

(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, October 13, 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
Council Vice-President Robert J. Pelletier
Council President Anthony J. Lupino

Absent: Councilman Emilio L. Navarro, Chair

Also Present: Councilman Paul H. Archetto
Councilman James E. Donahue
Gerald Cordy, Director of Administration
Mark Capuano, Deputy Director of Administration
Evan Kirshenbaum, Assistant City Solicitor
Carlos Lopez, Director of Constituent and Government Affairs
Robert Strom, Director of Finance
Steve Woerner, City Council Internal Auditor
Maria Medeiros Wall, City Clerk
Rosalba Zanni, Assistant City Clerk/Clerk of Committees
Heather Finger, Stenographer

MINUTES OF THE LAST MEETING:

On motion by Council President Lupino, seconded by Council Vice-President Pelletier, 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:

- **Flood Buyout Status** – Administration report (Council Vice-President Pelletier) (Cont. from 8/11/2011 and 9/15/2011).

Council Vice-President Pelletier stated that the people who have applied for the first buyout program have not been denied or approved, now is a formality for the application.

Mr. Cordy stated that thirty of the thirty-nine have applied.

Councilman Santamaria asked that Mr. Cordy provide a written report regarding this issue for the Flood Committee meeting on October 17th.

Council Vice-President Pelletier asked that this item be removed from the agenda and if there is any future information, Mr. Cordy can request it be placed back on the agenda.

Chair asked that this item be removed from the agenda.

- **Wayland, Scituate and Phenix Avenues** traffic improvements – Administration report (Cont. from 7/14/2011, 8/11/2011 & 9/15/2011).

Mr. Cordy stated that as of yesterday, the City has not received any contract yet from the State.

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

- **Stillhouse Cove** (Cont. from 9/15/2011)
 - Status of program
 - Status of the boat on the private beach
 - landscaping

Mr. Cordy indicated that the boat has been removed by the owner. As to the landscaping issue, the Planning Department has discussed this with Hope Pilkington of the Edgewood Waterfront Association and they have agreed that it is too late to do planting this year. They will discuss this during the Winter.

Anthony Liberatore, Director of Parks and Recreation, appeared to speak and stated that the shoreline has been cleaned by the City. Invasive plants have been removed.

Councilman Stycos stated that these items can be removed from the agenda until the Spring. Chair asked that this be continued to the April meeting.

On motion by Council President Lupino, seconded by Council Vice-President Pelletier, it was voted to continue these items to the April meeting. Motion passed unanimously.

NEW BUSINESS:

9-11-1 Ordinance in amendment of Title 9.08 of the Code of the City of Cranston, 2005, entitled “Public Peace, Morales and Welfare”, “Offenses Pertaining to Property – Tree Removal and Pruning”.

No one appeared to speak in favor or to oppose.

City Clerk indicated that this Ordinance has received a negative endorsement from the Solicitor and she was given this endorsement prior to the meeting.

Councilman Stycos asked if there is a procedural problem where this is a third time he has introduced an Ordinance and the Solicitor presents a negative endorsement at the meeting. This is a waste of everybody’s time.

Solicitor suggested that prior to an Ordinance being introduced, the Council member introducing the Ordinance meet with the Solicitor and discuss it.

On motion by Council Vice-President Pelletier, seconded by Councilwoman Luciano, it was voted to continue this Ordinance in order for Councilman Stycos to confer with the Solicitor and City Council legal counsel, who drafted this Ordinance.

Under Discussion:

Councilwoman Luciano questioned why and Ordinance is needed if the trees are owned by the City. Councilman Stycos stated that if the City or Verizon wanted to prune or cut a tree, this Ordinance would give notice to the property owner near the tree and they could appeal it to the Tree Warden because the residents feel it is their tree since they plant the tree since the City does not have a tree planting program.

Chair stated that he would like a legal opinion from Mr. Quinlan, the City Council legal counsel, since he drafted this Ordinance.

On motion by Council Vice-President Pelletier, seconded by Councilwoman Luciano, it was voted to continue this Ordinance to next month’s meeting. Motion passed unanimously.

THE CITY OF CRANSTON

ORDINANCE OF THE CITY COUNCIL
IN AMENDMENT OF TITLE 9.08 OF THE CODE OF THE CITY OF CRANSTON,
2005, ENTITLED "PUBLIC PEACE, MORALES AND WELFARE"
"Offenses pertaining to Property – Tree Removal and Pruning"

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. Chapter 9.08 of the Code of Ordinances is hereby amended by adding the following new section thereto:

9.08.061 Removal and Pruning of Trees

Whenever, in the opinion of the tree warden, it is necessary to remove or prune any tree or shrub under his or her control, he or she may cause the tree or shrub to be removed or pruned at the expense of the City, and the Cranston City Council shall order paid to the person performing the work any reasonable compensation that may be determined and approved, in writing, by the tree warden.

9.08.062 Notice Requirements for Removal and Pruning of Trees

Unless the tree or shrub constitutes an imminent public hazard, the tree warden shall give ten (10) days notice of the removal or pruning of trees located on public rights of way. Notice shall be posted in the immediate vicinity of the tree or shrub to be removed or pruned. If any person, firm, or corporation objects to the removal or pruning of the tree or shrub, he or she may appeal to the tree warden, in writing. The tree warden shall hold a public hearing, and give reasonable notice to all those persons who are known to be of interest and suitable notice of said meeting must be posted in the immediate vicinity. Within three (3) days of the hearing, the tree warden shall render his or her decision granting or denying the appeal.

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SECTION 2. This Ordinance shall take effect upon its final adoption.

Positive Endorsement

Negative Endorsement (attach reasons)

Christopher Rawson, City Solicitor Date

Christopher Rawson, City Solicitor Date

Sponsored by Councilman Stycos

Referred to Public Works Committee October 13, 2011

Right of First Refusal Agreement between the City of Cranston and Cranston Western Little League.

On motion by Council President Lupino, seconded by Council Vice-President Pelletier, it was voted to approve this Agreement.

Under Discussion:

Councilman Stycos asked if this is a practice with other leagues in the City.

Mr. Liberatore stated, no, this has never been done before in the City of Cranston. Cranston Western Little League, in 2008, spent \$115,000 to have lights installed. Since 2008, they have spent \$16,000 on new fencing; \$65,000 for bleachers and \$20,000 for cinder blocks. He and the Building Inspector have recently reviewed plans for concession stand and two new bathrooms in the amount of \$135,000.

Chair asked how much has been spent on maintenance. Mr. Liberatore stated that mostly the cost is for laborers. The City cuts the grass, maintains the irrigation system if there is a problem and pays the water bill and the league pays the electric. The City drags and lines the fields only during playoffs and regional championships.

Councilman Donahue asked, if this is approved, would it set a precedent with another group. Mr. Liberatore stated that if another league made such a request, his first question to them would be how much from their coffers was spent to renovate and improve their field. That is what this is based on.

On motion by Council President Lupino, seconded by Council Vice-President Pelletier, it was voted to move the question. Motion passed on a vote of 3-1. The following being recorded as voting "aye": Councilman Santamaria, Councilwoman Luciano and Council Vice-President Pelletier -3. The following being recorded as voting "nay": Councilman Stycos -1.

Roll call was taken on motion to approve this agreement and motion passed on a vote of 3-1. The following being recorded as voting "aye": Councilman Santamaria, Councilwoman Luciano and Council Vice-President Pelletier -3. The following being recorded as voting "nay": Councilman Stycos -1.

RIGHT OF FIRST REFUSAL AGREEMENT

WHEREAS: **The City of Cranston (hereinafter “City”)** is the owner of property located at **430 Hope Road, Cranston, Rhode Island (“Property”)**, and

WHEREAS: **Cranston Western Little League (hereinafter “CWLL”)** is a Rhode Island Non-Profit Corporation which operates youth baseball activities within the City of Cranston, and

WHEREAS: CWLL has expended time and resources in the upkeep, maintenance and improvement of the Varrato and Santamaria Fields located at the Property, and

WHEREAS: CWLL has requested that the Parks and Recreation Department of the City grant it a right of first refusal for the use the Fields for baseball activities, and

WHEREAS, the City has agreed to enter into said agreement with CWLL.

NOW THEREFORE: For nominal consideration, the receipt of which is acknowledged, the parties agree as follows:

1. Right of First Refusal: In the event that the City should receive a bona fide request from a third party for the use of the Fields and the third party request is acceptable to the City, the City will not grant the request to use the Property without first offering the dates and times to CWLL pursuant to the terms of this paragraph. The City shall forward, in writing, the third party request to CWLL delineating the dates, times and the name of the field(s) that a Third Party is requesting use of. The request shall be forwarded to either the President or Director of CWLL. CWLL shall have five (5) days to respond, in writing, to the City of the exercise or waiver of its right to use the Fields during those requested time periods. Should CWLL not respond to the written request of the City

within the aforementioned time period, then the right of first refusal shall automatically be deemed waived for the requested dates and time of field use.

2. CWLL may not assign this agreement without written consent of the City. CWLL shall not rent, lease or otherwise grant the right to use said Fields to a third party and shall at no time charge or collect any revenue from the use, maintenance or enjoyment of said Fields.
3. This agreement shall in no way bind or mandate that the City offer the use of the Fields to CWLL on an annual basis but shall only grant the Right of First Refusal to CWLL if the City allows said Fields to be used by any group or organization.
4. The term of this agreement shall be for Four (4) years (“Term”). Not less than 60 days before the end of the Term, but in no event after the end of the Term, CWLL shall have the Option to renew the Right of First Refusal according to the terms provided herein for an additional term of Five (5) years. Said Option shall be delivered to the City in writing. Should CWLL fail to deliver a written request exercising said Option in the period described above, then the Right of First Refusal shall automatically terminate and be void.
5. Each provision of this Agreement shall be considered severable, and if for any reason any provision that is determined to be invalid and contrary to any existing or future law, such invalidity shall not impair the operation of or affect those provisions of this Agreement that are not invalid.
6. None of the parties shall be deemed to have waived any rights hereunder unless said waiver shall be in writing and signed by all the parties. The waiver of any party of any breach of this Agreement shall not operate or be construed to be a waiver of any

subsequent breach.

Dated the _____ day of _____, 2011

CITY OF CRANSTON

BY _____ Date _____

CRANSTON WESTERN LITTLE LEAGUE

BY: _____ Date _____

Executive Session Pursuant to RIGL 42-46-5(a)(2): Pending Litigation.

- Updated on pending litigation with RI Resource Recovery/Veolia/Inter-jurisdictional Agreement (Requested by Council President Lupino)

On motion by Council Vice-President Pelletier, seconded by Councilwoman Luciano, it was voted to go into Executive Session Pursuant to RIGL 42-46-5(a)(2): Pending Litigation. Motion passed unanimously.

The meeting went into Executive Session at 7:10 P.M.

Present in Executive Session: Council President Lupino, Council Vice-President Pelletier, Councilmen Donahue, Favicchio, Stycos, Archetto, Santamaria and Councilwoman Luciano; Gerald Cordy, Director of Administration; Mark Capuano, Deputy Director of Administration; Evan Kirshenbaum, Assistant City Solicitor.

On motion by Council Vice-President Pelletier, seconded by Council President Lupino, it was voted to come out of Executive Session. Motion passed unanimously.

The meeting came out of Executive Session at 7:40 P.M.

On motion by Council Vice-President Pelletier, seconded by Council President Lupino, it was voted to seal the minutes of Executive Session. Motion passed unanimously.

****Odor coming from the dump** (requested by Councilman Santamaria)

Carlos Lopez appeared to speak and stated that he, as a resident of Knightsville area, has smelled this odor. He called the Governor's Office to have them send D.E.M. to the area.

Chair asked that the Council members be kept updated as needed on this issue.

MISCELLANEOUS BUSINESS:

Council President Lupino questioned the status of the Natick Rd. Bridge and indicated that there was heavy equipment there this weekend. Mr. Cordy stated that there is construction going on.

The meeting adjourned at 7:40 P.M.

Respectfully submitted,



Rosalba Zanni

Assistant City Clerk/Clerk of Committees