

CITY COUNCIL, MAY 10, 2006

CITY COUNCIL CHAMBERS

3rd FLOOR, CITY HALL

7:00 PM

137 ROOSEVELT AVENUE

PAWTUCKET, RHODE ISLAND

PRE-COUNCIL AGENDA

**6:00 PM – CLAIMS COMMITTEE - A PORTION OF THE MEETING MAY
BE HELD IN EXECUTIVE SESSION**

Pursuant to Section 42-46-4 & Section 42-46-5 (A)(2) of the

General Laws of Rhode Island regarding pending litigation

**6:45 PM – PRE-COUNCIL – PAWTUCKET POLICE DEPARTMENT
VOLUNTEER CITIZENS ON PATROL PROGRAM**

6:45 PM – PUBLIC INPUT PERIOD

6:45 PM – BOARD OF LICENSE COMMISSIONERS

7:00 PM – CITY COUNCIL

DOCKET

CONVENED _____ PM

Previous Minutes

1. *CONSENT AGENDA

2. *CORRESPONDENCE

A. Communication from Alfred J. Moscola, Rhode Island Public Transit Authority to Janice M. LaPorte, CMC, City Clerk, (The Removal of a Bus Stop at 230 Beverage Hill Avenue)

B. Communication from Louise R. Phaneuf, Burrillville Town Clerk to the Pawtucket City Council, (Resolution in Support of Amendments to §16-7-44. School Housing Project Costs)

C. Communication from Gregory E. Nelson, President, Riverside Burial Society to Donald R. Grebien, President, Pawtucket City Council, (Bike Path – Affecting the Riverside Cemetery)

D. Communication from Michael D. Cassidy, Director of Planning and

Redevelopment to Mr. Gregory E. Nelson, President of the Riverside Burial Society, (Bike Path)

E. Communication from Donna L. Giordano, CMC, Westerly Town Clerk to the Pawtucket City Council, (Resolution in Support of Senate Bill 2006-S2049 Regarding the Elimination of MTBE as a Gasoline Additive)

F. Communication from Jodi P. LaCroix, CMC, Charlestown Town Clerk to the Pawtucket City Council, (Resolution in Support of Senate Bill 2006-S2049 Regarding the Elimination of MTBE as a Gasoline Additive and Senate Bill S-2079 Regarding Low and Moderate Income Housing)

G. Communication from Michael D. Cassidy, Director of Planning and Redevelopment and Barney Heath, Assistant Director, Planning and Redevelopment to the Pawtucket City Council Members, (Requested 2005-06 CDBG Budget)

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PAWTUCKET, RHODE ISLAND

H. Communication from the Rhode Island Clean Water Finance Agency to the City of Pawtucket, (Revolving Fund Program Project Payment Requisition Form)

I. Communication from Margaret M. Lynch-Gadaleta, Esq., City Solicitor to Ernest Almonte, CPA, Auditor General. (Pawtucket School Department)

J. Communication from Margaret M. Lynch-Gadaleta, Esq., City Solicitor to Janice M. LaPorte, CMC, City Clerk. (Pawtucket School Committee/Attorney for School Committee)

K. Communication from Cheryl Santos, Visitor Services, Slater Mill to Pawtucket City Council. (Colombian Independence Day Festival)

L. Communication from Michael D. Cassidy, Director of Planning and Redevelopment to Janice M. LaPorte, CMC, City Clerk, (Stakeholder Committee Meeting – Pawtucket/Central Falls Train Station)

M. Communication from Ron L. Wierks to Donald R. Grebien, President, Pawtucket City Council, (Rehabilitation Tax Credits)

N. Communication from William J. Lynch, McIntyre, Tate, Lynch & Holt, Counselors at Law to John T. Gannon, Esq. (City of Pawtucket v.

Alan Tenreiro, et al)

O. Communication from Margaret M. Lynch-Gadaleta, Esq., City Solicitor to Janice M. LaPorte, CMC, City Clerk, (Chapter 251 Secondhand Shops, Junkyards, Junk Dealers Ordinance)

P. Communication from Dr. Hans W. Dellith, Superintendent of Schools to Donald R. Grebien, President, Pawtucket City Council, (Conflict of City Council Meeting)

**Q. Communication from Councilor Robert E. Carr to Council President Donald R. Grebien (Charter Amendment-Eminent Domain)
TO BE REFERRED TO THE ORDINANCE COMMITTEE.**

R. Communication from Ronald L. Wunschel, Director of Finance to Councilor John J. Barry, III, (Police & Firefighter Retirees Resolution)

S. Resolution Providing Cost of Living Adjustments to “Old Pension Plan” Police and Firefighters, Who Retired from 1965 through 1988, Police Who Were Hired Prior to July 1, 1973, and Firefighters Who Were Hired Prior to July 1, 1972 and Receive Benefits from the General Fund of the City, Not from the Current Police and Fire Pension Plan TO BE REFERRED TO THE FINANCE COMMITTEE.

T. Communication from Angel S. Garcia, Director of Personnel to the Honorable Members of the Pawtucket City Council. (Amend Pay

Ordinance Chapter 2797-Parks and Recreation Clerk)

U. An Ordinance in Amendment of Chapter 2797 of the Ordinances of the City of Pawtucket Establishing a Pay Plan for the City of Pawtucket (Park & Recreation Clerk) TO BE LAID ON THE TABLE AND REFERRED TO THE FINANCE COMMITTEE.

V. Communication from Angel S. Garcia, Director of Personnel to the Honorable Members of the Pawtucket City Council (Teamsters Local 251 Pay Plan)

W. An Ordinance Establishing a Pay Plan for the City of Pawtucket for Local 251 (Teamsters Union) July 1, 2006 – June 30, 2008 TO BE LAID ON THE TABLE AND REFERRED TO THE FINANCE COMMITTEE.

CITY COUNCIL, MAY 10, 2006

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3rd FLOOR, CITY HALL

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137 ROOSEVELT AVENUE

PAWTUCKET, RHODE ISLAND

X. Communication from Angel S. Garcia, Director of Personnel to the Honorable Members of the Pawtucket City Council (Local 3960 Pay Plan)

Y. An Ordinance Establishing a Pay Plan for the City of Pawtucket for Local 3960 (Professional /Technical Union) July 1, 2006-June 30, 2007 TO BE LAID ON THE TABLE AND REFERRED TO THE FINANCE COMMITTEE.

Z. Communication from Angel S. Garcia, Director of Personnel to the Honorable Members of the Pawtucket City Council (Pawtucket Fire Fighters Local 4421 Pay Plan)

AA. An Ordinance Establishing a Pay Plan for the City of Pawtucket for Uniform members of the Fire Division, July 1, 2006-June 30, 2007 TO BE LAID ON THE TABLE AND REFERRED TO THE FINANCE COMMITTEE.

BB. Communication from Angel S. Garcia, Director of Personnel to the Honorable Members of the Pawtucket City Council (Pawtucket Lodge No. 4 Fraternal Order of Police Pay Plan)

CC. An Ordinance Establishing a Pay Plan for the City of Pawtucket for Uniform members of the Police, July 1, 2006-June 30, 2008 TO BE LAID ON THE TABLE AND REFERRED TO THE FINANCE COMMITTEE

DD. ANNUAL OPERATION BUDGET ORDINANCE FY 2006-2007 TO BE LAID ON THE TABLE AND REFERRED TO THE FINANCE COMMITTEE. SCHEDULE A PUBLIC HEARING FOR TUESDAY, MAY 23, 2006 AT 6:00 P.M.

EE. CAPITAL BUDGET ORDINANCE 2006-2007 TO BE LAID ON THE TABLE AND REFERRED TO THE FINANCE COMMITTEE. SCHEDULE A PUBLIC HEARING FOR TUESDAY, MAY 23, 2006, AT 6:00 P.M.

FF. CAPITAL IMPROVEMENT PROGRAM ORDINANCE 2007-2011 TO BE LAID ON THE TABLE AND REFERRED TO THE FINANCE COMMITTEE.

GG. Communication from James DeCelles, Acting Chief Engineer, Pawtucket Water Supply Board to Janice LaPorte, Pawtucket City Council. (Lease Agreement between The City of Pawtucket by and through the Pawtucket Water Supply Board and David and Kathleen Jewell for the Caretaker's House at 225 Reservoir Road, Cumberland, RI, TO BE REFERRED TO THE CITY PROPERTY COMMITTEE

HH. Communication from Margaret M. Lynch-Gadaleta, Esq., City Solicitor to Janice M. LaPorte, CMC, City Clerk, (City Council Control of School Property) TO BE REFERRED TO THE CITY PROPERTY COMMITTEE.

3. Communication from Justin Sullivan, 35 Martin Street, Pawtucket, RI to Councilor Al Vitali, (Curb Cut Permit)

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137 ROOSEVELT AVENUE

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4. THE FINANCE COMMITTEE RETURNS THE FOLLOWING RESOLUTION WITH THE RECOMMENDATION FOR APPROVAL:

RESOLUTION AUTHORIZING THE ABATEMENT OF TAXES ON MOTOR VEHICLES, REAL ESTATE AND TANGIBLE PERSONAL PROPERTY FOR JANUARY, FEBRUARY AND MARCH, 2006 IN THE

SUM OF \$250,347.25

ROLL CALL AYES_____ NOES_____

5. THE CITY PROPERTY COMMITTEE SUBMITS THE FOLLOWING RESOLUTION WITH THE RECOMMENDATION FOR APPROVAL:

RESOLUTION DEDICATING THE PLAYGROUND IN SLATER PARK IN MEMORY OF FORMER COUNCILOR-AT-LARGE J. RAYMOND KINDER.

ROLL CALL AYES _____ NOES_____

6. Communication from Michael D. Cassidy, Director of Planning and Redevelopment, Barney Heath, Assistant Director, Planning and Redevelopment, and Edward Soares, CDBG Program Manager to the Pawtucket City Council, (Resolution Authorizing the Filing of the CDBG Application)

7. RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION FOR FUNDS UNDER THE COMMUNITY DEVELOPMENT BLOCK

GRANT PROGRAM.

ROLL CALL AYES_____ NOES_____

8. AN ORDINANCE IN AMENDMENT OF CHAPTER 2797 OF THE ORDINANCES OF THE CITY OF PAWTUCKET ESTABLISHING A PAY PLAN FOR THE CITY OF PAWTUCKET. (Delete Engineering Aide I and Engineering Aide III and Create Project Leader)

FOR SECOND PASSAGE

ROLL CALL AYES_____ NOES_____

9. THE FINANCE COMMITTEE RETURNS THE FOLLOWING REQUEST WITH THE RECOMMENDATION TO APPROVE A \$500 DONATION FROM THE CONTRIBUTIONS SUPPORT EXPENSE LINE ITEM, LISTED AS “OTHER ONE-TIME REQUEST” ESTABLISHED FOR THIS PURPOSE:

Communication from Peter F. Kilmartin to the Honorable Donald Grebien (Requesting donation for Tolman High School Students

called "The Mechanicatz" to compete in the International Robotics Competition in Atlanta Georgia.)

ROLL CALL AYES _____ NOES _____

CITY COUNCIL, MAY 10, 2006

CITY COUNCIL CHAMBERS

3rd FLOOR, CITY HALL

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137 ROOSEVELT AVENUE

PAWTUCKET, RHODE ISLAND

10. THE FINANCE COMMITTEE RETURNS THE FOLLOWING ORDINANCE WITH THE RECOMMENDATION FOR APPROVAL AND STRONGLY SUGGESTS THAT THE FINANCE COMMITTEE LOOK AT THE INEQUITIES IN THE EXEMPTIONS:

AN ORDINANCE IN AMENDMENT OF CHAPTER 363 OF THE CODE OF ORDINANCES OF THE CITY OF PAWTUCKET ENTITLED "TAXATION" (Exemptions)

FOR FIRST PASSAGE

ROLL CALL AYES _____ NOES _____

11. THE FINANCE COMMITTEE RETURNS THE FOLLOWING ORDINANCE WITH THE RECOMMENDATION FOR APPROVAL:

AN ORDINANCE IN AMENDMENT OF CHAPTER 363 OF THE CODE OF ORDINANCES OF THE CITY OF PAWTUCKET, 1996, ENTITLED, "TAXATION"; SPECIFICALLY §363-67, ENTITLED, "DUTIES OF ASSESSOR AND FINANCE DIRECTOR" (Property Tax Classification)

FOR FIRST PASSAGE

ROLL CALL AYES _____ NOES _____

12. THE ORDINANCE COMMITTEE RETURNS THE FOLLOWING ORDINANCE WITH THE RECOMMENDATION FOR APPROVAL:

ORDINANCE IN AMENDMENT OF §3-2 OF THE CODE OF ORDINANCES OF THE CITY OF PAWTUCKET, 1996, (Data Processing Information Technology)

FOR FIRST PASSAGE

ROLL CALL AYES_____ NOES_____

13. THE ORDINANCE COMMITTEE SUBMITS THE FOLLOWING ORDINANCE WITH THE RECOMMENDATION TO BE LAID ON THE TABLE:

AN ORDINANCE REPEALING CHAPTER 410-92.1, OF THE CODE OF ORDINANCES OF THE CITY OF PAWTUCKET, 1996, IN ITS ENTIRETY, ENTITLED "CIGARETTE ADVERTISING".

14. THE ORDINANCE COMMITTEE SUBMITS THE FOLLOWING ORDINANCE WITH THE RECOMMENDATION TO BE LAID ON THE TABLE:

AN ORDINANCE IN AMENDMENT OF §347-14 OF THE CODE OF ORDINANCES OF THE CITY OF PAWTUCKET, 1996, ESTABLISHING REFUSE COLLECTION RULES.

CITY COUNCIL, MAY 10, 2006

CITY COUNCIL CHAMBERS

3rd FLOOR, CITY HALL

7:00 PM

137 ROOSEVELT AVENUE

PAWTUCKET, RHODE ISLAND

15. THE ORDINANCE COMMITTEE RETURNS THE FOLLOWING ORDINANCE WITH THE RECOMMENDATION TO BE TAKEN UNDER ADVISEMENT:

AN ORDINANCE IN AMENDMENT OF CHAPTER 410 OF THE REVISED ORDINANCES OF THE CITY OF PAWTUCKET, (Zoning Ordinance) TEXT AND OFFICIAL ZONING MAPS.

16. THE ORDINANCE COMMITTEE SUBMITS THE FOLLOWING ORDINANCE TO BE LAID ON THE TABLE AND TO SCHEDULE A PUBLIC HEARING FOR WEDNESDAY, JUNE 7, 2006, AT 7:00 P.M.

AN ORDINANCE IN AMENDMENT OF CHAPTER 2703 OF THE ORDINANCES OF THE CITY OF PAWTUCKET, RHODE ISLAND, AMENDING THE 2003 COMPREHENSIVE PLAN (448 Newport Avenue)

17. THE ORDINANCE COMMITTEE RETURNS THE FOLLOWING WITH THE RECOMMENDATION TO BE REFERRED TO JOHN E. CARNEY, DIRECTOR OF PUBLIC WORKS TO PURSUE THE GOAL OF PURCHASING RENEWABLE ENERGY:

Communication from John J. Lombardi, Providence Council President, David Segal, Minority Leader, Miguel C. Luna, Councilman-Ward 9 to Council President Grebien, (Request for Support of Use of Clean, Renewable Energy)

18. THE CITY PROPERTY COMMITTEE RETURNS THE FOLLOWING WITH THE RECOMMENDATION TO BE TAKEN UNDER ADVISEMENT:

Communication from Michael E. Sendley, Esq., McKinnon & Harwood Law Office, representing BWL Realtors, LLC to the Honorable City Council, requesting permission to continue to use the City Right-of-Way adjacent to Tax Assessor's Plat 34, Lot 180, 50 Dunnell Lane.

19. THE CITY PROPERTY COMMITTEE RETURNS THE FOLLOWING WITH THE RECOMMENDATION TO DENY:

Communication from Claudette Peden, Consultant for T-Mobile to Harvey E. Goulet, Jr., Director of Administration (Omnipoint Proposal-385 Newport Avenue to install a wireless communications facility.)

20. Communication from Margaret Verkay, owner of the Extreme Donuts, 200 Main Street, to Pawtucket City Council, requesting permission for outdoor seating.

21. Communication from Ronald F. Travers, Director of Zoning & Code Enforcement, to Pawtucket City Council. (Extreme Donuts – 200 Main Street)

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137 ROOSEVELT AVENUE

PAWTUCKET, RHODE ISLAND

22. THE FOLLOWING LICENSE WAS LAID ON THE TABLE AT THE MEETING HELD APRIL 19, 2006, AND IS AGAIN TAKEN UP:

ENTERTAINMENT –

**Petition of Community Center of Grupo Amigos Da Terceira Inc., for a license to conduct an Annual St. Vincent DePaul Feast at 55 Memorial Drive, parking lot, Monday, September 4, 2006, from 2:00 p.m. to 8:00 p.m.; Friday, September 8, 2006, from 8:00 p.m. to 12:00 a.m.; Saturday, September 9, 2006, from 12:00 Noon to 11:30 a.m.; and Sunday, September 10, 2006, from 12:00 Noon to 10:00 p.m.
LIC#0436M**

23. PETITION FOR LICENSE:

VICTUALLING HOUSE – First Class

**Narragansett Café, Inc., d/b/a Indian Lounge, (Victoria Amaral, by Executrix d/b/a Indian Lounge (Narragansett Café) 435 York Ave.
LIC#00773**

24. *PETITIONS FOR LICENSES:

ENTERTAINMENT -

Petition of Colombian American Cultural Society Inc., for a license to conduct a Festival in Slater Mill (Parking Lot), 67 Roosevelt Avenue on Sunday, July 23, 2006, from 12:00 p.m. until 7:00 p.m., LIC#0439M

Petition of St. Paul's Episcopal Church for a license to conduct a Classical Music Concert at 50 Park Place on Saturday, May 13, 2006, from 8:00 p.m. to 10:00 p.m. LIC#0440M

Petition of Slater Mill Historic Site for a license to conduct a Annual Fundraising "Gala" with Live Music at Slater Mill Grounds on Saturday, May 13, 2006, from 6:30 p.m. to 10:30 p.m. LIC#0441M

AUTOMOBILE REPAIR SHOP AND SECOND HAND SHOP LICENSES (CLASS A & B) (Selling used automobiles and parts)

***Charles F. Augenti and Henry Turner d/b/a First Stop Automotive, 624 York Ave. LIC#30251 #40263**

- 1. No outside repair work.**
- 2. No auto body painting.**
- 3. Limit number of automobiles for sale at five (5).**
- 4. Try to keep vehicles from parking on sidewalk.**
- 5. No sales after 7:00 p.m. weekdays.**
- 6. Saturday hours 9:00 a.m. – 12 Noon.**

Auto Marketplace Sales, Inc., d/b/a Auto Marketplace Sales, 39 Central Ave. LIC#30087 #40073

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7:00 PM

137 ROOSEVELT AVENUE

PAWTUCKET, RHODE ISLAND

***Mario Jimenez d/b/a Fonseca A/S, 263 Dexter St. LIC#30265 #40277**

- 1. License approved on a 12 month conditional basis.**
- 2. There shall be a three month review of the business operation with the neighbors.**
- 3. The hours of operation shall be as follows:**
 - a. 9:00 a.m.-5:00 p.m. for auto repair – Monday-Friday**
 - b. 9:00 a.m.-7:00 p.m. for auto sales-Monday-Friday**
 - c. 10:00 a.m.-3:00 p.m. for auto sales-Saturdays – No auto repair**

d. No operation on Sundays or Holidays.

4. Owner shall provide, in writing, off-street parking arrangement with neighbor.

Agreement shall be presented to the City Clerk within 30 days.

5. No parking on Dexter Street.

6. Towing allowed during business hours only 9:00 a.m.-5:00 p.m. M-F. No

Saturdays.

7. Rear of building shall be clear of all vehicles at all times.

8. No parking on Dexter Court.

9. No painting or auto body work allowed.

10. Outside premises to be kept clean and free of parts and debris.

11. No more than 12 vehicles shall be allowed to park in front of property.

12. The owner of business shall monitor customer parking.

13. No road testing on Dexter Court

14. No repair allowed outside.

15. No motorcycle repairs allowed at any time.

16. Keep rear doors closed at all times.

***Prime Auto Brokers Inc., d/b/a Prime Auto Brokers, 433 Broadway
LIC#30225 #40231**

**1. No spray painting until the exhaust system is approved by the Fire Department and
meets EPA standards.**

Prime Auto Brokers Inc., 347 Broadway, LIC#30190 #40186

AUTO REPAIR SHOP & SECOND HAND SHOP CLASS B (Parts Only)

***Lourenco DoCouto d/b/a Larry's Auto Repair, 519 Pawtucket Ave.
LIC#30208 #40205**

- 1. No painting or auto body work.**
- 2. No parking on Glenwood Avenue.**
- 3. All work shall be done in building.**
- 4. No storage of junk cars or parts outside.**

***Pedro C. Lopes d/b/a Pedro's Auto Repair, 145 Benefit St. LIC#30288
#40305**

- 1. No painting allowed.**
- 2. No body work allowed.**
- 3. Dumpster to be enclosed.**

AUTO REPAIR SHOP ONLY

**Richard L. Audette d/b/a A & S Wheel and Brake, 514 Broadway
LIC#30010**

Family Car Care Center, Inc. 36 Newport Avenue LIC#30314

***John Jeha d/b/a Jeha's Citgo, 76 Newport Ave. LIC#30057**

- 1. Maintain 6 ft. stockade fence.**
- 2. Inform City Council prior to doing any towing.**

CLASS C (USED Miscellaneous Merchandise)

Copper Industries, 29 Dunnell Lane Unit A LIC#40023

***Marie Fortune d/b/a Fortune's Store, 130 Broad St. LIC#40333**

1. No selling or displaying items on the sidewalk.

Omar Ospina d/b/a Cold House Appliances, 21 Broad St. LIC#40198

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7:00 PM

137 ROOSEVELT AVENUE

PAWTUCKET, RHODE ISLAND

HOLIDAY LICENSES – New

Njemeh Bah d/b/a Nenneh's Premium Clothing Store, 418 Pawtucket Ave. LIC#20119

East Avenue CVS Inc., d/b/a CVS/Pharmacy #2234, 425 East Ave. LIC#20108

Mohd Eid d/b/a Columbus Mini Mart, 232 Columbus Ave. LIC#20122

Family Dollar Stores Inc., d/b/a Family Dollar #6933, 502 Broadway, LIC#20001

Family Dollar Stores Inc., d/b/a Family Dollar #2095, 320 Dexter St. LIC#20125

Forcier's Market Inc., d/b/a Forcier's Market, 737 Main Street,

LIC#20126

Jim & Lori Inc., d/b/a J L Super Stores, 848 Newport Ave. LIC#20123

Juan Luis Tavera d/b/a Dominican-Supermarket, 339 Weeden St.

LIC#20118

Thrifty Store Inc., d/b/a J and L Superstores, 562 Broadway LIC#20124

***U-Haul Company of Rhode Island Inc., d/b/a U-Haul Center of Pawtucket, 2 Lonsdale**

Ave. LIC#20113

- 1. Repair of U-Haul Vehicles only.**
- 2. No auto body work.**
- 3. No spray painting.**
- 4. All repair work shall be conducted inside garage area.**
- 5. No used auto parts or junk shall be stored outside.**
- 6. Shall adhere to current zoning regulations for landscaping of parking lots.**
- 7. No auto repair work on Sundays.**
- 8. Schedule a meeting with the neighbors on Hayward Street within 6-8 weeks to review operation of business.**

PEDDLER Renewal –

K & S Novelty Inc., 29 Lauriston Street, Providence, RI LIC. #15

DRIVERS: Kevin P. Skelly, 31 Lauriston St. Providence, RI

Allan Bernstein, 59 Fifth Street, Providence, RI

Michael Quinn, 214 Japonica Street, Pawtucket, RI

Theresa Manera, 156 Yeoman Avenue, Cranston, RI
TO PEDDLE: Balloons & Novelties
LOCATION: All of Pawtucket

PEDDLERS Renewal -

Palagi's 2000, Inc. d/b/a Palagi's Ice Cream, 55 Bacon Street, LIC#4
DRIVERS: Walter Gutierrez, 17 Angle Street, Pawtucket, RI
Castor S. Hoyos, 16 Boutwell Street, Pawtucket, RI
Juan Carlos Jaramillo, 46 Wilson Avenue, Johnston, RI
TO PEDDLE: Ice Cream
LOCATION: All of Pawtucket

SIGN BOARD PERMIT – New

Rickey L. Costello d/b/a Broadway Loan & Jewelry, 720 Broadway,
LIC#N0017

VICTUALLING HOUSE – First Class

Forcier's Market Inc., d/b/a Forcier's Market, (transfer from Candida

Baptista, Ltd., d/b/a Forcier's Market) 737 Main Street, LIC#00775

CITY COUNCIL, MAY 10, 2006

CITY COUNCIL CHAMBERS

3rd FLOOR, CITY HALL

7:00 PM

137 ROOSEVELT AVENUE

PAWTUCKET, RHODE ISLAND

25. *THE FOLLOWING CLAIMS FOR DAMAGES AGAINST THE CITY TO BE REFERRED TO THE COMMITTEE ON CLAIMS AND PENDING SUITS:

Evelia Castillo - \$465.46/\$476.91

Herbert Govan - \$334.00

Kelly Nadeau - \$284.74

Peter Norris - \$325.00

26. THE COMMITTEE ON CLAIMS AND PENDING SUITS RETURNS THE FOLLOWING CLAIMS FOR DAMAGES AGAINST THE CITY:

MISCELLANEOUS:

Cindy Medieros - \$34.99

ACCIDENTS INVOLVING CITY VEHICLES:

Faustina Domenah - \$956.75/\$1715.66

Wanda Soucy - \$2787.32/\$3344.77

RESUBMITTED:

Michael Kean - \$350.00

ADJOURNED _____ P.M.