

(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, March 11, 2021 via Zoom webinar.

CALL MEETING TO ORDER:

The meeting was called to order at 7:15 P.M. by the Chair.

Present: Councilwoman Jessica M. Marino
Councilwoman Nicole Renzulli
Councilwoman Lammis J. Vargas
Councilman Matthew R. Reilly
Council Vice-President Edward J. Brady, Vice-Chair
Councilman Robert J. Ferri, Chair
Council President Christopher G. Paplauskas

Also Present: Councilwoman Aniece Germain
Councilman John P. Donegan
Anthony Moretti, Director of Administration
Kenneth Mason, Director of Public Works
John Verdecchia, Assistant City Solicitor
Stephen Angell, City Council Legal Counsel
Leanne Zarrella, City Clerk
Rosalba Zanni, Assistant City Clerk/Clerk of Committees
Heather Finger, Stenographer

MINUTES OF THE LAST MEETING:

On motion by Council Vice-President Brady, seconded by Council President Paplauskas, 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:

Chair indicated that there was a memo received from Public Works Director Mason and a few emails from constituents were also received.

PUBLIC HEARING:

None.

OLD BUSINESS:

None.

NEW BUSINESS:

Request from National Grid for pole location at Natick Ave.

Councilwoman Marino stated that she would like to recuse from any discussion or vote regarding this item due to a conflict of interest and asked that the Clerk place her in a waiting room. Attorney Angell asked what the nature of the conflict is. Councilwoman Marino stated that it is due to pending litigation involving a development project that involves those specific poles.

Robert Murray, Esq., appeared to speak and represent Revity Energy, which is the beneficiary of the pole locations being sought by National Grid along Natick Ave. He stated that they are total of nine pole locations being requested. This is what is called stub poles. They are support poles for the existing poles along Natick Ave. going to be replaced by National Grid when the Natick Ave. solar project receives the final approval from the Planning Commission.

Douglas Doe appeared to speak and stated that he e-mailed the City Council describing what happened to the residents on Lippitt Ave., Hope Rd. and Laten Knight Rd. and the debacle that occurred because of the poor planning that took place. This is a National Grid request and he questioned why isn't National Grid present this evening. He stated that anyone who is impacted by this interconnection plan, including new poles, should have been notified by Revity or National Grid or the City. There is no excuse why there is no documentation provided of which trees are to be removed for this route. There is no excuse for not doing ground survey marking out location of these new poles within the right of way. That is the same thing that occurred on Laten Knight Rd. This interconnection plan is going to have a major impact on that street. Right now, no one has any idea of how many trees are going to be removed or severely trimmed. Mr. Murray is in no position to tell the Council what has to be done. You need to hear that from National Grid experts since this is their proposal. They should be present this evening, they should have marked those trees by now and notified the abutters. This is blatantly unfair to the residents of Natick Ave. Before this is acted on, the Council needs to make sure the people on that street are notified and make sure the right of way is surveyed and need to hear from a National Grid expert of how many trees are going to be removed.

Drake Patten, 684 Natick Ave., appeared to speak and stated that she submitted a letter today to the Chair regarding this issue in case she did not make this call. She requested that National Grid provide a full accounting of this interconnection plan. Residents have concerns about tree removal, about the scale of these poles on a road that the Public Works Department has called a cow path. The people need to know the impact on natural environment, they need to know that kind of road closings there will be and what kind of plans there will be for emergency responders during that time. She asked that a full request be made from National Grid. They should be present this evening to address this. We need more time to understand this plan and the people need to be informed.

Attorney Murray stated that he represents Revity Energy and not National Grid. His experience, over the years, National Grid typically does not attend these meetings. When and if there are trees to be removed from the public right of way, there is a procedure where the Tree Warden has to flag any trees that are going to be removed for a period of days. We are nowhere near that process right now. The impact of tree removal will be minimal, if any.

Council Vice-President Brady stated that he would like to see, in the future, a National Grid representative on these future calls. He asked Administration if any of these poles have been challenged in the past and can we improve the transparency of the process by getting National Grid on calls like this to further explain and provide information that is being requested by our residents. Director Moretti stated that he does not have the experience since this is a new Administration that came in just over a month ago. Council Vice-President Brady stated that he understands that and he would like to improve this process.

Council President Paplauskas stated that Attorney Murray is involved in the litigation and asked for clarification if the pole locations are part of the suit. Attorney Murray stated that the litigation has nothing to do with these poles. The litigation is part of the Master Plan approval. That is on appeal in Superior Court awaiting a decision. The City Council is not party to it and the poles have nothing to do with the suit. There is no stay or injunction in effect. It is within the rights of the City Council to consider these petitions. Director Mason submitted a memo to the Committee recommending approval of these nine pole locations. There is no notice requirement in the Law or Ordinance to neighbors or anyone else. The interconnection route goes from Mr. Rossi's property on Natick Ave., north on Natick Ave. There will be no further impact on any other poles or equipment leading up to the Laten Knight Rd. sub-station. There is no prohibition from the City acting on this this evening. This is a routine request and most of these stub poles are nowhere near the Natick Ave. project. Maybe National Grid should be present, but his client should not be penalized for that.

Council President Paplauskas asked Director Mason to discuss his memo. Director Mason stated that he does not look at this as anything to do with the solar. That is not the purview of Public Works. Public Works' role is just to make sure that the poles are properly located in the City's right of way, they are not interfering with storm drains, sewer lines, utilities or any types of utilities and they are not infringing on someone's driveway. That is all that Public Works is tasked to do with these types of pole locations all around the City.

Mr. Doe stated that this request is definitely tied to the solar project. It would not exist without the solar project. It is an intricate part of the solar project.

Councilman Reilly addressed Attorney Murray and stated that if the pending litigation, for whatever reason the solar farm does not get approved, he asked if these poles are going to be built. Attorney Murray stated that from what he knows, if the project did not come to reality, there would be no need for the stub poles and they would not be installed.

Director Mason stated that the work National Grid is requesting to do is being driven by the solar farm proposal on Natick Ave., but one other thing they are going to do is these poles are also going to enhance the transmission capabilities of National Grid through that whole section of town. He thinks they are trying to improve the reliability of the service in that area. He believes these poles should be approved.

Councilwoman Renzulli questioned if the Committee can vote on this pending litigation outcome of solar project. Solicitor stated that he does not think it would be proper to do that because the problem would be if you go that route, you do not know how long litigation is going to take. It has to be a "yes" or "no" vote. He strongly recommended against any conditional approval. Attorney Angell concurred with Solicitor Verdecchia and also stated that he does not think a conditional approval should be done. If the City Council wishes to wait the outcome of the litigation, it can table this until such time.

Director Mason stated that new poles being requested are not being put on people's property. They are being put on City's right of way.

Chair stated that he would like to see how many trees would be impacted and whose house is going to be affected.

Council President Paplauskas stated that with the poles going into the City's right of way, he does not see a problem approving this. If the Committee wishes to continue this, he will understand.

Ms. Patten stated that while this request is just for a few poles, this is part of a larger miles long interconnection. This is a small country road determined by the City to be scenic. Those who live there have a much larger setback than other roads in the City and all those things are part of where they live regardless of what is happening to the solar facility. She has a conservation farm and there are two poles being proposed on the interconnect for her land and that is already a problem. What the residents are asking for is quite rational, which is to understand the miles long interconnect that is being proposed regardless of the litigation, regardless of the solar installation. They are asking to know what is going to happen in their yards in their right of way. She indicated to the City Council that they have a Director of Administration and multiple lawyers at your disposal and yet you defer to Mr. Murray, who represents people coming to the City with projects. That is a conflict and a concern and she begged the City Council to consider their own Counsel and ask them for advice.

Attorney Murray asked that these requests be approved. He agrees with Solicitor and Attorney Angell that a conditional approval is not warranted and he thinks it could be problematic. What an approval this evening would do it to help address various steps along the way that we have to travel. National Grid is within their right to replace the existing poles and the solar farm is not an issue for the Committee this evening to consider. There is a process to identify if trees within the right of way are going to be removed. The number of trees that are going to be impacted by these nine poles are minimal. If these poles which are integral with National Grid's plans for the interconnection will not happen if the project does not happen.

Council Vice-President Brady stated that he understands the benefit and the negative benefits, but ultimately, he thinks this is something we should continue. He is not saying no, but this is something we can get more clarity from National Grid on the plan.

Chair asked Solicitor if the Committee was to approve this this evening and then we found out there were going to be 200 trees taken down, what would our recourse be? Solicitor stated that he does not think there would be much recourse. Once you give affirmative vote, then it goes to full City Council and City Council votes on it, then you have reliance on that action by the applicants. You would not be able to back track on that action.

Councilman Reilly stated that he thinks based on the petition, National Grid and Public Works know where these poles are exactly going. He understands there was a lot of opposition to the solar farm, but it did pass by prior City Council. He thinks this is ancillary issue to that. With the recommendation of Director Mason and with the clear map of where these poles are going to be, he will be voting to approve this this evening.

Council Vice-President Brady stated that he was not aware that we had that clear map.

Councilwoman Vargas asked if we, as a Council, are able to request National Grid to appear before this Committee. Solicitor stated that that is absolutely within the Council’s discretion to do that.

On motion by Councilman Reilly, seconded by Councilwoman Renzulli, it was voted to approve this pole request. Motion passed on a vote of 5-1. The following being recorded as voting “aye”: Councilman Ferri, Council Vice-President Brady, Councilman Reilly, Councilwoman Renzulli and Council President Paplauskas – 5. The following being recorded as voting “nay”: Councilwoman Vargas -1.

Request from National Grid for pole location at Midway Rd.

No one appeared to speak in favor or to oppose.

On motion by Council President Paplauskas, seconded by Councilman Reilly, it was voted to approve this request. Motion passed unanimously.

Request from National Grid for pole location at Oaklawn Ave.

No one appeared to speak in favor or to oppose.

On motion by Council President Paplauskas, seconded by Councilman Reilly, it was voted to approve this request. Motion passed unanimously.

Councilwoman Vargas:

- *Snow clearing of the sidewalks*

Councilwoman Vargas stated that she has been receiving e-mails and calls of complaints regarding snow removal. She stated that there is an Ordinance on the books requiring property owners to clear snow from their sidewalks. During past snowstorms, she has noticed school students walking in the street because businesses on Park Ave. do not clear the sidewalks. She does not want kids being hit or someone who has a disability and is not able to get to the ramp on the sidewalks due to snow not being cleared. She asked what the City is doing to communicate this issue to the residents and business owners to make sure they clear the sidewalks during snowstorms. Director Moretti stated that this is a difficult and challenging thing to enforce. He will speak to Public Works Director Mason regarding some type of notification.

Councilwoman Vargas stated that RIPTA bus stops have not been cleared of snow either. She questioned who is responsible for this, the City or RIPTA. Director Mason stated that it is RIPTA’s responsibility to clear the shelters bus stops. He will reach out to RIPTA to address this.

John Lentz appeared to speak regarding snow not cleared on sidewalk particularly Broad St. near the Library.

Councilman Ferri:

- *Signage on the bike path*
- *Erosion on the bike path*

Chair stated that he had a meeting scheduled with the Park and Recreation Director, but due to the snowstorm, it was cancelled. He asked that the above two items be continued.

The meeting adjourned at 8:32 P.M.

Respectfully submitted,

/s/ Rosalba Zanni
Assistant City Clerk/Clerk of Committees

****Votes for this meeting were nullified at the February 22, 2021 City Council meeting.***