hiring has expressed a need or it can be anticipated by the agency that such need exists.
- 2.) Any area in which in the determination of the agency a need exists in the general workforce but there are not sufficient training opportunities specifically for Providence residents.
- 3.) Basic training in the skills and work habits necessary for successful and continued employment for any person on the First Source List whom the agency identifies as lacking such skills.

SECTION V. Funding – For purposes of maintaining an adequate First Source List to meet the needs of covered employers and for adequately training individuals on such list the City shall commit annually no less than \$250,000 for the recruitment, training, referral and maintenance of such list. This fund shall be under the general administration of D.O.P.D. but may include funds from J.P.T.A., Community Development, or any other source. The City shall be authorized when the appropriate state and local provisions are fulfilled to issue the necessary bonds for such funding. If the City is unable to fulfill the funding provision of this Ordinance from any other source the funds shall be provided from the City's general fund.

SECTION VI. Enforcement. The agency shall have the power, by the terms of the First Source Agreement, to impose sanctions on any business found to be in violation of the agreement. Such sanctions shall include, but not be limited to:

1. Termination of aid or funding.
2. Termination of contract.
3. Recovery of any benefits which accrued to the business during the period of violation.

SECTION VII. This Ordinance shall take effect upon passage and shall require the establishment of such list within three months of passage.

**COUNCILMAN APONTE Moves to Dispense with the Reading of the foregoing matters and Moves Passage of the Several Ordinances the Second Time, seconded by COUNCILMAN DeLUCA, by the Following Roll Call Vote:**

**AYES: COUNCIL PRESIDENT LOMBARDI, COUNCILMEN APONTE, DELUCA, HASSETT, JACKSON, LUNA, MANCINI, COUNCILWOMAN ROMANO, COUNCILMAN SEGAL and COUNCILWOMEN WILLIAMS and YOUNG-11.**

**NAYES: COUNCILWOMAN WILLIAMS**  
Request to be recorded as voting "NO"  
on "An Ordinance Relative to

**Displaced Workers Notification, As Amended."**

**ABSENT: COUNCILMEN ALLEN, BUTLER, COUNCILWOMAN DiRUZZO and COUNCILMAN IGLIOZZI-4.**

**The Motion for Passage of the Several Ordinances the Second Time, Is Sustained.**

## PRESENTATION OF ORDINANCES

**COUNCIL PRESIDENT LOMBARDI, COUNCILMAN SEGAL, COUNCILWOMAN WILLIAMS and COUNCILMAN LUNA:**

An Ordinance relative to Public Oversight of Public Funds.

**COUNCIL PRESIDENT LOMBARDI**  
Refers the Ordinance to the  
Committee on Finance.

**COUNCILMAN IGLIOZZI (By Request):**

An Ordinance in Amendment of Chapter 2005-32, Ordinance No. 332, Approved July 22, 2005, Entitled: "An Ordinance in Amendment of Chapter 2004-41, No. 544 Entitled: "The City of Providence Zoning Ordinance", Approved June 27, 1994, As Amended. (Milo Street)

**COUNCILMAN APONTE** Moves to Amend the Ordinance by replacing it with the appropriate Ordinance, seconded by **COUNCILMAN DeLUCA.**

**COUNCIL PRESIDENT LOMBARDI**  
Refers the Ordinance to the Committee on Ordinances, As Amended.

**COUNCILWOMAN WILLIAMS (By Request):**

An Ordinance in Amendment of Chapter 1993-58 No. 854, Approved December 27, 1993, Entitled: "An Ordinance Regulating Graffiti."

**COUNCIL PRESIDENT LOMBARDI**  
Refers the Ordinance to the  
Committee on Ordinances.

## PRESENTATION OF RESOLUTIONS

**COUNCIL PRESIDENT LOMBARDI  
(By Request):**

Resolution Requesting the Narragansett Electric Company to cause the installation of a street light on Pole NEG 2 on Armenia Street.

*Resolved,* That the Narragansett Electric Company is requested to cause the installation of a street light on Pole NEG 2 on Armenia Street.

---

**COUNCIL PRESIDENT LOMBARDI  
and COUNCILMAN DeLUCA (By  
Request):**

Resolution In Support of Naval Academy Football on College Sports Television (CSTV) home of Navy Athletics for the next five years, to be aired on basic cable of local cable companies.

*Resolved,* That the members of the Providence City Council hereby Support Naval Academy Football on College Sports Television (CSTV) home of Navy Athletics for the next five years, to be aired on basic cable of local cable companies.

---

**COUNCIL PRESIDENT LOMBARDI  
and COUNCILMAN DeLUCA (By  
Request)**

Resolution Requesting the City Council to place a referendum for Voter Initiative Alliance (VIA) on the ballot in 2006.

**COUNCILMEN APONTE, BUTLER,  
HASSETT, JACKSON, LUNA, SEGAL  
and COUNCILWOMAN YOUNG Request  
to be recorded as voting "NO".**

**The Motion for Passage Fails.**

**COUNCILMAN APONTE Moves to  
Dispense with the Reading of the  
foregoing matters and Moves Passage  
of the Several Resolutions, seconded  
by COUNCIL WOMAN WILLIAMS.**

**The Motion for Passage is Sustained.**

---

**COUNCILMAN APONTE and COUNCIL-  
MAN HASSETT (By Request):**

Resolution Requesting to cancel or abate, in whole the taxes assessed upon Assessor's Plat 63, Lot 249 (61 Joslin Street), in the amount of Two Thousand Seven Hundred Ninety Dollars and Twenty Six (\$2,790.26) Cents along with any associated interest, penalties and intervening taxes, in accordance with Rhode Island General Law 44-7-23, and that the property is declared exempt in accordance with Rhode Island General Law 45-32-40 while under PRA ownership and also to execute a deed and transfer to the Providence Redevelopment Agency.

---

Resolution Requesting to cancel or abate, in whole the taxes assessed upon Assessor's Plat 47, Lot 751 (133 Oxford Street), in the amount of Two Thousand Eight

Hundred Forty Nine Dollars and Sixteen (\$2,849.16) Cents along with any associated interest, penalties and intervening taxes, in accordance with Rhode Island General Law 44-7-23, and that the property is declared exempt in accordance with Rhode Island General Law 45-32-40 while under PRA ownership and also to execute a deed and transfer to the Providence Redevelopment Agency.

---

**COUNCILMAN APONTE (By Request):**

Resolution Relative to the ProvPort Financing.

**COUNCILMAN APONTE Moves to Dispense with the Reading of the foregoing matters.**

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

**COUNCILWOMAN DIRUZZO JOINS THE MEETING.**

Resolution Requesting the Traffic Engineer to prohibit motor vehicle traffic along Croyland Road from Oxford Street to the end of the Library property (to allow access to homes on Croyland Road from the Library to the corner) on Saturday, September 24, 2005 from 1:00 o'clock P.M. to Sunday, September 25, 2005 until 6:00 o'clock P.M. to accommodate the Annual Community Festival for St. Michael's Parish.

*Resolved,* That the Traffic Engineer is requested to prohibit motor vehicle traffic along Croyland Road from Oxford Street to the end of the Library property (to allow

access to homes on Croyland Road from the Library to the corner) on Saturday, September 24, 2005 from 1:00 o'clock P.M. to Sunday, September 25, 2005 until 6:00 o'clock P.M. to accommodate the Annual Community Festival for St. Michael's Parish.

**Read and Passed, on Motion of COUNCILMAN APONTE, seconded by COUNCILWOMAN WILLIAMS.**

**The Motion for Passage is Sustained.**

---

Resolution Requesting the Traffic Engineer to cause the flow of traffic on Rugby Street from Thurbers Street to Wyatt Street be a one way, easterly from Rugby Street to Cahill Street.

---

**COUNCILMAN BUTLER (By Request):**

Resolution Requesting the Traffic Engineer to cause the installation of a "Stop" Sign on Hooker Street at Basswood Avenue.

---

Resolution Requesting the Traffic Engineer to cause the installation of a "Stop" Sign at the end of Homefield Avenue at Basswood Avenue.

**COUNCILMAN APONTE Moves to Dispense with the reading of the foregoing matters.**

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

---

**COUNCILMAN DeLUCA and COUNCILMAN BUTLER (By Request):**

Resolution Authorizing His Honor the Mayor to execute an amendment to the existing revolving credit agreement between the City of Providence, on behalf of the Providence Water Supply Board, and Bank of America, N.A., as successor by merger to Fleet National Bank, such that the existing Two Million Seven Hundred and Fifty Thousand Dollars (\$2,750,000.00) revolving loan will be extended for an additional 364 day period through August 11, 2006.

---

**COUNCILWOMAN DiRUZZO (By Request):**

Resolution Requesting to cancel or abate, in whole the taxes assessed upon Assessor's Plat 63, Lot 342 (218-220 Manton Avenue), in accordance with Rhode Island General Law Section 44-7-23, including 2005 and the first half of 2006.

---

Resolution Requesting to cancel or abate, in whole the taxes assessed upon Assessor's Plat 63, Lot 450 (22-24 Hillard Street), in accordance with Rhode Island General Law Section 44-7-23, including 2005 and the first half of 2006.

---

Resolution Requesting to cancel or abate, in whole the taxes assessed upon Assessor's Plat 63, Lot 631 (20 Hyat Street), in accordance with Rhode Island General Law Section 44-7-23, including 2005 and the first half of 2006.

---

Resolution Requesting to cancel or abate, in whole the taxes assessed upon Assessor's Plat 63, Lot 344 (69 Aleppo Street), in accordance with Rhode Island General Law Section 44-7-23, including 2005 and the first half of 2006.

---

Resolution Requesting to cancel or abate, in whole the taxes assessed upon Assessor's Plat 63, Lot 435 (47 Aleppo Street), in accordance with Rhode Island General Law Section 44-7-23, including 2005 and the first half of 2006.

---

Resolution Requesting to cancel or abate, in whole the taxes assessed upon (51 Aleppo Street), in accordance with Rhode Island General Law Section 44-7-23, including 2005 and the first half of 2006.

---

Resolution Requesting to cancel or abate, in whole the taxes assessed upon Assessor's Plat 63, Lot 549 (63 Aleppo Street), in accordance with Rhode Island General Law Section 44-7-23, including 2005 and the first half of 2006.

---

Resolution Requesting to cancel or abate, in whole the taxes assessed upon Assessor's Plat 63, Lot 550 (65 Aleppo Street), in accordance with Rhode Island General Law Section 44-7-23, including 2005 and the first half of 2006.

---

Resolution Requesting to cancel or abate, in whole the taxes assessed upon Assessor's Plat 63, Lot 553 (14 Pelham Street), in accordance with Rhode Island General

Law Section 44-7-23, including 2005 and the first half of 2006.

---

Resolution Requesting to cancel or abate, in whole the taxes assessed upon Assessor's Plat 63, Lot 418 (11 Curtis Street), in accordance with Rhode Island General Law Section 44-7-23, including 2005 and the first half of 2006.

---

Resolution Requesting to cancel or abate, in whole the taxes assessed upon Assessor's Plat 63, Lot 560 (2 Curtis Street), in accordance with Rhode Island General Law Section 44-7-23, including 2005 and the first half of 2006.

---

Resolution Requesting to cancel or abate, in whole the taxes assessed upon Assessor's Plat 63, Lot 448 (14-16 Hillard Street), in accordance with Rhode Island General Law 44-7-23, including prior year 2005 and the first half of 2006.

---

Resolution Requesting to cancel or abate, in whole the taxes assessed upon Assessor's Plat 63, Lot 449 (18-20 Hillard Street), in accordance with Rhode Island General Law 44-7-23, including prior year 2005 and the first half of 2006.

---

Resolution Requesting to cancel or abate, in whole the taxes assessed upon Assessor's Plat 63, Lot 552 (23-25 Hillard Street), in accordance with Rhode Island General Law 44-7-23, including prior year 2005 and the first half of 2006.

**COUNCILMAN APONTE Moves to Dispense with the reading of the foregoing matters.**

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

---

**COUNCILMAN HASSETT (By Request):**

Resolution Authorizing the Chief Electrical Inspector to move Pole No. 1 located next to 11 Higgins Avenue in order to enhance driveway safety at this location.

*Resolved,* That the Chief Electrical Inspector is requested to move Pole No. 1 located next to 11 Higgins Avenue in order to enhance driveway safety at this location.

**Read and Passed, on Motion of COUNCILMAN APONTE, seconded by COUNCILWOMAN WILLIAMS.**

**The Motion for Passage is Sustained.**

---

**COUNCILMAN IGLIOZZI (By Request):**

Resolution Requesting to abandon a certain portion of Hauxhurst Street that abuts the side of 50 Hauxhurst Street and a portion of St. Bartholomew's rear parking lot to Magdalene Street.

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

**COUNCILMAN IGLIOZZI JOINS THE MEETING.**

**COUNCILMAN LUNA:**

Resolution Extending wholehearted support to the Transnational Institute for Grassroots Research and Action (TIGRA) to stop the high human cost of remittances, and to contribute to the economic development of our communities here and in our countries of origin.

*Whereas*, In 2005 alone, immigrants in the United States sent over \$100 billion to their families and loved ones in their home countries for food, shelter, education, healthcare, and for projects which benefit their communities; and

*Whereas*, Corporations and other financial institutions engaged in the remittance industry extract 8-25% of the total amount sent by immigrants in the form of exorbitant fees, onerous exchange rates, and other additional charges; and

*Whereas*, These financial transactions result in billions of lost income and livelihood support for millions of low-income families here and in home communities; and

*Whereas*, Underdevelopment and collapse of economies in the global South, which has led to mass exodus of immigrants to countries like the United States, has been facilitated by the policies and practices of the same players who currently benefit from the remittance industry; and

*Whereas*, Businesses that simultaneously benefit from third world debt, and from onerous money transfer fees on the same people affected by debt, need to be held accountable for their practices and have a special moral, ethical and corporate

responsibility to invest in impacted communities here and in home countries; and

*Whereas*, Our organization works on behalf of a diverse community which includes immigrants who send remittances regularly to loved ones in their home country; and

*Whereas*, The Transnational Institute for Grassroots Research and Action (TIGRA) has requested our support for the Transnational Campaign for Remittance Fairness and Community Reinvestment.

*Now, Therefore, Be It Resolved*, That the Providence City Council gives our wholehearted support for the campaign to stop the high human cost of remittances, and to contribute to the economic development of our communities here and in our countries of origin.

**Read and Passed, on Motion of COUNCILMAN APONTE, seconded by COUNCILWOMAN WILLIAMS.**

**The Motion for Passage is Sustained.**

---

**COUNCILWOMAN WILLIAMS (By Request):**

Resolution Requesting the Traffic Engineer to cause the installation of a "Four-Way Stop" Sign at Elmgrove Avenue and Irving Avenue.

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

---

**COUNCILWOMAN WILLIAMS:**

Resolution Extending Sincere Congratulations and Best Wishes to the Very Reverend Maria DeCarvalho as she steps down as Dean of the Cathedral of St. John.

*Whereas*, the State of Rhode Island and Providence Plantations was founded on principles of religious tolerance; and

*Whereas*, the Cathedral of St. John, a vibrant, multicultural congregation of the Episcopal Church in the City of Providence, has embodied those principles for many years, during which the Cathedral has served as a place of prayer for all people; and

*Whereas*, during the past seven years, the Cathedral has been ably led by its Dean, the Very Rev. Maria DeCarvalho, who will celebrate her final Eucharist on August 28, 2005; and

*Whereas*, Maria DeCarvalho lives in the City of Providence, received her undergraduate degree from Yale University and the Master of Divinity degree from The Weston Jesuit School of Theology; and

*Whereas*, Maria DeCarvalho then served as Special Assistant to the late United States Senator John H. Chafee and held the office of Second Vice President in the International Department of The Chase Manhattan Bank in New York City; and

*Whereas*, Maria DeCarvalho joined the staff of the Cathedral after spending several years leading workshops and retreats around the United States and abroad; and

*Whereas*, under the guidance of the Dean, the Cathedral has become a center for

public gathering in times of celebration and confusion as well as mourning, including occasions of public prayer after September 11, the Challenger disaster, and the Station Fire; an inter-faith conversation about the controversial movie, "The Passion of the Christ;" and a service of recognition and thanksgiving for the essential work done by the Providence Police Department; and

*Whereas*, Maria DeCarvalho has served on the Mayor's Council of Community Leaders as well as participating with the Providence Police Department's task forces; and

*Whereas*, Maria DeCarvalho was honored by the National Council for Community and Justice for her contributions to the interfaith dialogue in the City of Providence; and

*Whereas*, Maria DeCarvalho continues her work as a Spiritual Director, and columnist on spirituality for *The Providence Journal*; and, under the auspices of her new undertaking, *Another Way*, intends to offer serious tools for transformation of individuals and organizations; and

*Whereas*, the personal character of Maria DeCarvalho, which has been defined by spirituality, service, integrity, honor, and compassion, inspired many Providence residents;

*Now, Therefore, Be It Resolved*, That the Providence City Council extends its congratulations and best wishes to the Very Rev. Maria DeCarvalho as she steps down as Dean of the Cathedral of St. John.

*Be It Further Resolved*, That the City Clerk be, and hereby is, authorized and directed to transmit a duly certified copy of

this resolution to the Rt. Rev. Geralyn Wolf, Bishop of the Episcopal Diocese of Rhode Island.

*Resolved,* That the Members of the Providence City Council hereby extend Sincere Best Wishes to Alfred Bass for a complete and speedy recovery.

---

**COUNCILWOMAN YOUNG:**

Resolution Extending Sincere Best Wishes to Alfred Bass for a complete and speedy recovery.

## REPORTS FROM COMMITTEES

### COMMITTEE ON PUBLIC WORKS

#### COUNCILMAN TERRENCE M. HASSETT, Chairman

**Transmits the Following with  
Recommendation the Same be  
Severally Approved:**

Resolution Requesting the Traffic Engineer to cause the installation of a "No Thru Trucks" Sign along Newark Street.

*Resolved,* That the Traffic Engineer is requested to cause the installation of a "No Thru Trucks" Sign along Newark Street.

---

Resolution Requesting the Traffic Engineer to cause the installation of "Slow Children" Signs on Rome Avenue.

*Resolved,* That the Traffic Engineer is requested to cause the installation of "Slow Children" Signs on Rome Avenue.

---

Resolution Requesting the Traffic Engineer to cause the installation of "No Parking to Corner" Signs on Sunbury Street and River Avenue.

*Resolved,* That the Traffic Engineer is requested to cause the installation of "No Parking to Corner" Signs on Sunbury Street and River Avenue.

---

Resolution Requesting the Traffic Engineer to cause the installation of "No Parking Either Side" Signs on Sacramento Street.

*Resolved*, That the Traffic Engineer is requested to cause the installation of "No Parking Either Side" Signs on Sacramento Street.

Resolution Requesting the Traffic Engineer to cause the removal of a "One-Way" Sign on that portion of Parnell Street.

*Resolved*, That the Traffic Engineer is requested to cause the removal of a "One-Way" Sign on that portion of Parnell Street.

Resolution Requesting the Traffic Engineer to cause the replacement of the Erastus Street Sign on the corner of Erastus Street and Atwells Avenue.

*Resolved*, That the Traffic Engineer is requested to cause the replacement of the Erastus Street Sign on the corner of Erastus Street and Atwells Avenue.

Resolution Requesting the Traffic Engineer to cause the replacement of the missing street sign on Covell Street and Atwells Avenue.

*Resolved*, That the Traffic Engineer is requested to cause the replacement of the missing street sign on Covell Street and Atwells Avenue.

Resolution Requesting to revert Harmony Drive back to a "Two-Way" Street.

*Resolved*, That Harmony Drive be reverted back to a "Two-Way" Street.

Resolution Requesting the Traffic Engineer to cause the installation of two "15 Minute Parking" Signs in front of Silver Lake Pizza at 180 Pocasset Avenue.

*Resolved*, That the Traffic Engineer is requested to cause the installation of two "15 Minute Parking" Signs in front of Silver Lake Pizza at 180 Pocasset Avenue.

Resolution Requesting the Traffic Engineer to cause the installation of "Slow Children" Signs where appropriate on Wickenden Street, Ives Street and Trenton Street in the vicinity of the Fox Point Boys and Girls Club.

*Resolved*, That the Traffic Engineer is requested to cause the installation of "Slow Children" Signs where appropriate on Wickenden Street, Ives Street and Trenton Street in the vicinity of the Fox Point Boys and Girls Club.

Resolution Requesting the Traffic Engineer to cause the installation of "Slow Children" Signs on Barnes Street between Prospect Street and Brown Street.

*Resolved*, That the Traffic Engineer is requested to cause the installation of "Slow Children" Signs on Barnes Street between Prospect Street and Brown Street.

Resolution Requesting the Traffic Engineer to cause the installation of "Stop" Signs on both sides of Douglas Avenue at its intersection of River Avenue.

*Resolved*, That the Traffic Engineer is requested to cause the installation of "Stop" Signs on both sides of Douglas Avenue at its intersection of River Avenue.

Resolution Requesting the Traffic Engineer to cause the installation of a "Slow" Sign in the vicinity of 154 Jewett Street, or at that point of turn in the roadway.

*Resolved*, That the Traffic Engineer to cause the installation of a "Slow" Sign in the vicinity of 154 Jewett Street, or at that point of turn in the roadway.

Resolution Requesting the Traffic Engineer to cause the installation of "No Parking" Signs on both sides of Gloucester Street at Admiral Street.

*Resolved*, That the Traffic Engineer is requested to cause the installation of "No Parking" Signs on both sides of Gloucester Street at Admiral Street.

Resolution Requesting the Traffic Engineer to cause the placement of two "No Parking" Signs on both sides of Sunbury Street between Gloucester Street and River Avenue.

*Resolved*, That the Traffic Engineer is requested to cause the placement of two "No Parking" Signs on both sides of Sunbury

Street between Gloucester Street and River Avenue.

Resolution Requesting the Traffic Engineer to establish a "3 Hour Parking" restriction along Jewett Street from that point at Holden Street to Calais Street, along the even numbered addresses.

*Resolved*, That the Traffic Engineer is requested to establish a "3 Hour Parking" restriction along Jewett Street from that point at Holden Street to Calais Street, along the even numbered addresses.

Resolution Requesting the Police Department to cause the installation of Radar Units along Douglas Avenue and Veazie Street, in the vicinity of Veazie Street School.

*Resolved*, That the Police Department is requested to cause the installation of Radar Units along Douglas Avenue and Veazie Street, in the vicinity of Veazie Street School.

Resolution Granting a perpetual right and easement to the United States General Services Administration (GSA), for the installation of permanent security bollards on the city sidewalk surrounding the John O. Pastore Federal Building and the United States Courthouse on Exchange Street, Providence, Rhode Island.

*It Is Hereby Resolved*, That His Honor, the Mayor, is authorized to grant non-exclusive easements for the installation of permanent security bollards on the city

sidewalks surrounding the John O. Pastore Building and the United States Federal Courthouse to the United States General Services Administration ("GSA"), at 10 Causeway Street, Boston, Massachusetts, 02222. Said easements shall be granted specifically upon the following provisions:

1. Said easements shall be utilized only for the installation of permanent security bollards on the city sidewalks. Said easements shall not exceed the area of four thousand three hundred and forty (4,340) square feet (Pastore Building), plus or minus, and the area of four hundred and thirty feet (430) square feet (Courthouse), plus or minus, with dimensions as indicated on the accompanying "Providence, I Department of Public Works - Engineering Office, Street Line Section Plan No. 064774, dated July 14, 2005" and marked as Exhibit A.

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

3. Said easements shall be subject to a right of reverter/right of reversion in the event that the easements are no longer utilized for the purpose of maintaining security.

4. GSA 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.

5. GSA shall make such excavations as may be reasonable and necessary to install, construct, repair or remove the security bollards, provided that GSA properly

restore the surface of the easement areas to as good condition and repair as before the bollards were installed to the reasonable satisfaction of the City of Providence.

6. In the event that the City of Providence or its designee shall, for any public purpose, require the extinguishment of the easements granted herein, upon the ninety (90) days notice, GSA shall, at its own expense, and without claim against the City, its officers, servants or employees, for any damages whatsoever, remove said improvements from the easement areas.

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

---

Resolution Authorizing His Honor the Mayor to execute an Enhancement Project Agreement with the State of Rhode Island with respect to the Atwells Avenue Roadway Improvements.

*Whereas*, the State of Rhode Island proposes to undertake substantial roadway rehabilitation, streetscape and safety improvements along the city's Atwells Avenue between Bradford Street and Route 10, and

*Whereas*, said improvements will alleviate congestion and facilitate pedestrian and vehicular traffic as well as beautifying Atwells Avenue;

*Now, Therefore, Be It Resolved*, That His Honor, the Mayor is authorized to execute an Enhancement Project Agreement with

the State of Rhode Island with respect to the Atwells Avenue Roadway Improvements. Said Agreement shall be substantially in the form exhibited in Attachment "A", subject to such modifications as may be recommended by the Mayor and/or the Law Department.

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

**The Motion for Passage is Sustained.**

---

## **COMMITTEE ON CLAIMS AND PENDING SUITS**

### **COUNCILMAN PETER S. MANCINI, Chairman**

**Transmits the Following with  
Recommendation the Same be  
Severally Approved:**

Certificates from the City Collector, No. 56, recommending the Cancellation of the taxes for the years 1994 and 1997 (Real Estate Tax - Plat 44, Lot 390 - 280 Elmwood Avenue), pursuant to Section 44-7-14 of the General Laws of Rhode Island, 1965, As Amended, in the amount of Seven Thousand Six Hundred Eleven Dollars and Seventy (\$7,611.70) Cents.

---

Certificates from the City Assessor (Nos. 3J and 4J), 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 Rhode Island, As Amended.

---

Certificates from the City Assessor (Nos. 5J and 6J), 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 Rhode Island, As Amended.

---

Certificates from the City Assessor (Nos. 7J and 8J), 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 Rhode Island, As Amended.

**COUNCILMAN APONTE Moves to Dispense with the Reading of the foregoing matters and Moves Passage of the Several Certificates, seconded by COUNCILWOMAN WILLIAMS, by the Following Roll Call Vote:**

**AYES: COUNCIL PRESIDENT LOMBARDI, COUNCILMEN APONTE, BUTLER, DeLUCA, COUNCILWOMAN DiRUZZO, COUNCILMEN HASSETT, IGLIOZZI, JACKSON, LUNA, MANCINI, COUNCILWOMAN ROMANO, COUNCILMAN SEGAL, COUNCILWOMEN WILLIAMS and YOUNG - 14.**

**NAYES: NONE.**

**ABSENT: COUNCILMAN ALLEN - 1.**

**The Motion for Passage of the Several Certificates is Sustained.**

---

## COMMUNICATION

Communication dated August 4, 2005 from Peter V. Lacouture, Nixon Peabody, LLP, One Citizens Plaza, Providence, Rhode Island 02903, submitting the

Narragansett Company - E-183 Transmission Line Relocation Project.

---

## FROM THE CLERK'S DESK

Petition from R. Jeffrey Knisley, Roberts, Carroll, Feldstein & Peirce, 10 Weybosset Street, Providence, RI 02903, requesting to abandon a portion of Devine Street.

Petition from Stephen T. Napolitano, 155 South Main Street, Providence, RI 02903, requesting a perpetual right of way on Assessor's Plat 82, Lot 194 (One Convent Street).

**COUNCILMAN APONTE Moves to Dispense with the Reading of the foregoing matters.**

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

Certificates from City Assessor (No. 9J), recommending the same be Severally cancelled pursuant to the provisions of Section 14 and 15 of Title 44, Chapter 7 of the General Laws of Rhode Island, As Amended.

Certificates from City Assessor (No. 10F), recommending the same be Severally cancelled pursuant to the provisions of Section 14 and 15 of Title 44, Chapter 7 of the General Laws of Rhode Island, As Amended.

### **Petitions for Compensation for Injuries and Damages, viz:**

Yelena Sheynin

GEICO

a/s/o Ifedayo O. Akinrolabu

Jeffrey G. Cabrera

Louis M. Ferretti

(Joseph Palmieri, Esquire)

Christopher P. Dunn

Kate Blacklock

Wayne T. Jankura

Gretchen H. Hanley

Theresa Lenette Terry

p.p.a. Andrea Jones

(Wayne G. Resmini, Esquire)

Ann M. Ricci

Joseph I. Bronk

April N. Calitri

Rose Root

(Charles J. Vucci, Esquire)

Nafis Perez

(Carl S. Levin, Esquire)

Betty Collins

George Carnrike

Ronald C.F. Antony

John Roger Marandino

Carmen M. Gonzalez Castillo

Elfreda Barrios

(Christopher E. Fay, Esquire)

East Coast Claims Service, Inc.  
a/s/o Americo Aurecchia

**COUNCILMAN APONTE Moves to  
Dispense with the Reading of the  
foregoing matters.**

**COUNCIL PRESIDENT LOMBARDI  
Refers the Several Certificates and  
Petitions to the Committee 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:

Mireya Mendoza, in recognition of the happy occasion of her birthday.

Idas Medina and Wendy Maria, in recognition of the opening of "Dannyboys" restaurant as co-owners on Smith Hill and much success for the future.

Mr. and Mrs. Peter Temporal, in recognition of the celebration of the happy occasion of their marriage on Sunday, August 28, 2005.

Mildred Anderson, in recognition of receiving the Unsung Hero Award for her commitment and involvement in the community.

Frank Santos, in recognition of many years of outstanding leadership and dedication to the children of Providence.

Isabel Perez, in recognition of her dedication and support to Sackett Street Recreation Center and the community.

Yai Yang, in recognition of her dedication and support to Sackett Street Recreation Center and the community.

Christopher Love, in recognition of his dedication and support to Sackett Street Recreation Center and the community.

John Grigsby and James Vegher, in recognition of the occasion of your marriage on August 27, 2004.

Sergeant Michael Panzarella, in recognition of the celebration of his retirement after thirty years of dedicated service to the Providence Police Department.

Sandra Reyes, in recognition of her outstanding work in coordinating the Puerto Rican Festival of Rhode Island for the year 2005.

Michelle Dyhaime, in recognition of her outstanding service on behalf of veterans in the city of Providence, through her work as

a patient advocate at the Providence Veterans Administration Medical Center.

Eleanor A. and Joseph Spremulli, in recognition of the celebration of the happy occasion of their fiftieth wedding anniversary.

**Severally Read and Collectively Passed, on Motion of COUNCILMAN APONTE, seconded by COUNCILWOMAN WILLIAMS.**

**The Motion for Passage is Sustained.**

---

## PRESENTATION OF RESOLUTIONS

*"In Memoriam"*

**COUNCIL PRESIDENT LOMBARDI  
and the MEMBERS OF THE CITY  
COUNCIL:**

Resolution Extending Sympathy.

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

Irene M. Butler

Joseph D'Amico

Armando F. DiPippo

Elvira Iannuccilli

Paul R. White

Errol J. Clinton

Frances D'Agostino

Michelina I. Rubiano

Dorothy "Dottie" A. Pristawa

Joseph A. Muldowney

Joanne C. Manning

Shirley Ann Russo

Ly Ear

Fernando Ventura, Jr.

Stefano F. Assante, Sr.

David A. Corsetti, Sr.

Joseph P. Pignatelli

William M. Poulos

John A. Mangiante

William B. Sylvia

Vincent F. Monti

Joseph Armand Salois

Maria Russo

Arnold H. Halm, Jr.

Carmine Borrelli, Jr.

Catherine M. Morancy

Catherine Murphy

Vincent A. Meola

Sharon J. Marsden

Anna M. Gusmano

Louise P. Tanzi

Antonia Sanchez

**Severally Read and Collectively  
Passed, by a Unanimous Rising Vote,  
on Motion of COUNCILMAN APONTE,  
seconded by COUNCILWOMAN  
WILLIAMS.**

**The Motion for Passage is Sustained.**

---

## MATTER NOT APPEARING ON THE PRINTED DOCKET

On Motion of COUNCILMAN APONTE,  
seconded by COUNCILWOMAN WILLIAMS,  
it is voted to Suspend Rule 16-B of the  
City Council Rules in order to allow the  
introduction of the Following Matter Not  
Appearing on the Printed Docket.

## PRESENTATION OF RESOLUTION

COUNCIL PRESIDENT LOMBARDI,  
COUNCILMEN APONTE, ALLEN,  
BUTLER, DeLUCA, COUNCIL-  
WOMAN DiRUZZO, COUNCILMEN  
HASSETT, IGLIOZZI, JACKSON,  
LUNA, MANCINI, COUNCILWOMAN  
ROMANO, COUNCILMAN SEGAL,  
COUNCILWOMAN WILLIAMS and  
YOUNG:

Resolution Extending condolences and  
deepest sympathy to all those who have  
lost loved ones and send thoughts and  
prayers to all who are suffering without  
food, water or worldly possession as a  
result of Hurricane Katrina.

COUNCIL PRESIDENT LOMBARDI  
Lays the Resolution on the Clerk's  
Desk until September 15, 2005.

---

## ADJOURNMENT

There being no further business, on Motion of COUNCILMAN APONTE, seconded by COUNCILWOMAN WILLIAMS, it is voted to adjourn at 7:50 o'clock P.M. (E.D.T.), to meet again on THURSDAY, SEPTEMBER 15, 2005 at 7:30 o'clock P.M. (E.D.T)

*Claire E. Bestwick*

CLAIRE E. BESTWICK  
ACTING CITY CLERK





