

PUBLIC WORKS COMMITTEE

Regular meeting of the Public Works Committee was held on Thursday, October 11, 2007 in the Council Chambers, City Hall, Cranston, Rhode Island.

The meeting was called to order at 6:10 P.M. by the Chair.

Present: Councilman Richard D. Santamaria, Jr., Vice-Chair
Councilman Emilio L. Navarro
Councilman Jeffrey P. Barone
Council President Aram G. Garabedian

Absent: Council Member Maria A. Bucci, Chair
Councilman John E. Lanni, Jr.

Also Present: Councilman Terence Livingston
Councilman Anthony J. Lupino
Frank Migliorelli, Deputy Director of Administration
Aubrey Lombardo, Assistant City Solicitor
Charles Garganese, Jr., Assistant City Solicitor
Anthony Sylvia, Director of Public Works
Ernie DePari, Highway Superintendent
Maria Medeiros Wall, City Clerk
Rosalba Zanni, Assistant City Clerk/Clerk of Committees
Heather Finger, Stenographer

On motion by Councilman Barone, seconded by Councilman Navarro, 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:

Status of draft of ordinance requiring a bond from Utilities. Chair Bucci (Cont. 7/12/2007, 9/10/2007).

Providence Water – Study on repair of City roads (Cont. from 9/10/2007).

Mr. Sylvia appeared to speak and presented a copy of an Ordinance from the Town of West Warwick regarding the above issues. Mr. Sylvia stated that for small jobs, he would recommend providing a warranty period to do the work. On larger jobs, he would like to recommend an actual estimate for the repairs. Councilman Lupino asked who would make the determination of whether the road is in good condition, fair condition or poor condition. Mr. Sylvia stated that he does not know, he would think it would lie with the Public Works Director and the Chief Engineer.

Discussion took place on an agreement that is in place between the City of Cranston and various utilities. Councilman Lupino asked when this agreement was signed, who signed it and what the length of time is for that agreement. Mr. Sylvia stated that there is no expiration on the agreement. It was signed July 6, 1998. The utilities who signed it at the time were Narragansett Electric, Providence Gas and the PUC.

Council President Garabedian stated that since the PUC was a co-signor to the agreement in place, he is curious to know whether PUC has objections to the bonding or not. Ms. Lombardo stated that she spoke to the legal counsel for the PUC and he indicated that the PUC did not have an objection to this.

Mr. DePari appeared to speak and stated that as far as Providence Water, they are exempt from repair finish work. The City has to do the finish work. Ms. Lombardo stated that there is a Public Law that went into effect in 1986 exempting Providence Water making the City or Town responsible for all finish work. However, there is another Public Law passed after 1986, stating that all utilities are responsible for finish work. Obviously, these two laws are in conflict. However, there is yet another Public Law, Section 43-3-26, which states that if you have two State Laws that are conflicting, you need to try to construe it so that they both make sense.

Council President Garabedian stated that there should be a meeting held with Providence Water Supply Board and their legal counsel and our legal counsel regarding this issue.

Councilman Livingston stated that the way to resolve this issue is to ask our State Delegation to repeal the law passed in 1986.

Council President Garabedian motioned that the City of Cranston adopt a policy that Providence Water Supply is responsible for all repairs. No one seconded this motion.

Ms. Lombardo indicated that Providence Water pointed out that Public Law to the Director of Public Works and they are under the contention that they are not responsible.

Councilman Santamaria stated that a Resolution should be sent to the General Assembly to pass a law in their next session repealing the 1986 law. Council President Garabedian seconded the motion.

Councilman Santamaria stated that after speaking to Mr. Sylvia, he was advised that the City is still working with Providence Water. It is not like we are at an impasse.

Councilman Navarro questioned if a Resolution is sent to the General Assembly asking for the first law to be repealed, will we be conceding rather than challenging it through the Court. Ms. Lombardo stated that it might be construed that way.

Councilman Barone stated that if the Public Works Director is negotiating with Providence Water, let him continue doing that and maybe a compromise can be reached, otherwise, it might upset negotiations.

On motion by Councilman Barone, seconded by Councilman Navarro, it was voted to continue this item and have the Public Works Director update the Committee next month on the negotiations. Motion passed unanimously.

PUBLIC HEARINGS/NEW BUSINESS:

Request from National Grid for pole location at Natick Ave.

No one appeared to speak in favor or to oppose.

On motion by Councilman Navarro, seconded by Councilman Barone, it was voted to approve this pole location. Motion passed unanimously.

Request from National Grid for pole location at Scituate Ave.

No one appeared to speak in favor or to oppose.

On motion by Councilman Navarro, seconded by Councilman Barone, it was voted to approve this pole location. Motion passed unanimously.

Status update on the installation of traffic lights at Scituate Ave. and Pippin Orchard Rd. and Phenix Ave. and Furnace Hill Rd. (Requested by Councilman Lupino from 8/27/2007 Council meeting).

Council President Garabedian stated that funds have been made for the first light and when federal funds come in, remaining balance can be used for the second light.

Councilman Lupino stated that he spoke to Mr. Rocchio from D.O.T., who indicated that both of these projects would be grouped together. Mr. Rocchio's best case scenario is federal funds be approved within a few weeks, it goes out to bid, poles go out for fabrications and go out for specs and lights would be going up after the Winter.

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

Pippin Orchard Rd. – Providence Water tie-in (Requested by Councilman Lupino from 9/10/2007).

Mr. Sylvia appeared to speak and stated that he is working with the City Planner regarding water distribution system in Western Cranston and water impact fees. These Ordinances are out of date.

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

The meeting adjourned at 7:00 P.M.

Respectfully submitted,

Rosalba Zanni
Assistant City Clerk/Clerk of Committees