

DEPARTMENT OF CITY CLERK

CITY HALL

AUGUST 24, 1993

The Committee on Ordinances meets this day at 5:00 o'clock p.m., in Committee Room "A", City Clerk's Department, City Hall.

PRESENT: Chairman Igliazzi, Vice-Chairwoman Williams, Councilman Fenton and Councilman Clarkin.

ABSENT: Councilwoman DiRuzzo

Also present is John D'Amico, Deputy City Solicitor; Tom Deller, Deputy Director of Planning and Development; Councilwoman Evelyn V. Fagnoli; Barbara A. Poirier, Second Deputy City Clerk and Lesley M. Albanese, Assistant Clerk.

AN ORDINANCE IN AMENDMENT OF CHAPTER 564 OF THE ORDINANCES OF THE CITY OF PROVIDENCE, ENTITLED "THE CITY OF PROVIDENCE ZONING ORDINANCES" APPROVED OCTOBER 24, 1991 BY AMENDING THE PROVIDENCE THE OFFICIAL ZONING MAP BY CHANGING THE ZONING DISTRICT DESIGNATION OF ZONING DISTRICT MAP NUMBER 32, LOTS 150, 152, 155, 157, 197 AND 156; ZONING DISTRICT MAP NUMBER 33 LOTS 309, 310, 311, 312, 325, 445, AND 446; ZONING DISTRICT MAP 35 LOTS 1, 2, 3, 4 AND 35 FROM R-3 TO C-2.

CHAIRMAN IGLIOZZI: I have been informed by the Clerk that Councilman Lombardi would like this continued because he has a neighborhood meeting scheduled on Monday night.

On motion of Councilman Fenton, seconded by Councilwoman Williams, it is voted to Continue the foregoing Ordinance.

CHAIRMAN IGLIOZZI: All those in favor? "Aye" Those opposed? The Ayes have it. Next I would like to take this opportunity to recognize Councilwoman Fagnoli and take her matter out of order since she has come to this Committee meeting. Anyone on the Committee have a problem taking item number 5 out of order?

COMMITTEE: No.

AN ORDINANCE ESTABLISHING LINES OF AUTHORITY FOR FINANCE OFFICERS.

CHAIRMAN IGLIOZZI: Do have any comment, Evelyn?

COUNCILWOMAN FARGNOLI: All I'd like to say is the fact that by Charter the Finance Director would have many of these rights and so many of the officers or department heads should report to him if there are any problems financially or otherwise. This hopes to include amongst the agencies commission, Civic Center, Water Supply Board so that the Finance Director has a complete overall picture of the finances of the city at all times. That is the purpose.

CHAIRMAN IGLIOZZI: I think it is a worth while ordinance.

COUNCILWOMAN WILLIAMS: So, this would be the Water Supply Board

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the Civic Center Authority.....

CHAIRWOMAN FARGNOLI: Every agency that has any fiscal impact on the city's finances should be reported to the Finance Director so he is aware at all times if any problem is going up. Do you see any problems with it?

CHAIRMAN IGLIOZZI: Evelyn, who drafted this?

COUNCILWOMAN FARGNOLI: Law Department.

CHAIRMAN IGLIOZZI: You are satisfied that they covered everything that you wanted?

COUNCILWOMAN FARGNOLI: I brought along a copy of the Charter which makes the budget analyst -- reporting to the Finance Director. But, it doesn't make the mention the Civic Center Authority, it doesn't mention the Water Supply Board and even though the Finance Director has been appointed to sit on the Water Supply Board, there are some times when we come to a meeting and we are given information that is just at the point in time we hadn't had a chance to look it over. And I want him to be aware of every financial transaction that takes place between agencies and so that he can report to the Council.

CHAIRMAN IGLIOZZI: I think it is a well intention ordinance, I don't really see... your saying under the Charter right now it provides that we do but you are just re-establishing that by ordinance or are you adding some other....

COUNCILWOMAN FARGNOLI: I am adding boards and commissions, which are not in there.

COUNCILMAN FENTON: Do you need a Charter amendment?

COUNCILWOMAN FARGNOLI: Not really.

CHAIRMAN IGLIOZZI: Well, because whatever the Charter does not have, you can add to by ordinance. It is just that you can't something away by ordinance that is granted by Charter. But, if you are adding to its power, there is no problem.

COUNCILWOMAN FARGNOLI: The Finance Director is appointed by the Mayor and the Controller, budget officer, budget analyst, city collector and the city assessor shall be appointed by the Finance Director and shall serve at the pleasure of the Finance Director. But, it says that he

CHAIRMAN IGLIOZZI: Which section?

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COUNCILWOMAN FARGNOLI: 813...

COUNCILMAN FENTON: I have a separate question. How in the case of the financial people say at the Civic Center or at the Water Supply Board, it doesn't matter, they report to the Executive Director of the Civic Center Authority, who is hired by the authority, how would disciplinary action process? Would there be a recommendation by the Finance Director to the governing body of the agency?

COUNCILWOMAN FARGNOLI: I would hope so.

COUNCILMAN FENTON: Does that need to be in the ordinance?

COUNCILWOMAN FARGNOLI: So, that it could be further enforced?

COUNCILMAN FENTON: Right now the issue of how the disciplinary action would be enforced isn't stated and the Finance Director doesn't have any authority over anyone at the Civic Center or anyone at the Providence Housing Authority or any of the other city agencies.

CHAIRMAN IGLIOZZI: You might have to say they would be enforced either by City Council

COUNCILMAN FENTON: The Finance Director doesn't have any authority over the employees at the Civic Center.

CHAIRMAN IGLIOZZI: I think we have authority over the employees of the Civic Center.

COUNCILMAN FENTON: That is very much up in the air.

COUNCILWOMAN FARGNOLI: It says that the Finance Director shall be the chief fiscal officer of the city and shall be responsible to the Mayor for the sound and prudent financial direction of the city. And where every agency could have a fiscal impact on the city's finances, they should be reporting to the Finance Director and the Finance Director, I suppose should have some kind of leverage. I don't know how you could enforce that type unless the Mayor would be in the position to enforce. Since he reports to the Mayor.

CHAIRMAN IGLIOZZI: What are ^{you} saying Josh, under section 403 which is the administrative charge against Personnel is subject to the General Law of Rhode Island except otherwise provided by this Charter...the City Council may bring charges against any Department head, agency head, or any deputy thereof or any appointed officer of the City. So, if your saying that somebody on the Civic Center is appointed by City, by the Mayor....

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COUNCILMAN FENTON: No, he is not appointed by the Mayor. He is chosen by the Providence Civic Center Authority just like the Providence Housing Authority. They are not paid by City directly, they are not in the pension system. Different agencies have different relationships to city government. Since the bonds were paid off by the Civic Center Authority that relationship between the authority is closer to being under the umbrella of city government but it is still not a city department.

CHAIRMAN IGLIOZZI: I don't think you can do - - you can't do by ordinance what the Charter doesn't give you. You can't extend our authority by ordinance. I don't think you can do that.

COUNCILWOMAN FARGNOLI: By the same token, if that agency borrows money from the city then that city is responsible somewhat for that agencies actions.

COUNCILWOMAN WILLIAMS: But, there is two City Council members on each of the boards or commissions. So, there is some involvement of City Council.

CHAIRMAN IGLIOZZI: It would be up to the authority of the Civic Center to take action. If they fail to take action the City Council could take action against a member of - - . I think Josh may be right. I don't think we can exercise disciplinary authority over someone hired by the Civic Center Authority. Because we got our representatives on that board, we have Josh and Bobby.

COUNCILMAN FENTON: Tommy.

COUNCILWOMAN FARGNOLI: But, the Finance Director is still responsible for the fiscal conditions of the City and if that agency can continue to operate in a deficit, what can that do that city finances.

CHAIRMAN IGLIOZZI: The first part of your ordinance is fine. The problem is, see failure to respond to written request at direction of the Finance Director in a timely manner shall be caused for disciplinary action. Well, what disciplinary action and what can we do? We can't do anything. I think that is Josh's point. If you want to leave it like that thats fine. But, I don't/^{know} what disciplinary action we can take. That is my point. If Boyce Spinelli sends a memo to a finance person over at the Civic Center

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Authority requesting something, they don't respond. Now he says he wants disciplinary action, so what does he do. How does he get disciplinary action that is my question and that is Josh's question. He can't come to us because the Charter says ... the reason why we don't control the Civic Center Authority is because we have representatives on the authority. That authority is autonomous. Just like the Water Supply Board, we have Peter and you on the Water Supply Board. So, the Council doesn't really oversee the Water Supply Board.

COUNCILWOMAN FARGNOLI: In some respect it does, it has to approve its budget.

CHAIRMAN IGLIOZZI: It is almost like the School Department, once we approve the budget it is your responsibility. The Authorities responsibility.

COUNCILMAN FENTON: In the case of the Civic Center the Finance Committee doesn't approve.....

CHAIRMAN IGLIOZZI: We don't even approve their budget...

COUNCILWOMAN FARGNOLI: Perhaps we should.

CHAIRMAN IGLIOZZI: I think it is a good ordinance and I think that is the only question. How do you execute disciplinary action, how do you enforce that if they don't respond to Boyce's request.

COUNCILWOMAN FARGNOLI: John D'Amico did you look at this ordinance concerning the Finance Director?

MR. D'AMICO: I had an opportunity to look at it now, yes.

CHAIRMAN IGLIOZZI: John, the question is lets assume Boyce Spinelli sends a request for information over to the Civic Center Authority and they don't respond. It says we can execute some sort of disciplinary action what can we do?

MR. D'AMICO: ...budgetary action. If that chain of events to occur, it would probably be the Chief Financial Officer refusing to respond with the consent of the Director is essentially what you would have happen. The action that you would have left to you is probably some kind of budgetary action. Because there are some - - for example that the Council doesn't have oversight over. That really would be all that would be left to you some type of action against their budget.

COUNCILMAN FENTON: In the case of the Civic Center the City Council has no authority over that budget and Providence Housing Authority the

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same. Water Supply Board yes, Port Authority no not really. Those three.....

MR. D'AMICO: The Port Authority you would be able to deal with Personnel at the Port. That would be the kind of action that would be left to you relatively dramatic.

COUNCILWOMAN FARGNOLI: By the same token when the Civic Center was running its deficit it came to the Finance Committee for help.

COUNCILMAN FENTON: But, that relationship is no different from Trinity...

COUNCILWOMAN FARGNOLI: But, the Finance Director should be aware of this situation because he in turn.....

COUNCILMAN FENTON: I agree. The question isn't whether or not that would - - how is it enforced....

CHAIRMAN IGLIOZZI: What do we do about it if he doesn't respond.

COUNCILWOMAN FARGNOLI: Boyce was surprised at some of the events that occurred during the year and he thought this ordinance would help him somewhat.

CHAIRMAN IGLIOZZI: I think the intentions are well but I just don't know if you have the teeth in the ordinance to doI mean what could we do, John. Is there any teeth that we could put in this ordinance in addition to what is there.

MR. D'AMICO: For example, with the Civic Center situation essentially the condition of payment upon some kind of --- But, again that would expire when they get the money. Then your hold over them expires.

CHAIRMAN IGLIOZZI: Your problem is not going to be with the part of the ordinance that says department in the city, no problem. Because if Boyce wants disciplinary action we have authority over that or any board or commission that we clearly have authority over, no problem. The problem I only see is the Civic Center Authority, Josh is saying the Port Authority but I am not so sure about that. I think we have more control over the Port Authority and the Water Supply Board then we have something there. But, I do have a problem with the Civic Center Authority is the only one I see hanging out in the wind....

COUNCILMAN FENTON: Providence Housing Authority...

CHAIRMAN IGLIOZZI: But, we don't have any real connection with

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them at all. We don't have any connection with them, what do we do with them.

COUNCILWOMAN WILLIAMS: We appoint them to the board.

CHAIRMAN IGLIOZZI: That's it once we appoint them to the board we don't pass on their budget. They don't come to us for requests they handle their own budget. See the only thing we could have done is with the -- see what we should have done is when the Civic Center Authority came to us for the money we should have made them sign a document submitting to the jurisdiction of the Finance Director that would have been a to deal with it. But, we weren't thinking about this then.

COUNCILWOMAN FARGNOLI: If it is such an autonomous body why didn't they borrow on their own and that they had to come to the City of Providence to borrow money.

CHAIRMAN IGLIOZZI: Because they couldn't get a loan anywhere else. I'm just making the point, Evelyn.... I think that the ordinance we have has teeth in it against every department head and anyone whose budget we handle. But, we don't have teeth....

COUNCILWOMAN FARGNOLI: With exception of the Civic Center.

CHAIRMAN IGLIOZZI: We probably could have gotten it if we had raised this issue at the time that the loan was granted. But, I voted against the loan so it doesn't make much difference as far as I am concerned.

COUNCILWOMAN FARGNOLI: Well, I would like to get the Finance Director some jurisdiction over the financial conditions of each agency and commission and department you name. Anything that causes an impact on the fiscal conditions of the City of Providence.

COUNCILWOMAN WILLIAMS: Would this help if -- what I've added is "be caused for disciplinary action which shall be enforced by the respective boards or commission at the Finance Directors request" so that the Finance Director would -- if he sent a letter to the executive director who did not reply and he then could request from the board of the commission -- he could then let them know and they could enforce the disciplinary action and insist that that relationship

CHAIRMAN IGLIOZZI: What do you think, John? I like that amendment.

COUNCILWOMAN FARGNOLI: That sounds good, Rita.

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CHAIRMAN IGLIOZZI: It is an extra step in the process. But, it may be the only way to.....

COUNCILWOMAN WILLIAMS: But, it gives some guidance to what you do.

CHAIRMAN IGLIOZZI: Meanwhile you are creating a paper trail demonstrating that the Finance Director is doing everything within his power to achieve some sort of financial control. Do you have a problem with that amendment?

COUNCILWOMAN FARGNOLI: No.

CHAIRMAN IGLIOZZI: Is there a motion?

COUNCILWOMAN WILLIAMS: I make a motion to amend this ordinance to add to the second paragraph "failure to respond to written requests or direction from the Finance Director in a timely manner shall be caused for disciplinary action which shall be enforced by board, commission or agency at the Finance Directors request"....

CHAIRMAN IGLIOZZI: You better add all of them because its got department, agency, board. So, it should read after the word disciplinary action to be enforced

COUNCILWOMAN WILLIAMS: "which shall be enforced by the respective department, agency, board, commission, authority or any organization, whose operating results are included in the City's..." Operating results are included, is that the way you had worded, Evelyn, operating results are included in the City's General Purpose Financial Statements? We would stop after authority at the Finance Director request, so we wouldn't include the rest of the statement anyway. Do you want to make those two amendments again to just make it clearer?

COUNCILWOMAN WILLIAMS: To make a motion to amend the ordinance to add to the second paragraph "which shall be enforced by the respective department, agency, board, commission or authority at the Finance Directors request".

On motion of Councilwoman Williams, seconded by Councilman Fenton, it is voted to amend the foregoing ordinance.

CHAIRMAN IGLIOZZI: All those in favor? Aye. Those opposed? Would you also make a motion to amend it to get rid of the "of" and put a comma there.

COUNCILWOMAN WILLIAMS: I'll make a motion to amend line three

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after Section 17-34 to omit "of" between board and commission and add a comma.

On motion of Councilwoman Williams, seconded by Councilman Fenton, it is voted to amend the foregoing the foregoing Ordinance.

CHAIRMAN IGLIOZZI: All those in favor? Aye. Those opposed? The Ayes have it. John, is that about all we could do with that?

MR. D'AMICO: Yes.

On mbtion of Councilman Fenton, seconded by Councilwoman Williams, it is voted to approve the foregoing Ordinance.

CHAIRMAN IGLIOZZI: All those in favor? Aye. Those opposed? The Ayes have it.

COUNCILWOMAN FARGNOLI: I hope this would put some teeth into the Finance Directors job of making sure that any fiscal impact would be reported to us.

CHAIRMAN IGLIOZZI: John, we have three matters on the docket today. One may be expeditiously handled, I think if we take - - if the Committee will take item three out of order.

AN ORDINANCE IN AMENDMENT OF CHAPTER 564 OF THE ORDINANCES OF THE CITY OF PROVIDENCE, ENTITLED "THE CITY OF PROVIDENCE ZONING ORDINANCE" APPROVED OCTOBER 24, 1991 BY AMENDING PROVIDENCE ZONING DISTRICT MAP NUMBER 10 BY CHANGING THE ZONING DISTRICT DESIGNATION OF LOT 391 FROM OPEN SPACE DISTRICT ZONE (O.S.) TO "TWO FAMILY-DISTRICT ZONE" (R-2).

CHAIRMAN IGLIOZZI: Tom Glavin has been called and as I understand he wanted to put on the record with regard to this that he is in support of this and, in addition, John did you hear from Mr. Hawkins? Did you send a letter?

MR. D'AMICO: I believe I attempted to contact him shortly after the meeting. If the Committee wishes to pass it and I will contact Chairman if in fact there is some objection. I personally contact him tommorow afternoon.

MR. DELLER: Basically this was a result of the request of some neighborhood concerns and it carries out provisions of the City's comprehensive plan and it feels that it is an important step.

CHAIRMAN IGLIOZZI: Would the committee like to move on this matter?

On motion of Councilwoman Williams, seconded by Councilman Fenton it is voted to approve the foregoing Ordinance.

CHAIRMAN IGLIOZZI: The only question last time just for the

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record is that there was a question whether the owner who's property is involved in this, he raised an objection at a public meeting. I thought we sent letters asking him to attend and voice his objections. I think we left the record open for ten days and my understanding is that he has never come in. Unless, the committee wants to hold this matter up for any other reason.

COUNCILMAN FENTON: Has he been notified of today's meeting?

MR. D'AMICO: Not to my knowledge.

CHAIRMAN IGLIOZZI: He was supposed to that was my direction. It is up to the Committee, it has been sitting here for two meetings now.

On motion of Councilwoman Williams, seconded by Councilman Fenton, it is voted to approve the foregoing Ordinance.

CHAIRMAN IGLIOZZI: All those in favor? Aye. Those opposed?

COUNCILMAN CLARKIN: Aye.

CHAIRMAN IGLIOZZI: Number three passes. We have number four which is the Harbor ordinance.

COUNCILWOMAN WILLIAMS: We have some gentlemen here who are waiting.

CHAIRMAN IGLIOZZI: But, I thought it was just a matter of reviewing and passing it.

COUNCILWOMAN WILLIAMS: I think we have some discussion about it.

CHAIRMAN IGLIOZZI: Lets go to number two.

AN ORDINANCE IN AMENDMENT OF CHAPTER 564 OF THE ORDINANCES OF THE CITY OF PROVIDENCE, ENTITLED "THE CITY OF PROVIDENCE ZONING ORDINANCE" APPROVED OCTOBER 24, 1991 BY AMENDING PROVIDENCE ZONING DISTRICT MAP NUMBER 10 BY CHANGING THE ZONING DISTRICT DESIGNATION OF LOT 391 FROM OPEN SPACE DISTRICT ZONE (O.S.) TO "TWO FAMILY-DISTRICT ZONE" (R-2).

HENRY SWAN: I am an attorney appearing on behalf of the co-trustee Andrew Davis. This is a trust established by Linda Jones. Mrs. Jones had owned this particular parcel of land which is 4 Wheaton Street. It is Lot 391 Plat 10. She has owned this parcel of land since 1973, they have never made any attempt to develop that parcel. And what she is asking is that it be returned from the open space designation which was put on it in 1991, I believe. Prior to that for the 20 years that she had owned it, it had been R-2. She is asking that it go back to R-2 which basically the land

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in the neighborhood is R-2 except for land that is owned by the Park Department. We believe that it was inadvertent that her privately owned parcel was included because lots on either side of her are owned by the Park. Mrs. Jones and the trustee have no intention of developing this parcel. They would like, however, since they are taxed I think on \$66,000 Dollars evaluation. They'd like to cease owning it and sell it. They have approached people in the neighborhood to see if they would be interested in buying it. As long as it is open space nobody is interested in buying it, the only thing you can use open space for is open space or a cemetery. I don't think the Health Department would ever give a permit to put a cemetery in there. If it isn't changed, it would be my view and I am just stating my view but it would amount to taking of her property without compensation. She doesn't intend to develop it but she does want to get rid of her liability to pay taxes on it every year.

CHAIRMAN IGLIOZZI: Is there some reason why nobody attended back in 1991 where the overall City ordinance was for the entire city was reviewed and analyzed and I think for almost two years there was many public meetings.

MR. DELLER: We had four public hearings and about ten public workshops.

CHAIRMAN IGLIOZZI: Is there any reason why there was not activity after that...

MR. SWAN: I have no idea why there was nothing then. All I can say is that I know Mrs. Jones was going through some problems at that time and

CHAIRMAN IGLIOZZI: public hearing or anytime during the Council during those two years in the preparation for that ordinance change and made the same argument.

MR. SWAN: I am almost certain that she did not.

CHAIRMAN IGLIOZZI: You figure that it wasn't taken into consideration at that time for whatever reason. I know for the record Tom Glavin, City Councilperson, indicated his is in support of this change and he wanted us to put that on the record. I know this is also formally Councilwoman Williams ward and now an adjoining section.

COUNCILWOMAN WILLIAMS: Let me just say for the record say that

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although generally neighborhood has been opposed to this being developed and changed to R-2. They don't want a building on this spot and two of the abutters did feel that it was rather unfair to a private owner to change the classification and therefore devalue the land. So, I guess there has been some promises not to develop this property but that changing to O.S. to R-2 would give it a high value. So, those abutters are in support of this.

COUNCILMAN FENTON: Can I ask a question? It doesn't make any sense if you - - if the property isn't going to be develop why change the zoning.

CHAIRMAN IGLIOZZI: Your not listening to his comments, Josh.

COUNCILMAN FENTON: I know what his comments are. But, the fact is if their going to hold the property while they own it, their not going to develop it. But, that the taxes on it are taxed at a rate that is unfair to them, you can get it reassessed as based on the change in zoning to open space and thus the taxes won't be a hindrance.

MR. SWAN: Mrs. Jones doesn't want to own the parcel any longer - - she is perfectly willing and she has talked to some of the neighbors about selling it to one or more of the neighbors. The neighbors think well if it can't developed because it is zoned open space why should we do anything. Because what we want is to keep it the same way. They understand that that is unfair just as the Council understands. it is unfair. As long as it is O.S. why there not going to do anything. And she wants to - - more then 20 years.

COUNCILLMAN CLARKIN: Chairman, I believe this is right below Proscept Terrece, right.

COUNCILWOMAN WILLIAMS: Yes.

COUNCILMAN CLARKIN: It is my opinion that if the city had any money, the city should probably buy it and keep it as park land. I personally -- knowing what is up there that I have to agree with Josh if someone is going to buy this their not going to buy it - - -.

MR. SWAN: That is something that has been thought of and frankly as I say with that designation on it everybody just sort of thinks lets leave things the way they are. We won't do anything because nothing can happen to it anyway. The Park Department was not enthusiastic about doing anything with this area anyway. They thought that

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is was not particularly a high priority item to develop this for a park area.

CHAIRMAN IGLIOZZI: As I recall isn't this the one were the lots next to it are city owned.

MR. SWAN: We think it is pretty clear how it happen with how we got included within the ...

CHAIRMAN IGLIOZZI: Because of those two lots owned by the City. Otherwise theoretically if you look at it the open space line probably would not have gone there because it seems to jet out in a very unusual.

COUNCILMAN FENTON: What is on 214 and 676.

COUNCILWOMAN WILLIAMS: Houses.

COUNCILMAN FENTON: This that Fains house.

COUNCILWOMAN WILLIAMS: 214 is Fains.

CHAIRMAN IGLIOZZI: If 213 was not owned by the City the open space line would have probably gone right around 391.

COUNCILMAN FENTON: Didn't we have a hearing on this and numerous people come and object?

MR. DELLER: You had a - - there was a petition filed by the Parks Department for 203 and 213 to change them from open space to R-2 because they wanted to sell them to set-up a trust fund to maintain Prospect Terrace. Their hope was to sell them at a reasonable cost so that can get a nice trust fund and maintain Terrace and the neighbors objected and they withdrew the petition at that time.

COUNCILMAN FENTON: But if the city were to change the zoning on 391 you would make 213 unless to the city's benefit and they might as well change it back and you would have the same objection. I don't understand why the neighbors if they had an objection to selling 213 and 203 why they wouldn't have the same objection to changing the zoning on 391 when in fact that is going to have the same result. If not, a more adverse result.

MR. DELLER: I can not explain why the neighbors wanted to do this and not that.

COUNCILWOMAN WILLIAMS: I can.

MR. DELLER: To me your argument makes sense.

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COUNCILWOMAN WILLIAMS: If I could, Josh. I can answer that. That 213 is right on the corner and any kind of a building would be an obstruction to traffic and it would really be a problem. That is why they objected so strongly. There is a lot, actually there is a house on the other side is right beside the park and below the Prospect Terrace. Theoretically, even if that one were developed that park would be boarded by a structure which would not adversely affect the area as much as developing 213 which is corner lot. Which I think would really be a problem. I am not advocating developing this land but I think that given the fact that it is privately owned and you are taking away...it was reversed and without the owners knowledge even though the owner has the obligation to....

CHAIRMAN IGLIOZZI: This was Rita's ward, she has indicated some support of it. At least based upon with her investigation with the neighbors. It was Councilman Glavin's ward and he is in support of it.

COUNCILMAN FENTON: Well, I would just like to say my ward is the next street over.

CHAIRMAN IGLIOZZI: And your not in support of it.

COUNCILMAN FENTON: And I got bombarded by phone calls when the issue of 213 and 203 came up and I support the neighbors on that. And it just doesn't make any sense that they wouldif we could continue it and if they have no objection so be it. Just let me check with the people that contacted me. From their standpoint if their concerned with protecting open space in this area and the dedication of that area below the park to open space this make even less sense on their benefit because then you making a whole lot completely useless.

MR. SWAN: Councilman, I see no problem with continuing this to enable you to contact your constituents. I would point out that it is considerably different to say for the City -- we don't want the city to develop this -- for open space but it is another thing to say to a private land owner you can't do anything with this. I indicated that Mrs. Jones has no intention of trying to develop this parcel. She feels that people in the neighborhood

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or the city should take it off hers hands.

CHAIRMAN IGLIOZZI: Lets just continue it and give Josh a chance to talk to them. Your comments did not fall on deaf ears and you have made a very equitable argument and I think everybody feels that way. But, I didn't realize you were the street, Josh.

COUNCILMAN FENTON:remiss if we were not prudent in protecting open space that every turn.

MR. SWAN: I certainly have no objection.

On motion of Councilman Fenton, seconded by Councilwoman Williams it is voted to Continue the foregoing Ordinance.

CHAIRMAN IGLIOZZI: Do you feel that there is going to be some discussion with regard to the Harbor Ordinance? Because if you do what I am going to do is turn over the Chair to you Rita, I have to be somewhere at 6:00 o'clock. I thought we were all set and it was in final draft and we were going to move it. It is up to the committee, I don't have time for a lengthy discussion.

COUNCILMAN FENTON: Why don't we continue it because we have some other things in committee and I want to do the Alarm Ordinance. Because we got an agreement with the alarm companies - - at the next meeting.

CHAIRMAN IGLIOZZI: Do you want to recess until tomorrow night and I'll come in tomorrow night.

On motion of Councilman Clarkin, seconded by Councilwoman Williams, it is voted to Recess until August 25, 1993 at 5:00 o'clock.

CHAIRMAN IGLIOZZI:Harbor Ordinance, Alarm Ordinance and other pending matters.

Barbara A. Poore

CLERK

Lesley M. Albanese
Assistant Clerk