

PUBLIC WORKS COMMITTEE

Regular meeting of the Public Works Committee was held on Thursday, September 14, 2006 in the Council Chambers, City Hall, Cranston, Rhode Island.

The meeting was called to order at 6:10 P.M. by the Chair.

Present: Councilman John E. Lanni, Jr., Chair
Council Member Maria A. Bucci, Vice-Chair
Councilman Terence Livingston
Councilman Kirk McDonough
Councilman Jeffrey P. Barone
Council President Aram G. Garabedian

Also Present: Council Vice-President Paula McFarland
Councilman Allan W. Fung
Council Member Cynthia M. Fogarty
Paul Grimes, Director of Administration
Robin Muksian-Schutt, Deputy Director of Administration
Evan Kirshenbaum, Assistant City Solicitor
Patrick Quinlan, City Council Legal Counsel
Marco Schiappa, Director of Public Works
Maria Medeiros Wall, City Clerk
Rosalba Zanni, Assistant City Clerk/Clerk of Committees
Heather Finger, Stenographer

On motion by Councilman Barone, seconded by Councilman McDonough, it was voted to dispense with the reading of the minutes of the last meeting and they stand approved as recorded.

CORRESPONDENCE:

City Clerk stated that a letter was received from Attorney Robert Murray regarding pole location at Marine Dr., requesting that it be removed from the table.

OLD BUSINESS:

6-06-5 Ordinance in amendment of Chapter 9.08 of the Code of the City of Cranston, 2005, entitled "Public Peace, Morals and Welfare" (50/50 Tree Program). (Tabled 7/13/2006 and 8/17/2006).

On motion by Councilman Barone, seconded by Councilman McDonough, it was voted to remove this Ordinance from the table. Motion passed on a vote of 5-1. The following being recorded as voting "aye": Councilmen Lanni, McDonough, Barone, Council Member Bucci and Council President Garabedian -5. The following being recorded as voting "nay": Councilman Livingston -1.

On motion by Councilman McDonough, seconded by Council President Garabedian, it was voted to recommend approval of this Ordinance.

Under Discussion:

Councilman Livingston stated that by passing this Ordinance, we would be violating State Law, which states that the City is responsible for paying 100% of the trees. Mr. Schiappa stated that the Solicitor's Office checked into this. The Ordinance states that the City is responsible for removal of trees. This Ordinance would be memorializing the current practice. We may need to modify this process in light of what Councilman Livingston has stated. For safety reasons and to address the people that are already on a waiting list, we should finish this program and at a later time, address Councilman Livingston's concerns. Mr. Schiappa stated that the tree warden would determine if a tree needs to be removed if it is deemed dangerous or dying. Councilman Livingston stated that another reason he cannot support this Ordinance is the taxpayers in the City pay an enormous amount of taxes and they should not be asked to pay for this also. Councilman McDonough asked how many dangerous trees there are in the City at this point. Mr. Schiappa presented a handout of a summary. Council President Garabedian asked how many trees are on the list right now. Mr. Schiappa stated 85 and the tree warden has deemed them to be removed. Council President Garabedian asked if there is enough funding for these trees to be removed. Mr. Schiappa stated, yes, at a cost of approximately \$44,000.

Chair questioned the tree trimming program. Mr. Schiappa stated that at this point, there are 161 locations that need to be trimmed at the City's cost and for these 161 locations, the cost would be approximately \$26,000. The trimming is done in September.

Chair stated that he received a letter from a constituent as to why their tree has not been trimmed. Mr. Schiappa stated that he will follow up on this.

Chair asked for Solicitor's opinion before the Committee proceeds. Mr. Kirshenbaum stated that as a matter of practicality, having the homeowner paying for half, generally creates a problem. These are trees that the City owns and it is the City's obligation to take care of them. If the City does not want a tree, it is the City's discretion.

Councilman Barone asked how much was budgeted for the tree removal program this year. Mr. Schiappa stated \$89,000.

On motion by Council President Garabedian, seconded by Councilman Livingston, it was voted to table this Ordinance and move forward with the 100% removal cost by the City and when this program is exhausted, then issues brought up this evening by Council Livingston will be addressed. Motion passed unanimously.

Councilman Barone stated that he would like to make sure that the list presented will be taken care of.

6-06-6 Ordinance in amendment of Chapter 12 of the Code of the City of Cranston, 2005, entitled “Streets, Sidewalks and Public Places” (Sidewalk 50/50 Program). (Tabled 7/13/2006 and 8/17/2006).

On motion by Councilman Barone, seconded by Council President Garabedian, it was voted to remove this Ordinance from the table. Motion passed on a vote of 4-2. The following being recorded as voting “aye”: Councilman Lanni, Council Member Bucci, Councilman Barone and Council President Garabedian -4. The following being recorded as voting “nay”: Councilmen Livingston and McDonough -2.

Mr. Schiappa appeared to speak and indicated that the handout he presented for the tree removal program includes a similar summary for the sidewalk program. Councilman McDonough stated that he has two concerns: 1) the City owns the sidewalk and taxpayer is asked to pay 50%; 2) if there is a sidewalk claim filed, he questioned if the property owner be responsible for 50% of the claim. Mr. Kirshenbaum stated that this Ordinance is different then the tree removal Ordinance. For the sidewalk issue, State Law gives the City 100% responsibility of sidewalks and give the City the right to charge homeowners for fifty percent. When the City deems a sidewalk needs to be replaced, the homeowners is liable for half. This Ordinance is if someone would like to pay half the cost. If a claim is filed for a slip and fall, the City would be the responsible party.

Councilman Barone stated that if a sidewalk is cracked due to a City owned tree, he asked who would be responsible for repairs to the sidewalk. He questioned whether it would not make sense to repair the sidewalk at the full cost to the City, as in a pro-active manner, instead of pay triple the amount for a slip and fall claim.

Mr. Schiappa stated that this proposal is if a taxpayer wants a sidewalk for no particular reason, they would be responsible for 100% of the cost. If a taxpayer needs a sidewalk because it is in need to be repaired, the City will pay 100% of the cost. Chair stated that there are people on this list since 2002 and if the City tells them now that they would be responsible for 100% of the cost, they would be very irate, since they waited all these years.

Councilman Livingston stated that there needs to be a little more work on this Ordinance because it is not very clear of who pays and how much.

Council President Garabedian asked how many years this Ordinance has been in effect. Mr. Schiappa stated that the practice has been going on for over twenty years, and he will redraft the Ordinance to match the existing program. Council President Garabedian asked how much it would cost to address the people who are on the list. Mr. Schiappa stated approximately \$130,000 for the 160 who have been on the list since 2002. Councilman Lanni stated that in fairness to these people, we should take care of the people who are on this list and then address this Ordinance.

Council Vice-President McFarland asked where we would cut this off. She asked what the process is of who is getting done. She has been told by a particular resident that he was promised he would be placed on the top of the list for tree and sidewalk. She asked how this is done. Mr. Grimes stated that he was told that if it is determined a safety problem, they will be addressed this fall. Council Vice-President McFarland stated that one of the residents has defaced the property by spray painting the sidewalk indicating where it needs to be repaired. She has received a number of these types of calls and the people are under the impression that they will be done this fall.

On motion by Councilman Livingston, seconded by Council Member Bucci, it was voted to table this Ordinance. Motion passed unanimously.

Petition from National Grid for pole location at Marine Drive (Tabled 7/13/2006 and 8/17/2006).

Councilman Barone motioned to remove this request from the table. No one seconded the motion. Request remains tabled.

Macklin St. and Palmer Ave.: RIPTA Bus Use (Cont. 8/17/2006 for Traffic Engineer and RIPTA to evaluate new proposed location).

Mr. Schiappa appeared to speak and stated that the Traffic Engineer is out of State for a family emergency and could not attend this meeting to address this issue. Chair stated that he called Mark Therrien of RIPTA and he indicated that they are ready to move to the new location. Mr. Therrien stated to him that as soon as the City places “no parking” signs on Industrial Drive, they will relocate immediately.

Petition for Abandonment of a portion of Mayberry St. – Institute Proceedings for a public hearing. (Cont. 8/17/2006).

On motion by Councilman Barone, seconded by Councilman McDonough, it was voted to remove this petition from the table. Motion passed unanimously.

On motion by Councilman Barone, seconded by Councilman McDonough, it was voted to institute proceedings for a public hearing. Motion passed unanimously.

Petition for Abandonment of a portion of Pettaconsett Ave. – Public Hearing (Cont. 8/17/2006 at the request of applicant).

On motion by Councilman Barone, seconded by Councilman McDonough, it was voted to remove this petition from the table. Motion failed on a tie 3-3. The following being recorded as voting “aye”: Council Member Bucci, Councilman Barone and Council President Garabedian -3. The following being recorded as voting “nay”: Councilmen Lanni, Livingston and McDonough -3.

NEW BUSINESS:

Petition for Abandonment of a portion of Amflex Dr. (Motion to Institute Proceedings for a Public Hearing)

On motion by Councilman Barone, seconded by Council President Garabedian, it was voted to institute proceedings for a public hearing. Motion passed unanimously.

Request from National Grid for pole location at Calef St.

Jerry Marabile of National Grid appeared to speak. Councilman Barone asked what the procedure is on this and the timeframe and if this is a new pole or replacement. Mr. Marabile stated that this is a request for a new pole.

On motion by Councilman Barone, seconded by Council Member Bucci, it was voted to approve this request. Motion passed unanimously.

Request from National Grid for pole location at Hope Rd.

City Clerk stated that the Engineering Department has requested that this be continued.

On motion by Councilman McDonough, seconded by Councilman Livingston, it was voted to table this request. Motion passed unanimously.

Request from National Grid for pole location at Scituate Ave.

James Silva of National Grid appeared to speak and stated that this is a new pole.

On motion by Councilman Barone, seconded by Council Member Bucci, it was voted to approve this request. Motion passed unanimously.

Council President Garabedian asked if National Grid could provide photos for these requests. Mr. Silva stated that typically, the sketch provided with the request would actually do that. He will advise his Engineering Office that in the future, they provide information of the pole location in conjunction to where it is going to feed and they will try to show as much detail as possible. Council Member Bucci asked that they also show where the curb cuts of where driveways are.

NEW BUSINESS:

Councilman McDonough addressed the issue of overgrown vegetation on Amy Drive and he stated that he and Mr. Schiappa cannot reach a determination of who is responsible for cleaning this area. This is a wet area with a brook running there and he is concerned of health hazard, since West Nile has been reported in the Knightsville area of Cranston today.

Chair suggested members of this Committee view the site with Mr. Schiappa. He asked Mr. Schiappa what the cost would be for cleaning this area by the City. Mr. Schiappa stated that he does not know the amount of man hours that would be needed. He has no problem meeting at the site. He would like an opinion from the Solicitor's Office.

Councilman Barone stated that he met with the residents of Zinnia Dr. and Highway Maintenance Foreman and he can provide to the Committee his findings.

Mr. and Mrs. Marocco, Zinnia Dr., appeared to speak and stated that at the August 28, 2006 City Council meeting they appeared to address their denied claim. They did meet with Councilman Barone and the Foreman from the City's Highway Department and were told that they would try to get the City to clean this area and once it is cleaned up, it would be the responsibility of the residents to keep it clean.

Lillian Conte, 155 Zinnia Dr., appeared to speak and stated that she had four feet of water in her home for hours during the October flood. This area needs help. **Lori Taylor**, daughter of Ms. Conte, appeared to speak and stated that the flood occurred last October and her mother experienced three more floods during the month of October. There is a lot of debris all along the easement. They do not even know where the drains are located because of all the debris.

The meeting adjourned at 7:20 P.M.

Respectfully submitted,

Rosalba Zanni
Assistant City Clerk/Clerk of Committees