



PUBLIC WORKS COMMITTEE MINUTES

Council Vice-President Lammis J. Vargas, Chair
Councilwoman Aniece Germain, Vice-Chair
Councilman Robert J. Ferri
Council President Jessica M. Marino, Ex-Officio

Councilwoman Nicole Renzulli
Councilman John P. Donegan
Councilman Richard D. Campopiano

THURSDAY, JULY 13, 2023 @ 6:00 P.M.

This meeting of the Public Works Committee was held in the City of Cranston Council Chambers, Cranston City Hall, 869 Park Ave., Cranston, RI 02910, for the purpose of considering the following items listed on the agenda. Remote participation was also available.

I. CALL MEETING TO ORDER

The meeting was called to order at 6:04 P.M. by the Chair, Council Vice-President Lammis J. Vargas

II. ROLL CALL

The roll was called by the Clerk. Stated as present: Councilwoman Nicole Renzulli, Councilman Robert J. Ferri, Councilwoman Aniece Germain, Council Vice-President Lammis J. Vargas, and Council President Jessica M. Marino. Absent: Councilmen John P. Donegan and Richard D. Campopiano.

Also present: Asst. City Solicitor John Verdecchia, Chief of Staff Anthony Moretti, City Engineer/Acting Public Works Director Justin Mateus, City Stormwater Coordinator Edward Tally, and City Clerk Tracy Nelson.

III. APPROVAL OF MINUTES

Approval of minutes of the June 15, 2023 meeting

MOTION made by Councilman Ferri, SECOND by Councilwoman Renzulli to approve the minutes of the June 15, 2023 meeting as written.

VOTE: Approved unanimously by the members present

IV. COMMITTEE BUSINESS MATTERS CARRIED OVER

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. (Cont. as amended 3/16/2023, 4/13/2023, 5/11/2023 & 6/15/2023).*

MOTION made by Councilman Ferri, SECOND by Councilwoman Renzulli to approve ordinance 2-23-03.

Councilwoman Germain noted the sponsor's absence. She would like to make a motion to continue.

Councilman Ferri had a conversation with Councilman Donegan. He would like the committee to proceed.

Council President Marino referenced an email the Clerk sent to the members prior to the meeting. Councilman Donegan is again seeking to amend so that this includes a fine of up to \$100 per day. She suggested the motion to approve be withdrawn and then a motion to amend can be made along those lines.

Councilman Ferri WITHDREW his original motion to approve, and made a MOTION to approve the amended ordinance, SECONDED by Council President Marino.

Council President Marino wishes to confer with legal counsel as to whether the amendment requires additional notice or if we can forward this evening with the amendment.

Asst. Solicitor Verdecchia advised the amendment is relatively minor. It's fine to amend it and move forward.

VOTE: Approved unanimously by the members present.

Chairwoman Vargas called for a motion on the actual ordinance as amended.

MOTION made by Councilman Ferri, SECOND by Councilwoman Renzulli to approve the ordinance as amended.

VOTE: Approved unanimously by the members present.

V. PUBLIC COMMENT

Matthew Lupino, 33 Farewell Ave., spoke about a drainage situation on his street. When the street was repaved approximately 1 ½ years ago, access ramps were installed on each corner. The street is higher. During rain events, the water flows down the sidewalk. His driveway pitches to his garage, causing rain to enter his garage and basement. He has taken measures of prevention, including permeable pavement and landscaping. The water is still diverting to his driveway. He served on the Cranston Flood Committee from 2010-2013. He invited the city to come see.

VI. NEW MATTERS BEFORE THE COMMITTEE

PETITION of Narragansett Electric & Verizon New England Inc. for installation of pole on Hazelton St.

MOTION made by Councilman Ferri, SECOND by Aniece Germain to approve the pole petition.

Councilman Ferri asked if the petitioner should be RI Energy. He questioned the existence of Narragansett Electric.

T. Nelson pointed out the name of the petitioner on the cover letter is Narragansett Electric.

President Marino added that Narragansett Electric could be a subsidiary of RI Energy.

Councilwoman Germain expressed concern that a representative of the company was not in attendance to answer the question. She will not vote in favor.

Atty. Verdecchia advised it may just be a scrivener error. The committee can discern the intent.

VOTE: Aye - Renzulli, Ferri, Vargas, and Marino / Nay - Germain. Motion carries by a vote of 4 to 1.

Councilwoman Germain:

- *Unkempt Properties*

Councilwoman Germain walked Park Ave. The sidewalks are full of trash, debris, and bushes. There was discussion of unkempt properties at the last meeting. She would like to hear what has been put in place. Work has been done at the two properties. Was that the city or the owners?

Chief of Staff Moretti replied that in both instances, it was the property owner that took the initiative. They are looking better. Public Works can be sent to address the trash on Park Ave.

Councilwoman Germain feels the conditions are unacceptable. The business or property owner has a responsibility to keep the area clean. It is insulting to customers. She is working on a sidewalk ordinance.

A. Moretti responded that bad human behavior is tough to correct. To issue a violation, you must catch the individual littering. Social engineering is a challenge in the city. EDC Director Paulino may be able to pop into the businesses and ask them to take more pride.

Councilwoman Germain asked the role of the Inspections Department in the matter.

A. Moretti answered they can cite if it is private property. If it is on the sidewalk, the city is responsible.

Atty. Verdecchia expanded on Director Moretti's statement. Imputing an adjacent landowner turns on a lot of things. Clearly the owner is responsible for maintaining their property. If they don't, they can be cited. If it rises to the level of a nuisance, it becomes even more serious. The difficulty is in determining if it is their litter, or if it's from the public. You can't blame a business owner if someone walks by their property and throws something on the ground. However, if you can infer the trash is generated from the business, they are liable. It is fact intensive. A bit of investigating is required. We can't hold the business owners responsible for the actions of the public at large.

Councilwoman Germain wants clear information on where the line is drawn.

Atty. Verdecchia explained the first step is identifying if it is city property or individual property. The second step is where the litter is located. Is it on one, or the other, or both. If it's on individual property, they can be cited and ordered by the court to clean it. If it's on city property, unless you can determine the individual or business is the source, it's going to be up to the city to clean it.

Councilwoman Renzulli believes there is an existing ordinance requiring business owners to shovel their sidewalks.

Atty. Verdecchia confirmed. There is also a sidewalk repair ordinance. It has not been tested in court. He has his own views on whether the city can hold the business owner liable for sidewalk maintenance.

Councilwoman Renzulli asked how we know these ordinances are viable.

Atty. Verdecchia did a lot of research on the snow ordinance. For the most part, they have been upheld countrywide. The RI Supreme Court has determined the ordinance can be enacted; and if the property owner does not comply, they can be cited, but they cannot be sued. They are not going to be liable for a fall on city property. A litter ordinance would have to be crafted carefully.

Council President Marino remarked that sometimes the trash is from the business; sometimes the business is the unfortunate recipient of trash.

Councilwoman Germain is not looking to blame. She is trying to find a solution. Trash and unkempt properties are not good. She was reading the sidewalk repair ordinance. If the homeowner won't do the repairs, it is up to Public Works to do it. There needs to be accountability to keep the city clean.

Council Vice-President Vargas:

- *Drainage Process in the City*
- *Status on hiring PW Director*
- *Bigbelly Smart Waste System (solar powered - improves trash overflow)*
- *Schedule of Pawtuxet Village/ Stillhouse Cove trash can pick up*

Council Vice-President Vargas began her discussion with the Bigbelly Smart Waste System. She explained they are solar-powered, covered trash cans that compress the trash, possibly reducing the number of times the city may need to empty the cans. She asked if the city has any interest or has conducted any research.

A. Moretti deferred to the Acting Public Works Director, Justin Mateus.

J. Mateus confirmed the city has looked into them. They hold five times the trash. They have a sensor which sends a signal that the can is full and needs to be emptied. He referred to articles in the Boston Globe and Newport This Week outlining flaws. Large items placed in them clog up the system and render the sensor useless so Public Works does not get the signal to empty. As far as rats, this might help, but he believes the majority of the rat issues are generated from dumpsters and grease traps.

Council Vice-President Vargas indicated there are covered trash cans that do not have the solar power units. There seems to be an overflow of trash in Pawtuxet Village. She thought covered cans might be helpful. She's not sure what the current trash pickup schedule is in that area.

J. Mateus indicated the cans in that area have a dome top to prevent water from filling the bags, and a rim to prevent rodents. The cost of the bins Council Vice-President Vargas is referring to are \$2,000-\$4,000 each. That price would double for trash and recycling receptacles. They're very expensive.

Council Vice-President Vargas does not believe all the bins in Pawtuxet Village and Stillhouse Cove are covered. Through the administration, she asked Public Works to send someone out to look and consider other trash can options. She asked what the pickup schedule is in that area.

J. Mateus spoke to the highway superintendent and the person left in charge in his absence. They are sending crews out daily.

Council Vice-President Vargas disagrees. There is an overflow problem. Residents are putting on gloves and picking up trash. She could be wrong, but based on the overflow and what she's seen, she does not think a crew is picking up daily.

J. Mateus believes they are scheduled to pick up daily. He will look into it further.

Council Vice-President Vargas turned conversation to the status of hiring of a Public Works Director. She stressed the importance of the role.

A. Moretti reported the job has been posted since April. They've been working with the RI League of Cities and Towns and using Indeed. It's not the easiest thing. The last time a Public Works Director was hired they had two applicants and one of them received the offer. It is not popular to work in the City of Cranston. As you've heard other departments speak about, wages are lower and not competitive. The position serves at the will of the Mayor. In terms of the labor force, the city is experiencing great difficulty recruiting. They want to give it another month or so. Mr. Mateus is the Acting Director. He is also the City Engineer. Trying to do these two jobs, especially during peak season, is setting him up to fail. A. Moretti would like to report back next month.

Councilman Ferri asked if the administration has considered asking the retired engineer, Nick Capezza, to fill in part time.

A. Moretti feels it would be more appropriate to discuss specific personnel in an executive session.

Council Vice-President Vargas will now move on to discussion of drainage. We heard from a constituent this evening. A Lakeside Ave. resident emailed about an issue ongoing since May; overflow from Fenner Pond. She asked about stormwater and sewer management. She believes it may be caused from debris clogging the catch basins or inlets. She asked about cleaning the system. She knows property owners have a responsibility when water gets backed up onto their property, but she wonders what the city's responsibility is to assess and determine if larger pipes or more catch basins are needed and to work with the constituents. She referred to Mr. Lupino's situation. He had no issues with water until the city repaved. She asked the city to go out to the property.

A. Moretti confirmed J. Mateus will go out.

Chairwoman Vargas will now take President Marino's questions and comments out of order.

Council President Marino pointed out these incidents are getting more frequent. Some of the issues are old. Some of them are new. The best thing we can do is look to our city experts to identify the problem areas and discuss the causes, the remediation, and the cost.

A. Moretti will provide a brief overview and then will allow the Environmental Program Manager to give specifics. Flash flooding, caused by infrequent Acts of God, have persisted in the city for decades, now more often with climate change. The city has remedied some problematic areas, but others still exist. Like other communities, the fundamental cause of flooding during extraordinary rain events in urbanized areas is old infrastructure and environmental discharge. A majority of the issues are caused by undersized underground piping. Connections to state RIDOT drainage systems have also contributed. Public Works has implemented catch basin cleaning and the flushing and cleaning of underground pipes in compliance with DEM MS4 regulations. The capacity of the current system is not an easy fix. Increasing the size of pipes would allow more water to enter. It would likely not be approved by DEM because it would just push the problem downstream. Any true fixes would require the city to reduce the flow of rainwater into the system by using new detention ponds, underground filtration of stormwater, and permeable pavement. This is required for new subdivisions and large-scale commercial developments. Retrofitting the improvements into existing infrastructure can be expensive or may be physically impossible.

Council President Marino reminded Mr. Moretti that the city was recently approved by the RI Infrastructure Bank to join the Municipal Resiliency Program. A large component of that is floodwater mitigation. She wonders how that could be incorporated into the costs of remediation efforts.

A. Moretti indicated Ed Tally, the Environmental Program Manager, is familiar with the program. The answer may be for him to work aggressively with the Council's grant writer to take advantage of the money that's out there.

Ed Tally, the City's Stormwater Coordinator, has been involved with the stormwater here for over ten years. He has institutional knowledge and has visited the areas. If a storm event is scheduled, the highway department will go out to a list of low-lying areas and remove debris from catch basins. During large flash flooding events, that doesn't matter much. The lines cannot handle the capacity. These events have increased in intensity and frequency over the last ten years. There are 4,500 catch basins that need to be cleaned each year. DEM will allow us to reduce the number of cleanings, for cost savings, if we can produce data that proves we don't need to be there every year. Data was collected and our new schedule has reduced the number of cleanings by half. We have cleaned each catch basin to the bottom over the course of the last three years. The storm events we are experiencing are too much for the system to take. They were never designed to take two inches of rain in an hour.

Council Vice-President Vargas asked about the availability of new innovation.

E. Tally explained that due to climate change a lot of the federal money is tied to green infrastructure; attempting to get the water into the ground before it gets to a pipe. The goal is to get the water off the roadway in the first place. That's a community-based effort. The challenge is that we don't have a lot of room to implement the larger changes that might make the biggest difference, without spending a lot of money. Hopefully grant money can assist. We have done some proactive green infrastructure projects to get some underground filtration; however, a lot of that is tied to water quality.

Councilwoman Germain asked Mr. Tally if he is aware of the issue in the area behind Rolfe Square that she emailed Public Works about in November, 2020. She hopes the residents of Ward 2 will benefit from these conversations. These residents have been dealing with the same issues for 10-15 years.

E. Tally is aware of the Auburn Section flooding issues. The watershed that is drained from Auburn is over 300 acres. The streets there are flat. There's not a lot of pitch. This discharge goes through the Housing Authority, through the park, under the train tracks, under Route 95 and splits. Some goes onto 95. The rest goes under the train tracks, down Elmwood Avenue, through Johnson Controls, to Fenner Pond. That was studied in 2014. We were hopeful Johnson Controls would upsize pipes. We have plans to upsize pipes downstream. We did look at adding strategically placed catch basins. As Mr. Moretti alluded to, this will get the water into the pipe quicker, increase the peak flow, and essentially it will flood faster. From a cost-benefit analysis, this never turned into a project. In the meantime, we've been able to solve minor issues, but the watershed is a major problem. We have interconnections with the state, private property issues, and not a lot of land to work with.

Councilwoman Germain asked if this means there is no solution; or if the city is working on a plan.

E. Tally thinks it requires more discussion. During original discussions, grant money wasn't out there. Getting on the list for the Municipal Resiliency Program comes with technical assistance.

Council President Marino's understanding is that there are long term solutions that also include vegetation improvements. Those are difficult because it involves a lot of infrastructure change and investment.

E. Tally added tree wells and bump outs come with higher maintenance costs. You also have to consider whether they will create the infrastructure needed for a 100-year storm to occur in two hours. Everyone will do their best to find solutions with the resources provided.

Council President Marino is looking to discuss the major problem areas, maybe the top five, or the repeat areas, and identify the fixes and the costs; or if they can't be fixed, why.

E. Tally does not have all the answers. They have gathered information and reviewed it briefly to come up with conceptual plans and rough idea of costs. He detailed plans for Wilbur Ave., behind the bike path, that would be in the \$5 million range in today's dollars. Director Alviti was on the radio discussing plans to bring the bike path to grade at a rough cost of \$1-\$2 million. Those are the two bigger items that would be entertained.

Councilwoman Renzulli asked if we have a relationship with DOT. She knows they want municipalities to work with the state on resiliency components. A few of the roads are state roads. She wants to be sure these projects align together to avoid roads being done over again and again.

Council Vice-President Vargas had the same question. She is curious the number of roads brought to our attention that are actually state roads and what their responsibilities are.

E. Tally, as the Stormwater Coordinator, has a network of people he can reach out to, instead of reinventing the wheel. He has been in close contact with the state's Stormwater Coordinator. Much of their discussion involves the MS4 permit and water quality regulations. Sometimes they are tied together.

Council President Marino asked for the other four top problem areas and remediation plans.

E. Tally answered Fletcher Avenue. There's a Pocasset River plan from the NRCS that's in the works, but he doesn't know where it stands. These things move slowly. There's some flooding in the Garden City area they're trying to work on. When this study was received, they began working on things that were cost effective and included in the operating budget. He thinks they've been helpful, though it's hard to quantify. For the larger projects, they need to bring in partners or get larger amounts of money. As far as Park Ave., there are a lot of interconnections involved. There's a lot of interconnections between municipal and state roads throughout the city.

A. Moretti would like to address an issue on the radio this morning. Oaklawn Avenue is a state road. Director Alviti stated apartments there were built on a floodplain. While the city feels badly for the residents' circumstances, we don't necessarily feel responsible. Atwood Avenue is another state road. They are working in conjunction with Director Alviti. Coincidentally, there's a meeting scheduled with him to discuss Route 37. This will also be discussed. It won't happen overnight.

Council President Marino:

- *Fire Department Stations – status of necessary repairs and maintenance*
- **Flooding/Storm water issues in City streets – discussion and seeking an update from Administration on causes, remediation plans, costs.*

Council President Marino reached out to A. Moretti in advance of tonight's meeting. She had the opportunity to take a tour of some of the fire stations. There is an immediate need for major repairs. She wants to know, from the administration, the status of necessary repairs and maintenance.

A. Moretti has a meeting next week with the Mayor and the Fire Chief to view two particular stations. The roof repair in Garden City is budgeted and being done; if it's not done already. The Chief didn't mention any other concerns, so they are circling back. Next week they will physically view the stations. They also want to consider other city buildings. It's worthy of an assessment.

Council President Marino took some photos (they were put up on the screen for viewing) because pictures speak louder than the actual words. Some photos are from Station 2, on Pontiac Ave. There are missing tiles. Whether there's lead paint or asbestos, she doesn't know. She also toured the station on Dyer Ave. We have our firefighters sleeping in these buildings and they deserve better. She understands cost is a factor. If we need to utilize ARPA funds to make these repairs, that is something she would be in favor of and propose. She would work with the Administration and try to garner support from the Council. She will continue this item to the full Council meeting at the end of the month to have further discussion.

Council Vice-President Vargas asked the administration if there is a master building improvement plan or if an assessment was done of city buildings in the last few years that could be shared with Council.

A. Moretti does not believe there is any study of city buildings that has been performed. He's surprised this didn't come up during the budget process. These issues came to light subsequently.

Councilwoman Renzulli expressed concern that this didn't come through the budget process. At what point does fixing city buildings become capital improvements? She doesn't want Council spinning their wheels. She doesn't want them to have to wait. She wants to know if it can be fixed or if it can't.

President Marino is not an expert, but to be living and working in those conditions, she'd be concerned about OSHA requirements. With respect to it being allowed or disallowed because it is post-budget, that is a non-issue when it comes to that severity. The fact remains that we have a Building and Maintenance budget. We have the ability to amend that post-budget and to utilize ARPA funds for the firefighters who put themselves on the front lines during COVID. She assumes this would qualify.

Councilwoman Renzulli addressed Asst. Solicitor Verdecchia. She is not disputing the Council President. She's wondering how the process works. She's not sure the capital budget can be amended. She agrees with Councilwoman Vargas that there should be, every five years, some kind of assessment of city buildings that would then go to planning. She agrees these conditions are egregious. She just wants to know the process for fixing city buildings.

Atty. Verdecchia advised there are provisions made for emergencies. He couldn't see the pictures, but it sounds to him like this could very well qualify and justify some type of emergency appropriation. As far as the intricacies of ARPA funding or amending the capital budget, he would like to discuss that with the Director of Finance.

Councilwoman Germain questioned the existence and use of a building and maintenance budget for when these types of things arise. We should have money available for repairs.

A. Moretti confirmed there is an operating budget, but these look like capital repairs. They should have been brought to the attention of the City Council or the Administration during the budget. The Fire Chief did not bring them forward. It did not come through the ranks. It is certainly worth addressing. There is a budget for maintenance, but it only goes so far. This doesn't look like maintenance. It looks like structural repairs will be necessary. If it's over a certain threshold it is capital improvements. This looks to qualify. No one should panic. It should be addressed prudently. It just came to the administration's attention. It will be discussed with the Chief this evening. It will be evaluated and considered for emergency appropriation.

Council Vice-President Vargas added we have engineers and the inspection department in the city. She suggested a structural analysis be done of the building.

Councilwoman Germain asked the roll of the building inspection department in the matter. Shouldn't they get out and inspect all city buildings, so we know when things need to be done?

A. Moretti pointed out that this was not called to the attention of the inspections department, or the Mayor, or the Administration, or the Fire Chief. It was brought to Council President Marino. Council President Marino is calling it to their attention tonight with these photos. As we discuss this tonight, they are also speaking with the Chief to get some accountability.

Councilwoman Germain remarked there are a lot of public buildings in the city. Is there someone whose job it is to inspect and make sure all the public buildings are being maintained properly and make recommendations for the budget?

A. Moretti replied there is not a designated person who does the rounds of every building proactively. There are employees working in these buildings and we invite their input if they have concerns.

Councilman Ferri asked if we have a Director of Public Buildings in the City of Cranston.

A. Moretti answered there is not, nor has there ever been, anyone called a Director of Public Buildings in the City of Cranston. Maybe a position should be created in the next budget process, should Council feel that is necessary.

VII. ADJOURNMENT (*Vote will be taken*)

MOTION made by Councilman Ferri, SECOND by Councilwoman Germain to adjourn at 7:33 P.M. All Ayes

Minutes approved as written August 17, 2023

Tracy A. Nelson, City Clerk