

CITY OF PROVIDENCE  
RHODE ISLAND



CITY COUNCIL

JOURNAL OF PROCEEDINGS

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No. 63 City Council Regular Meeting, May 1, 1997, 7:30 o'clock P.M. (E.D.T.)

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PRESIDING

COUNCIL PRESIDENT

EVELYN V. FARGNOLI

IN CITY COUNCIL

JUN 5 1997

APPROVED:

*Michael R. Clement* CLERK

ROLL CALL

**Present:** Council President Fargnoli, Councilmen Allen, Clarkin, Councilwoman DiRuzzo, Councilmen Igliazzi, Jackson, Mancini, Councilwoman Nolan, Councilman Rollins, Councilwomen Romano and Williams—11.

**Absent:** Councilmen DeLuca, Glavin, Lombardi and Councilwoman Young—4.

## INVOCATION

The Invocation is given by COUNCILWOMAN RITA M. WILLIAMS.

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

COUNCILWOMAN CAROL A. ROMANO leads the members of the City Council and the Assemblage in the Pledge of Allegiance to the Flag of the United States of America.

## APPROVAL OF RECORDS

The Journal of Proceedings No. 56 of the Regular Meeting of the City Council held February 6, 1997, No. 57 of the Regular Meeting of the City Council held February 20, 1997, Posted April 17, 1997; No. 58 of the Regular Meeting of the City Council held March 6, 1997, No. 59 of the Special Meeting of the City Council held March 19, 1997, No. 60 of the Regular Meeting of the City Council

held March 20, 1997 and No. 61 of the Regular Meeting of the City Council held April 3, 1997 and Severally Posted April 24, 1997 on that Bulletin Board located on the Ground Floor Level of City Hall, are Collectively Approved as Printed, on motion of COUNCILMAN IGLIOZZI, seconded by COUNCILWOMAN WILLIAMS.

## APPOINTMENTS BY HIS HONOR THE MAYOR

Communication dated April 16, 1997, Informing the City Council that pursuant to Section 302(b) of the Providence Home Rule Charter of 1980 and Ordinance No. 564, Approved October 24, 1991, Section 501.1(c), he is this day appointing Mr. Luis E. Vargas of 194 Adelaide Avenue, Providence,

Rhode Island as a member of the Historic District Commission for a term to expire in September, 1997. Mr. Vargas will replace Mr. Kenneth Schadegg who has resigned.

Received.

## ORDINANCES SECOND READING

**The following Ordinances were in City Council April 17, 1997, Read and Passed the First Time and are Severally Returned for Passage the Second Time:**

An Ordinance in amendment of Chapter 1996-28 of the Ordinances of the City of Providence, approved July 23, 1996, entitled: "An Ordinance Establishing a Compensation Plan for the City of Providence and Repealing Ordinance Chapter 1995-29, approved December 28, 1995, as amended" relative to the Department of Planning and Development.

*Be it ordained by the City of Providence:*

*Section 1. Add the following:*

Associate Director for Special Projects  
\$51,500.00

*Section 2. This Ordinance shall take effect upon its passage.*

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An Ordinance in amendment of Chapter 1996-

29 of the Ordinances of the City of Providence approved July 23, 1996, entitled: "An Ordinance establishing the Classes of Positions, the Maximum Number of Employees and the Number of Employees in Certain Classes in the City Departments and Repealing Ordinance Chapter 1995-30, approved December 28, 1995" relative to the Department of Planning and Development.

*Be it ordained by the City of Providence:*

*Section 1. Section 54 — Planning & Development, is hereby amended as follows:*

*Add the following position:*

Associate Director for Special Projects—1.

*Section 2. This Ordinance shall take effect upon its passage.*

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An Ordinance Establishing a Tax Stabilization Plan for Foundry Associates on behalf of Inso Corporation, as amended.

*Be it ordained by the City of Providence:*

*Whereas*, Section 21-169 of the Ordinances of the City of Providence grants authority to the City Council, pursuant to Section 44-3-9 of the General Laws of the State of Rhode Island, as amended, to exempt property used for industrial, commercial or residential purposes from the payment of property tax if the granting of the exemption meets certain conditions set forth in said Section of the Ordinance; and

*Whereas*, The Foundry Associates on behalf of Inso Corporation has made application under, and has satisfied each condition of the above-mentioned Ordinance; and

*Whereas*, The Foundry Associates on behalf of Inso Corporation is a commercial concern who intends to retain its facility in the City of Providence and agrees, as a condition of this tax treaty, to not reduce substantially its workforce in the City of Providence, on 299 Promenade Street in Providence, Rhode Island, on Assessor's Plat 67, Lot 206 and ("Project"); and

*Whereas*, The Project will cause an increase in the tax base of the City and will increase employment opportunity in the City; and

*Whereas*, It is in the interest of the residents of the City of Providence to grant such an exemption to induce the development and construction of the Project in the City, and such exemption will inure to the benefit of the City;

*Be it ordained by the City of Providence:*

*Section 1.* That the findings set forth in the preceding *Whereas* Clauses are hereby made and confirmed.

*Section 2.* As long as Foundry Associates on behalf of Inso Corporation owns or operates the

facility, it will continue to pay taxes on the facility. Foundry Associates on behalf of Inso Corporation, its successors and assigns, agree that this property will be subject to taxation at the expiration of the tax treaty. Foundry Associates on behalf of Inso Corporation also agrees not to transfer the property to a tax-exempt entity or to allow any transfer by any subsequent transferee to a tax-exempt entity during the term of the tax treaty. Foundry Associates on behalf of Inso Corporation agrees to ensure that any transfer or successor will be able to make payments under the tax treaty. Foundry Associates on behalf of Inso Corporation is also required as a condition precedent to this tax treaty to record notice of title requirement that the property covered by this Ordinance be transferred only to a taxpaying entity, as set forth herein; in the Land Evidence Records or the City of Providence. Notwithstanding this provision, in the event that the successor to the property does not make the payments under the tax treaty, Foundry Associates on behalf of Inso Corporation will be responsible to make payments in lieu of taxes to the City of Providence in the amounts set forth in the attached schedule. In the event that the property covered by this Ordinance is transferred to a tax-exempt entity, whether by Foundry Associates on behalf of Inso Corporation or any subsequent transferee of such property, Foundry Associates on behalf of Inso Corporation will be responsible to make payments in lieu of taxes to the City of Providence equal to the amount of taxes which would have been paid to the City of Providence if such prohibition against transfer to a tax-exempt entity had not been violated. Notwithstanding anything to the contrary herein or in the tax treaty used in connection herewith, the provisions of this Section 2. shall continue to be given full force and effect until such time as the same shall be amended or terminated by majority vote of the City Council of Providence. Foundry Associates and the City of Providence acknowledge back taxes are owed on this property. Therefore. Foundry Associates shall enter into tax payment plan for the entire facility, acceptable to the tax collector. Failure to

remain current on said payment plan shall render this tax treaty null and void.

*Section 3.* It shall be the goal of Foundry Associates on behalf of Inso Corporation to award to Minority Business Enterprises as defined in Rhode Island General Laws, Section 37-14.1 ("MBE Act") no less than 10% of the dollar value of the construction costs for the Project (as determined in accordance with the rules and regulations promulgated pursuant to the MBE act). It shall be Foundry Associates on behalf of Inso Corporation's further goal to award to woman business enterprises (WBE) no less than 10% of the dollar value of the construction costs for the project (as determined in accordance with Section 21-52 of the code of Ordinances of the City of Providence). It shall be a further goal of Foundry Associates on behalf of Inso Corporation to achieve a minimum level of 10% for minority and 10% for female employment.

*Section 4.* In making employment decisions for the facility located at 299 Promenade Street, Foundry Associates on behalf of Inso Corporation shall give preferential consideration to qualified employees/applicants who reside in Providence.

*Section 5.* The schedule listed below is based upon information provided to the Tax Assessor by Foundry Associates on behalf of Inso Corporation including but not limited to, estimated construction costs. In the event any of this information is inaccurate or proves to be erroneous, this treaty shall be modified to reflect the accurate information.

*Section 6.* That the real and personal property taxes payable to the City by the Project during the term of this Ordinance shall be based upon the real and personal property tax rates in effect for the City's 1996 fiscal year.

*Section 7.* That the City, in accordance with Section 44-3-9 of the Rhode Island General Laws and Section 21-169 of the Code of Ordinances for the City of Providence, is hereby authorized to grant an exemption from the assessed valuation

for tax purposes as of December 31, 1997 up to and including December 31, 2006 to The Foundry Associates on behalf of Inso Corporation located on 299 Promenade Street, Providence, Rhode Island, on a portion of Assessor's Plat 67, Lot 206, as provided in the above-mentioned Ordinance, in accordance with the schedule in Exhibit A.

*Section 8.* This Ordinance shall take effect upon its passage.

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

**Ayes:** Council President Fargnoli, Councilmen Allen, Clarkin, Councilwoman DiRuzzo, Councilmen Igliazzi, Jackson, Mancini, Councilwoman Nolan, Councilman Rollins, Councilwomen Romano and Williams—11.

**Noes:** None.

**Absent:** Councilmen DeLuca, Glavin, Lombardi and Councilwoman Young—4.

COUNCILMEN ALLEN, JACKSON and COUNCILWOMAN WILLIAMS desire to be recorded as voting "No" relative to: "An Ordinance in amendment of Chapter 1996-28 of the Ordinances of the City of Providence, approved July 23, 1996, entitled: "An Ordinance Establishing a Compensation Plan for the City of Providence and Repealing Ordinance Chapter 1995-29, approved December 28, 1995, as amended" relative to the Department of Planning and Development."

"An Ordinance in amendment of Chapter 1996-29 of the Ordinances of the City of Providence approved July 23, 1996, entitled: "An Ordinance establishing the Classes of Positions, the Maximum Number of Employees and the Number of Employees in

**Certain Classes in the City Departments and Repealing Ordinance Chapter 1995-30, approved December 28, 1995" relative to the Department of Planning and Development."**

**Noes: 3.**

**Absent: 4.**

**The motion for Passage, the Second Time, is Sustained.**

**Recapitulation of Vote:**

**Ayes: 8.**

## PRESENTATION OF ORDINANCES

### **COUNCILMAN CLARKIN:**

An Ordinance relative to the Hiring Practices of Providence Police Officers.

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

**The motion to Refer is Unanimously Sustained.**

**cini, Councilwoman Nolan, Councilman Rollins, Councilwomen Romano and Williams—11.**

**Noes: None.**

**Absent: Councilman DeLuca, Glavin, Lombardi and Councilwoman Young—4.**

**The motion for Passage the First Time and to Refer to Committee on Finance is Sustained.**

### **COUNCILWOMAN NOLAN (By Request):**

An Ordinance Authorizing the Issuance of Refunding Bonds in an Aggregate Principal amount not to exceed \$24,000,000.

**Read and Passed the First Time and Referred to Committee on Finance, on motion of COUNCILMAN IGLIOZZI, seconded by COUNCILWOMAN WILLIAMS, by the following Roll Call Vote:**

**Ayes: Council President Fargnoli, Councilmen Allen, Clarkin, Councilwoman DiRuzzo, Councilmen Igliazzi, Jackson, Man-**

### **COUNCILMAN ROLLINS, COUNCILMAN ALLEN and COUNCILWOMAN ROMANO (By Request):**

An Ordinance in Amendment of an Addition to Chapter 1984-11 of the Ordinance of the City of Providence, Approved February 10, 1984, and Entitled, "An Ordinance Approving and Adopting the Official Redevelopment Plan for the West River Project No. UR R.I. 1-6" for the revision of the regulatoinis and controls in the West River and the Silver Spring Industrial Park.

An Ordinance Approving and Adopting the Official Redevelopment Plan and the Attached Restrictions for the Gorham Redevelopment Project.

COUNCIL PRESIDENT FARGNOLI Refers the Ordinance to the Committee on

Urban Redevelopment, Renewal and Planning.

The motion to Refer is Unanimously Sustained.

## PRESENTATION OF RESOLUTIONS

COUNCIL PRESIDENT FARGNOLI, COUNCILMAN ALLEN, COUNCILMAN CLARKIN, COUNCILMAN DeLUCA, COUNCILWOMAN DiRUZZO, COUNCILMAN GLAVIN, COUNCILMAN IGLIOZZI, COUNCILMAN JACKSON, COUNCILMAN LOMBARDI, COUNCILMAN MANCINI, COUNCILWOMAN NOLAN, COUNCILMAN ROLLINS, COUNCILWOMAN ROMANO, COUNCILWOMAN WILLIAMS and COUNCILWOMAN YOUNG:

Resolution requesting that May 12th through May 18, 1997 be declared as "Child Safety Awareness Week II".

*Whereas*, The Children of Providence are our most precious asset; and

*Whereas*, The Children of Providence are our Future; our Hope; and our Reason to Search for Justice; and

*Whereas*, The Children of Providence deserve a safe Home and Environment in which to live and play; free from Injury; free from Hurt; free from Fear; and

*Whereas*, The Children of Providence should be safe every second, minute and hour of their precious daily lives,

*Now, therefore, be it Resolved*, That the Members of the Providence City Council hereby declare May 12th through May 18th "Child Safety Awareness Week II".

COUNCIL PRESIDENT FARGNOLI (By Request):

Resolution Authorizing the City of Providence, Rhode Island to file An Annual Program Description and Budget under the Housing and Community Development Act.

*Whereas*, The City of Providence is interested in the continuation of the Community Development Block Grant, the HOME Investment Partnership and the Emergency Shelter Grant program in its neighborhoods, and

*Whereas*, These programs provide funding to important programs in the areas of housing, public facilities expansion, rehabilitation, human services, services to the homeless and economic development and

*Whereas*, The City of Providence, Rhode Island is eligible to receive Community Block Grant entitlement funds in the 23rd Program Year

beginning July 1, 1997 and ending June 30, 1998 under Section 106(a) and (h) of Total I of the Housing and Community Development Act of 1984 in the amount of \$7,672,000 and will also receive Emergency Shelter Grant funds in the amount of \$202,000 and will also receive HOME Investment Partnership Program funds in the amount of \$1,808,000 and

*Whereas*, The Annual Program and Budget shall be filed with the New England Region Office of the United States Department of Housing and Urban Development as soon as possible,

*Now therefore*, The City Council of the City of Providence, State of Rhode Island, hereby authorizes the City of Providence through its official representative, the Mayor to file such Annual Program and Budget with the New England Region Office of the United States Department of Housing and Urban Development for the purpose of obtaining Community Development Block Grant entitlement, Emergency Shelter Grant and HOME Investment Partnership funds.

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**COUNCIL PRESIDENT FARGNOLI:**

Resolution Requesting the Director of Public Works to cause the sidewalk along 51 Enfield Avenue to be repaired due to a tree being removed.

*Resolved*, That the Director of Public Works is requested to cause the sidewalk along 51 Enfield Avenue to be repaired due to a tree being removed.

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Resolution Requesting the Director of Public Works to cause the sidewalk along 492 Sharon Street be repaired due to a tree being removed.

*Resolved*, That the Director of Public Works is

requested to cause the sidewalk along 492 Sharon Street be repaired due to a tree being removed.

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

**The motion for Passage is Unanimously Sustained.**

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**COUNCILMAN ALLEN:**

Resolution Authorizing the City to enter into a Contract with the State of Rhode Island and Amtrak for the construction of a new Roger Williams Avenue Bridge.

**COUNCIL PRESIDENT FARGNOLI Refers the Resolution to the Committee on Finance.**

**The motion to Refer is Unanimously Sustained.**

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**COUNCILMAN DeLUCA (By Request):**

Resolution Requesting the Traffic Engineer to post "No Thru Trucks or Buses" signs along both ends of Lynch Street from Atwells Avenue to Manton Avenue.

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

**The motion to Refer is Unanimously Sustained.**

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Resolution Requesting the Traffic Engineer to

replace the illegible "No Parking" signs along Lucy Street.

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

**The motion to Refer is Unanimously Sustained.**

**COUNCILMAN DeLUCA:**

Resolution Requesting the President of the City Council to create a study committee of the City Council to deal with City employee misconduct.

**Laid on the Clerk's Desk, on motion of COUNCILMAN IGLIOZZI, seconded by COUNCILWOMAN WILLIAMS.**

**The motion to Lay on the Clerk's Desk is Unanimously Sustained.**

**COUNCILMAN JACKSON, COUNCIL PRESIDENT FARGNOLI, COUNCILMAN ALLEN, COUNCILMAN CLARKIN, COUNCILMAN DeLUCA, COUNCILWOMAN DiRUZZO, COUNCILMAN GLAVIN, COUNCILMAN IGLIOZZI, COUNCILMAN LOMBARDI, COUNCILMAN MANCINI, COUNCILWOMAN NOLAN, COUNCILMAN ROLLINS, COUNCILWOMAN ROMANO, COUNCILWOMAN WILLIAMS and COUNCILWOMAN YOUNG:**

Resolution extending the sincere best wishes of the Members of the City Council to Philip F. Addison, Jr., for a complete and speedy recovery from his recent surgery.

*Resolved*, That the Members of the City Council

hereby extend their sincere best wishes to Philip F. Addison, Jr., for a complete and speedy recovery from his recent surgery.

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

**The motion for Passage is Unanimously Sustained.**

**COUNCILMAN JACKSON (By Request):**

Resolution Requesting the Traffic Engineer to install a "Handicapped Parking" Sign at 190 Camp Street for the United First Church of Jesus Christ.

Resolution Requesting the Traffic Engineer to cause the installation of a blinking overhead light at the corner of Doyle Avenue and Morris Avenue.

**Severally Referred to the Committee on Public Works, on motion of COUNCILMAN IGLIOZZI, seconded by COUNCILWOMAN WILLIAMS.**

**The motion to Refer is Unanimously Sustained.**

**COUNCILMAN JACKSON:**

Resolution Requesting the Parks Department to prepare for Summer Activities at the Billy Taylor Park, Summit Park and the 9th Street Park by

1) Replacing lighting

- 2) Replacing basketball and tennis nets
- 3) Repainting surfaces
- 4) Cleaning grounds
- 5) Replacing barrels

*Resolved, That the Parks Department is requested to prepare for Summer Activities at the Billy Taylor Park, Summit Park and the 9th Street Park by*

- 1) Replacing lighting
- 2) Replacing basketball and tennis nets
- 3) Repainting surfaces
- 4) Cleaning grounds
- 5) Replacing barrels

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**COUNCILMAN LOMBARDI and COUNCILMAN JACKSON:**

Resolution Recognizing Bishop McVinney Regional School as being named one of the innovative Catholic Schools in the United States of America.

*Resolved, That the Members of the Providence City Council recognize Bishop McVinney Regional School as being named one of the innovative Catholic Schools in the United States of America.*

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**COUNCILMAN LOMBARDI (By Request):**

Resolution Requesting the Traffic Engineer to prohibit motor vehicle traffic along Union Street between Westminster Street and

Washington Streets on Saturday, June 14, 1997 between 10:00 a.m. and 2:00 a.m. to accommodate Rhode Island Taking Action, Inc. (RITA'S Place) fundraising Block Party.

*Resolved, That the Traffic Engineer is requested to prohibit motor vehicle traffic along Union Street between Westminster Street and Washington Streets on Saturday, June 14, 1997 between 10:00 a.m. and 2:00 a.m. to accommodate Rhode Island Taking Action, Inc. (RITA'S Place) fundraising Block Party.*

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

**The motion for Passage is Unanimously Sustained.**

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**COUNCILWOMAN NOLAN (By Request):**

Resolution Requesting the Mayor to Deed the property located along 13-17 Verndale Avenue known as Assessor's Plat 59, Lot 3 to the Providence Redevelopment Agency and also the City Collector to cause the taxes to be abated in the amount of \$11,157.29.

**COUNCIL PRESIDENT FARGNOLI Refers the Resolution to the Committee on Finance.**

**The motion to Refer is Unanimously Sustained.**

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**COUNCILWOMAN YOUNG (By Request):**

Resolution Requesting the Chief Electrical Inspector to cause the upgrading of the street lights along Comstock Avenue to 27,500 lumen.

*Resolved*, That the Chief Electrical Inspector is requested to cause the upgrading of the street lights along Comstock Avenue to 27,500 lumen.

Read and Passed, on motion of COUNCIL-

MAN IGLIOZZI, seconded by COUNCILWOMAN WILLIAMS.

The motion for Passage is Unanimously Sustained.

## REPORTS FROM COMMITTEES

### COUNCILMAN JOHN M. ROLLINS, Chairman SPECIAL COMMITTEE ON STATE LEGISLATION

Severally Transmits the following with recommendation the same be Approved:

Resolution in Support of An Act relating to Taxation — Sales Tax, in substantially the form attached.

*Resolved*, That the City Council endorses and urges passage by the General Assembly of An Act relating to Taxation — Sales Tax, in substantially the form attached.

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Resolution in Support of An Act relating to Health and Safety — Health Regulations, in substantially the form attached.

*Resolved*, That the City Council endorses and urges passage by the General Assembly of An Act relating to Health and Safety — Health Regulations, in substantially the form attached.

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Resolution in Support of An Act relating to Local Health Regulations, in substantially the form attached.

*Resolved*, That the City Council endorses and urges passage by the General Assembly of An Act relating to Local Health Regulations, in substantially the form attached.

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Resolution in Support of An Act relating to Personal Income Tax, in substantially the form attached.

*Resolved*, That the City Council endorses and urges passage by the General Assembly of An Act relating to Personal Income Tax, in substantially the form attached.

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Resolution in Support of An Act relating to Sales and Use Taxes — Liability and Computation, in substantially the form attached.

*Resolved*, That the City Council endorses and urges passage by the General Assembly of An Act relating to Sales and Use Taxes — Liability

and Computation, in substantially the form attached.

Resolution in Support of An Act relating to Assessment of Valuations, in substantially the form attached.

*Resolved*, That the City Council endorses and urges passage by the General Assembly of An Act relating to Assessment of Valuations, in substantially the form attached.

Resolution in Support of An Act relating to Redevelopment Agencies, in substantially the form attached.

*Resolved*, That the City Council endorses and urges passage by the General Assembly of An Act relating to Redevelopment Agencies, in substantially the form attached.

Resolution in Support of An Act relating to State Aid, in substantially the form attached.

*Resolved*, That the City Council endorses and urges passage by the General Assembly of An Act relating to States Aid, in substantially the form attached.

Resolution in Support of An Act relating to State Aid, in substantially the form attached.

*Resolved*, That the City Council endorses and urges passage by the General Assembly of An Act relating to State Aid, in substantially the form attached.

Resolution in Support of An Act relating to Prostitution and Lewdness, in substantially the form attached.

*Resolved*, That the City Council endorses and urges passage by the General Assembly of An Act relating to Prostitution and Lewdness, in substantially the form attached.

Resolution in Support of An Act relating to Fire Detection Systems, in substantially the form attached.

*Resolved*, That the City Council endorses and urges passage by the General Assembly of An Act relating to Fire Detection Systems, in substantially the form attached.

Resolution in Support of An Act relating to Taxation, in substantially the form attached.

*Resolved*, That the City Council endorses and urges passage by the General Assembly of An Act relating to Taxation, in substantially the form attached.

Resolution in Support of An Act relating to State Planning Commission, in substantially the form attached.

*Resolved*, That the City Council endorses and urges passage by the General Assembly of An Act relating to State Planning Commission, in substantially the form attached.

**Severally Read and Collectively Passed, on motion of COUNCILMAN IGLIOZZI, seconded by COUNCILWOMAN DIRUZZO.**

**The motion for Passage is Unanimously Sustained.**

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**COUNCILMAN ROBERT M. CLARKIN, Chairman  
COMMITTEE ON PUBLIC WORKS  
and  
COUNCILMAN KEVIN JACKSON, Chairman  
COMMITTEE ON CITY PROPERTY**

**Jointly transmit the following with recommendation the same be Approved:**

Resolution Authorizing His Honor the Mayor to grant the Children's Museum of Rhode Island a certain easement.

*It is hereby Resolved*, That His Honor the Mayor, is authorized to grant a non-exclusive underground easement below South Street in the City of Providence to the Children's Museum. Said easement shall be granted specifically upon the following conditions and within the following parameters:

1. Said easement shall be utilized only for the installation and maintenance of an electrical transformer and incidental conduit to service the Children's Museum. Said easement shall not exceed the area indicated on the accompanying map attached and marked as Exhibit A. (Also see legal description attached and marked as Exhibit B.)

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 the 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 aforesaid purposes. Additionally, it shall be for a term of not more than twenty (20) years.

4. 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.

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

6. Any installation of electrical mechanism shall be to the approval of the Director of the Department of Inspection & Standards.

7. Children's Museum shall, prior to the commencement of construction, submit an engineering plan. Said plan shall depict the exact location of the crossing and vertical cross-section showing the separation of proposed lines. Said plan shall be acceptable to the Director of the Department of Public Works.

8. The Children's Museum shall not construct or affix to the realty any temporary or permanent structure other than said transformer and conduit.

9. The Children's Museum shall execute an indemnification and hold harmless agreement approved by the Department of Law of the City of Providence.

10. The Children's Museum shall supply the City of Providence with an insurance policy naming said City of Providence as an additional-named insured in a sum of not less than one hundred thousand dollar (\$100,000.00), which policy shall be approved by the Department of Law of the City of Providence.

11. Children's Museum 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 hours 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.

12. The easement granted hereunder shall be subordinate to any easements rights of way, etc. that the Narragansett Electric Company may have in the area if necessary Children's Museum 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.

13. Any proposed installation shall not adversely impact on Providence Water Supply facilities in the area and, if necessary Children's Museum 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.

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

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

**The motion for Passage is Unanimously Sustained.**

## COMMUNICATIONS AND REPORTS

**FROM THE BOARD OF LICENSES:**

**Received.**

Report of all moneys received for licenses, etc., issued during the quarter ending of March 31, 1997.

**FROM THE CITY CLERK:**

Report from the City Clerk informing of all moneys received, transmitted to and credited by the City Collector for the fiscal quarter of October 1, 1996 to and including December 31, 1996.

**Received.**

Report informing of all moneys received, transmitted to and credited by the City Collector for the fiscal quarter of January 1, 1997 to and including March 31, 1997.

**Received.**

**FROM THE CLERK'S DESK**

Petition from Harold and Phyllis Homonoff, Harold's Furniture, requesting a zoning change from C-2 to M-1, City Assessor's Plat 30, Lots 22, 38, 63, 64, 67, 73, 89 and 143 presently zoned C-2 on Assessor's Plat 29, Lot 490 presently zoned P.S.

**COUNCIL PRESIDENT FARGNOLI Refers the Petition to the Committee on Ordinances.**

**The motion to Refer is Unanimously Sustained.**

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

Louis Hafken

American International Recovery a/s/o Capriccio's, Inc.

Charlene Marston Palleschi

George A. Ficorilli

Progressive Insurance Co., a/s/o Jason Bruno

Steven Marsella

Sharyn Adelson

Leo Cronin

Sueno Martini

Beatrice J. O'Dell

William Oliveira

Orlando Collazo

Narragansett Electric Company

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

**The motion to Refer is Unanimously Sustained.**

## PRESENTATION OF CITATIONS

### "In Congratulations"

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

Witness by All Present at the Armstrong — Gladding Post #69.

Citations Extending Congratulations.

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

Terry Hill in recognition of her lyrical rendition and theatrical performance as Witness by All Present at the Armstrong — Gladding Post #69.

Sister Theresina Scully, Bishop McVinney Middle School in recognition of being recognized as one of the Twenty-five Most Innovative Schools in the Country by the nationally published Teachers Magazine.

Richard "Skip" Skipworth in recognition of his lyrical rendition and theatrical performance as Witness by All Present at the Armstrong — Gladding Post #69.

Brian P. Gallogly in recognition of his graduation from Suffolk Law School and passing the Rhode Island Bar Exam.

Clorice Smith in recognition of her lyrical rendition and theatrical performance as Witness by All Present at the Armstrong — Gladding Post #69.

Louis Gorodetsky in recognition of the celebration of his 90th Birthday on May 7, 1997.

Tanya Perry in recognition of her lyrical rendition and theatrical performance as Witness by All Present at the Armstrong — Gladding Post #69.

Reverend Nicholas Iacovacci — Saint Ann's Church, Providence in recognition of his retirement after 37 years as Pastor of Saint Ann's Parish.

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

Peter "Whistle" Santos in recognition of his lyrical rendition and theatrical performance as

The motion for Passage is Unanimously Sustained.

# PRESENTATION OF RESOLUTIONS

## “In Memoriam”

**COUNCIL PRESIDENT FARGNOLI 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:

Carter Jones, Jr.

Miner P. “Chick” Checrallah

Hazel E. Ennis

Charles Lima

Rose Gazzero

Theresa Sormanti

Peter G. Hanoian

Christine Hennessy

Linda D. Brown

Albert Rossi

Jessie Palmieri

Alfred R. Marino

William J. George

Joseph W. Kris-Krzyston

Richard E. Pollard

Raymundo R. McCormack

Mateo Oscar Gonzalez

Shirley Harris

Jeanette L. Spitz

Evelyn M. Nobrega

Angela B. “Angie” Cataldi

Richard M. “Delo” Randall

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

**The motion for Passage is Unanimously  
Sustained.**

## ADJOURNMENT

There being no further business, on motion of COUNCILMAN IGLIOZZI, seconded by COUNCILWOMAN DiRUZZO, it is voted to adjourn at 8:30 o'clock P.M. (E.D.T.) to meet again on THURSDAY, MAY 15, 1997 at 7:30 o'clock P.M. (E.D.T.).

*Michael R. Clement*

City Clerk

