

DEPARTMENT OF CITY CLERK
CITY HALL
FEBRUARY 27, 1996

The Committee on City Property meets this day at 4:00 o'clock p.m.,
Committee Room "A", City Clerk's Department, City Hall.

PRESENT: Chairman Lombardi, Vice-Chairman DeLuca and Councilman
Jackson.

ABSENT: Councilman Glavin and Councilman Rollins.

Also present is Patricia McLaughlin, Deputy City Solicitor; Christopher
Modisette, Director of Water Resources, Water Supply Board; Luke Driver,
Mayor's Office; Michael R. Clement, City Clerk and Lesley M. Skeffington,
Assistant Clerk.

CHAIRMAN LOMBARDI: I believe some of this stuff could go in
executive session, no? You know what, we are not going to go into executive
session, we are going to do something different.

MS. MCLAUGHLIN: I have to update you on some litigation.

**CORRESPONDENCE DATED FEBRUARY 8, 1996 FROM JOHN
PALMIERI, DIRECTOR OF PLANNING AND DEVELOPMENT,
RELATIVE TO THE AMERICAN SILICONE PRODUCTS PROPOSAL
TO PURCHASE A PORTION OF ESEK HOPKINS PARK PROPERTY.**

CHAIRMAN LOMBARDI: Okay, we'll talk about the litigation. But, some
of these things, I believe are going to have to be postponed. Item number two, John
Palmieri and Tom Deller indicated to me that there was a problem with the deed
and I believe Sam Shamoon explained it to you, Councilman DeLuca. Did you
want to put on the record, you don't have to.

COUNCILMAN DELUCA: Yes, evidently there's a problem with the
Hopkins estate. They deeded the property over the property with the stipulation
that it remain open space and we don't have a right to sell it.

On motion of Councilman DeLuca, seconded by Councilman Jackson, it is
voted to continue the foregoing correspondence.

CHAIRMAN LOMBARDI: Those in favor signify by saying "aye".

COMMITTEE: Aye.

CHAIRMAN LOMBARDI: Opposed? The ayes have it.

**CORRESPONDENCE DATED JANUARY 25, 1996 FROM GEOFFREY A.
REGAN, ESQ., REPRESENTING CORTELLESA PROPERTIES,
RELATIVE TO PROPERTY LOCATED AT 668 SOUTH WATER STREET
HURRICANE BARRIER/WATERFRONT DEVELOPMENT.**

CHAIRMAN LOMBARDI: Pat, item number three has to be continued.
Since your here in fairness to you, did you want to put something on the record or
did you want to wait until everyone is here?

MR. REGAN: Item three has to be continued?

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CHAIRMAN LOMBARDI: Yes.

MR. REGAN: Why is that?

CHAIRMAN LOMBARDI: I'm trying to gather more information, I'm waiting for some letters from some people.

MS. MCLAUGHLIN: You have also requested Ramzi Loqa be here.

CHAIRMAN LOMBARDI: You also requested Ramzi.....

MR. REGAN: I didn't request that he be here, I just asked that he be here.

CHAIRMAN LOMBARDI: And he is not here. We called him..... Barbara just called him and he said he has a conflict. Whatever your pleasure is.

MR. REGAN: We can reschedule the whole thing when it would work better.

CHAIRMAN LOMBARDI: Just in fairness to everyone.

On motion of Councilman DeLuca, seconded by Councilman Jackson, it is voted to continue the foregoing correspondence.

CHAIRMAN LOMBARDI: Those in favor signify by saying "aye".

COMMITTEE: Aye.

CHAIRMAN LOMBARDI: Opposed? The ayes have it.

MR. REGAN: Will we get notice for the next meeting?

CHAIRMAN LOMBARDI: Absolutely. I think Pat would make sure that you get notice.

DISCUSSION RELATIVE TO 673-679 ACADEMY AVENUE

CHAIRMAN LOMBARDI: Councilman Mancini and someone else called me, I'm sorry I don't recall, to continue item number four.

On motion of Councilman DeLuca, seconded by Councilman Jackson, it is voted to continue the foregoing discussion.

CHAIRMAN LOMBARDI: Those in favor signify by saying "aye".

COMMITTEE: Aye.

CHAIRMAN LOMBARDI: Opposed? The ayes have it.

PENDING MATTERS

CHAIRMAN LOMBARDI: I believe that John D'Amico from the Solicitor's office has a pending matter. Could you very quickly enlighten the Committee as to..... Would you please have the gentlemen there identify himself and what purpose.

MR. MORRIS: James T. Morris, Superintendent of the Fox Point Hurricane Barrier, Department of Public Works/Engineering.

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MR. D'AMICO: If I may, Mr. Chairman, as some of the Committee members know adjacent to the Hurricane Barrier and on City owned land are two barges that have been there for a number of years. There is an individual who has obtained.....

CHAIRMAN LOMBARDI: How many years, any idea?

MR. MORRIS: Roughly 16 years, Councilman.

MR. D'AMICO: There is an individual who has purchased some title to the barges and that individual is seeking to move the barges off city land. In discussing this in the office, the question came up that they've been on City land without any rental payments. But, I don't know really how they got there. I have spoken with Tom Deller and I have spoken with Mr. Morris, both of whom are familiar with the location of barges and each of them is in agreement that they should be moved. I don't know this, but it seems to me at some point we may be paying to get rid of them. Mr. Morris has given me some pictures so that you have an idea of what we're talking about and it really doesn't indicate the size of these things. Because I really saw them for the first time this morning. Essentially, they are rusted. Mr. Morris can tell the Committee some of the problems that they have encountered down there with individuals sleeping in them.

MR. MORRIS: Yes, that is correct. We've had numerous complaints of transients at night sleeping in those barges and breaking into the clubs around that area. I can't confirm that, only the Police can. But, the Army Corps has written letters to the past superintendent of the barrier stating that these barges are a hazard to that barrier. If in fact the elevation should get up to somewhere 8 1/2 to 9 feet, there is a possibility of them banging into the barrier. The Army Corps of Engineers wants or recommends that these barges be removed. However, the Army Corps will write only that they recommend they be removed, they would not suggest to the Committee that they have to be removed because it has nothing to do with the barrier. They're not on the barrier land easement for the barrier, they are on City property, however. I asked Mr. Francesco, the Chief of the Army Corps, to fax me a letter and he had to go back and he didn't have time to fax me a letter that told of this removal of these barges. But, they are a hazard. Not only that, but I'm aware by the rusting of these barges that DEM could cite the City of Providence. Because right now I believe that you got chemicals now leaking into from the rust.

CHAIRMAN LOMBARDI: Do we have chemicals?

MR. MORRIS: No, from the rust and corrosion of these barges, you do have.....

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CHAIRMAN LOMBARDI: Wash-out.

MR. D'AMICO: Essentially, the reason why we moved relatively quickly today and asked the Committee's indulgence is that an individual, as I said, has bought them and he can get a favorable rate on the removal of the barges. We have had a tentative agreement. Essentially, the terms of the agreement will be that they remove at their own cost, they do it in compliance of all Federal, State and Local regulations rule and statute. That there be a insurance policy to the City of Providence and its agents, officers, servants and employees.....

CHAIRMAN LOMBARDI: How much, John?

MR. D'AMICO: A million dollars. But it's what we're talking about, if the Committee has a different sense, let me know. I have a copy of the policy, it will be amended to include "agents, officers, servants and employees". I have a copy of the bills of sale under which they report to have title. Now, essentially the issue remains, we are looking for two things, one we want to inform the Committee and the Council. Two, we want everyone to be comfortable in their removal.

CHAIRMAN LOMBARDI: Excuse me, could we have copies of those because I don't believe the clerk has any. Are these documents going to be put into the record, John?

MR. D'AMICO: I will do so now.

CHAIRMAN LOMBARDI: Why don't you have Mike make copies for everyone, so that we are all on even key. Make sure Mr. Dykas gets a copy, also. I would imagine you want to put that - - in, right John?

MR. D'AMICO: I did enter this whole one in the record.

CHAIRMAN LOMBARDI: You don't have to make copies of that now, as long as the clerk has it. Is there anything else that we should know about? So, it is a haven, a hang-out, there may be potential problems, environmentally.

MR. D'AMICO: You are always concerned about these kinds of matters when it is located near the coast. In the agreement, we will certainly have them indemnify us for any..... so now they have to get all the appropriate permits and notices.

CHAIRMAN LOMBARDI: John, who owns those barges currently? Do you have any idea who?

COUNCILMAN DELUCA: It is a Rhode Island corporation.....

MR. D'AMICO: It is Barge Conrail 390 and Barge Conrail.....actually I believe they are add junks to the Pawtucket Credit Union.

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CHAIRMAN LOMBARDI: If there is any damage to those properties will we have to indemnify them to any damage to the barges themselves? Is there anything to that affect?

MR. D'AMICO: No. If that's not clear in the agreement, I'll make that clear.

MS. MCLAUGHLIN: I think that is clear. They're removing it, that would be if you were removing it.

CHAIRMAN LOMBARDI: I'm concerned about the in the last 16 years, they have been basically just sitting there. Are we responsible for that because they have been sitting on City property?

MR. D'AMICO: I don't think we're responsible.

CHAIRMAN LOMBARDI: I just want to make sure because I'd like to see some kind of.....

MS. MCLAUGHLIN: - - bought them as is. They just bought them, right?

MR. D'AMICO: Yes, they didn't buy them from us either. We are not involved in the sale.

CHAIRMAN LOMBARDI: I'm just concerned about the damage to them.

MR. D'AMICO: I would imagine there in worse condition now then they were 16 years ago.

CHAIRMAN LOMBARDI: I'm sure they are.

MR. D'AMICO: And that is really one of the reasons the Council may consider just getting them removed.

CHAIRMAN LOMBARDI: Any questions for the counsel?

COUNCILMAN DELUCA: I noticed this is a New York based firm that purchased them. Are they taking them back to New York?

CHAIRMAN LOMBARDI: I don't think John heard you.

MR. D'AMICO: I'm sorry, Councilman.

COUNCILMAN DELUCA: I noticed it is a New York firm who has purchased the barges. Will they be taking them to New York?

MR. D'AMICO: My understanding of what's going to be done now is one of the barges is going to be dismantled on site and moved and the very bottom of that barge is going to be used to float the second barge into the harbor.

COUNCILMAN DELUCA: Which harbor?

MS. MCLAUGHLIN: India Point. It is right outside where the barges are now.

COUNCILMAN DELUCA: Are they getting them out of here?

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MR. D'AMICO: My understanding is they are getting them out of here. The second barge is going to be floated to New York. I don't know the exact location, I don't want to mislead anybody. But, they are being moved out of state. The first barge will be dismantled and trucked away.

CHAIRMAN LOMBARDI: Questions? What's the pleasure of the Committee? I'd like to get them out of there, they are an eye sore.

MR. D'AMICO: There is one other thing, if I may Mr. Chairman, is that one of the questions that came up in discussion in the office is whether or not back rent is owed on this matter and it doesn't seem applicable that rent is owed.

COUNCILMAN DELUCA: There is no agreement.

MR. D'AMICO: There is no agreement that we know of. Mr. Morris has been there for almost.....

MR. MORRIS: No, there is no agreement that I am aware of. I've been part of the Hurricane Barrier crew since almost its inception and right now I am the superintendent and I have no knowledge of it.

MR. D'AMICO: So, I wanted the Committee to understand that to the extent that there may even be a claim for rent that is probably being waived.

CHAIRMAN LOMBARDI: We're going to waive it?

MR. D'AMICO: Yes.

CHAIRMAN LOMBARDI: Pleasure?

MR. D'AMICO: Actually, what we would like is a resolution authorizing the Director of Public Works to enter into an agreement for this removal.

CHAIRMAN LOMBARDI: With the few.....

MR. D'AMICO: Certainly with the conditions I've represented here.

CHAIRMAN LOMBARDI: That the Committee has concerns about, right? You said with the "agents, servants, employees", you are going to add that and the insurance policy.

MR. D'AMICO: That's correct.

CHAIRMAN LOMBARDI: Does the Committee feel the million dollars will be enough or should be make that a little higher?

COUNCILMAN DELUCA: That's fine.

COUNCILMAN JACKSON: That's fine.

CHAIRMAN LOMBARDI: Okay, motion?

On motion of Councilman DeLuca, seconded by Councilman Jackson, it is voted to approve the removal of certain barges from City land.

CHAIRMAN LOMBARDI: Those in favor signify by saying "aye".

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COMMITTEE: Aye.

CHAIRMAN LOMBARDI: Opposed? The ayes have it.

CORRESPONDENCE DATED JANUARY 10, 1996 FROM CHRISTOPHER MODISETTE, DIRECTOR OF WATER RESOURCES, RELATIVE TO THE CONVEYANCE OF UTILITY EASEMENTS AND 23KV SUBTRANSMISSION LINE TO NARRAGANSETT ELECTRIC COMPANY.

MR. MODISETTE: Good afternoon, Mr. Chairman, my name is Chris Modisette. I am the Director of Water Resources with the Providence Water Board and with me is Mr. Guy Couture who is the Municipal Account Manager for Narragansett Electric. We did appear before this Committee last month for the request to transfer some easements to Narragansett Electric and also the ownership of our 23,000 volt transmission line in Scituate. If I could just sort of revisit some of the issues here, we have a 23,000 volt electrical transmission line, about a 2.2 mile line that provides power to our water treatment plant and related facilities in Scituate. The line was installed in the 1920's and aged and we have decided that it needs repair. As part of our capital improvement program, we had estimated that it would cost approximately \$635,000 to repair that line. To look at other alternatives, we discussed with Narragansett Electric what other options we might have and they had proposed to us and have agreed that for a fee of \$400,000, they would upgrade and repair the entire line from Hope to the water treatment plant. They would install a new substation for us and take over the operations, maintenance and management of the line from here on out. Which would result in approximately \$30,000 per year annual cost savings to the Water Supply Board in terms of the annual maintenance to the line. Some of the advantages from our standpoint is, number one, we do not have the expertise or the personnel to manage and maintain such a line, Narragansett Electric does. We get the transmission line upgraded to a brand new service with a new substation at lower than what was estimated cost. We have more reliable electrical service to the Water Treatment Plant because now in the event of an power outage, it is Narragansett Electric's responsibility to respond in a timely manner to restore power to the treatment facilities, not the Providence Water Supply Board. We have decided that we felt that this was a good option. We have presented this to the Board of Providence Water at our meeting, I believe in November or December where they did approve the proposal for processing before this Committee. We're back here, there were some questions on the easement language that Patricia McLaughlin has discussed

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with our Solicitor and we propose that they'd be revised to everyone's satisfaction. I don't know if there is anything you want to add to that.

MS. MCLAUGHLIN: Just to abreast the Committee of the changes, I suggested there were four documents that came before us and I can pass them out to you as soon as I am through going through the changes. One was an easement agreement which is the central document that controls the relationship. They're only drafts, they are not for the Press. It is an easement agreement defining the relationship between the parties relative to the land in which the line will run and you can correct me if I go off on any point here that is not accurate. The only thing that I would suggest changing on that agreement is that it runs perpetual and I had suggested both to Fred Cunha, the attorney for the Water Supply Board and to Narragansett Electric that the Committee does not like to give things perpetually. They do not do that as a matter of course and, rather, what you would say is for as long as the use of the lines was in effect. If for any reason they abandon these lines, there is no reason why the land should stay with Narragansett Electric. Also, the only other minor change on that document was that there was an extra sentence about "said strip to be 50 feet in width", it could be a little confusing and talking to Fred, we decided to just delete that one line because there is a few exhibits attached as a meets and bounds description. Just use that as controlling, so that is an extremely technical change. Then there was a bill of sale document which transfers the actual line equipment to Narragansett Electric. There was a provision in that agreement that said that if in any way the property of the right of way was unassignable, we would come in at our sole expense and correct that. I didn't see, first of all, why we were talking about rights of way in a bill of sale document. But either way I said it was not something that we do and I would delete that. Then there was two assignment of easements, the easements that we are giving are actually from easements we received from other people at other points in time. One is how I describe it for the record, there is assignment "a" which is recorded on September 21st at 8:10 and that document again states that it would be forever. And, again, I changed that for as long as the lines were used by Narragansett Electric or it would revert back to the City. In here it has us indemnify the grantor, if in fact there was any course or expenses arising out of the claims of the parties, again I indicated that's not something we usually do. And then the assignment of easement 2B which is recorded on August 12, 1926 at 2:15, again would have the same exact change, the perpetual change and the change of indemnification. Although, I didn't indicate to Narragansett Electric that we do not indemnify other

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people that we do expect on our easements to be indemnified, and to have insurance on this property in case anything happen in the course of maintaining the property or the line and that would be all of the changes.

MR. MODISETTE: Just for clarification for the record, the way this power line runs is it runs about 2.2 miles. About half of that is across property that the City doesn't own. That's where those two easements come into place that we acquired during the time that we built the Water Treatment Plant and the Reservoir. Those would be assigned over to Narragansett Electric as described by the attachments that we were providing. The other easement is an easement we are granting across property that the City owns along the existing power line corridor, so that Narragansett Electric would have the right to maintain, operate, repair, renew their transmission line. I may have left or I may have left some what of a misunderstanding on the table last month, this is not something Narragansett Electric needs the easement from us, but we are asking Narragansett Electric ... we have proposed this proposal to them because we feel it is a good deal for the City in terms of long term maintenance and that type of thing. It is not something, if we can't reach a conclusion on this, Narragansett Electric will just revert back....it will revert back to us and we will be responsible for maintaining the line and perpetuity and all that type of thing.

CHAIRMAN LOMBARDI: Chris, I have a stupid question for you. Where's the copy of the resolution? Do you have it for us? You guys were supposed to draft it.

MS. MCLAUGHLIN: The Boards resolution.

MR. MODISETTE: The Boards resolution?

MS. MCLAUGHLIN: The Water Supply Board. You said the last time that the minutes weren't done, so you couldn't take it.

MR. MODISETTE: I didn't bring it with me, I'm sorry.

MS. MCLAUGHLIN: Maybe we can make that part of the record. The other thing, Mr. Chairman, is the agreement that's attached to the easement indicates on number ten and I have verified this with Mr. Modisette and I again, I should do that on the record. It says "the cost to the Providence Water Supply Board for Narragansett Electric upgrades is \$400,000 and the payments are due in thirds." I just wanted to indicate to the Board there was that payment attached to it which they indicated has passed through the Board of Contract and Supply.

MR. MODISETTE: That's correct.

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CHAIRMAN LOMBARDI: So, we need a copy of that, the minutes or resolution.

MR. MODISETTE: From the Board of Contract and Supply.

MS. MCLAUGHLIN: Just to attach to it.

MR. COUTURE: There were two payments made. There is one remaining payment to be made.

MS. MCLAUGHLIN: There were two of the \$133,333 paid. But, just need to know where they authorized it from. So, the Board of Contract and Supply did that. We understand this is in your benefit as well. It is just that we don't allow these documents.....

CHAIRMAN LOMBARDI: Councilman DeLuca?

COUNCILMAN DELUCA: One question for the Solicitor. As amended in that agreement, should one of the easements - - that was given to the City initially become a problem, are we indemnified if somebody wants to sue the City for violating an easement agreement, are we indemnified from such a suit?

MS. MCLAUGHLIN: No. They have asked us to indemnify them against such a suit and we said no. But no, we are not indemnified, if in fact we do something that would violate the easement agreement, is that what you are asking? Like if someone gave us an easement and we violated that....

COUNCILMAN DELUCA: If they gave us a reverter clause easement - - - we would obviously be in violation of - - . Are we indemnified?

MS. MCLAUGHLIN: No, we are not and a way to protect against that may be, the deeds as they are recorded are cited right in the agreements. If you can make that part of the record, the two deeds, we could see immediately if there is a reverter in either easement.

MR. MODISETTE: Sure, you want a copy of the deed as part of the record.

MS. MCLAUGHLIN: So, the two deeds.....

CHAIRMAN LOMBARDI: Let put it this way, any document that is referred to in the easement and the other document, we would like attached and made part of the record whatever it is. I don't care what department, I don't care what deed, we want to look at it as a whole. Councilman Jackson, any questions? What's the pleasure of the Committee? You want to pass it subject to all these amendments or you to pass it as amended and the subject to receiving all the requisite documentation? Let's do the motion to amend first.

On motion of Councilman DeLuca, seconded by Councilman Jackson, it is voted to amend the foregoing documentation.

CHAIRMAN LOMBARDI: Those in favor signify by saying "aye".

COMMITTEE: Aye.

CHAIRMAN LOMBARDI: Opposed? The ayes have it. Now, you want to pass it subject to the other items that were requested.

On motion of Councilman DeLuca, seconded by Councilman Jackson, it is voted to approve the foregoing documentation as amended.

CHAIRMAN LOMBARDI: Those in favor signify by saying "aye".

COMMITTEE: Aye.

CHAIRMAN LOMBARDI: Opposed? The ayes have it. Thank you.

MR. MODISETTE: Very good, thank you.

MR. COUTURE: The only thing I would like to say off the record is that....

CHAIRMAN LOMBARDI: We are on record, everything is on record.

MR. COUTURE: Some of these recommendations, I don't think there would be any objections to. But when it comes to the indemnification, there may be some questions in that. Right now, we are going taking - - by the Providence Water Supply Board. However, if we are taking the line over, we are willing to own it, maintain it, but I don't think we are want to take the risk as far as liability is concerned. - - may not necessarily be totally accepted as proposed as far as the language is concerned.

MS. MCLAUGHLIN: Through the Chair, I would want to go on the record to say that if that is in fact the case, then it would nullify the vote of this committee. Because that is not what was represented to this Committee.

CHAIRMAN LOMBARDI: Thank you.

DISCUSSION RELATIVE TO SPRUCE AND DEAN STREETS.

CHAIRMAN LOMBARDI: Carmine Balzano, please identify yourself for the record.

MR. BALZANO: Carmine Balzano, Vice-President of the Federal Hill Commerce Association.

MR. DRIVER: Luke Driver, Mayor's Office.

CHAIRMAN LOMBARDI: Would you gentlemen like to enlighten us what this is all about.

MR. DRIVER: Yes, Mr. Chairman, two years ago the Federal Hill Commerce Association approached the Rhode Island DOT about the possibility of developing a limited use recreation area along Spruce Street. The Association wanted to develop bocce courts, some minor landscaping and lighting in the area. The original plan was to do a conveyance to the City and then a license agreement

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from the City to the Association. The DOT identified 10 previous owners who would of had to been approached prior to conveyance of the City and decided instead to do a license agreement with the City and not to do a conveyance.

CHAIRMAN LOMBARDI: Who was going to do the license agreement? Between the City and whom?

MR. DRIVER: Between the State and the City. That's currently the proposal at the DOT. The DOT has done its internal approvals and has sent on this proposal to the Federal Highway for approval, that's nearing completion right now. Although it's early in the process, the association wanted to bring it before this committee as a courtesy for guidance and just to let you know what is happening. The DOT has sent a draft copy of their license agreement to the Law Department just yesterday.

MS. MCLAUGHLIN: We haven't received it, just for the record. We didn't know about this until today.

MR. DRIVER: It's going to need to go through all the various procedures before it will come to this committee. But, the association wanted to try and move this along quickly.

MR. BALZANO: If there were any problems, I wanted to try and resolve them before we got to this point, rather then delay it when it actually got to the Council. We just wanted to present this. (Shows map to Committee) This is the plan submitted to DOT and approved by the DOT. It is also right now in front of the Federal Highway Department. This is the off-ramp of Route 10 onto Dean Street.

CHAIRMAN LOMBARDI: Just to give you something, Caserta's Pizza is over here somewhere.

MR. BALZANO: This is Spruce Street right here. This is Dean Street, Atwells Avenue being over here and it's just this small parcel that where talking about right here.

CHAIRMAN LOMBARDI: Now, Carmine, is that were all the pictures are?

MR. BALZANO: The murals are right here. This is an embankment, this is going to be of no use here, we are just going to be decorating it to outline the park more or less. Over here is where we are going to be putting a barrier for vehicles. That was the DOT's main concern.

CHAIRMAN LOMBARDI: Is there going to be a playground here somewhere?

MR. BALZANO: No.

CHAIRMAN LOMBARDI: Okay, good. My concern is obviously because the freeway

MR. BALZANO: Correct. We had presented that, they disagreed with it. The only activity that we plan to use this park.... it was primarily done to decorate the area, to clean up the area. Because right now, it's just a mass of grass. It collects all kind of debris. It looks like - -. We more or less wanted to make it look good. The bocchie courts were something that we decided to add later. There is a private social club which is located I believe at this building right here which the Tuscan Social Club. They agreed to maintain the bocchie courts and utilizing the courts by entering the Rhode Island Bocchie League. We didn't want to just put them there for decorative, we wanted them to be used.

CHAIRMAN LOMBARDI: Can we get that in writing?

MR. BALZANO: The Tucson? We have that.

CHAIRMAN LOMBARDI: Okay, good.

MR. BALZANO: We have that for the records of the association.

CHAIRMAN LOMBARDI: Could we get that, please.

MR. BALZANO: Sure, that is not a problem. They agreed to enter into the Rhode Island Bocchie league and at that point utilize the courts. We thought it would be an enhancement to the area. This is pretty much our next attack is this Spruce Street area.

CHAIRMAN LOMBARDI: Are you going to have benches and things of that sort there?

MR. BALZANO: They have in the plan a couple of benches, yes.

CHAIRMAN LOMBARDI: I noticed a bike path or something.

MR. BALZANO: A bike rake. That's an option, that will probably be in the last phase of this. We have this broken down right now.

CHAIRMAN LOMBARDI: How many phases?

MR. BALZANO: Three phases.

CHAIRMAN LOMBARDI: What is the time?

MR. BALZANO: Three years from the time that we actually sign it. I'm hoping to have the bocchie courts in for next Spring. In order to that, we need to get all these approvals before this Spring. In all reality, we have to do a lot of the planting first which has to be done early in the season. If we do not get it done early in the season, we really have to delay a lot of this project until basically late fall which is prefer not to do. So, this has not come from the State to the City yet.

From the assumption that we have been given, the Association has been given all of the approvals that have been made. All we are waiting for now is the stamps.

CHAIRMAN LOMBARDI: And we are talking about the State?

MR. BALZANO: The State and the Federal. We were given the impression by Ron Ricci from DOT that the Federal had we been notified yet as to that.

MR. DRIVER: The Federal Highway is reviewing it now.

MR. BALZANO: But, they did not foresee any problems.

CHAIRMAN LOMBARDI: Will there be any tip monies involved in this?

MR. DRIVER: I don't know.

MR. BALZANO: We basically wanted to present it to the Council, so that when it did come to you.....

CHAIRMAN LOMBARDI: Let me ask you a question. If we were to approve it, you think that would expedite the process.

MS. MCLAUGHLIN: You don't know what your approving, you don't have the documents.

CHAIRMAN LOMBARDI: I'm just asking.

MR. DRIVER: I think it is premature in the process. I think that what Carmine wanted to do is to bring it to the attention of the Committee for consideration and when it is moved along to the point where we will need your approval, then we will come back. At least that is what we had discussed.

CHAIRMAN LOMBARDI: Any questions, Councilman DeLuca?

COUNCILMAN DELUCA: Is there any cost to the City involved?

CHAIRMAN LOMBARDI: Taxpayers.

MR. BALZANO: At this point.....

COUNCILMAN DELUCA: No maintenance and no.....

MR. BALZANO: Well, the agreement was originally designed that we would assume maintenance.

CHAIRMAN LOMBARDI: You mean the Commerce Association.

MR. BALZANO: The Association.

CHAIRMAN LOMBARDI: with the Tucson Club. I just want to say for the record, we already have that going on in our neighborhood with the St. John's Parking lot and that is working out well, I think. Any other questions? So, I guess what we'll do is just continue this until such time that you come forward with all the.... I could say that I will be supporting that.

MR. BALZANO: I will supply the..... should I just send it on to your office?

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CHAIRMAN LOMBARDI: The clerk and the solicitor.

MR. BALZANO: Okay.

On motion of Councilman DeLuca, seconded by Councilman Jackson, it is voted to continue the foregoing discussion.

CHAIRMAN LOMBARDI: All those in favor signify by saying "aye".

COMMITTEE: Aye.

CHAIRMAN LOMBARDI: Those opposed? The ayes have it.

DISCUSSION RELATIVE TO THE FEDERAL HILL MERCHANTS ASSOCIATION.

CHAIRMAN LOMBARDI: This is the parking facility that was recently refurbished. There was quite a few dollars spent to refurbish it. I believe they have a full-time staff monitoring the situation. I also believe that the Commerce Association is also maintaining the premises, if I recall correctly. I think that the reason why the Commerce Association is here is that we've never memorialize that in writing. It's in writing, but it has never been signed.

MR. BALZANO: We've never actually signed the documentation.

CHAIRMAN LOMBARDI: And what your looking for is a signed document

MR. BALZANO: For insurance purposes and for liability purposes.

CHAIRMAN LOMBARDI: That's right, there was some questions, I guess some people Where are we? Have you had an opportunity to review that at all?

MS. MCLAUGHLIN: I've never had this brought to me. But, I sent this to somebody because my signature is on top and from what I recall on this matter is we prepared this and then this was prior to you taking over, Carmine. What happened is that.....

CHAIRMAN LOMBARDI: Well, he's not even there anymore, it's Joe Zuccolo. He's the Vice there.

MS. MCLAUGHLIN: Even prior to you taking over, this was drafted. Then it just fell apart. Nobody ever followed up on it and when we tried to follow up on a signature, we couldn't get anyone to sign it.

MR. BALZANO: We were here either late Spring, I mean excuse me, late Summer or early Fall of 1995.

MS. MCLAUGHLIN: No action was taken. It was never finalized.

CHAIRMAN LOMBARDI: Okay, can we get this finalized?

MS. MCLAUGHLIN: Well, it is the same lease? Has anything changed?

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CHAIRMAN LOMBARDI: Not that I know of.

MS. MCLAUGHLIN: He's not the head of it then?

CHAIRMAN LOMBARDI: No, Joe Zuccolo is. But, he is Vice-Chairman. He is here in his stead.

MS. MCLAUGHLIN: But, he is an officer.

CHAIRMAN LOMBARDI: Yes and he has authority to be here. I spoke with Joe Zuccolo.

MS. MCLAUGHLIN: So, what's the term? Are we going to start the 5 years from now or when we originally started?

CHAIRMAN LOMBARDI: Originally started.

MS. MCLAUGHLIN: Do you know when that was? I was quite a while ago.

CHAIRMAN LOMBARDI: I have no problem.

COUNCILMAN DELUCA: Why not start a new 5 year lease.

CHAIRMAN LOMBARDI: I have no problem with that or at least no later than this.

MS. MCLAUGHLIN: Well, it would be.

CHAIRMAN LOMBARDI: That's what I'm saying. I mean no earlier than that rather.

MS. MCLAUGHLIN: No, it would be now in 1996. So, you want to do the same lease. The rental is still going to be \$500 each year?

MR. BALZANO: Can I read that, please? I appeared in front of you in early 1993. I appeared in front of this board in early 1993 as the new president of the Federal Hill Commerce Association.

MS. MCLAUGHLIN: If you check those minutes, there was no action taken.

MR. BALZANO: No, there wasn't, not at that meeting. I asked for a delay because this was put into my lap as a new officer. At that point, the Association was not called Federal Hill Businessmen nor was it the Businessmen's Parking Lot Association.

MS. MCLAUGHLIN: That is what the people that came in requested.

MR. BALZANO: Before me.

MS. MCLAUGHLIN: Yes.

MR. BALZANO: In August or September of this year 1995, we were given in front of this Board Joe Zuccolo appeared to finalize an agreement with you and it was approved at that point.

MS. MCLAUGHLIN: I don't believe final action was taken. I don't believe you have ever reached final approval on this. Because I sent this to Luke Driver who requested it, that's why I put on the top that it was never executed.

MR. BALZANO: John, what was it about that Joe Zuccolo appeared here? Was it in late Summer, early Spring?

MS. MCLAUGHLIN: You didn't take action.

CHAIRMAN LOMBARDI: That's right because we were waiting for certain documents or something. Joe was here, your right.

MS. MCLAUGHLIN: But, there was no action.

MR. BALZANO: I was given the impression that it was decided it was approved.

CHAIRMAN LOMBARDI: All we're trying, I thought it was I think we're just trying to get this thing executed, but okay, fine.

MR. BALZANO: Well, the \$500 dollars was not something that was brought this is something that is new to me.

MS. MCLAUGHLIN: Like I said this was drafted prior to you taking over. I'm asking the Committee, actually if that is something that still is going in there. This lease has got to be quite a few years old, this draft.

MR. BALZANO: Was this presented to Joe Zuccolo at that meeting?

COUNCILMAN DELUCA: I think there is time needed to review both by Carmine - - - get together and review it and come to terms. Then perhaps at our next meeting we can take it up again. It still seems to need

MS. MCLAUGHLIN: Unless you want to establish the terms right here and I'll just draft.

COUNCILMAN DELUCA: It wouldn't be.... I'm sure he would need approval from his association.

CHAIRMAN LOMBARDI: Carmine, do you have authority to do that?

MR. BALZANO: I have authority to lower that figure.

CHAIRMAN LOMBARDI: Spoken like a true businessmen. What do want to do? Would it be better for us to continue this and we will put it on the next docket.

MR. BALZANO: When will be the next docket?

CHAIRMAN LOMBARDI: I would be next week probably. I'm sorry, Patricia will be away.

MR. BALZANO: The \$500 is nonnegotiable, correct?

MS. MCLAUGHLIN: No, I didn't say that. I asked the Committee what their pleasure was on the amount of money for the lease?

CHAIRMAN LOMBARDI: The point is, do you have any authority to agree to a number, that's my point.

MR. BALZANO: Yes.

CHAIRMAN LOMBARDI: What's the pleasure of the Committee? Is \$500 too much or too little? What's the pleasure?

COUNCILMAN DELUCA: It sounds very reasonable.

CHAIRMAN LOMBARDI: Councilman?

COUNCILMAN JACKSON: That's fine.

CHAIRMAN LOMBARDI: Can we agree to \$500? We'll do it right now.

MS. MCLAUGHLIN: We might want to let him take it back to his Board and think about.

MR. BALZANO: No, I need to get this done. You have to change this to the Federal Hill Commerce Association. This address of 239 Atwells Avenue, what address would that be?

MS. MCLAUGHLIN: This is what your prior person gave to me. Just give me your information and I'll right down. What's your address?

CHAIRMAN LOMBARDI: What's your address, Carmine?

MR. BALZANO: 220.

CHAIRMAN LOMBARDI: That's his business, so it has got to be an odd number. So, it has got to be 225, 227.

MS. MCLAUGHLIN: We can get that later. You want 5 years?

CHAIRMAN LOMBARDI: Five years is fine.

MS. MCLAUGHLIN: Do you want a 5 year option.

CHAIRMAN LOMBARDI: Yes.

MR. BALZANO: Yes.

MS. MCLAUGHLIN: Set in the first 5 years of \$500 a year, the rest to be renegotiated. Is it the same property? Are you sure this is the same? I don't see an addendum to this. I don't know if he sent you this to you, it's half the lease to begin with. It's not even a full lease. Luke only gave you half the lease.

CHAIRMAN LOMBARDI: He didn't get any of that.

MR. BALZANO: I haven't received any of this.

MS. MCLAUGHLIN: Is this the location? What are we leasing?

MR. BALZANO: The parking lot. It is directly across the street from me.

MS. MCLAUGHLIN: Do you know the assessor's plat and lot?

COUNCILMAN DELUCA: I thought there was a description in there.

MS. MCLAUGHLIN: Atwells and Cheeves Place.

MR. BALZANO: Yes.

MS. MCLAUGHLIN: So, this is the description. You were negotiating with Ray Mannarelli at one point for this, right?

MR. BALZANO: I appeared at one Council meeting in regards to this. We made our presentation and then Joe Zuccolo came here on the second. I was under the impression that the second meeting everything had been approved and all I was looking for was documentation of that for insurance purposes.

CHAIRMAN LOMBARDI: The confusion here is that the attorney for the Planning Department had it for a while and he is retired, right? So, that's part of the problem.

MR. BALZANO: Right. When we incorporated with that restoration project, it was turned over to the City Planning Department.

CHAIRMAN LOMBARDI: They have a different legal department.

MS. MCLAUGHLIN: That's why we didn't have it. So, it is a 5 year with a 5 year option, \$500 a year, the description is the parking lot on the corner of Atwells and everything else will remain the same. I can get a draft out to you on this, so you can review the whole thing at your leisure.

CHAIRMAN LOMBARDI: Can we pass this subject to these things?

On motion of Councilman DeLuca, seconded by Councilman Jackson, it is voted to approve the foregoing lease to Federal Hill Commerce Association subject to said conditions.

CHAIRMAN LOMBARDI: Those in favor signify by saying "aye".

COMMITTEE: Aye.

CHAIRMAN LOMBARDI: Opposed? The ayes have it.

ADJOURNMENT: On motion of Councilman DeLuca, seconded by Councilman Jackson, it is voted to adjourn at 5:25 p.m.


CLERK


Assistant Clerk