



Committee on Public Works

Regular Meeting

~ Meeting Minutes ~

Monday, January 4, 2016

5:15 PM

Committee "A" (City Hall 3rd Floor)

PRESENT: Chairman Michael J. Correia; Vice-Chairwoman Carmen Castillo; Councilman Bryan Principe and Councilwoman Jo-Ann Ryan – 4.

ABSENT: Councilman Narducci – 1.

Also present are Councilman Kevin Jackson; Councilwoman Mary Kay Harris; Dan Corley, Head of Community Preparatory School; Senator Harold Metts; Dayus Metts; Noah J. Kilroy, Assistant City Solicitor, Law Department; Russell P. Knight, Director, Department of Public Works; James J. Lombardi III, City Treasurer; Robert Azar, Deputy Director, Department of Planning and Development; Jonathan Boucher, Director of Intergovernmental Affairs, Mayor's Office; Lori L. Hagen, City Clerk; Sheri A. Petronio, Second Deputy City Clerk and Donna M. Peligian, Assistant Clerk.

- 1. Petition from Daniel Corley, Head of School, Community Preparatory School, Inc., 126 Somerset Street, Providence, Rhode Island 02903, requesting to abandon a portion of Somerset Street.**

CHAIRMAN CORREIA: Before the Committee, we have the actual Resolution. Madame Clerk, if you can hand it out. If I could have the City Solicitor speak on this Resolution that was drafted.

ASSISTANT CITY SOLICITOR KILROY: The Resolution was drafted back in June. It includes Councilwoman Harris's request to have the proceeds be put into a special real estate account for the infrastructure and improvements of the Davey Lopes Recreation Center. You can see that in clause five of the Resolution. However, it appears, as I review this tonight, I didn't submit the original Resolution. I'd feel more comfortable actually putting in a clause as to the merging of the two properties, which is simply a line I can get to the board tomorrow, if I could. But, I mean, technically it's on the record and so all, you

know everything, all conditions on the record would still be a part of this Resolution. But, for a matter of being thorough, I'd like to actually include the language that the properties must merge. That's the only thing I see is missing.

SECOND DEPUTY CITY CLERK PETRONIO: Lori, I have a question. He's going to add language in the Resolution for tomorrow.

CITY CLERK HAGEN: So, that would be the Law Department. We'll just state on the record what that actual language is. Someone would have to make the motion to amend the Resolution as presented. Then you would have to pass it as amended to accept the amendment.

CHAIRMAN CORREIA: So, can I have a motion to accept the amendment that the City Solicitor has. One Second. Mr. Knight?

MR. KNIGHT: Council Chairman, the Resolution does not include the recommendation of proposed abandonment, which included that sidewalk section. So there is a little bit of a modification of the square footage. It includes in the drawing there which has a sidewalk along the basketball court area. If you look at the drawing that the Planning Department has, it's that lower section there, which gives basically public right-of-way around the basketball court area there at the lower section. That is what was recommended in our letter, which is included in this package, which is a little bit of a decrease in square footage, but it's to allow the public access right-of-way around the basketball court area.

CHAIRMAN CORREIA: So, what is the square footage now?

MR. KNIGHT: This one here, as it says in the Resolution, would be the 15,945 –

CHAIRMAN CORREIA: I have 13,905 before me.

MR. KNIGHT: According to this one here is A, B, C, D, A.

SECOND DEPUTY CITY CLERK PETRONIO: That's from the Law Department. That's going to have to be amended, too.

MR. KNIGHT: That was the only thing.

SECOND DEPUTY CITY CLERK PETRONIO: This was done before. So, the amount is going have to be amended to the new amount that's in this letter.

ASSISTANT CITY SOLICITOR KILROY: The correct amount 13,905?

SECOND DEPUTY CITY CLERK PETRONIO: Yes. When Adrian did it, it was the old square footage. So, it had to be amended to the new 13,905.

CITY CLERK HAGEN: Correct. There was a change in the square footage. They reduced the square footage. In addition, we sought out a new appraisal from the appraiser, which is in the packets.

SECOND DEPUTY CITY CLERK PETRONIO: But in the one she sent, the one the petition is going to go before the City Council has the old square footage on it.

MR. KNIGHT: It doesn't have the square footage, Lori.

CITY CLERK HAGEN: It doesn't have the square footage at all on here.

MR. KNIGHT: What it does have are the letters, which are associated with the old square footage. It is not the same as what the new one is.

CITY CLERK HAGEN: So, an amendment needs to be made to that section along with adding the dollar amount –

COUNCILMAN JACKSON: It does show if you go to the third letter from the pre-engineering. It shows 15,945 square feet. So it does have that in there from the packet that I have.

ASSISTANT CITY SOLICITOR KILROY: So, it assumes that the plan is accompanying the Resolution.

CITY CLERK HAGEN: Correct. It assumes that the correct plan is accompanying the Resolution. But it also has the tender, the dollar amount needs to be added, along with adjusting, I don't know if there's going to be a change

because it does talk about putting a sign up that says “Not A Public Way”. So, I’m not sure if that issue has been resolved, but that that also would have to be adjusted.

COUNCILMAN JACKSON: It’s also, there’s a different square footage on the Russell Knight letter of 13,905 feet that was sent to you, Mr. Chairman. So there is a discrepancy.

CITY CLERK HAGEN: There are two different ones because it was sent out twice that’s why. So, there’s the original one and then there was the follow up one.

SECOND DEPUTY CITY CLERK PETRONIO: So, the new letter from Public Works has the new square footage. The original letter on top of what Dan Corley submitted when it came to the City Council.

CITY CLERK HAGEN: Correct. That was the original petition that was submitted. All of the new documents are also included in there.

CHAIRMAN CORREIA: Okay.

COUNCILWOMAN HARRIS: Mr. Chair, also for the City Solicitor, in five, where it says funds received by the City, I would like to see the language modified, not only for the infrastructure in the capital improvement, but in and around Davey Lopes, period. Just not for the infrastructure property, for the Davey Lopes property.

MR. AZAR: I would ask that the City Solicitor make reference to the language that we recommended about a merger. It might be appropriate for you simply approving the petition that you incorporate all four of our recommendations into the revised petition that has language about the merger, but it also has some other language that Mr. Corley has stipulated here.

CHAIRMAN CORREIA: That’s fine.

MR. AZAR: I would also ask that when you reference the map that it should actually be not only referenced in your resolution, but also attached to it.

CHAIRMAN CORREIA: It would be.

COUNCILMAN JACKSON: Also, I would ask my colleagues and Councilwoman Harris to go to under the Resolution, number eight and I believe that Councilwoman Harris, and I don't want to speak for her, as a committee that's in place. So, I don't think that every improvement should be approved by the Mayor and/or the Department of Law. It should be approved by the committee that Councilwoman Harris has set up for the Davey Lopes Recreation. I would recommend that we, again, it's the Councilwoman's award, but I would recommend that we strike number eight.

COUNCILWOMAN HARRIS: Thank you. That's a great suggestion.

CITY CLERK HAGEN: I would not –

ASSISTANT CITY SOLICITOR KILROY: No, no, that's a saving clause. What that is is if anything I mentioned earlier is a safety net in a contract, whereas, if anything was left out of the final Resolution, we could then default to the minutes to save that language. So that would be imprudent to strike eight.

COUNCILWOMAN RYAN: So its terms and conditions reflected in the record in the minutes.

ASSISTANT CITY SOLICITOR KILROY: Right. Again, it's phrased a saving clause when you think of it as a safety net in case, you know, we mess up at the Law Department we can always then reflect that to this conversation that we're having right now.

COUNCILMAN JACKSON: That's not how I read it.

MR. LOMBARDI: That's not how I read either. The Council makes motions, just because it's on the record doesn't mean that it's agreed upon. I can

say well I think that the money should go to XYZ Company, that doesn't mean that it goes there. There has to be a vote on it.

ASSISTANT CITY SOLICITOR KILROY: Right, but again, there are conditions that precede the actual accepting of the Resolution. For instance, the City Plan Commission outlined for them in discussion. If this was acceptable to the Board, then those obviously would be included in the language of the final Resolution. But were they to be left out for some reason, they would still, in essence, be part of the Resolution.

MR. LOMBARDI: Shouldn't it be part of the Resolution before they vote on it? This is specific. Councilwoman Harris does not want to yield her authority in this area to the Department of Law or the Mayor. She's voting on a specific issue.

COUNCILMAN JACKSON: My concern also would be is that, again, as we've gone down this as a City Council, though we even recommend it in the last budget cycle that we separate recreation from parks. Does this now become the purvey of the Parks Commission as opposed to Councilwoman Harris. Again, Davey Lopes is a recreation center. It should come under Recreation; it should not come under Parks, in my humble opinion, particularly because we separated the two budgets and the two departments, again, as the City Charter states that we should have, should never accept it that they're combined.

ASSISTANT CITY SOLICITOR KILROY: So to kind of clarify, I don't think there is a problem striking the last part, which appears to be a concern. The "and/or as may be deemed appropriate by the Mayor or the Law Department", we can strike that portion.

COUNCILMAN JACKSON: It seems like they need a whole approval for that.

ASSISTANT CITY SOLICITOR KILROY: But to strike the whole thing would be –

COUNCILMAN JACKSON: I just don't want to have them have final say when Councilwoman Harris has set up a Committee that's working between Community Prep and the Community at this time. They may come up with a recommendation and the Mayor might say I don't like that recommendation. That should not be his authority, in my humble opinion.

ASSISTANT CITY SOLICITOR KILROY: Okay.

COUNCILWOMAN HARRIS: Thank you.

CHAIRMAN CORREIA: Okay, so we've got several motions here on the table that we need to –

CITY CLERK HAGEN: For the record, you could probably state all the amendments being made to this document by voting to amend.

COUNCILMAN PRINCIPE: Mr. Chair, perhaps I can make a motion to amend the Ordinance to read the square footage as mentioned by Director Knight, which was the 13,905 as well as the four conditions from the City Plan Commission. But, I can't recall if one of those was the public access around the basketball court and if not also add that. If so, then there is nothing else more to add.

MR. AZAR: That was not one of our conditions, so you would want to add that.

COUNCILMAN PRINCIPE: Then the four conditions as approved by the City Plan Commission as well as the public access around the perimeter of the basketball court on the Somerset Street side.

MR. LOMBARDI: And in number five and the property in and around the property to Davey Lopes.

COUNCILMAN PRINCIPE: And for condition number five to also include the property in addition to the physical infrastructure of the building. Inside and outside encompassing the entire property that Davey Lopes Recreation Center sits on.

MR. LOMBARDI: And the number eight strike out “and/or” forward “and/or as may be determined appropriate by the Mayor or Department of Law”.

COUNCILMAN PRINCIPE: That’s right. So, on condition number eight, end it after where it says the minutes of the City Council Committee of Public Works. Strike anything after that. Starting with “and/or as may be deemed appropriate”. That’s my motion to amend.

CITY CLERK HAGEN: Just to add the proper dollar amount that was in the appraisal would be the only other thing that I would like, if you could, add to your amendment.

COUNCILMAN PRINCIPE: That makes sense, too. That would be in condition number four where we put in the proper dollar amount that should be associated with the square footage of this abandonment, which would be the dollar amount of 13,905 square feet at \$10.00 a square foot which equals \$139,050.00 times \$.50 which equals \$69,525.00 rounded to \$70,000.00.

MR. CORLEY: It’s not \$.50, it’s half of that.

COUNCILMAN PRINCIPE: Oh, it’s half of that, times half. That makes sense.

SECOND DEPUTY CITY CLERK PETRONIO: It’s not going to be rounded. It’s just going to be the \$69,525.00.

COUNCILMAN PRINCIPE: Okay. I mean if it’s rounded, we’ll take it.

CHAIRMAN CORREIA: So there’s been a motion on the floor to make –

CITY CLERK HAGEN: Sheri, can I see the appraisal?

MR. LOMBARDI: Can I ask a question about the, what's the .5?

MR. CORLEY: The appraiser did it at \$10.00 a square foot, then he wrote a paragraph saying the value of the property goes down by half because the school has agreed to the 24 foot no build zone. So, therefore it's \$5.00 a square foot instead of \$10.00 a square foot.

MR. LOMBARDI: Thank you.

MR. CORLEY: You're welcome.

CITY CLERK HAGEN: So, it's the \$69,525.00

MR. CORLEY: The exact amount.

CHAIRMAN CORREIA: So, there's a motion now that's been to amend the following items that Councilman Principe has stated. Can I have a second on that motion?

COUNCILWOMAN RYAN: Second.

On motion of Councilman Principe, Seconded by Councilwoman Ryan, it is voted to amend Item one, as stated.

CHAIRMAN CORREIA: All in favor.

COMMITTEE MEMBERS: Aye.

CHAIRMAN CORREIA: The matter passes. Dan, just for the record, just so that you know you need to speak to the City Clerk regarding the process of the check before the next City Council meeting so that we can get it on the docket. She'll give you all the information.

MR. CORLEY: Sure.

CHAIRMAN CORREIA: Thank you.

COUNCILWOMAN HARRIS: Thank you.

RESULT: APPROVED, AS AMENDED [UNANIMOUS]
MOVER: Councilman Principe
SECONDER: Councilwoman Ryan
AYES: Chairman Correia, Vice-Chairwoman Castillo, Councilman Principe and Councilwoman Ryan - 4.
ABSENT: Councilman Narducci - 1.

2. Resolution Requesting the Traffic Engineer to cause the implementation of a traffic study along Lenox Avenue between Broad Street and Niagara Street.

RESULT: CONTINUED (WITH VOTE) [UNANIMOUS]
MOVER: Vice-Chairwoman Castillo
SECONDER: Councilwoman Ryan
AYES: Chairman Correia, Vice-Chairwoman Castillo, Councilman Principe and Councilwoman Ryan - 4.
ABSENT: Councilman Narducci - 1.

3. Resolution Requesting the Traffic Engineer to cause the installation of "Resident Parking Only" Designated Signs in front of 3 Collyer Street and 4 Collyer Street, inclusive of penalties for violations.

RESULT: CONTINUED INDEFINITELY [UNANIMOUS]
MOVER: Councilwoman Ryan
SECONDER: Vice-Chairwoman Castillo
AYES: Chairman Correia, Vice-Chairwoman Castillo, Councilman Principe and Councilwoman Ryan - 4.
ABSENT: Councilman Narducci - 1.

4. Resolution Requesting the Traffic Engineer to cause the installation of "Firefighter Personnel Parking Only" Designated Signs across from 325 Washington Street.

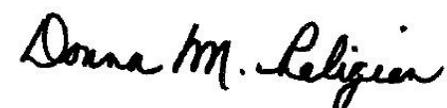
RESULT: APPROVED [UNANIMOUS]
MOVER: Vice-Chairwoman Castillo
SECONDER: Councilwoman Ryan
AYES: Chairman Correia, Vice-Chairwoman Castillo, Councilman Principe and Councilwoman Ryan - 4.
ABSENT: Councilman Narducci - 1.

5. Resolution Requesting the Traffic Engineer to cause the installation of "No Parking" Signs located on Whittaker Street between Westminster Street and West Fountain Street.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Vice-Chairwoman Castillo
SECONDER:	Councilwoman Ryan
AYES:	Chairman Correia, Vice-Chairwoman Castillo, Councilman Principe and Councilwoman Ryan - 4.
ABSENT:	Councilman Narducci - 1.

ADJOURNMENT: On motion of Councilman Principe, Seconded by Councilwoman Ryan, it is voted to adjourn the meeting at 6:03 o'clock P.M.


Second Deputy City Clerk


Assistant Clerk