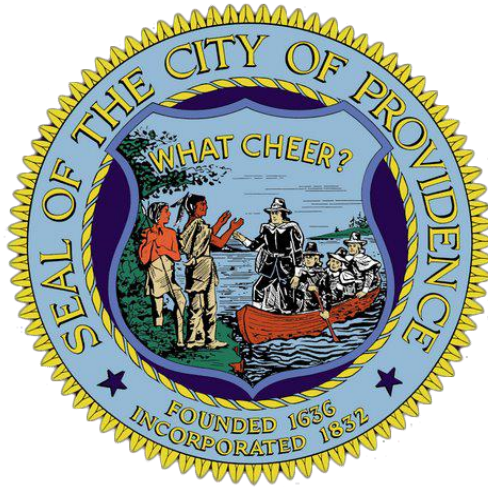
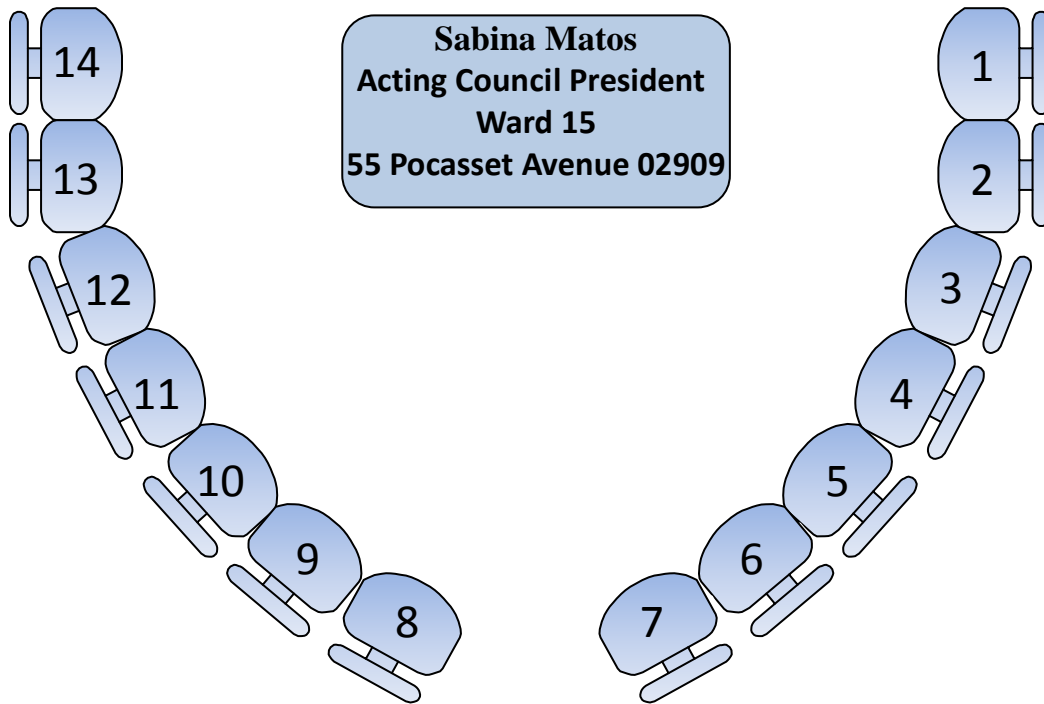


***CITY OF PROVIDENCE  
RHODE ISLAND***



***DOCKET OF THE SPECIAL MEETING  
OF THE CITY COUNCIL  
ON  
MONDAY, JULY 24, 2017  
ACTING COUNCIL PRESIDENT  
SABINA MATOS  
PRESIDING***



- |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>1.</p> <p>2. <b>Bryan Principe</b><br/> <b>Majority Leader</b><br/> <b>Councilman Ward 13</b><br/> <b>89 Hudson Street 02909</b></p> <p>3. <b>Nicholas J. Narducci, Jr.</b><br/> <b>Councilman Ward 4</b><br/> <b>36 Langdon Street 02904</b></p> <p>4. <b>Wilbur W. Jennings, Jr.</b><br/> <b>Councilman Ward 8</b><br/> <b>115 Sinclair Avenue 02907</b></p> <p>5. <b>Michael J. Correia</b><br/> <b>Deputy Majority Leader</b><br/> <b>Councilman Ward 6</b><br/> <b>195 Sisson Street 02909</b></p> <p>6. <b>Seth Yurdin</b><br/> <b>Councilman Ward 1</b><br/> <b>148 Governor Street 02906</b></p> <p>7. <b>Terrence M. Hassett</b><br/> <b>Senior Deputy Majority Leader</b><br/> <b>Councilman Ward 12</b><br/> <b>15 Higgins Avenue 02908</b></p> | <p>8. <b>Luis A. Aponte</b><br/> <b>Councilman Ward 10</b><br/> <b>197 Indiana Avenue 02905</b></p> <p>9. <b>Jo-Ann Ryan</b><br/> <b>Majority Whip</b><br/> <b>Councilwoman Ward 5</b><br/> <b>590 Pleasant Valley Parkway 02908</b></p> <p>10. <b>Carmen Castillo</b><br/> <b>Councilwoman Ward 9</b><br/> <b>381 Potters Avenue 02907</b></p> <p>11. <b>Mary Kay Harris</b><br/> <b>Councilwoman Ward 11</b><br/> <b>304 Pearl Street 02907</b></p> <p>12. <b>Samuel D. Zurier</b><br/> <b>Councilman Ward 2</b><br/> <b>330 Grotto Avenue 02906</b></p> <p>13. <b>David Salvatore</b><br/> <b>Councilman Ward 14</b><br/> <b>711 Academy Avenue 02908</b></p> <p>14. <b>John J. Igliazzi</b><br/> <b>Councilman Ward 7</b><br/> <b>19 Legion Memorial Drive 02909</b></p> |
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## **ROLL CALL**

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## **INVOCATION**

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## **PLEDGE OF ALLEGIANCE**

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## **CALL FOR SPECIAL MEETING**

### **COMMUNICATION FROM**

### **ACTING COUNCIL PRESIDENT SABINA MATOS**

1. Request filed with the City Clerk, July 21, 2017, Requesting a Special Meeting of the City Council to be Called on the 24<sup>th</sup> day of July, 2017 at 5:30 o'clock P.M., in the City Council Chamber, Third Floor, City Hall.
- 

## **WARRANT FOR SPECIAL MEETING**

2. Warrant of the City Clerk to David Tassoni, City Sergeant, with Return Certification that he has notified each Member of the City Council of the Special Meeting Called for the 24<sup>th</sup> day of July, 2017 at 5:30 o'clock P.M., in the City Council Chamber, Third Floor, City Hall.
-

## ORDINANCE SECOND READING

**The Following Ordinance was in City Council July 20, 2017, Read and Passed the First Time and is Returned for Passage the Second Time:**

3. An Ordinance Authorizing the City Council to implement the Capital Improvement Plan. (*Sponsored by Councilman Igliozi, by request*)

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### PRESENTATION OF RESOLUTIONS

4. **COUNCILWOMAN RYAN**

Resolution Requesting Rhode Island College provide the city with an updated Institutional Master Plan and submit it to the City Plan Commission for review.

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5. **COUNCILMAN YURDIN**

Resolution Urging the City to Realign as Plaintiffs in the case of Conservation Law Foundation, Inc. v. Clear River Energy, LLC and Town of Johnston, Rhode Island.

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### REPORTS FROM COMMITTEE(S)

**COMMITTEE ON PUBLIC WORKS**  
**COUNCILMAN MICHAEL J. CORREIA, Chairman**

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

6. Resolution Requesting to abandon a portion of Briggs Street.

**COMMITTEE ON FINANCE**  
**COUNCILMAN JOHN J. IGLIOZZI, Chairman**

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

7. An Ordinance in Amendment of Chapter 15 of the Code of Ordinances of the City of Providence, Entitled: "Motor Vehicles and Traffic," to Modify Certain Sections Regarding Article X thereof, Entitled: "Automated Red Light Enforcement". (*Sponsored by Councilman Igliazzi, by request*)
- 

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

8. Resolution Authorizing Approval of the following Contract Extension Award by the Board of Contract and Supply, in accordance with Section 21-26 of the Code of Ordinances.

XEROX \$2,978.00 per month  
(Public Property)  
(*Sponsored by Councilman Aponte, by request*)

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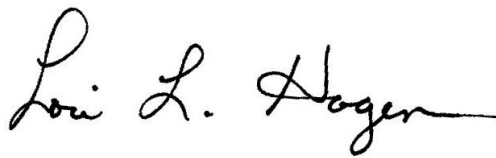
**SPECIAL COMMITTEE ON EDUCATION**  
**COUNCILMAN BRYAN PRINCIPE, Chairman**

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

9. Resolution Calling for an Independent Investigation of Molestation Charges at Harry Kizirian Elementary School. (*Sponsored by Acting Council President Matos*)
-

**CONVENTION**

The City Council will Convene in the Chamber of the City Council, City Hall  
on **Monday, July 24, 2017 at 5:30 o'clock PM.**

A handwritten signature in black ink that reads "Lori L. Hagen". The signature is written in a cursive style with a long horizontal flourish at the end.

**LORI L. HAGEN  
CITY CLERK**

**City of Providence**  
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

**CHAPTER**

No.       **AN ORDINANCE AUTHORIZING THE CITY COUNCIL TO IMPLEMENT  
THE CAPITAL IMPROVEMENT PLAN**

*Be it ordained by the City of Providence:*

WHEREAS, The City of Providence desires to regularly undertake the design, construction, repair, rehabilitation, replacement and improvement of infrastructure in the City's neighborhoods, including, but not limited to, streets, sidewalks, public parks, recreation facilities, bridges, sewers, and City buildings in the interest of public health and safety; and

WHEREAS, Pursuant to the Providence Home Rule Charter, Article VIII, Section 812, at the same time that the mayor submits the operating budget to the city council, the mayor based upon estimates and recommendations of the city plan commission as provided for in Article X, section 1013, shall prepare and submit to the city council a capital budget for the ensuing fiscal year and the next four (4) fiscal years thereafter; and

WHEREAS, The capital budget will be referred to as the Capital Improvement Plan with the purpose of facilitating and coordinating future capital improvements within the City's current and future financial framework; and

WHEREAS, Said Capital Improvement Plan shall embody the mayor's estimates of cost and recommendations of means of financing each project contained with the capital improvement program, provided that no project shall be included in said budget which has not been favorably considered by the city council.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF PROVIDENCE:**

**SECTION 1.** The City of Providence through the City Council will consider the recommendations of the City Plan Commission as provided for in Article X, section 1013, through the draft Capital Improvement Plan submitted on January 12, 2017 and

In acting on the Capital Improvement Plan, the City Council has worked with the Administration to modify the projects described therein and the proposed methods of financing the same, including but not limited to, traditional bond issuance.

The City Council shall identify funding mechanisms for the Capital Improvement Plan to facilitate planned improvements to Providence's public infrastructure.

Attached is an amended Capital Improvement Plan, (Appendix A) dated July 13, 2017, that shall be incorporated into this ordinance.

The first two years of the amended Capital Improvement Plan, dated July 13, 2017, shall be funded by a forty-five million (\$45,000,000) bond issuance, the 2016 Lighting Lease, the 2018 Master Lease and the FY2018 and FY2019 general fund budgets.

This ordinance is an affirmative action of the City Council of the City of Providence toward capital improvements in the City and can only be amended by City Council.

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

# RESOLUTION OF THE CITY COUNCIL

*No.*

WHEREAS, Many residents of the area around Rhode Island College (RIC) have raised concerns about traffic into residential neighborhoods and other issues emanating from the campus; and

WHEREAS, RIC's large footprint in the Elmhurst and Mount Pleasant neighborhoods and the great number of vehicles going to and from the campus present many traffic problems and quality of life concerns for those who live near RIC; and

WHEREAS, In order to answer questions from constituents and to better understand the many issues related to the RIC campus, RIC has been repeatedly asked to provide the City with an updated institutional master plan, but have yet to do so; and

WHEREAS, Of particular concern is a proposed parking lot expansion abutting the Sheffield Avenue gate and the residential areas of Hooker Street and Basswood Avenue; and

WHEREAS, This proposed parking lot expansion would include approximately 150 new surface level parking spaces; and

WHEREAS, The existing Institutional Master Plan for RIC does not identify the site of the proposed parking expansion as a location for future parking, but rather states that the college's long term plan for the residential precincts is to "enhance open space"; and

WHEREAS, Section 1910.D of the Providence Zoning Ordinance states that all Institutional Master Plans must include "A parking plan that shows the location of all institutional parking facilities on and off the campus"; and

WHEREAS, Section 1910.E of the Providence Zoning Ordinance states that new parking facilities are not consistent with an approved Institutional Master Plan, unless they contain ten or fewer parking spaces; and

WHEREAS, The proposed new parking lot appears to violate both Section 1910.D and Section 1910.E of the Providence Zoning Ordinance, as the RIC Institutional Master Plan does not identify the location of the proposed parking lot as an institutional parking facility and the new lot would have more than ten parking spaces; and

WHEREAS, Moreover, the addition of a new parking lot on the RIC campus will have many negative environmental ramifications, including the creation of a new asphalt hot spot and detracting from the City's storm water management efforts; and

WHEREAS, The Providence Code of Ordinances states that the purpose of Institutional Master Plans is "to promote the orderly growth and development of health care institutions and university or college educational facilities while preserving neighborhood character, historic resources, and consistency with the city's comprehensive plan and adopted land use policies"; and

WHEREAS, Providence's Comprehensive Plan, approved by the State in 2014, "encourage[s] the redevelopment of and reduction of surface parking lots" and "discourage[s] the creation of new surface parking lots as they are a detriment to the city's economic future and its built environment"; and



WHEREAS, The proposed parking expansion is inconsistent with the City's Comprehensive Plan and therefore violates provisions of the Code of Ordinances and runs contrary to the purpose Institutional Master Plans; and

WHEREAS, Given that the State of Rhode Island is responsible for approving the comprehensive plans of cities and towns, it is especially problematic to see a State institution such as RIC seemingly attempting to circumvent the City's Comprehensive Plan and the proper vetting of its Institutional Master Plan; and

WHEREAS, In light of these problems and concerns, a thorough vetting of RIC's institutional master plan is critical at this time; and

WHEREAS, The City Council of the City of Providence has an obligation to ensure that the laws of the City are properly enforced and that the quality of life of in our neighborhoods is protected and enhanced.

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Providence does hereby request that Rhode Island College provide the City Council with an accurate and up-to-date Institutional Master Plan within ninety (90) days.

BE IT FURTHER RESOLVED, That the City Council of the City of Providence does hereby request that Rhode Island College submit its Institutional Master Plan to the City Plan Commission for review and complete all the public participation requirements, including neighborhood meetings, required in accordance with Section 1910 of the Zoning Ordinance.

BE IT FURTHER RESOLVED, That the City Council of the City of Providence does hereby request that Rhode Island College cease any and all construction not approved in their existing Institutional Master Plan until and unless a new Institutional Master Plan is publicly vetted and approved by the City Plan Commission.

BE IT FURTHER RESOLVED, That, upon passage, copies of this resolution be sent to the Director of the Planning Department, the City Solicitor, the members of the City Plan Commission, and the President of Rhode Island College.

# RESOLUTION OF THE CITY COUNCIL

*No.*

WHEREAS, On October 29, 2015 Invenergy Thermal Development LLC filed an application to Construct the Clear River Energy Center Power Plant (CREC) in Burrillville, RI with the Rhode Island Energy Facility Siting Board (EFSB); and

WHEREAS, In the months after the filing of that application, the Town of Burrillville conducted extensive study of the application with and through credentialed professionals, including studies of noise, water, traffic and air quality, among others; and

WHEREAS, After considering expert testimony and conducting thorough public hearing the Burrillville Planning Board and Zoning Board of Review have advised the EFSB that Burrillville, RI is not a suitable site for the Clear River Energy Center; and

WHEREAS, The Burrillville Building Inspector and Burrillville Tax Assessor have also submitted advisory opinions to the EFSB expressing the impact the proposed Clear River Energy Center would have on the Town of Burrillville; and

WHEREAS, Numerous cities and towns in Rhode Island, including the City of Providence, have passed resolutions opposing the siting of an Invenergy power plant in the Town of Burrillville; and

WHEREAS, According to the Blackstone River Watershed Council, “emissions from the power plant, in particular methane and carbon dioxide, would affect a 30-mile area in the northwest corner of Rhode Island”; and

WHEREAS, Particulate matter would “diminish air quality, local rivers and watersheds would be stressed, additional deliveries of chemicals by large commercial vehicles would put residents at risk, noise pollution would increase and the biodiversity impacts and loss of wildlife habitats within the shared watershed would harm the regional environment,” according to Burrillville Conservation Chairman, Kevin Cleary; and

WHEREAS, During the past year, many citizens of Rhode Island, as well as our neighboring communities in Massachusetts and Connecticut, have expressed strong opposition to the siting of the Clear River Energy Center for reasons including the negative impacts on property, environment, traffic, public health, public safety, and water; and

WHEREAS, The CREC power plant in Burrillville would prevent Rhode Island from meeting the reduction in greenhouse gas emissions set by the 2014 Resilient Rhode Island Act; and

WHEREAS, Invenergy’s efforts to obtain the water needed for the power plant met resistance and opposition for many months, with the Pascoag Utility District, the Harrisville Fire District, and the City of Woonsocket rejecting proposals to provide water for the power plant; and

WHEREAS, On January 10<sup>th</sup>, the Town of Johnston approved a 20-year contract selling Invenergy water for the CREC power plant; and

WHEREAS, The Providence Water Supply Board (PWSB) is the sole supplier of water to the Town of Johnston; and

WHEREAS, The agreement between the Town of Johnston and Invenergy obligates resources owned by the people of Providence without them having a choice or say in the matter; and

WHEREAS, On March 7<sup>th</sup>, 2017, the Conservation Law Foundation (CLF) filed a lawsuit in Rhode Island Superior Court contending that the Town of Johnston has no legal basis for reselling water bought from PWSB to Invenergy for use at their proposed plant; and

WHEREAS, According to many familiar with the lawsuit, the City of Providence and the PWSB are among the many “indispensable parties” to be named as defendants in CLF’s lawsuit before the end of this month; and

WHEREAS, In situations such as this, it is perfectly legal and ethical for newly added parties to request that the court re-align their position in the lawsuit from defendant to plaintiff to accurately reflect the true positions advocated by the parties; and

WHEREAS, In February, the City Council passed the Mayor approved Resolution #60 opposing the CREC power plant in Burrillville, expressing serious concern over the use of water from PWSB for the CREC power plant, and requesting the City Solicitor explore legal options to prevent the resale and use of PWSB water at the CREC power plant; and

WHEREAS, Realigning from defendant to plaintiff in the aforementioned lawsuit would accurately reflect the positions of both the City of Providence and the PWSB; and

WHEREAS, Moreover, re-aligning as plaintiffs would help protect the people of Providence from having their public resources illegally and improperly resold to the CREC power plant.

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Providence strongly urges and respectfully request that, when the City of Providence and the Providence Water Supply Board are named as defendants in the case of Conservation Law Foundation, Inc. v. Clear River Energy, LLC and Town of Johnston, RI, the City of Providence and the Providence Water Supply Board ask the Superior Court to realign their positions from defendants to plaintiffs.

BE IT FURTHER RESOLVED, That, upon passage, copies of this resolution be sent to the Mayor and the City Solicitor, as well as the Town Manager of the Town of Burrillville.

# RESOLUTION OF THE CITY COUNCIL

*No.*

RESOLVED, DECREED AND ORDERED:

That the following named street shown as cross-hatched area on the accompanying plan entitled: "Providence, R.I., P.W. Dept & Engineering Office, Street Line Section Plan No. 064853, dated November 28, 2016,"

VIZ:

BRIGGS STREET, (portions of ), shown as cross-hatched area on accompanying plan and designated by the letters (A-B-C-D-A) having ceased to be useful to the public. Said Abandonment is specifically conditioned upon the following:

(1) Petitioner shall grant any easements for utility access and maintenance, or required by the Department of Public Works and move any utilities if required;

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

(3) Petitioner shall grant an easement in favor of National Grid, to cut, cap, and "abandon in place" the gas line currently existing within the proposed abandonment area. The Petitioner shall relocate all electrical facilities within the proposed abandonment area, and shall assume all costs associated with said relocation;

(4) Petitioner shall grant an easement in favor of Providence Water. The purpose of this easement is to maintain, construct, repair, etc. the existing water main and its appurtenances. No permanent construction, whatsoever, shall be allowed within the easement. The easement shall be at least 20-feet wide and centered on the main. The wording of said easement shall be subject to review by Providence Water as to form and content;

(5) Petitioner shall tender the amount of \$\_\_\_\_\_ in legal tender U.S. to the City of Providence;

(6) Petitioner shall have a Class I survey prepared by a Professional Land Surveyor, properly licensed by the Board of Registration for Professional Land Surveyors, inasmuch as road abandonments constitute a boundary change pursuant to Informational Bulletin 2003.01 issued by said Board;

(7) The Petitioner shall apply for an administrative subdivision to merge the abandoned street area with their property;

(8) Such other terms and conditions as may be reflected in the record and minutes of the City Council Committee on Public Works;

(9) The Petitioner shall comply with all conditions contained herein within sixty (60) days from the date of passage.

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

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

**City of Providence**  
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

**CHAPTER**

No.        **AN ORDINANCE IN AMENDMENT OF CHAPTER 15 OF THE CODE OF ORDINANCES OF THE CITY OF PROVIDENCE, ENTITLED: "MOTOR VEHICLES AND TRAFFIC," TO MODIFY CERTAIN SECTIONS REGARDING ARTICLE X THEREOF, ENTITLED: "AUTOMATED RED LIGHT ENFORCEMENT"**

*Be it ordained by the City of Providence:*

SECTION 1:

Chapter 15, Article X, Section 15-125(a) of the Code of Ordinances is hereby amended to read as follows:

Sec. 15-125 (a)

A summons for a violation of this section may be executed by the city police and sending by first-class mail a copy thereof to the address of the owner or lessee of the vehicle as shown, in the case of vehicle owners, in the records of the state division of motor vehicles (or any other state vehicle registration office) or, in the case of vehicle lessees or renters, in the records of the lessor. Said summons shall be postmarked not later than ~~fifteen~~ twenty-eight (1528) days after the date of the alleged violation.

SECTION 2:

Chapter 15, Article X, Section 15-127(d) of the Code of Ordinances is hereby amended to read as follows:

Sec. 15-127(d)

Not more than ~~twenty-five (25)~~ ~~thirty-five (35)~~ forty-five (45) intersections shall be equipped with operational traffic-control signal monitoring devices at any one (1) time.

SECTION 3:

This Ordinance shall take effect upon passage.

# RESOLUTION OF THE CITY COUNCIL

*No.*

RESOLVED, That the Members of the Providence City Council hereby Authorize Approval of the following Contract Extension Award by the Board of Contract and Supply, in accordance with Section 21-26 of the Code of Ordinances.

XEROX  
(Public Property)

\$2,978.00 per month

# RESOLUTION OF THE CITY COUNCIL

*No.*

WHEREAS, On June 29<sup>th</sup>, James Duffy, a 53-year-old teacher at Harry Kizirian Elementary School, was arraigned in District Court on five counts of child molestation on three 11-year-old victims, all of whom were students at Kizirian Elementary; and

WHEREAS, According to multiple new reports, Duffy was placed on leave on May 9<sup>th</sup> after children accused him of touching them inappropriately, but school officials failed to contact Providence police or the R.I. Department of Children, Youth and Families (DCYF) about these allegations; and

WHEREAS, Under Rhode Island General Laws § 40-11-3.3, “Any person who has reasonable cause to know or suspect that any child has been the victim of sexual abuse by an employee, agent, contractor, or volunteer of an educational program [...] shall, within twenty-four (24) hours, transfer that information to the department of children, youth and families”; and

WHEREAS, Despite this law, school officials did not contact DCYF in the seven weeks between when the school became aware of the accusations against Duffy and his arraignment; and

WHEREAS, It is a fundamental requirement of every adult in every school to ensure absolute safety for every child; and

WHEREAS, Providence’s families deserve to know what happened when school officials learned of these horrific, disturbing allegations; and

WHEREAS, The gravity of this situation demands the transparency of an independent investigation; and

WHEREAS, As the elected representatives of the people of Providence, the Providence City Council has a moral obligation to ensure the safety of its schoolchildren and to prevent situations like this from happening again.

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Providence does hereby call for the Providence Police Department to conduct a thorough and prompt investigation of the incident in question into how officials at Harry Kizirian Elementary School handled the allegations of sexual misconduct against James Duffy.

BE IT FURTHER RESOLVED, That, upon passage, copies of this resolution be sent to Superintendent of the Providence Public Schools, the members of the Providence School Board, the principal of Harry Kizirian Elementary School, and the Mayor.