

(The following is not a verbatim transcript of comments or discussion that occurred during the meeting, but rather a summarization intended for general informational purposes. All motions and votes are the official records).

PUBLIC WORKS COMMITTEE

Regular meeting of the Public Works Committee was held on Thursday, May 12, 2011 in the Council Chambers, City Hall, Cranston, Rhode Island.

CALL MEETING TO ORDER:

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

Present: Councilman Richard D. Santamaria, Jr., Vice-Chair
Councilman Steven A. Stycos
Councilwoman Leslie A. Luciano
Councilman Robert J. Pelletier, Vice-President
Council President Anthony J. Lupino

Absent: Councilman Emilio L. Navarro, Chair

Also Present: Councilman Paul H. Archetto
Councilman James E. Donahue
Robin Muksian-Schutt, Director of Administration
Gerald Cordy, Deputy Director of Administration
Evan Kirshenbaum, Assistant City Solicitor
Robert Strom, Director of Finance
Steve Woerner, City Council Internal Auditor
Rosalba Zanni, Assistant City Clerk/Clerk of Committees
Tracey Shepherd, Stenographer

MINUTES OF THE LAST MEETING:

On motion by Council Vice-President Pelletier, seconded by Councilwoman Luciano, it was voted to dispense with the reading of the minutes of the last meeting and they stand approved as recorded. Motion passed unanimously.

CORRESPONDENCE:

OLD BUSINESS:

- **Ongoing problem at Budlong Rd. & Urquhart regarding pond issue effected by development** (Requested 3/17/2011; Cont. 4/14/2011)

Mr. Cordy stated that at the last meeting, the Committee asked that camera be used to look into this issue. He indicated that the camera is still out of service, but the residents nearby own the pond.

Councilwoman Luciano asked if the City owns any piping or anything going into that pond. Mr. Cordy stated, no. This looks like a private issue with the owners of the pond.

Chair asked that this item be removed from the agenda and when there is an update, it be brought forward to the Committee.

- **Administration's report** on Wayland, Scituate and Phenix Avenues traffic improvements.

Ms. Schutt stated that on April 14th, she met with the Traffic Engineer, David Ferguson and DOT representatives to discuss this issue along with other items. This project is looking to move forward, but there is no timeframe.

Council Vice-President Pelletier asked if there is a timeline of when the design phase of this project will begin. Ms. Schutt stated, no, but she can find out.

Chair asked that this item be continued to next month's meeting.

Resolution requesting that the Mayor and Public Works Director address an allegedly dangerous and defective sidewalk located at 64 Pershing St. (Referred from 4/25/11 City Council)

Councilman Archetto asked that this Resolution be continued due to the budget hearings, he has not been able to speak to the homeowner to see if they are willing to remove the tree.

On motion by Council Vice-President Pelletier, seconded by Councilwoman Luciano, it was voted to continue this Resolution. Motion passed unanimously.

NEW BUSINESS:

4-11-3 Ordinance authorizing the Purchasing Agent to convey an easement to Notarianni Realty, Inc. for use of City property representing a portion of Weir Ave.

John Bolton, Esq., appeared to represent applicant and stated that there will be no financial gain to his client for this Easement.

Matt Smith appeared to speak and stated that proposal is to construct a TD Bank branch of approximately 2,900 sq. ft. and go from two curb cuts to one and moving it 100 ft. from the intersection. There will be trees and plantings for buffers.

Attorney Bolton stated that the landscaping plan has been reviewed and approved by Planning.

Councilman Stycos asked what applicant plans to pay the City for this Easement. Attorney Bolton stated that his client is not planning to pay the City anything. Councilman Stycos questioned why the City would give this Easement for no charge. Attorney Bolton stated that it is important for the area and maintain it. It is essentially like an adopt a spot. There is no financial gain to the applicant. Councilman Stycos asked if Easement is not approved, would the Bank still move forward. Attorney Bolton stated, yes, but that area would not look as nice if the Easement is not given. A portion of the area is owned by the State and the State has given his client the State's portion of their part of the area.

Council President Lupino stated that his concern is if part of Weir St. is abandoned, what would happen when Webber St. is plowed, where would the snow be plowed.

Council Vice-President Pelletier asked Attorney Bolton why his client has not asked for an Abandonment and purchase the property from the City. Attorney Bolton stated that it was suggested by the City to do it this way, but if the city would prefer his client to go through an Abandonment, they would be willing to do that too.

Ms. Schutt stated that even though they are granted an Easement, the bank would not own the property. This is really a priceless useless piece of property. The City would still have control over this property.

Council President Lupino asked if placing restrictions can be looked at, as far as restrict "right turn only" coming out of Phenix Ave. and can restrictions be placed in the agreement as to the right turn only. Ms. Schutt stated that this has gone through Site Plan Review and this is an Administrative function.

Councilwoman Luciano stated that she would like to see a traffic study on this because this area is already a traffic problem. Ms. Schutt stated that this has already been through Site Plan Review and also through Zoning for Variance on the sign and traffic study has been done. She indicated that she can provide minutes of the Site Plan Review meeting where discussion on the traffic took place.

Councilman Stycos stated that there is nothing in the Easement that states that this property will remain green space. His concern is if the bank closes and property owner sells the property, the new owner can use this area for anything. Ms. Schutt stated that the agreement could be amended to add this language.

Chair suggested referring this Ordinance to the full City Council pending drafting of language keeping property green space.

Chair asked how many jobs this will bring to the City. Attorney Bolton stated 15-20 employees.

Chair asked that copy of traffic study be provided to the City Council members.

On motion by Councilman Stycos, seconded by Council Vice-President Pelletier, it was voted to refer this Ordinance to the full City Council without recommendation pending revised draft of Easement keeping this property green space. Motion passed unanimously.

4th Avenue Painting – Administration report. Councilman Stycos

Councilman Stycos stated that this street needs to be paved. There is grass growing on this street and maybe it needs another layer of paving. Ms. Schutt stated that there is nothing that indicates that the City was to put another patch of paving.

Councilman Stycos asked that this be continued for follow-up.

MISCELLANEOUS BUSINESS:

- **Council Vice-President Pelletier** stated that he has received complaints regarding a new business opening at the former T-Co Depot on Phenix Ave., who is selling same items that previous business was. He asked that curb cuts be installed at this location because previous business had numerous problems with cars pulling in and out of the area onto Phenix Ave. He has called the Building Inspector regarding this and has not been able to reach him. Ms. Schutt stated that the Building Inspector has been at a conference, but she will check into this.
- **Councilman Stycos** asked if there are any plans to re-engineer the intersection of Warwick and Park Ave. Ms. Schutt stated that we can continue to look at it.
- **Councilman Stycos** asked that discussion be held for establishment of a storm water management district in the City.

The meeting adjourned at 7:05 P.M.

Respectfully submitted,



Rosalba Zanni
Assistant City Clerk/Clerk of Committees

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THE CITY OF CRANSTON

RESOLUTION OF THE CITY COUNCIL
REQUESTING THAT THE MAYOR AND PUBLIC WORKS DIRECTOR ADDRESS
AN ALLEDGEDLY DANGEROUS AND DEFECTIVE SIDEWALK
LOCATED AT 64 PERSHING STREET

No.

Passed:

Anthony J. Lupino, Council President

WHEREAS, the safety of the citizens of Cranston is and should remain a paramount interest of the City; and

WHEREAS, deteriorating and cracked sidewalks present a potential danger to citizens, particularly to the elderly and infirmed; and

WHEREAS, injuries caused by allegedly dangerous and defective sidewalks can expose the City to financial liability.

NOW, THEREFORE BE IT RESOLVED, that the Cranston City Council respectfully requests that the Mayor and the Public Works Director assess the condition of the sidewalk located at 64 Pershing Street as soon as possible and take appropriate steps to make sure that repairs are made to potentially dangerous and defective sidewalks.

BE IT FURTHER RESOLVED, that the City Clerk shall cause a copy of this Resolution to be presented to the Mayor and to the Director of Public Works without delay.

Sponsored by Councilman Archetto

Referred to Public Works Committee April 14, 2011

THE CITY OF CRANSTON

**ORDINANCE OF THE CITY COUNCIL
AUTHORIZING THE PURCHASING AGENT TO CONVEY AN
EASEMENT NOTARIANNI REALTY, INC. FOR USE OF CITY
PROPERTY REPRESENTING A PORTION OF WEIR AVENUE**

No.

Passed:

Anthony J. Lupino, Council President

Approved:

Allan W. Fung, Mayor

It is ordained by the City Council of the City of Cranston as follows:

SECTION 1. The Purchasing Agent of the City of Cranston be and he is hereby authorized under the authority vested in him under Section 7.08 of the Charter of the City of Cranston and pursuant to Title 3, Chapter 3.08.040(E) of the Cranston City Code, to execute and deliver an easement for the use of City property representing a portion of Weir Avenue and more fully described in Exhibit A, attached hereto, and containing 2,901 square feet or 0.067 acre to NOTARIANNI REALTY, INC., a Rhode Island corporation, its successors and or assigns (hereinafter referred to as the "grantee"), and subject to the City of Cranston's retention of any and all other rights to said property.

SECTION 2. This easement also shall be subject to a right of reversion to the City of Cranston in the event said property is not used for a commercial purpose as allowed for in the underlying zoning district pursuant to a site plan approved under all applicable City ordinances and regulations; or the City is not insured and/or indemnified against third-party liability for claims arising out of the use or maintenance of the easement, in a manner acceptable to the City Solicitor. In either event, the City of Cranston may exercise such right of reversion upon sixty (60) days prior written notice to grantee.

SECTION 3. Said easement would include, but not be limited to, the rights of the public to pass over public ways located within the easement area and of the grantee to install and maintain landscaping and/or signage consistent with applicable City of Cranston approvals, standards and/or regulations.

SECTION 4. The Purchasing Agent of the City of Cranston be and he is hereby further authorized to execute and deliver any and all other papers, instruments, opinions, agreements, consents, certificates, affidavits and other documents, and to do and cause to be done any and all acts necessary or proper in connection with or for carrying out this Ordinance and the execution and delivery of said easement.

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SECTION 5. This Ordinance shall take effect upon its final adoption.

Positive Endorsement

Negative Endorsement (attach reasons)

Anthony A. Cipriano Date
City Solicitor

Anthony A. Cipriano Date
City Solicitor

Sponsored by Mayor Fung

Referred to Public Works May 12, 2011

EXHIBIT A

GRANT OF EASEMENT

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The City of Cranston, Rhode Island, a municipal corporation, by and through its duly authorized Purchasing Agent, Mark J. Marchesi, (hereinafter "Grantor"), and pursuant to Ordinance numbered _____ adopted by the Cranston City Council on _____, 2011 in consideration of One Dollar and other good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant and convey to NOTARIANNI REALTY, INC., a Rhode Island corporation, and its successors and/or assigns, (hereinafter "Grantee"), a perpetual easement for the use of certain City of Cranston real property located on a portion of Weir Avenue and described as "Parcel I" attached hereto and incorporated herein, and consisting of approximately 2,901 square feet or 0.067 acre. This easement includes, but is not limited to, the rights of the public to pass and re-pass over the public ways located within said easement area, and of the Grantee to install and maintain landscaping and/or signage consistent with applicable City of Cranston approvals, standards, and/or regulations. This easement shall be subject to a right of reversion to the City of Cranston in the event said property is not used for a commercial purpose as allowed for in the underlying zoning district pursuant to a site plan approved under all applicable City ordinances and regulations; or the City is not insured and/or indemnified against third-party liability for claims arising out of the use or maintenance of the easement, in a manner acceptable to the City Solicitor. In either event, the City of Cranston may exercise such right of reversion upon sixty (60) days prior written notice to grantee.

This easement shall run with the land, and shall bind and inure to the benefit of the Grantor, the Grantee, their respective successors and/or assigns.

I, Mark J. Marchesi, hereby covenant to and with the Grantee, its successors and/or assigns, that I am the duly authorized Purchasing Agent of the City of Cranston and that I have good right and lawful authority to convey the easement described herein on behalf of the Grantor in the manner aforesaid.

Witness my hand and seal this _____ day of _____, 2011.

Mark J. Marchesi
Purchasing Agent
City of Cranston

STATE OF RHODE ISLAND
COUNTY OF PROVIDENCE

In Cranston, upon this _____ day of _____, 2011 before me personally appeared Mark J. Marchesi, Purchasing Agent of the City of Cranston, to me known and know by me to be the party executing the foregoing instrument, and he acknowledged said instrument, by him executed, to be his free act and deed and his free act and deed in said capacity, as the duly authorized Purchasing Agent of the City of Cranston.

Notary Public

My Commission Expires: _____

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PARCEL I

BEGINNING AT A POINT IN THE WESTERLY LINE OF ATWOOD AVENUE (A.K.A. RHODE ISLAND STATE HIGHWAY ROUTE 5, VARIABLE WIDTH RIGHT OF WAY) WHERE THE NORTHERLY TERMINUS OF WEIR AVENUE (A.K.A. LINDEN STREET, 40 FOOT WIDE RIGHT OF WAY) IS INTERSECTED BY THE SOUTHERLY LINE OF PHENIX AVENUE (A.K.A. RHODE ISLAND STATE HIGHWAY ROUTE 12, VARIABLE WIDTH RIGHT OF WAY, PLAT # 1364), SAID POINT ALSO BEING THE NORTHEASTERLY CORNER OF LOT 211, MAP 12-5, AND FROM SAID POINT OF BEGINNING RUNNING, THENCE;

1. ALONG THE WESTERLY LINE OF ATWOOD AVENUE, SOUTH 25 DEGREES – 37 MINUTES 23 SECONDS EAST, A DISTANCE OF 159.09 FEET TO A POINT, THENCE;
2. ALONG A NEW LINE CROSSING WEIR AVENUE, SOUTH 78 DEGREES – 16 MINUTES - 54 SECONDS WEST, A DISTANCE OF 37.57 FEET TO A POINT IN THE EASTERLY LINE OF LOT 196 (N/F LANDS OF JUDITH REALTY, LLC), MAP 12-5, THENCE;
3. ALONG THE EASTERLY LINE OF AFOREMENTIONED LOTS 196 AND 211, MAP 12-5 AND ALONG THE WESTERLY LINE OF WEIR AVENUE, NORTH 11 DEGREES – 57 MINUTES – 51 SECONDS WEST, A DISTANCE OF 154.43 FEET TO THE POINT AND PLACE OF BEGINNING.

CONTAINING 2,901 SQUARE FEET OR 0.067 ACRE

THIS DESCRIPTION IS WRITTEN WITH REFERENCE TO A PLAN ENTITLED “SITE PLAN, ARISTA DEVELOPMENT, 178 – 186 PHENIX AVENUE, CITY OF CRANSTON, PROVIDENCE COUNTY, RHODE ISLAND”, PREPARED BY BOHLER ENGINEERING, DATED OCTOBER 14, 2010.

THIS DESCRIPTION IS ALSO WRITTEN WITH REFERENCE TO A PLAN ENTITLED “ALTA/ACSM LAND TITLE SURVEY, TD BANK, NA, 178 & 186 PHENIX AVENUE, LOTS 211 & 2834, MAP 12-5, CITY OF CRANSTON, PROVIDENCE COUNTY, RHODE ISLAND”, PREPARED BY CONTROL POINT ASSOCIATES, INC., DATED AUGUST 25, 2010.