

*(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, November 17, 2011 in the Council Chambers, City Hall, Cranston, Rhode Island.

### **CALL MEETING TO ORDER:**

The meeting was called to order at 6:00 P.M. by the Vice-Chair.

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

Absent: Councilman Emilio L. Navarro, Chair  
Councilwoman Leslie A. Luciano

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

- **Wayland, Scituate and Phenix Avenues** traffic improvements – Administration report (Cont. from 7/14/2011, 8/11/2011, 9/15/2011 & 10/13/2011).

**Mr. Cordy** stated that on October 27<sup>th</sup>, the City received a letter from D.O.T. summarizing the meeting that was held and construction is expected to start in the Spring.

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

**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”. (Cont. 10/13/2011).

**Steve Spirito**, Narragansett Blvd., appeared to speak in favor of this Ordinance and stated that approximately five years ago, he planted trees along Narragansett Blvd. at \$500 each and over the years, utility companies and the City have cut branches off the tops of these trees and they look awful.

Councilman Stycos motioned to recommend approval of this Ordinance. Council President Lupino seconded the motion for discussion purposes.

### Under Discussion:

**Council President Lupino** asked whose responsible for the trees. Solicitor stated that homeowner, through an easement from the City, is responsible as long as it does not encroach on the City’s rights.

**Council Vice-President Pelletier** questioned who would pay for the Tree Warden for conducting the hearings and who would handle public notice requirements for the hearings and who would handle the appeal process of the hearing. Councilman Stycos stated that the Tree Warden would handle the hearings. He does not believe the Ordinance provides for an appeal process. He also stated that the Ordinance would deal with trees that the utilities cut and not what the Tree Warden cuts.

Councilman Stycos motioned to amend the above Ordinance as follows: after line 42 add: **“Nothing in this Section shall be construed to relieve the property owner of the responsibility to maintain trees on his or her property.**

**Nor shall this Section be construed to change or otherwise designate the area of the City’s responsibility for tree maintenance.”**

Council President Lupino seconded the motion.

### Under Discussion:

**Council President Lupino** stated that he is concerned that this would be adding another layer preventing the utility companies to prune trees in an event of a storm to prevent power outages.

Roll call was taken on motion to amend the above Ordinance and motion passed on a vote of 2-1. The following being recorded as voting “aye”: Councilmen Stycos and Santamaria -2. The following being recorded as voting “nay”: Council Vice-President Pelletier -1.

Roll call was taken on motion to recommend approval of the above Ordinance as amended and motion passed on a vote of 2-1. The following being recorded as voting “aye”: Councilmen Stycos and Santamaria -2. The following being recorded as voting “nay”: Council Vice-President Pelletier -1.

### **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) (Cont. from 10/13/2011).

On motion by Council President Lupino, seconded by Council Vice-President Pelletier, 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 6:35 P.M.

Present in Executive Session: Gerald Cordy, Director of Administration; Evan Kirshenbaum, Assistant City Solicitor; Councilmen Donahue, Stycos, Santamaria, Archetto, Favicchio (appeared at 6:55 P.M.), Council Vice-President Pelletier and Council President Lupino; Larry Smith, Consultant.

The meeting came out of Executive Session at 7:15 P.M.

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

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.

### **NEW BUSINESS:**

- **Status update on odor coming from Treatment Plant** (Referred from City Council 10/24/2011).

**Council President Lupino** stated that he attended a meeting a few weeks ago, along with representatives from the Town of Johnston to address the odor problem and also address any hazard that could be caused by this odor. He asked that residents use the odor hotline and call when they smell this odor so it can be monitored.

**Mr. Lopez** appeared to speak and stated that RI Resource Recovery is taking measures to address this issue and it will take a few months. He also stressed that constituents call the hotline: the regular hotline is open 8:30 to 4:30 Monday thru Friday and the number is 401-942-1430. The 24-7 hotline number is 401-413-6219.

On motion by Councilman Santamaria, seconded by Council President Lupino, it was voted to place these hotline phone numbers on the City's website. Motion passed unanimously.

On motion by Council Vice-President Pelletier, seconded by Councilman Stycos, it was voted to continue this item for one month. Motion passed unanimously.

**Request from National Grid** for pole location at Pomham Street.

On motion by Council Vice-President Pelletier, seconded by Councilman Stycos, it was voted to approve this request. Motion passed unanimously.

- **Brettonwoods Drive** - issue of removal of tree. (Possible Executive Session) (Referred from City Council 10/24/2011).

**Solicitor** stated that this issue will be addressed in Executive Session at a Special Claims Committee meeting on November 28<sup>th</sup> prior to the regular Council meeting.

- **Odor Coming from Treatment Plant** – Update from Administration and from Governor's Office or D.E.M. (Referred from City Council 10/24/2011).

This item was addressed earlier in the meeting.

The meeting adjourned at 7:15 P.M.

Respectfully submitted,



Rosalba Zanni  
Assistant City Clerk/Clerk of Committees

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"**

*\*As Amended Public Works Committee November 17, 2011*

**No. 2011-42**

*Passed: November 28, 2011*

**Anthony J. Lupino, Council President**

*Approved: November 29, 2011*

**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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**“Nothing in this Section shall be construed to relieve the property owner of the responsibility to maintain trees on his or her property. Nor shall this Section be construed to change or otherwise designate the area of the City’s responsibility for tree maintenance.”**

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

Positive Endorsement	Negative Endorsement (attach reasons)
<hr/>	<hr/>
Christopher Rawson, City Solicitor    Date	Christopher Rawson, City Solicitor    Date

Sponsored by Councilman Stycos  
Referred to Public Works Committee October 13, 2011

# nationalgrid

RECEIVED  
11 OCT 13 AM 10:03  
CRANSTON  
CITY CLERK  
TOWN CLERK

PETITION OF THE NATIONAL GRID FOR  
JOINT OR IDENTICAL POLE LOCATION

TO THE HONORABLE \_\_\_\_\_ TOWN COUNCIL \_\_\_\_\_

OF \_\_\_\_\_ CRANSTON \_\_\_\_\_ RHODE ISLAND  
THE NATIONAL GRID

Respectfully asks permission to locate and maintain poles, wires and fixtures, including the necessary sustain and protecting fixtures to be owned and used in common by you petitioner along and across the following public ways:

POMHAN STREET PROPOSE NEW JO POLE LOCATION

Wherefore your petitioners pray that they be granted joint of identical location for existing poles and permission to erect and maintain poles and wires together with such sustaining and protecting fixtures as the may find necessary, said poles erected or to erected substantially in accordance with the plan filed herewith marked:207152

DATED 10/04/2011

Your petitioner agrees to reserve or provide space for one cross arm at a suitable point on each of said poles for the fire, police, telephone signal wires belonging to the municipality and used by it exclusively for municipal purposes.

THE NATIONAL GRID

BY: Jack Carey  
Jack Carey, Engineering

THE VERIZON

BY: Mary Hamley  
ORDER

The foregoing petition been read, it was voted that the consent at the

For the use of public ways named for the purposes stated in said petition be and it hereby is granted-----  
work to be done subject to the supervision of

A true copy of the vote at the Public Works Committee

Adopted 11/17/11 and recorded in Records Book# \_\_\_\_\_ Page# \_\_\_\_\_

Rosalba Zamora  
CLERK

**Pole & UG Petition/Permit Request Form**

City  
Town of CRANSTOM WR # 10253244  
(circle one)

Install 1 SO  
(quantity) (circle one) JO Poles on POMHAM ST  
(street name)

Remove \_\_\_\_\_ SO  
(quantity) (circle one) JO Poles on \_\_\_\_\_  
(street name)

Relocate \_\_\_\_\_ SO  
(quantity) (circle one) JO Poles on \_\_\_\_\_  
(street name)

Beginning at a point approximately 194 feet NORTHEAST of the centerline  
(distance) (compass heading)  
of the intersection of BURNHAM & POMHAM ST  
(street name)

and continuing approximately \_\_\_\_\_ feet in a \_\_\_\_\_ direction.  
(distance) (compass heading)

**Install underground facilities:**

Street(s) \_\_\_\_\_

**Description of Work:**

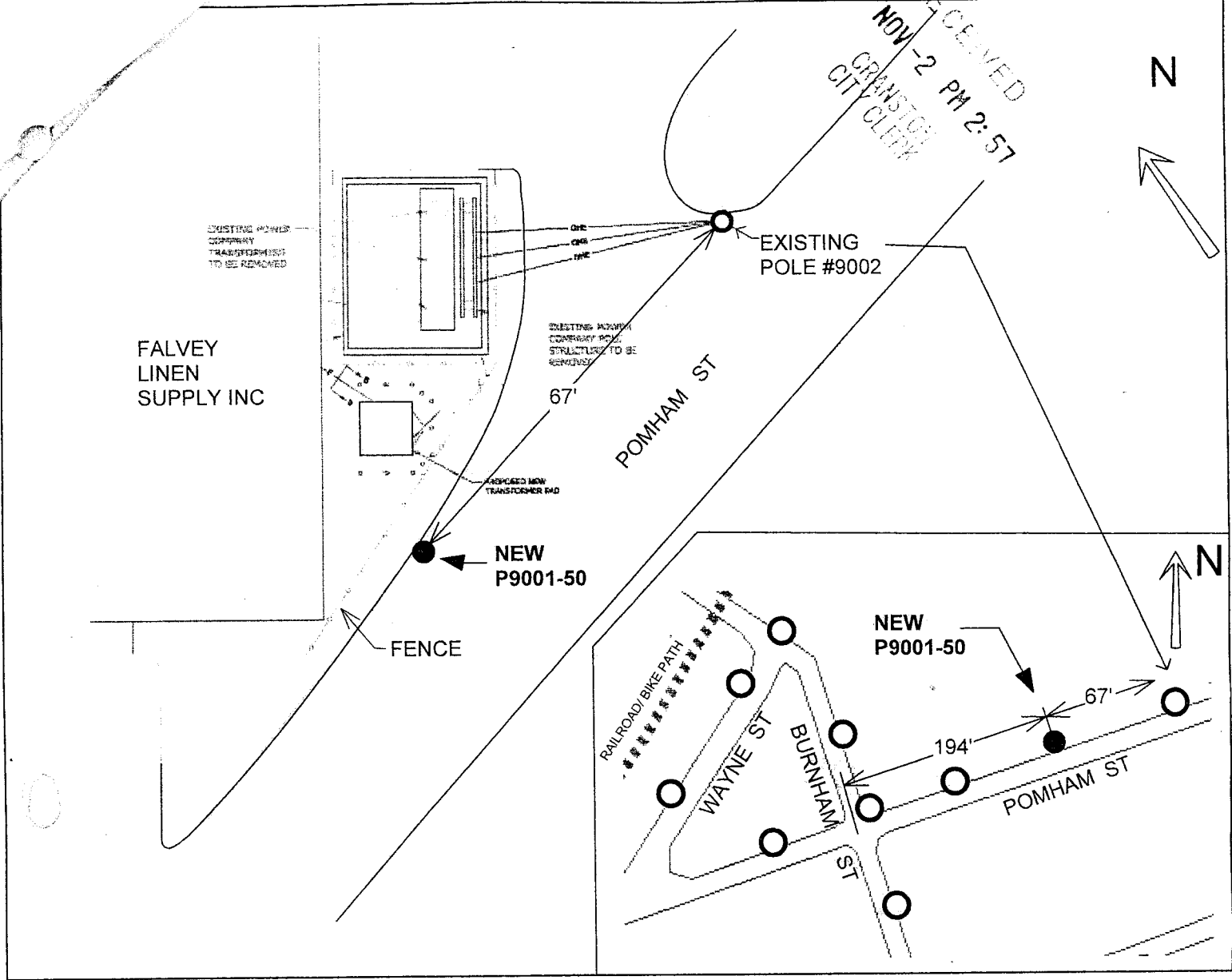
Installing a new P9001-50 Pomham St 194' Northeast of intersection ' Burnham & Pomham St'. This pole is required as an electrical riser pole for the Falvey Linen Co. electrical upgrade. Please see attached plan 207152.

ENGINEER Steve Morin-Ngrid

DATE 10/04/2011



RECEIVED  
 11 NOV -2 PM 2:57  
 CRANSTON  
 CITY CLERK



**THE NARRAGANSETT ELECTRIC COMPANY AND VERIZON  
 PLAN TO ACCOMPANY PETITION DATED 10/04/2011**

TO THE CITY OF CRANSTON for

JOINT POLE LOCATION ON: POMHAM ST

DATE OF PLAN 10/04/2011

PLAN # 207152

Description of Work: Install new pole 350' northeast of intersection POMHAM & BURNHAM ST.

DATE OF EXISTING GRANT

**SYMBOL KEY**

- Existing Pole Location
- Proposed New Pole Location

<b>CITY OF CRANSTON</b>	
ENGINEERING DIVISION CRANSTON, RI	
MAP #	APPROVED <i>W. Morin</i>
	APPROVED AS CORRECTED
	RESUBMITTED FOR FINAL APPROVAL
	DISPER. OVER FOR RESUBMIT
Date	By
If so marked, approval is given for design only; it does not relieve the Contractor from complying with the requirements of the Contract, contract drawings, and specifications. The Contractor shall be responsible for all dimensions, quantities, schedules and field conditions.	

Steve Morin, Narragansett Electric 784-7225 cell 255-7091