

(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 Monday, March 7, 2016, in the Council Chambers, City Hall, Cranston, Rhode Island.

CALL MEETING TO ORDER:

The meeting was called to order at 6:45 P.M. by the Chairman.

Present: Councilman Mario Aceto, Chair
Councilman Steven A. Stycos, Vice-Chair
Council Vice-President Richard D. Santamaria, Jr.
Councilman Christopher G. Paplauskas
Council President John E. Lanni, Jr.

Absent: Councilman Michael J Farina

Also Present: Council Majority Leader Paul H. Archetto
Councilman Donald Botts, Jr.
Council Minority Leader Michael W. Favicchio
Jeffrey Barone, Director of Constituent Affairs
J. Patrick O'Neill, 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 Councilman Aceto, seconded by Council President Lanni, it was voted to dispense with the reading of the minutes of the last meeting and they stand approved as recorded.

CORRESPONDENCE:

PUBLIC HEARING:

Jay Bombardier, Jr., 108 Preston Ave., appeared to speak regarding crosswalk issue at Phenix Ave. and Atwood Ave. and stated that he was hit by a vehicle at this intersection and there was another pedestrian hit last week at this intersection. He has been working with Councilman Paplauskas in trying to make this a safer intersection for pedestrians to cross. He asked that something be done to make this street safer.

OLD BUSINESS:

- *Orchard Valley – Status report on stop sign. Chairman Aceto (Cont. 2/1/2016)*

Mr. Mason stated that what has been codified is 2-way stop sign at Ashbrook and Woods Lane. It probably does not warrant a 4-way stop sign, but if the Council wishes to make that a 4 way-stop intersection, it would have to be done by Ordinance.

Public Hearing for the Abandonment of un-named right of way between 2398 and 2406 Cranston St. [\[click to view petition\]](#) (Cont. 1/4/2016 & 2/1/2016).

Bill Carcieri, 210 Hazelton St., appeared to speak and stated that he wants to purchase the property, but he is being told by Solicitor Marsella that he would have to give right of way to for public access to the bike path. He stated that by doing that, there is a liability involved. He also stated that he was willing to give the neighbor a temporary easement to give him time to put in a curb cut.

Chair stated that at the last meeting, Solicitor Rawson had stated that he would have Solicitor Marsella meet with Mr. Carcieri. He asked if this has taken place. Mr. Barone stated that he will check with Solicitor Rawson tomorrow and advise him that the right of way is an issue.

Councilman Paplauskas asked if anyone knows how many people use the bike path from this property. Mr. Carcieri stated that there is one person that he is aware of that walks his dog. He indicated that there is a public entrance to the bike path just a few houses down.

Council President Lanni stated that it has been two to three months now and there is still no report from the Solicitor regarding this. These people have been waiting for months and it is not fair to them. He asked that the Administration draft a final Purchase and Sales Agreement for the City Council meeting to be acted on at that time. He asked if this is possible to be done. Mr. Barone stated, yes.

Chair asked Council members who think this property should be used as a public right of way. Councilman Stycos indicated that he thinks this should be used as a right of way.

On motion by Council President Lanni, seconded by Council Vice-President Santamaria, it was voted that a right of way is not needed.

Under Discussion:

Councilman Stycos stated that he would like to hear the legal issues regarding the liability. He indicated that there was a gentleman and his mother, who appeared at one of the prior meetings, who stated that they use this property as a shortcut to the bike path.

Motion and second were withdrawn.

Council President Lanni stated that once the Committee votes on this, the right of way can't be used as an excuse not to have this resolved by the City Council meeting.

City Clerk clarified that the right of way was an easement for the City for public access. There is still the easement issue that the abutters need to work out, but this can be approved subject to that easement and that could go to the City Council because it is a matter of the petitioner having the proper deed prepared transferring the appropriate language which would satisfy the abutters. The City would not be involved in any of that if the City is not seeking a public access.

Council President Lanni stated that he will make this in a form of a motion and asked the City Clerk to reiterate the language she stated.

City Clerk stated that the motion currently is the Committee has no objection to the abandonment. The City is not seeking to have an easement for public access. It will be subject to the easement to be worked out with the abutting neighbor.

Councilman Paplauskas seconded the motion.

Under Discussion:

Council Majority Leader Archetto questioned if this is a Zoning Board issue or can the City Council handle something like this. Councilman Aceto stated that the City Council can handle this because it is an abandonment.

Roll call was taken on the above motion and motion passed on a vote of 4-1. The following being recorded as voting "aye": Councilman Aceto, Council Vice-President Santamaria, Councilman Paplauskas and Council President Lanni -4. The following being recorded as voting "nay": Councilman Stycos -1.

Councilman Aceto asked if at this point, this means that the legal department, the petitioner and the abutting property owner will meet and try to get something worked out by the Council meeting. City Clerk stated that at this point, if the City is not seeking it for itself, it would be between the applicant for having the deed prepared. The City would put a Resolution on the Council Docket approving this subject to the easement being granted to the abutter.

Mr. Carcieri questioned if his next step is to go to an attorney with Solicitor Marsella and create a deed to present to the City that will show that he is taking it from the City and the City would be out of it and he has an easement going to his neighbor. City Clerk stated to Mr. Carcieri that she will speak to him, but the City Council will only approve the abandonment subject to the easement. That is their role. That will end the process. Whatever gets recorded has to be approved by the Solicitor, but he will not be involved in the preparation of that, as long as the neighbor is in agreement.

Councilman Stycos questioned if there are other steps the applicant would have to go through if this is approved. City Clerk stated that this has been advertised for abandonment. We had public hearings. Once it is approved, which is what she believes was done this evening, there would be a Resolution authorizing the abandonment subject to that easement and that would be on the Council docket for passage.

NEW BUSINESS:

Chair asked that the Committee recess this meeting so the Safety Services and Licenses Committee can be called to order and then reconvene and go into Executive Session.

On motion by Council President Lanni, seconded by Council Vice-President Santamaria, it was voted to recess this meeting. Motion passed unanimously.

Meeting was recessed at 7:10 P.M.

Meeting reconvened at 7:13 P.M.

Executive Session pursuant to RIGL 45- 46-5(a)(2) Pending litigation (Summary Review by former Deputy Solicitor Evan Kirshenbaum):

- **Rhode Island Resource Recovery Corporation Appeal dated November 21, 2012 from ruling dated November 5, 2012 on Aug. 15, 2012 Fine Notice.** (Cont. 6/3/2013, 1/6/2014, 2/3/2014 & 7/7/2014 & 2/4/2015). [\[click here to view\]](#)
- **Rhode Island Resource Recovery Corporation Dec. 7, 2012 Appeal of Fine Notice dated Aug. 15, 2012.** (Cont. 6/3/2013, 1/6/2014, 2/3/2014 & 7/7/2014 & 2/4/2015). [\[click here to view\]](#)
- **RIRRC Appeal of DPW Director's Decision on RIRRC's Petition for Review of Modification to Industrial Wastewater Discharge Permit #1808.** (Cont. 11/4/2013, 1/6/2014, 2/3/2014 & 7/7/2014 & 2/4/2015). [\[click to view\]](#)

On motion by Council Vice-President Santamaria, seconded by Council President Lanni, it was voted to go into Executive Session pursuant to RIGL 45-46-5(a)(2). Motion passed unanimously.

Meeting went into Executive Session at 7:13 P.M.

Present in Executive Session: Councilmen Aceto, Stycos, Council Vice-President Santamaria, Councilman Paplauskas and Council President Lanni; Council Majority Leader Archetto, Councilman Botts, Council Minority Leader Favicchio; Jeffrey Barone, Director of Constituent Affairs; J. Patrick O'Neill, Assistant City Solicitor; Kenneth Mason, Director of Public Works; Maria Medeiros Wall, City Clerk; Rosalba Zanni, Assistant City Clerk/Clerk of Committees; Evan Kirshenbaum, Esq., former Assistant City Solicitor.

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

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

Administrative Report on Crosswalk Alert System or other mechanism for crosswalk on Phenix Ave. at Stop & Shop. (Councilman Paplauskas).

Council Vice-President Santamaria stated that he will contact Mr. Filarski, City Council Grant Writer, regarding possible grants for this and he asked that the Administration obtain funding to get this up. Mr. Barone stated that he will speak to Mr. Filarski regarding this.

Chair asked if there is any accident date or information available regarding the last accident at this location or prior accidents. He asked if this information can be provided for the next Council meeting. Captain Carnevale stated that he will obtain this information for the next Council meeting. Mr. Barone stated that as of this morning, the last accident is still under investigation and there is no information at this time.

MISCELLANEOUS BUSINESS:

Mr. Barone announced that the City will be starting street sweeping program soon. Mr. Mason stated that the sidewalk sweeping will start March 21st and street sweeping will start April 4th. They will be starting with the mains working East to West, then Stillhouse Cove will be done. On trash day, they will work on another section. Council Vice-President Santamaria stated that last year, the program started East to West. He questioned why this year they don't start West to East. Mr. Mason indicated that last year they started West to East.

The meeting adjourned at 7:50 p.m.

Respectfully submitted,

A handwritten signature in blue ink that reads "Rosalba Zanni". The signature is written in a cursive, flowing style.

Rosalba Zanni
Assistant City Clerk/Clerk of Committees