

(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 16, 2023 in the Council Chambers, City Hall, Cranston, Rhode Island.

CALL MEETING TO ORDER:

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

Present: Councilman John P. Donegan
Councilman Matthew R. Reilly
Councilwoman Aniece Germain, Vice-Chair
Council Vice-President Lammis J. Vargas, Chair
Council President Jessica M. Marino

Absent: Councilwoman Nicole Renzulli
Councilman Robert J. Ferri

Also Present: Councilman Richard D. Campopiano
Anthony Moretti, Chief of Staff
Daniel Parrillo, Director of Personnel
John Verdecchia, Assistant City Solicitor
Richard Bernardo, Public Works Director
Justin Mateus, Chief Engineer
Tracy Nelson, City Clerk
Rosalba Zanni, Assistant City Clerk/Clerk of Committees
Heather Finger, Stenographer

MINUTES OF THE LAST MEETING:

On motion by Councilwoman Germain, seconded by Councilman Donegan, it was voted to dispense with the reading of the minutes of the last meeting and they stand approved as recorded. Motion passed unanimously.

I. COMMITTEE BUSINESS MATTERS CARRIED OVER

Councilwoman Germain:

- *Status and update on the Budlong Pool Project. (Cont. from 1/23/2023 City Council and 2/16/2023 Committee)*

Director Parrillo stated that the Mayor listened to the Council and the Council made it abundantly clear at the last meeting that they want a bath house and a pool. They do not want a splash pad, they do not want the extra stuff that is part of the project that was originally planned for, so the Mayor is going forward with that initial phase of the pool and the bath house for approximately \$3.7 million.

Councilwoman Germain asked if that is for repairs and to tear down the initial bath house. Director Parrillo stated that he thinks that that is going to be up to the Engineer. Once we get that wish out to the Engineer, the Engineer is going to make that decision as to what is the best way to get this project done and the most cost-effective way. Councilwoman Germain asked if we know, as of now, where the \$3.7 million is going to come from. Director Parrillo stated, no. He is assuming some is going to be the ARPA money that the Council has already approved by Resolution, but it has not been finalized as of yet. Next important part is getting the plans to the Engineer to get this project going so we can hit that goal of next Summer. Councilwoman Germain asked what the timeline is of when this is going to go to the Engineer. Director Parrillo stated that he was told within a few weeks.

Council President Marino asked if it is correct that this has to be part of the approval from the Planning Commission and then part of the Mayor's proposed Budget as a Capital Expense as part of the Capital Operating Budget, which is why the Administration is going through these lengths to revise the project for the pool to a more economical approach as opposed to the \$7 million she believes was mentioned at the last meeting? Director Parrillo stated that that is correct. He indicated that last year, the pool did not get any improvements because last year that proposal was not part of the Operating Budget so it was impossible to conduct those type of large-scale improvements that needed to be done.

Councilwoman Germain asked that this item be continued to next month's meeting.

- **Councilman Paplauskas:** *(Cont. 2/16/2023)*
 - *Update on construction of park in Knightsville.*

Chair stated that Councilman Paplauskas has asked that this item be continued.

Request from Rhode Island Energy for pole location at Randolph St. (Cont. 2/16/2023)

On motion by Councilwoman Germain, seconded by Councilman Donegan, it was voted to approve this request. Motion passed on a vote of 4-1. The following being recorded as voting "aye": Councilman Donegan, Councilwoman Germain, Council Vice-President Vargas and Council President Marino – 4. The following being recorded as voting "nay": Councilman Reilly -1.

Request from Rhode Island Energy for pole location at Rose St. (Cont. 2/16/2023)

On motion by Councilwoman Germain, seconded by Council President Marino, it was voted to approve this request.

Under Discussion:

Council President Marino asked if anyone has reached out from National Grid about the location. Chair stated that she did not hear from National Grid or a representative. She reached out to Director Moretti who mentioned that DPW had conveyed to National Grid the concern relative to each pole and he was quite sure that they would be appearing at the next Public Works Committee meeting, which is today.

Chair asked if anyone from National Grid is present this evening.

Andrew McNaught, RI Energy, appeared to speak and stated that this is part of the Knightsville Substation Rebuilt, so what they are doing is improving their asset conditions and reconstructing most of the area for larger capacity. The mid-span pole is needed because there is no guying from pole 3 across Vigilant Street so what they would do is raise the wires up and create adequate clearances needed. Right now, they have a smaller size wire so when they increase the size of the wire, it actually sags more so that is primarily the reason why they are proposing that pole.

Council President Marino stated that the property at 32 Vigilant Street, there is already an existing pole at the corner of their property on Vigilant Street at both corners. She asked if that is correct. Mr. McNaught stated that that is correct, at pole 30 and then at pole 9. Council President Marino asked if there is an additional pole at Florida Ave. Mr. McNaught stated that, to his knowledge, he does not know. Council President Marino stated that she has difficulty with this because that would mean that that particular property would have four Narragansett Electric poles on its property, one on each side that faces streets and that is predicament that she has struggle with. It would restrict access to four different areas and each side would have some type of encumbrance to access. Mr. McNaught stated that when they propose these pole locations, what they strive to do is not put them at egress points or ingress points or entrances of homes. They have tried to accommodate as best as they can so those locations are strategically placed.

Chair asked what notification is provided to the resident when putting a pole up on someone's property. Mr. McNaught stated that the process is that the request comes before the Committee and they would actually try to notify the homeowners and the homeowners would have the opportunity to come before the Committee to a public hearing to be able to ask questions and see why they are doing the project. Chair asked if there is any notification at all to the owner of that property at any case. Mr. McNaught clarified that they do have a Customer Service Center so if there is a question, the property owner can always reach out to them.

Marissa Albanese of RI Energy appeared to speak and stated that on individual poles, the tech who happens to be setting the pole would approach the property owner to make sure that they know where the pole is going. With a few of the petitions that are before the Committee this evening and more that will be coming, they are increasing capacity at their Knightsville sub-station. That is an overall project. Normally, what they do with a large-scale project is they submit the pole petitions, make sure that they have all those secure and then with that project, they will be notifying the entire neighborhood. They want people to know that they are upgrading their system to improve safety and liability. In this case, it is a mid-span pole to support the increased size of the wire. She can appreciate that the property owner will have an extra pole on their property, but the only other way to support the additional wire would be for their engineering team to install a push brace pole on the opposite corner, which actually takes up more of the resident's property. In this particular case, they could put a different guide wire in which would either add a pole across the street to support it or in a different direction, they would have to look at the engineering on this particular one. She reminded everyone that they take every precaution to make sure that they are not blocking egress and that they install poles for safety and reliability and to serve customers. She also stated that the poles are jointly owned between Narragansett Electric and Verizon and they both look at the engineering of those poles and make sure that they have capacity for not just electric wires but for communication wires as well.

Chair asked if residents are notified when a new pole is being put up and there is any interruption in terms of electricity. Ms. Albanese stated, yes, they do. Usually, if they are installing individual poles, usually the technician tries to knock on a door to make sure that the resident knows where they are. Those get scheduled a few weeks in advance, but as everyone knows, the weather and other circumstances, they may not be there on the exact day, but they take every measure that they can to notify the resident before it is going to happen unless it is an emergency and they have to install something quickly.

Motion to approve and second were withdrawn.

On motion by Councilwoman Germain, seconded by Councilman Donegan, it was voted to continue this request until there is a clear understanding of what is really happening. Motion passed unanimously.

Request from Rhode Island Energy for pole location at Cadillac Ave. (Cont. 2/16/2023)

On motion by Councilwoman Germain, seconded by Councilman Donegan, it was voted to approve this request.

Under Discussion:

Councilman Donegan stated that this pole location, his understanding is to accommodate two existing poles, one on Packard and one on Cadillac already. Concern he has is the property owner on 27 Packard, the property next to him on Flint Ave. address is a garage there is an unpaved area before the garage at Flint Ave. The unpaved area is used as a place to park a car right now. He asked if this pole would interfere with that. Ms. Albanese asked if there is a curb cut there. Councilman Donegan stated that he does not think so. Ms. Albanese stated that the way their engineering people look at everything is with legal curb cuts and access to the street, if they are using that for a driveway, they can certainly meet with them and talk about it, but they need to make sure that they install a pole in the public right of way that supports the other wires that will be in the area. She will be happy to call the owner and speak to him.

Councilman Donegan asked that this request be continued.

Motion and second were withdrawn.

On motion by Councilman Donegan, seconded by Councilwoman Germain, it was voted to continue this request. Motion passed unanimously.

II. PUBLIC HEARINGS* and/ or NEW MATTERS BEFORE THE COMMITTEE

George Watson of Robinson & Cole, 1 Financial Plaza, Providence, appeared to speak regarding proposed Ordinance 2-23-03 and stated that there is a set process for relocating poles in Cranston. There is an application that is filed, reviewed by City Officials and then reviewed by the Committee, so the poles are not half hazardly installed and so this proposed Ordinance presents a problem that you have a change condition or you have new development and someone could elect to say that you know we have an issue here and a pole needs to be moved. There is a set process for pole removal so once they are set, once a pole is established, to remove it, there is a cost involved and that cost is born by the person requesting that pole to be relocated. The draft amendment would circumvent that process and find a company which is really sidestepping all the procedures involved with maintaining poles and also relocating poles and so the company objects to this as it is drafted.

A. *PUBLIC HEARINGS

B. NEW MATTERS BEFORE THE COMMITTEE

2-23-03 *Ordinance in amendment of Chapter 15 of the Code of the City of Cranston, 2005, entitled "Buildings and Construction" (Poles Relocation). Sponsored by Councilman Donegan.*

On motion by Councilwoman Germain, seconded by Councilman Donegan, it was voted to recommend approval of this Ordinance.

Under Discussion:

Councilman Donegan stated that this Ordinance was drafted with the help of Legal Counsel to codify existing Code 15.16-5, which gives the Council the ability to request changes in pole locations. This is to ensure that if and when a public safety issue should arise regarding the location of a pole, that we have the ability to require the pole be relocated.

Director Parrillo stated that the Administration opposes this Ordinance. Some of the language is very vague and does not give us any clarity of this and when it would go into effect. He indicated to the word "reasonable" in the enforcement portion, he asked if that is in conjunction with our Engineering Department. He also asked what the process would be to relocate this pole. Also, the Building Official does not set a fine. He can give a violation, but it is up to Municipal Court to issue any kind of fine. He does not think it is in the City's best interest to start fining Rhode Island Energy 250 per day. That is the Administration's objections.

Council President Marino indicated to line #32 and stated that she has concern with the use of language "shall" in terms of fine. She would be more amenable to having the word "may", this way it would be up to the discretion of Municipal Court to administer the appropriate fine if they would be agreeable.

Councilman Donegan agreed that this is a positive change to the substance.

Motion to recommend approval and second were withdrawn.

On motion by Council President Marino, seconded by Councilman Donegan, it was voted to amend the above Ordinance as follows: line #32, delete "shall" and add "may". Motion passed on a vote of 4-2. The following being recorded as voting "aye": Councilman Donegan, Councilwoman Germain, Council Vice-President Vargas and Council President Marino -4. The following being recorded as voting "nay": Councilman Reilly -1.

Councilwoman Germain questioned "reasonable demonstration" and what would be considered reasonable demonstration. Solicitor stated that there is already a section within the Code which basically states that the Council always retains the power to change the location or direct the owner of the pole or the wire to move it. He understands that the sponsor of this Ordinance wants to add an enforcement type of mechanism, but his issue is the way it is worded it seems that there is sort of a mix going on. It seems that the Council acts as sort of the investigating authority where normally that would be Code Enforcement that would do the investigation report to DPW or the Engineer and then the

determination would be made, so if the Council is going to make that determination, that is all well and good, but then the second part of this proposed Ordinance states that Code Enforcement at that point will issue a fine. He suggested that that language be amended to issue notice of violation if this is going to be voted on by the Committee. He understands what the intent is, but he thinks this needs additional thought and additional work especially from a procedural perspective.

Councilman Donegan stated that he is not opposed to continue this Ordinance to next month's meeting and work with the Solicitor as well as Council's Legal Counsel to clarify and perfect some of the language.

On motion by Councilwoman Germain, seconded by Councilman Donegan, it was voted to continue this Ordinance to next month's meeting as amended. Motion passed unanimously.

Request from Rhode Island Energy for pole location at Humbert Ave.

On motion by Councilwoman Germain, seconded by Council President Marino, it was voted to approve the above request. Motion passed on a vote of 4-1. The following being recorded as voting "aye": Councilman Donegan, Councilwoman Germain, Council Vice-President Vargas and Council President Marino – 4. The following being recorded as voting "nay": Councilman Reilly -1.

Request from Rhode Island Energy for pole location at Park Ave. North of the road (P9088-84).

On motion by Councilman Donegan, seconded by Councilwoman Germain, it was voted to approve the above request. Motion passed on a vote of 4-0. The following being recorded as voting "aye": Councilman Donegan, Councilwoman Germain, Council Vice-President Vargas and Council President Marino – 4. Councilman Reilly was no present for roll call vote.

Request from Rhode Island Energy for pole location at Park Ave. South side of the road (P9107-50).

On motion by Councilwoman Germain, seconded by Councilman Donegan, it was voted to approve the above request. Motion passed on a vote of 4-0. The following being recorded as voting "aye": Councilman Donegan, Councilwoman Germain, Council Vice-President Vargas and Council President Marino – 4. Councilman Reilly was no present for roll call vote.

Request from Rhode Island Energy for pole location at Orlando Ave

On motion by Councilwoman Germain, seconded by Councilman Donegan, it was voted to approve the above request. Motion passed on a vote of 4-0. The following being recorded as voting "aye": Councilman Donegan, Councilwoman Germain, Council Vice-President Vargas and Council President Marino – 4. Councilman Reilly was no present for roll call vote.

Request from Rhode Island Energy for pole location at Park Ave. North side of road (P9124-25).

On motion by Councilman Donegan, seconded by Councilwoman Germain, it was voted to approve the above request. Motion passed on a vote of 4-0. The following being recorded as voting "aye": Councilman Donegan, Councilwoman Germain, Council Vice-President Vargas and Council President Marino – 4. Councilman Reilly was no present for roll call vote.

Council Vice-President Vargas:

- *Update on Milton Ave. “No Parking Here to Corner” Signage.*

Chair stated that she believes that this was by way of Ordinance that was passed approximately one year ago and there has not been a sign places yet. She heard bck from the constituent and she did drive by the area a week or so ago and sign was not there. She asked Director Bernardo states on this.

Director Bernardo stated that every one of the poles have ‘no parking’ signs on them. They did not feel there was a need for ‘no parking near the corner’ sign because the whole side is posted as no parking and the only parking that could happen within the corner is a violation of RI State Law, that happens at every roadway. It is more of an enforcement. If people are parking there, the Police should be called because that whole side is posted as no parking and if you park within 30’ of the intersection, that violates State Law on top of Cranston Ordinance.

Chair stated that there is a no parking sign on one of the poles further down, but there is not one close by so what happens is there is a utility truck and there is also probability someone who lives nearby or visits that continue to park within the actual curbside so even when there is a garbage truck with Waste Management going by, it is really hard for them to get through causing a problem. This is the reason why she put the Ordinance in and hope to have signage put up because it is not as close to the road, it is further down.

Director Bernardo stated that he would be happy to put it up, but a sign is not going to stop someone. If someone is ignoring the law and parking there, it is an enforcement issue.

Chair stated that this is fair, but it was still an Ordinance that was passed and she did tell the constituent that there would be a sign and that was a discussion that was held close to a year ago and she would really appreciate sign being put up. Director Bernardo stated that he would take care of that.

- **ADJOURNMENT**

The meeting adjourned at 6:55 P.M.

Respectfully submitted,

Rosalba Zanni
Assistant City Clerk/Clerk of Committees