

(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, October 17, 2024 in the Council Chambers, City Hall, Cranston, Rhode Island.

I. CALL MEETING TO ORDER

The meeting was called to order at 6:00 P.M. by the Chair.

II. ROLL CALL

Present: Councilwoman Nicole Renzulli
Councilman Richard D. Campopiano
Councilman John P. Donegan
Councilman Robert J. Ferri
Councilman Daniel Wall
Councilwoman Kristen E. Haroian, Vice-Chair
Council Vice-President Lammis J. Vargas, Chair
Council President Jessica M. Marino, Ex-Officio

Also Present: Councilman Christopher G. Paplauskas
John Verdecchia, Assistant City Solicitor
Justin Mateus, Acting Public Works Director
Rosalba Zanni, Assistant City Clerk/Clerk of Committees
Heather Finger, Stenographer

III. APPROVAL OF MINUTES

- **Approval of minutes of the September 12, 2024 Regular meeting**

On motion by Councilman Ferri, seconded by Councilman Wall, it was voted to dispense with the reading of the minutes of the September 12, 2024 meeting and they stand approved as recorded. Motion passed unanimously.

IV. COMMITTEE BUSINESS MATTERS CARRIED OVER

Council President Marino:

- *Discussion regarding the Status of the citywide bridge and culvert inspections performed by Pare Corporation, including the report, its findings and plans (Cont. from 6/13/2024, 8/15/2024 & 9/12/2024).*

Director Mateus stated that the 14 reports have all been finalized and everyone is welcomed to review them in the Public Works Office if they like. There is also an asset management report of 15th that is the budgeting report and that is still under QA QC with his office and the consultant.

Council President Marino stated that this item can be removed from the agenda.

- ***Flooding events from September to current throughout the City; status of FEMA, State and other assistance; remediation and mitigation efforts*** (Cont. from 6/13/2024, 8/15/2024 & 9/12/2024).

Director Mateus stated that he does not have much to add regarding this item. He highlighted same things he did last month with NRCS project coming up. He will pass this along to the Council to share with the constituents. Quarter of 2025 is when NRCS will be asking for public input. This is run by NRCS and not City of Cranston.

Council President Marino asked that this item be continued.

Councilman Wall: (Cont. 8/15/2024 & 9/12/2024)

- ***Flood Mediation – Poplar Dr. and Poplar Circle area***

Councilman Wall stated that he believes there was a Grant Director Mateus was applying for to help out with the flooding on Poplar Dr. and Poplar Circle area. He asked for update on that.

Director Mateus stated that the City still has not heard back from the Grant and still waiting to hear back on the approval.

Councilman Wall asked Director Mateus what the date was that he was supposed to hear back. Director Mateus stated that we did not provide that. We just have to hit the completion date for the submission. They do not tell us how long it would be for us to hear from them. Typically, 90 days, but he is not sure when they will get back to us. He believes they applied for it in July.

Councilman Wall asked that this item be kept on the agenda for updates.

V. PUBLIC COMMENT

Robert Murray, Esq., 21 Garden City Dr., appeared to represent Bryan White, Petitioner for the abandonment of a portion of Elmhurst Ave. and stated that his client lives at 145 Wayland Ave., which runs between Atwood Ave. and Phenix Ave. His property backs up to Elmhurst Ave., which is a street that runs all the way to his property. He is asking to abandon a portion of Elmhurst having approximately 6,500 sq. ft. There is an abutter, which is a related entity of the Carpianto Group, which owns the Ocean State Job Lot property, so they are theoretically the abutter to the other half of Elmhurst Ave. that Mr. White is asking to abandon. Approximately eighteen months ago, they received approval from the Planning Commission and Zoning Board for him to build another dwelling behind his house on Wayland Ave. and there was neighborhood participation with no objections. The development has occurred as he has proceeded forward with the terms of his connection to the Providence Water Supply Board. They met with the Planning Commission October 1st and they recommend approval of this application with a few small caveats. Attorney Murray stated that he spoke to the Assistant City Clerk today and does not believe the recommendation made it to the Clerk's Office. He presented copies of photos showing the area in question. He asked Mr. White to speak and explain why they came about this and why they came to file this petition and the Providence Water situation.

Bryan White, 145 Wayland Ave., appeared to speak and stated that the back of his woods abuts Ocean State Job Lot. The way that Elmhurst Ave. comes down in the photo Attorney Murray provided, the property would be on the right and in order for the building to be built right now, Providence Water would need to take a water main extension, a 90 degree turn and another 90 degree turn because they just can't go into the side of the house. They can't go into a garage so he wants to reorient the house 90 degrees to face the street like a normal house would. By buying this piece of land, he would be able to not have that variance off the road 25 feet and he will be able to reorient the structure. This would help him out tremendously. He has lived there his entire life and he knows all his neighbors. Everyone knows that that is a dead end. Waste Management trucks all back up, the school buses all back up, there is nowhere else to go.

Attorney Murray stated that when the Zoning was approved for the house, one of the things that neighbors were concerned about was that they did not want that street opened up to go through and that was not contemplated. He asked Mr. White if that is correct. Mr. White stated, yes that is correct. Attorney Murray stated that in the file, the Tax Assessor rendered an opinion of value of \$15,000 for this parcel. If the City Council were to approve the abandonment, his client would be prepared to pay the City the \$15,000. Mr. White stated that that is correct. Attorney Murray stated that during the review process with Public Works, a few issues came up, some more clerical. One being the property owners had an older owner listed and they want new owner listed on the plan. Also, there is a sewer line in this portion of Elmhurst Ave. and if the abandonment were to be approved, it would be subject to the rights of the City and the beneficiary of the sewer line. He asked Mr. White if he understands that. Mr. White stated, yes. Attorney Murray asked Mr. White if he is familiar with that sewer line. Mr. White stated, yes. Attorney Murray asked Mr. White to explain that to the Committee. Mr. White stated that there is a sewer line dedicated strictly for Citizens Bank off of Atwood Ave. that goes back towards Elmhurst Ave. so that sewer line is in the road right now underground, which he would provide an easement for so that way nothing gets affected by that. He was part of the renovations of Citizens Bank and knows all about it and is familiar with what is in the ground there and he is not disturbing it at all. He has no intention of removing it or implicating anything with Citizens Bank. Attorney Murray stated that if the City Council approves the abandonment, they are prepared to grant an easement to the City and Citizens Bank for access if there is ever a need for emergency access or repairs or maintenance. Mr. White stated that that is correct.

VI. NEW MATTERS BEFORE THE COMMITTEE

PETITION for the ABANDONMENT of portion of Elmhurst Avenue; Petitioner: Bryan D. White.

On motion by Councilwoman Renzulli, seconded by Councilman Campopiano, it was voted to accept into the record the photos presented by Attorney Murray. Motion passed unanimously.

On motion by Councilwoman Renzulli, seconded by Councilman Ferri, it was voted to approve this Petition.

Under Discussion:

Council President Marino stated that she has never seen this before where we were provided with a memo from the Public Works Department with basically a series of conditions that are requirements relative to the abandonment. Before we approve something, we need to make sure that these requirements are met because they would seem to be legal requirements.

Solicitor stated that he does not know where these conditions came from. They are not contained in our Ordinance and he also researched State Law and State Law does not seem to touch on any of these issues. He is not sure where these requirements came from. He stated that Director Mateus stated that what he would be willing to do is work with the Petitioner to make sure these requirements are met if in fact they are required. He thinks that what the motion could be is that the Petition could be approved subject to these conditions as contained in the memo. If they are applicable fine, if they are not, then they are not, but at least this way we could be certain if they are required that they are met. It could be subject to those conditions. He is not 100% certain where they came from.

Council President Marino referred to the Public Works Department memo and stated that the first condition or comment states that the legal description of the site plan is wrong and should be corrected and it also references that the wrong abutter is listed. That seems like a fundamental issue. Then there is mention of supposedly a requirement, that the abutter has been approached to purchase half of the proposed abandonment. Those are big issues.

Solicitor stated that all he is saying is at this point, he is not seeing where or what the source is for these requirements. He asked if Attorney Murray could shed some light on this, if not, perhaps continue this for one month to the next meeting and this could be looked into further or approve it with conditions subject to these conditions. These are substantial issues as Council President Marino noted, but he is not seeing these requirements in our Ordinance and not seeing it under State Law. He does not know where they are coming from.

Council President Marino stated that she needs assurance, she feels it is her responsibility, as Council Person, to make sure that the items stated in the memo using the words “wrong” and asking for corrections and this lack of notice to an abutter that is mentioned, that is not something she is comfortable in approving because those fixes should be made and then it should be before us, in her opinion. Given what she has heard from the Solicitor this evening, that is not reassuring.

Director Mateus stated that the memo is just derived based on a review of the application. It is just simple questions that Public Works has and, in his opinion, they are not substantive. It is just plan edits for the most part. The fourth bullet in the memo, including sewer line with the easement, is just a simple plan edit. Changing the abutters is just a simple plan edit. In his opinion, he thinks this is perfectly fine to be handled between the Department and the Petitioner, but subject to the approval of the Committee.

Attorney Murray stated that as to the memo and how it came about, one of the new Assistant Planners composed this memo and it arose as a result of the meeting that Mr. White and he had with Ken Mason who works part-time with Mr. Mateus and he asked to go through the comments. The Assistant Planner’s comment about the application being wrong, what she focused on was the legal description, it references to a former owner of the Job Lot property when the Surveyor did the description. The description states “land now or formerly of Reena Brown and Tina Higgins”. That is who used to own the Job Lot property. That is perfectly legal and acceptable in his experience. This was discussed at the meeting. The second issue about whether or not CGRI Cranston Atwood LLC was approached, evidence that they were not interested in the property. As the Solicitor stated, that is not the way an abandonment works, as the Committee knows. Under Law, when you abandon a road that is no longer needed for highway purposes, each owner on each half of the road acquires that interest. If this is abandoned, Mr. White would obtain the middle of the paper street or the abandoned road.

By operation of law, the CGRI Group would acquire the other half. They have had a discussion with them that they have no interest because it is 40 feet up in the air from their parking lot. They will deed their interest. The most significant issue is related to the sewer easement. They have those records. They have asked Ocean State Planners to update the plan to show the easement, but in an abandonment, you are abandoning the public interest in the road and making a determination no longer needed for highway purposes. You do not abandon private rights, you do not have authority over it. He thinks most of those comments in the memo are minimal. Once this is abandoned, they will do an Administrative Subdivision with the Planning Department to merge the bed of the road into Mr. White's property. They can accommodate all those issues between the time of the abandonment and when they are ready to record an Administrative Subdivision.

Council President Marino stated that she would be in favor of continuing this. She stated that Attorney Murray had mentioned the memo and discussion and he referenced 'her comment' and believes he was referencing someone in the Planning Department. For the record, the memo is from Public Works dated October 15th, which was provided to the Committee as part of the record and authored by Acting Public Works Director Mateus and signed by him on October 16th. Attorney Murray apologized and stated that he misspoke. Council President Marino suggested that the issues be remedied first and then she would be in favor of approving this, but without that, she thinks that would be irresponsible.

Councilman Ferri stated that the fourth page of the packet of the petition, there is a question asking "is the property a separate buildable lot" and "no" is circled. Then it states "if no, will property be merged with an existing lot" and nothing is circled. He thinks that might have been an omission by mistake. That needs to be answered on this. Would it be "no"? Attorney Murray stated that Mr. White filed the application before his involvement, but they did disclose to the Planning Commission and Public Works that it will be merged because they are not looking to create a separate lot.

Chair stated that the applicant should amend the application.

Councilwoman Renzulli asked if these questions were brought up in Planning or is there something that says Planning recommended this or did it get vetted by Planning? Attorney Murray stated that on October 1st they appeared there, did a presentation and Planning Commission recommended approval subject to them working whatever items, outstanding items, with the Public Works Department. So, it was on their agenda and they did appear and he found out today that they did not transmit their recommendation.

Chair asked if there is a recommendation from the Planning Commission.

Councilwoman Renzulli asked Solicitor if the Committee can vote on this without the recommendation and whether the Committee is supposed to have that. Solicitor stated that, as he stated earlier, he does not see that being a requirement. He is not sure why it went to Planning to begin with. Clerk stated that she does not have an answer as to where these questions or procedures came from. This is the procedure that has been used along with the checklist for years, but part of the checklist is prior to the applicant filing the petition in the Clerk's Office to be introduced, it has to be approved and signed off by the Planning Department. The Planning Director signed off on the application on August 22, 2024. The Clerk's Office has not received any recommendation from the Planning Commission.

Councilman Wall stated that before he casts his vote one way or the other, he would like to know what the requirements are. He asked Legal if he could provide that information, he could make an educated vote. Without it, he is not really comfortable.

Solicitor stated that after hearing all this discussion, there seems to be a lot of confusion. He thinks the wiser course might be to just continue this to the next meeting. He will confer with Director Mateus, he will confer with Attorney Murray, he will confer with Solicitor Marsella, who handles Planning, and see if we can all get on the same page and make a coherent presentation with this.

Chair agreed with Council President Marino and stated that she would feel more comfortable continuing this to the next meeting and allow all the matters to be addressed.

Councilwoman Renzulli requested that Attorney Marsella be asked to attend the next meeting.

Motion and second to approve this abandonment were withdrawn.

On motion by Councilman Ferri, seconded by Councilwoman Haroian, it was voted to continue this petition. Motion passed unanimously.

VII. COUNCIL COMMUNICATION:

Council Vice-President Vargas:

- *What work is being done on the corner of Wellington Ave and Paine Avenue? How long will it last? The lot next to the playground is being used as storage but it's becoming a nuisance property). What's the clean-up plan?*

Chair stated that this item is listed on the agenda due to constituents' questions and concerns she has received.

Director Mateus stated that as Director Moretti indicated in his email dated October 9th, he reached out to D.O.T. It is a temporary construction office for the bridge replacement project there. D.O.T. stated that they should be completed with that project in November and removing their materials after that.

Chair asked if they will notify the City if they go beyond the November date they provided the City. Director Mateus stated, likely not. Chair asked if they have an obligation to at least notify the neighborhood of the bridge. Director Mateus stated that he does not know the answer to that question. He would assume if they work outside of the noise Ordinance, then they would have to.

Chair asked that she be kept updated if Director Mateus gets any information in terms of going past the November date so she can let the constituents know.

- *Status of the Rodent control bait boxes request on Wales Street.*

Chair stated that this item was placed on the agenda at the request of the neighbors on Wales Street. They reached out quite some time ago and it has been ongoing and they have not heard from the City. They would like to know what the process is. They have called and left messages and it is not just one neighbor, but there are a few neighbors on that street. Clearly one of the neighbors has really taken the lead on that initiative on the bait boxes. She was told that one of the bait boxes was out for approximately a week or so. Two weeks later there was still no response to the constituent. She has been reaching out to the Mayor's Office to find out where we are on this on behalf of the constituent.

She asked for an update in terms of when the Rodent Control Inspector will be out and by way of Wales St. and timeframe of the Rodent Control Officer placing bait boxes once a constituent contacts the department and how many Rodent Control Officers the City has currently in place and monitor the bait boxes. Director Mateus stated that there is one Rodent Control Officer, as everyone knows, because that is what is budgeted. The process for rodent baiting is the property owner has to sign an indemnity form that allows the Officer to go on the property and leave the bait there. Once that form is signed, it is put into the schedule and typically it is one to two weeks once it is put into the schedule that he gets out there. He was out for a few weeks due to a death in the family and that pushed us back a little temporarily right now. The Wales St., he assumes the Chair is talking about is 119 Wales St. and he was involved in those emails yesterday and bait was put on that property yesterday.

Chair stated that this issue was addressed in the sense that they went out, but what really still isn't solved is the customer service that we, as a City, are giving our constituents. The constituents indicated to her that they called multiple offices, including the Mayor's Office, and left numerous messages and no one replied back to them. If someone is not in the Office because we only have one Rodent Control Officer, is that the same Officer who is going back and checking their voicemails and also grabbing the forms and approving the forms? Is that person doing all of that? Director Mateus stated, no, the Clerk in Public Works handles the indemnity forms and the scheduling. The Rodent Control Officer has an iPad and he abides by the schedule. Chair stated that if the employee was to be out for a month or more, she asked who the backup is for that employee? Director Mateus stated that right now, there is just one Rodent Control Officer. That job requires certain certifications and he is the only person certified in the City. Chair asked if the person in that position was to be out of work for some reason for an extended period of time, right now we do not have another plan in place as a City. Director Mateus stated that if that employee were to go on FMLA of some sort of leave, there is only one budgeted salary and if he were not to take all that salary, there would be an opportunity to hire outside help.

Councilwoman Haroian asked if the City is offering to get other employees certified. Director Mateus stated that there is only one budgeted salary for Rodent Control Officer, so that is what we have to work with.

Chair stated that she hopes that in the future, possibly during the next budget, the City Council will be able to talk more in depth on this because the City has a rodent issue and just having one position for rodent control is really not sufficient right now for the entire City.

- *In what timeframe do rodent control inspectors place bait boxes once a constituent contacts them? How many Rodent Control Officers does that city currently have to place and monitor the bait boxes?*

This item was discussed earlier

- *Is their conversation of rodent control within the city inspections office to use other alternative in addition to bait boxes?*

Chair asked if there is any other kind of alternatives that we are doing or is it just bait boxes? Director Mateus stated that it is just bait boxes right now.

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

- *Where are we fiscal year to date on rodent control expenses?*

Director Mateus stated that the budget is \$25,000 and we spent \$3,636.36 earlier this month on some boxes (192 boxes).

Councilman Wall:

- *Hardy Street rock issue and need for curb*

Councilman Wall provided photos and asked that they be shown on the screen. He stated that rocks were put in certain corners by the City so people would not drive over their property. The property owner keeps his property beautiful, but over the last ten years, that rock has been hit almost twenty times and several times the property owner has called the City because it was so far down when someone hit it so hard that one person messed up her little car very bad. Most of the time, the property owner does not call the City because he has a small tractor and he has moved it himself about twenty times. He has called the City asking if they could put a curb on that corner and to try something different because the rock is not working. Councilman Wall stated that the property owner has come up with several suggestions and he is bringing them to Director Mateus. Another suggestion he made to the City is putting in a bigger rock so people can't drive over it. Director Mateus stated that he does not believe the City has ever put rocks on a corner. That is introducing an obstruction and a liability to the roadway. He can give his recollection of the story, but that would be considered hearsay. He would need to know when the City put that there and have some sort of proof behind that because he can't see the City ever doing that. Councilman Wall stated that, to be honest, we are not going to find that. He questioned if the City can put a curb in and do something for this man. Director Mateus stated that the City does not have a program to install curbing upon request. A property owner can install that curbing themselves. Councilman Wall stated that if the property owner comes up with a document stating that the City placed that rock there, would that change things? Director Mateus stated that if that was placed there by the City, he will have that removed the next day. Councilman Wall stated, and then what? Director Mateus stated that he is not going to put another obstruction in the corner. He will not do anything.

VII. ADJOURNMENT

The meeting adjourned at 7:10 P.M.

Respectfully submitted,

Rosalba Zanni
Assistant City Clerk/Clerk of Committees