

PUBLIC WORKS COMMITTEE

Regular meeting of the Public Works Committee was held on Thursday, April 12, 2007 in the Council Chambers, City Hall, Cranston, Rhode Island.

The meeting was called to order at 6:05 P.M. by the Chair.

Present: Council Member Maria A. Bucci, Chair
Councilman Richard D. Santamaria, Jr., Vice-Chair
Councilman John E. Lanni, Jr.
Councilman Jeffrey P. Barone
Council President Aram G. Garabedian

Absent: Councilman Emilio L. Navarro

Also Present: Councilman Anthony J. Lupino
Council Vice-President Paula McFarland
Frank Migliorelli, Deputy Director of Administration
Vito Sciolto, City Solicitor
Aubrey Lombardo, Assistant City Solicitor
Chief Richard Delgado, Fire Department
Nick Capezza, Chief Engineer
Maria Medeiros Wall, City Clerk
Rosalba Zanni, Assistant City Clerk/Clerk of Committees
Heather Finger, Stenographer

On motion by Councilman Barone, seconded by Council President Garabedian, 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:

11S-05-1 Ordinance in amendment of Chapter 12 of the Code of the City of Cranston, 2005, entitled "Streets, Sidewalks and Public Places" (Snow and Ice Removal).
Cont. 12/7/2006, 1/11/2007, 2/15/2007 and 3/15/2007.

No action or discussion. This Ordinance will be continued.

Town of Johnston Request for installation of sanitary sewer lateral
1901 Plainfield Pike - Nicola Ricci of Victor Anthony Properties.
Cont. 2/15/2007 and 3/15/2007.

No one appeared to speak.

On motion by Councilman Lanni, seconded by Councilman Barone, it was voted to continue this item. Motion passed unanimously.

Replacement of Steel Gas Main lines: 4 Exchange St. and 5 Vinton Ave.

Petition from National Grid - PUBLIC HEARING

No one appeared to speak.

On motion by Councilman Barone, seconded by Council President Garabedian, it was voted to continue this item. Motion passed unanimously.

PUBLIC HEARINGS:

Resolution changing the street name from Lovell Ave. to Coastway Plaza (Public Hearing)

Bill White, President of Coastway Credit Union, appeared to speak.

Council President Garabedian asked what costs are involved in changing this street name. City Clerk stated that she attempted to contact some of the City departments and she received only one response from the Traffic Engineer stating that the only real costs would be approximately \$100 for changing the street signs, including material and study. Other departments stated to her that the costs would be minimal costs. *****(SEE memo given to Chair). No one appeared to oppose.

On motion by Councilman Lanni, seconded by Councilman Barone, it was voted to recommend approval of this street name change. Motion passed unanimously.

Chair stated that the discussion with Veolia Water will be taken out of order, if there are no objections. No one objected.

Veolia Water – Requested to appear

Chair stated that Veolia Water was asked to appear before this Committee to give the Committee an update or history of what is going on in the Amanda Street area as to the flooding.

Dan Gorka, Project Engineer for Veolia Water, appeared to speak and stated that Veolia Water has a 20 year contract with the City and they have approximately 10 years left on that contract.

Mr. Gorka stated that in the Amanda Street area, the City sewer system was installed in approximately 1974. In 1977, the City issued forms for approval for reimbursements for backflow devices, which would avoid residents from having backups. Flooding has been a long standing problem in this area. This would happen sporadically. It would not happen every year. It might happen once or twice a year. There has been history in this neighborhood that certain conditions cause sewer backups. In this area, the pumping station is overwhelmed where both pumps are running in certain cases. An alternative to try to solve this problem would be possibly to build a bigger pumping station, which would be very costly. Another alternative could be to tighten up the infrastructure. Veolia Water will continue to maintain the manhole frames, which may help the problem. The storm drains on Oaklawn Avenue are State storm drains. We don't know if they need to be cleaned or if they are undersized to handle the flow. We are working with the City and are aware of the issues.

Council President Garabedian asked Mr. Gorka to outline what he thinks is Veolia's responsibilities and what he thinks are the City's responsibilities.

Mr. Gorka stated the original contract was ratified in 1997. Logistical problems lead to the 1st Amendment, and there was a 2nd Amendment in 2001 where there was a concession fee of \$3M to the City, and the contract was extended to 2021.

Basement Backups: Responsibility for basement backups was never clarified within the original contract, but was clarified in the 2nd Amendment. Veolia Water is required to respond to a site within half an hour and determine whether the backup to determine whose responsibility it is. If it's a pumping station failure Veolia is responsible. Under the Contract Veolia is required to provide cleaning and clearing services unless due to 3rd party (homeowner). If not, then meet with Veolia and insurance adjuster. Listed in the contract as a responsibility of the City is if it is determined that the backup was caused due to the capacity of the City's sewer system being exceeded due to precipitation.

Claims Review Committee. There is a Committee that was set up in 2001, consisting of the Project Manager of Veolia, a City representative, who would be the Public Works Director, and an Insurance Adjuster. The Committee reviews the claim and determines who is at fault. Council President Garabedian asked if there are any minutes from this Committee. Mr. Gorka stated that he can check into this. He stated that the determination made by this committee is referred to the Claims Committee and if they do not agree with this determination, it is sent back to Veolia. Council President Garabedian stated that he was not aware of any such committee.

Councilman Lanni stated that he has never seen any report from this committee, in the seven years he has served on the Claims Committee. To find this out now, explains an awful lot of the run around the people in this area have been getting. Councilman Lanni asked Mr. Gorka, who picks up the costs when Veolia is at fault. Mr. Gorka stated that Veolia pays the claim. Councilman Lanni asked if it is possible for Veolia to provide the Council with a list of the claims they have paid over the last two years. Mr. Gorka stated, yes. Councilman Lanni stated that he believes that we need to take an entirely new look at this situation. He would also like to see the agreement on that Second Amendment on the responsibilities and how it works.

Councilman Barone asked how often the City's pumping stations are inspected. Mr. Gorka stated, at least every week. Councilman Barone asked how many backflow valves would be needed in this neighborhood. Mr. Gorka stated that based on what we have now installed, roughly 20-30 homes, and costs would be minimum of \$1,500 per home for the device that Veolia would recommend be installed. Councilman Barone questioned if it would be cheaper for Veolia to pay for these valves to be installed rather than keep paying out claims. Mr. Gorka stated that this is an option. He stated that when the City installed these valves years ago, there was a form the homeowner had to sign to agree to maintain them, which they do need to be maintained.

Chair asked, why the homes that already have the backflow valves are still being flooded. Mr. Gorka stated that they probably would need to be replaced. This is a maintenance item. Sooner or later the valve is going to fail and it is up to the homeowner to maintain it.

Councilman Santamaria what if the Committee doesn't agree on who is responsible. Mr. Gorka said there is an arbitration clause in the Contract. Councilman Santamaria asked Mr. Gorka if Veolia has contacted anyone at the State regarding the problem with the storm drains at Oaklawn Ave. and have them checked. Mr. Gorka stated, no, they are not sure if the storm drains need to be cleaned or if it is undersized, but he can have the State contacted. Councilman Santamaria asked how often the valve would have to be replaced. Mr. Gorka stated that you would only have to replace the internal materials, replaceable wear parts. The gasket materials is recommended to be replaced every five years. Councilman Santamaria questioned what happens if the committee members, who review the backups, do not agree on whose at fault, where does the claim go. Mr. Gorka stated that they have never run into that situation.

Council President Garabedian asked how many times Veolia has met with the City since the October 15, 2005 flood to review claims and make a determination of who was at fault? Mr. Gorka stated that there were discussions, but there never was a formal committee meeting. Council President Garabedian asked Mr. Gorka if the City ever contacted him regarding these claims from the October 15, 2005 flood stating that it was Veolia's fault. Mr. Gorka stated that Veolia recognized that there were unusual, uncontrollable circumstances and wrote to the City notifying them within days that they did not feel were responsible but there was no formal committee meetings. Public Works Department was involved when Veolia was called for the cleaning services. Council President Garabedian stated that the City Council never had the opportunity to disagree with Veolia on these claims because the previous Administration never brought this before the Council. Mr. Gorka stated that the City never responded to what they had written and the position they had taken.

Councilman Lupino asked what a larger pumping station would cost. Mr. Gorka stated that there are two scenarios. One would be to retro-fit with the station itself, which would cost several hundred thousand dollars. The other alternative would be several millions of dollars and would be a more complicated installation.

Bill Wilber, Collections Supervisor for Veolia Water, appeared to speak and stated that he and his assistant, Peter Connell, go to the site when there is a backup and fill out paperwork and take pictures. Councilman Lupino asked where this information is sent to. Mr. Wilber stated that, as far as he knows, it goes to the Public Works Director. He does speak to Anna Marino, Claims Examiner, but once he turns the paperwork in, he does not know where it goes from there. Councilman Lupino asked Nick Capezza, City Chief Engineer, if there ever was a full formal presentation made by Veolia stating that this pumping station was not big enough to handle this area. Mr. Capezza stated that he is not aware of any, since the Public Works Director is no longer working for the City. Mr. Gorka stated that there was a proposal that was completed approximately in August, 2004 and there were drafts prior to that. Councilman Lupino asked that the Council be provided with a copy of this proposal, for it to be reviewed by the Claims Committee. Mr. Gorka stated that he will make this copy available.

Council President Garabedian asked Mr. Gorka if he is aware of the Mitigation Plan adopted by the Council several years ago, which states that there were pumping stations that needed to be updated. Mr. Gorka stated that he is aware that it is in the report that was submitted to the City. Council President Garabedian asked who is responsible to update them. Mr. Gorka stated that according to the contract, it is the City's responsibility.

Councilman Lanni asked who hires the insurance adjuster, who serves on the committee. Mr. Gorka stated, the insurer, and it is a mutual third party. Councilman Lanni stated that if the Council finds that there are claims that the City paid because they were not aware of the procedure, would Veolia be willing to reimburse the City, if it was Veolia's fault and not the City's. Mr. Gorka stated that Veolia contractually would have to.

Councilman Lupino asked when Veolia pumps sewage out of homes, where is that pumped to. Mr. Wilber stated that they have trucks that they pump into.

Council Vice-President McFarland stated that years ago, when she served on the Claims Committee, she recalls meeting on five or six claims, with representatives from Veolia and the Public Works Director. She asked what happened to that procedure. Mr. Gorka stated that if Veolia determines that they are at fault, it is not necessary to meet with the Claims Committee, since Veolia is going to pay the claim. If everyone would like to go back to the original procedure, he would be more than happy to start doing that again. Council Vice-President McFarland stated that it is too bad that the past Administration turned their backs on these people. The people have had sewage in their homes and they needed to be paid.

Mr. Wilber indicated that every claim, whether Veolia paid for it or whether it went to the City, the Public Works Director was notified of it.

Emily Perretta, 126 Amanda St., appeared to speak and stated that Veolia did go to her home during the October 15, 2005 flood and never returned. She questioned why the City told Veolia not to go back and the last two backups she had, Veolia was there immediately. She was told by Veolia that the City told them not to continue with the cleaning because the City was not at fault. Council President Garabedian asked Mr. Gorka if Veolia was ever told not to go back to these homes by the City after the October 15, 2005 flood. Mr. Gorka stated, yes, the City said it was an act of God and it was not Veolia's fault or the City's fault.

Councilman Santamaria stated that he has just been advised by Mr. Callahan that Mr. Wilber called the residents of Amanda Court area this evening prior to this meeting advising them to shut off their valves due to the rains this evening. He asked how long the residents would have to have the valves shut off, since they have no running water in their homes at this time. Mr. Wilber stated that he did call the residents and told them to shut the valves off due to the heavy rains. Councilman Santamaria stated that the rain could last a few days, which has happened before, and having no running water in their homes is not safe for the residents.

Steve Callahan, 135 Amanda Street, appeared to speak. Councilman Lanni stated that any comments Mr. Callahan has concerning what was done regarding the flooding and backups at his home should not be allowed, since Mr. Callahan has filed with the Attorney General's Office a request for open records and he asked for the Solicitor's opinion regarding this. Mr. Sciolto stated that there is a proceeding before the Attorney General's Office of Mr. Callahan's requesting certain records and he suggest that Mr. Callahan not speak on this issue at this time. Chair asked that Mr. Callahan not discuss his claim, but he can speak regarding what is going on this area. Mr. Callahan stated that he would like to correct some information that was stated by Veolia. He stated that he filed a claim in 2001 and was paid \$12,000, which Mr. Gorka stated he was paid \$4,000. In 1998, he as paid another \$11,000 for another claim. These claims out-way what it would cost to install a check valve. Councilman Barone asked who paid him these claims. Mr. Callahan stated, Veolia, which at the time was US Filter. He also stated that the resident in this area need a solution to this problem soon. He is happy everyone is acknowledging this problem, but he can't have his children not have running water in his home. This is not a way for a Cranston resident to live.

Council President Garabedian stated that after this meeting, there needs to be follow-up done. Maybe at some point, we should invite some past Administration officials to answer some questions at the proper time. He would like to have the three individuals, who serve on the committee, reviewing the claims attend a Claims Committee meeting to learn from them what the process is and ask questions.

Chair reiterated the following requests that have been made to Veolia by this Committee:

- Claims paid out by Veolia
- 2005 proposal for update to the pumping stations

On motion by Council President Garabedian, seconded by Councilman Barone, it was voted to recess this meeting in order to hold the Ordinance Committee meeting, since there is one item on that agenda. Motion passed unanimously.

The meeting recessed at 7:55 P.M.

The meeting reconvened at 8:02 P.M.

Councilman Lupino asked Mr. Gorka if Veolia ever informs the Johnston Florida Effluent and Power Plant to shut off the returning fluids and does this have an overtaxing on the system. He also asked when approval was given for lateral tie-ins. Mr. Wilber stated that approvals were given last year and the year before. Council President Garabedian asked who gave those approvals. Mr. Wilber stated that he believes the approvals came from the Public Works Department. The tie-in was for a new development in Western Cranston. Councilman Lupino stated that he is not opposed to developments, but the issue he has a problem with is this would be an add-on to the contract with Veolia that they would have to handle. He asked how expensive it is for a development to tie into the system. Mr. Wilber stated that it was cheaper for the developer to tie into the system then to put septic system in. Councilman Lupino stated that the concerns he has is Veolia is not responsible for this line being added and questioned if the developer puts up bonds.

Petition from National Grid for pole location at Woodbine St.

No one appeared to speak.

On motion by Councilman Lanni, seconded by Councilman Barone, it was voted to continue this request. Motion passed unanimously.

Petition from National Grid for pole location at Pippin Orchard Rd.

No one appeared to speak.

On motion by Councilman Lanni, seconded by Councilman Barone, it was voted to continue this request. Motion passed unanimously.

Petition from Verizon New England for proposed excavation to dig splice pit to locate cable on Phenix Ave.

No one appeared to speak.

On motion by Councilman Lanni, seconded by Councilman Barone, it was voted to continue this request. Motion passed unanimously.

State Recycling Program

No one appeared to speak. Chair asked Clerk if there was anyone notified that this item was listed on this agenda. City Clerk stated that this item was placed on the agenda at the request of Suzanne Arena and she is not present this evening. This item was continued.

The meeting adjourned at 8:30 P.M.

Respectfully submitted,

Rosalba Zanni
Assistant City Clerk/Clerk of Committees