

(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 Finance Committee was held on Monday, December 3, 2012 in the Council Chambers, City Hall, Cranston, Rhode Island.

CALL MEETING TO ORDER:

The meeting was called to order at 5:35 P.M. by Councilman Stycos.

Present: Councilman Richard D. Santamaria, Jr., Vice-Chair (appeared at 5:50 P.M.)
Councilman Steven A. Stycos
Councilwoman Leslie A. Luciano
Councilwoman Maria A. Bucci
Council President Anthony J. Lupino

Absent: Council Vice-President Emilio L. Navarro, Chair

Also Present: Councilman Michael W. Favicchio
Carlos Lopez, Chief of Staff
Evan Kirshenbaum, Assistant City Solicitor
Kenneth Mason, Director of Public Works
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 Councilwoman Luciano, it was voted to dispense with the reading of the minutes of the last meeting and they stand approved as recorded.

CORRESPONDENCE:

PUBLIC HEARING:

OLD BUSINESS:

RI Yacht Club Property Reconfiguration and Ocean Avenue Sea Wall (Councilman Stycos) Administration report. (Cont. 11/26/2012 City Council).

On motion by Councilwoman Bucci, seconded by Councilwoman Luciano, it was voted to continue this item. Motion passed unanimously.

Report from Administration regarding the use of Open Space Bond to acquire land near Laten Knight Rd. to use as a walking path or trail. (Councilman Stycos). (Cont. 11/26/2012 City Council).

Councilman Stycos asked that this item be removed from the agenda.

On motion by Councilwoman Bucci, seconded by Councilwoman Luciano, it was voted to remove this item from the agenda. Motion passed unanimously.

Surrey Drive & Belvedere – Administration report on ground water issues. (Council President Lupino). (Cont. 11/26/2012 City Council).

Council President Lupino stated that the only solution is to rebuild the street, which would be too expensive to pursue. He asked that this item be removed from the agenda.

On motion by Councilwoman Bucci, seconded by Councilwoman Luciano, it was voted to remove this item from the agenda. Motion passed unanimously.

NEW BUSINESS:

***Rhode Island Resource Recovery Corporation appeal dated November 9, 2012 of October 30, 2012 Decision on 2011 Industrial Pretreatment Invoice for Fee Adjustment.**

[\[click here to view\]](#)

Rhode Island Resource Recovery Corporation appeal dated November 9, 2012 of October 30, 2012 Decision on 2012 Industrial Pretreatment Invoice for Fee Adjustment.

[\[click here to view\]](#)

Solicitor Kirshenbaum stated that the City received two notices of appeal from RIRRC and one request for a continuance. He asked Mr. Mason to address the various appeals.

Council President Lupino asked what action this Committee would be taking this evening. Solicitor Kirshenbaum stated that the Committee will hear explanation on the City's position on these appeals and refer to the full City Council for vote.

Mr. Mason stated that the pre-treatment charge for 2011 was for \$370,012, of which the first quarterly installment was paid. In the decision from himself on October 30, 2012, this fee was reduced by \$151,691, but RIRRC is still appealing the surcharge fee.

Council President Lupino stated that in the letter dated October 30, 2012, it states that there was no additional monitoring performed. He questioned why there was no additional monitoring performed by the City. Mr. Mason stated that there was adequate additional monitoring performed by RIRRC. Council President Lupino asked if we would be going through this if we had an Inter-jurisdictional Agreement with Johnston. Mr. Mason stated, yes, because it has nothing to do with an Inter-jurisdictional Agreement with Johnston or anyone else.

Solicitor Kirshenbaum asked Alfred Tutela of Tutela Engineering Associates to speak.

Council President Lupino asked if Mr. Tutela is being paid a fee this evening. Solicitor Kirshenbaum stated, no. Council President Lupino asked under whose direction Mr. Tutela is present this evening. Solicitor Kirshenbaum stated, his.

Alfred Tutela appeared to speak and stated that as to the pretreatment billing, the same methodology has been used that is outlined in the Sewer Use Ordinance for over twenty years.

Council President Lupino asked who the fees are paid to and how often they are paid. Mr. Tutela stated that the City budgets an amount every year for administration of the pretreatment program and the fees are billed annually. Fees are based on the information he receives from the City and the fees are paid to the City.

Solicitor Kirshenbaum stated that Tutela Engineering has a contract with the City to administer this program, which Mr. Tutela gets paid from. Council President Lupino asked what this firm was paid last year from the City. Mr. Tutela stated, a little over \$500,000.

Councilman Stycos asked how often Mr. Tutela's contract goes out to bid. Mr. Tutela stated that his firm's contract is through Veolia Water. Dan Gorka of Veolia Water appeared to speak and stated that Veolia's contract with the City is through 2027 and Veolia's contract with Tutela Engineering ends 2022.

On motion by Council President Lupino, seconded by Councilwoman Luciano, it was voted to refer the two appeals to the full City Council without a recommendation and in the meantime, if needed, an Executive Session be held and the Council docket to indicate that RIRRC is looking to escape with a bill of \$300,000 and they are willing to pay \$30,000. Motion passed unanimously.

On motion by Councilman Santamaria, seconded by Councilwoman Luciano, it was voted to hold an Executive Session prior to the Council meeting.

Under Discussion:

Council President Lupino questioned if an Executive Session is needed. Solicitor Kirshenbaum stated that this is up to the City Council, but he does not feel it is needed.

Motion and second were withdrawn.

Rhode Island Resource Recovery Corporation Appeal dated November 21, 2012 from ruling dated November 5, 2012 on Fine Notice. [\[click here to view\]](#)

On motion by Council President Lupino, seconded by Councilwoman Luciano, it was voted to continue this item. Motion passed unanimously.

The meeting adjourned at 6:25 P.M.

Respectfully submitted,

Rosalba Zanni
Assistant City Clerk/Clerk of Committees