

DEPARTMENT OF CITY CLERK

CITY HALL

MARCH 12, 1996

The Committee on Public Works meets this day at 6:00 o'clock P.M.,  
Committee Room "A", City Clerk's Department, City Hall.

PRESENT: Chairman Clarkin, Councilwoman Williams and Councilman  
Allen.

ABSENT: Vice-Chairman DeLuca and Councilwoman Young.

Also present are John D'Amico, Senior Assistant City Solicitor; Gerald  
Florio, Acting Director of Public Works; B. James Suzman, Former Director of  
Public Works; Richard O. Rafanovic, Chief Engineer, Water Supply Board;  
Frederick L. Mason III, Director of Government Affairs, Providence Gas  
Company; Tom Gavula, Director of Engineering, Providence Gas Company;  
Steven Brown, Engineer, Narragansett Electric Company; Michael Russo, Water  
Supply Board; Barbara A. Poirier, Second Deputy City Clerk and Sheri A.  
Petronio, Assistant Clerk.

**COMMUNICATION FROM PUBLIC WORKS IN REFERENCE TO  
STREET OPENINGS.**

CHAIRMAN CLARKIN: Basically I had a call from Fred Mason from the  
Gas Company and said he was very disturbed on some of the prices so I said  
before we do anything I will gladly have him in so at least he can present his side  
of it and then what he is opposed to and what he thinks is going to be an  
extraordinary expense.

COUNCILWOMAN WILLIAMS: Could we have an explanation of this?  
These are the rules and specification for street openings and there has been rules  
and specifications in place and now they are being amended. Could you just  
highlight what is being amended just for our information.

JERRY FLORIO: I think the infrared is something that is new in the rules  
and specifications which the state already has. Most of these rules and  
specifications came from Boston and we more or less piggybacked what they had.  
The permitting fee is one of the items that the utility companies are not to happy  
with. It has gone up from ten cents to fifty cents a foot and that more or less gives  
us a revolving fund to do roads year after year and it will give us a budget to work  
with.

CHAIRMAN CLARKIN: What page would that be on?

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JERRY FLORIO: Page 9. There are some small items that are questionable like protected streets which are brand new roads that were put in that when one of the utility companies go into the roadway that they have to go from center line to curb the length of the trench naturally. The streets are actually protected now so it is a small change but I don't think it is a big issue.

CHAIRMAN CLARKIN: My recollection was that this forced them and they knew they were going to put a new street in so they go in and repair the underground pipes.

JERRY FLORIO: The problem is when we repair the streets like for instance we had the CHIPS program off of Webster Avenue I think the Water Supply Board came in and tore up quite a few of the roads and they were brand new streets, I mean the streets were just repaved and they cut into the new streets and that is one of the things we are trying to avoid. Instead of making a four by six patch or a four by four patch they would have to go from center line to curb.

CHAIRMAN CLARKIN: For the record and for the other people basically I am one of the ones that have been complaining about the potholes and I know a couple of years ago I was the first one on the council screaming about the potholes and how terrible they were. Basically a lot of it is because of the damage that has been done from the utilities doing something.

JERRY FLORIO: Other than that the only thing that I can see that is different is the permitting fee and maybe the steel plates and that is about all I can see that would be a problem. I think your only problem is the amount of money that we are looking for permit fees.

FRED MASON: I am here tonight along with Tom Gavula, Director of Engineering. Tom and the staff primarily are the ones who are dealing with the day to day and the subsequent follow-up of street repairs. Particularly the permanent restoration once the temporary is settled enough and then it is Tom's guys who do the final repair. By way of background very quickly we talked to Jim Suzman last year about the original proposal last summer, had a meeting and Jerry you were there and weighed in with our concerns and to be honest the city is very open in terms of the process and aggressively asked us to comment which we did do and I understand other utilities did also, most noted Narragansett Electric. We had some substantial comments on it many of the issues that we discussed we came to an agreement on. We frankly thought some of them were correct and not worth arguing about or that is an approach or an issue that we had not thought about, however, there are significant issues still in the proposal that are

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extraordinarily costly. I'm not sure the committee got the letter that I sent Councilman Clarkin a week or two ago, I have some copies if you need them. Depending upon the discretion that is used by the DPW director and I know you have a new one coming soon. There is great potential for our costs to go somewhere in the range of 700% or worse above what we currently incur on an annual basis in the City of Providence. I'm sure that is not what was intended but taking the actual numbers that we use and that we have spent in the City of Providence on the various projects that would be impacted by these new specs. We overlay these new specs and we have anywhere from 320% increase to 738% increase again depending upon the discretion of the new director. That is not in anyone's best interest and it is not in the best interest of the utility and its customers and it is not in the best interest of the city because it will ultimately come back to the city and is prospects for economic development. It will ultimately come back to the residents of the City of Providence and overall the customers of the Providence Gas Company as well as all the other utilities. This is not just one company that is going to incur these costs this is all of them and those costs will mount ultimately on the consumer. I think that the goal is to ensure responsibility for good streets to make sure there is a quick response to concerns about a pothole and potholes by the way are not always infact in our circumstances, we had two calls so far this winter from problems related to our utility cut. Potholes are generally a result of harsh weather conditions particularly the ones we have had this year and they are not always at utility cuts. A lot of it particularly in an old city like Providence have a lot to do with the age of the road and the construction of the road and the types of vehicles that are now traveling those roads and in some cases they are not the roads that were originally intended. Our top four issues in terms of the costs related to the Providence Gas Company are the cold planning and inlay requirement which is an issue where essentially we are replacing much more of the road than we were disturbing to do our work simply put. Secondly a hot patch requirement for the temporary repairs as we read it which is more costly than the cold patch that we currently use which is pretty decent stuff in our experience and it is also a lot less practical because we can't keep the hot patch on the truck all day and as of now we have our guys going back and forth to the plant and it adds to the cost of doing the job. Thirdly there is a infrared an a curb to curb requirement again at the DPW directors discretion which goes beyond the protected streets. We understand the issue about protected streets and as a policy we try to stay ahead of that and improve our communication with

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the state and the municipalities we serve so we don't get into a problem when we show up for a job and it is a brand new street. That is not a good day for us and it has happened in the past and every municipality that we serve, however, we have improved the communications particularly with the DPW directors to avoid that and I have been reasonably successful and Tom will vouch for that with some variations here and there. The state we are still working at but in municipalities it hasn't been as critical a problem for us and it doesn't mean it doesn't happen from time to time and it also doesn't mean that we are not there on an emergency from time to time. Finally we have a concern with the degradation fee and as we read these specifications we have essentially repaired a road and brought up the condition of that road significantly from what it was when we started the particular job and now we are paying a fee because we have quote degraded that road. It is the best part of that road when we leave it but yet we are paying a degradation fee on top of that, we view that as a tax and obviously as you might expect we would be opposed to the additional tax on top of all the costly repairs that we have made beyond what is currently required. Those are four critical issues and yes the permit fees are higher and frankly your not alone there and we will absorb that somehow but on a day to day basis these kinds of activities are extraordinarily costly and I don't think what your intended which is limiting our ability to put capital in the ground before we absolutely have to do it. We do not have unlimited capital resources like most companies, we are going to use those dollars and let them go as far as they can in the communities that allow us to do so. These kinds of costly regulations will force us to look elsewhere when we do have discretion over the use of those capital dollars and we will only do repairs and replacements when we absolutely have to which is a concern and it should be a concern for the counsel in terms of economic development. We understand the Mayor's concerns about the streets, we are conscious of all of this but we need to talk about this. These are the actual numbers of jobs that we did within the City of Providence last year and taking these new requirements and pricing them out accordingly. Worse case, best case and we are looking at a 300% increase in the course of a year up to and over 700%.

CHAIRMAN CLARKIN: I see Prospect Street in here are you going to do Prospect Street all the way up? I take it that is going to be ripped up and done over again?

TOM GAVULA: What you see now is a temporary repair and workers will go back and permanently fix the street.

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CHAIRMAN CLARKIN: Mr. Suzman and thank you very much for coming back and first of all before we start I think you did a pretty good job and I don't blame you for going out to Smithfield. Could you explain some of this.

JAMES SUZMAN: I told John D'Amico since I wrote these regulations it seems like a long time ago and I think we had a meeting last June perhaps I don't know exactly when. With the initial regulations last May or June I just want to comment and of course I told John I felt obligated, I wrote this draft and I have to salute Providence Gas and Narragansett Electric because they took the time and it's not that the other utilities didn't. Providence Gas is the most at stake because they have the most permits and their fee structure is thus effected the most where as the Telephone Company does five permits a year so we get a \$1,000.00 a year in permits from them. Providence Gas we get about \$30,000.00 a year. Providence Gas and Narragansett Electric they reviewed these regulation in explicated detail so before we got to this point today even when I left the city I had sent them a letter my last week or two and I had said in that letter here is the proposed draft and I think to help these other utilities out what we did was try to address all their comments on a comment by comment basis. I felt that some of their comments were very good so we worked their proposals to the original draft into the language sort of speak. Some of the things I felt it was maybe philosophy that we didn't agree and they respectfully understand that but basically I will just say that the most important thing that we try to get into the new regulations were well one it is a protected street and of course if a street is overlaid and for five years there is basically a moratorium and if you were to go into a protected street within the five years that if it is a trench configuration in excess of 100 feet you have to do a curb to curb overlay and repair. If it was a none-trench configuration and again of course we would have the duty to annually publish streets to be repaved so you could schedule your work and that would go without saying. If is was a non-trench configuration then after discussing and debating we concluded that perhaps we would try infrared repair which the State of Rhode Island currently use and different municipalities and the government has had different results and I even acquiesce sort of speak to waive the five year if you recall, I acquiesce to wave the five year guaranty on it as a trial on an infrared repair because there is some question that doesn't have a track record that won't last for the five years. That is the big thing on the protected streets and another big concern is the Gas Company and I live in the city and still pay my taxes but I will have to say that River Avenue to Douglas Avenue down to Admiral Street, we

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have done maintenance and Chalkstone Avenue where the Acting Director lives from Manton Avenue up to Academy Avenue. This was a major concern to us where you have these four by six or three by five key ways or patches so one of the things we try to say when they have done a series of patches for 500 feet to 1000 feet we feel they should go from River Avenue at the corner of Douglas all the way to Valley Street a mile long because they have degraded that road every twenty feet with a patch as opposed to the individual patch repairs. In that case we would say they have gone 2,000 feet and in that case it is proposed they would have to go from the curb line to ten feet out so we would then be able to, the city or town can say you now have to lock in from the curb line to ten feet and have a homogeneous repair so that is kind of a philosophy. I think that has been one of the biggest concerns that on main roads unlike Brown and Olive Street but of course the Gas Company to their credit has bent over backwards time after time to help us and Gas and Electric are probably the two biggest utilities that we have. In a non protected street like a street that is about twenty years old hasn't been repaved for a number of years in that case they would be required to resurface it ten feet out and in the fee structure that is why it is proposed that you would only pay the degradation fee on an old street and a protected street a new street that has been paved in five years will be that so called degradation fee that doesn't come into play because then we are saying you have repave or resurface the road from the curb to the center line. So on a new street we are saying there is no degradation fee because you have to restore the street to a grade of degree of restoration curb to curb or curb to center line. On an old street not only do you have to restore the street in the case I mentioned the ten foot width minimum from the curb to center line but then you have to pay a \$1.00 per linear foot of trench or if it is not a trench and it is less than 100 feet long the typical Water Supply Board cut is six by eight feet and fifty cents per square foot. On all permits there is an administration fee or called A & E for Administration and Engineering which I believe is \$50.00 which is a blanket fee to cover the cost of paper work, personnel, inspection and I don't think anyone has any beef with that I mean it is quite common because all the utilities do it. A typical non-trench fee is \$50.00 and all permits now are \$25.00 so revenue wise for the city that would kind of double and go from \$25.00 to \$50.00 and then basically as I said on page 9 of the proposed regulations a trench is a \$1.00 per linear foot or a non-trench is 50 cents per square foot. One other thing some of the comments we purposely put language of course for the cities or towns view point it has to be to our flexibility that where is says

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that temporary patches we feel it is integrity of the road and even in the winter if the hot asphalt is available then naturally the city or town prefers hot mix and if this plant shut down so then we accept the cold mix for the winter. Even this winter with the bad weather Tuesdays and Thursdays most towns are able to get hot mix. Those are types of things that I think could be worked out.

COUNCILWOMAN WILLIAMS: I don't know anything about infrared treatment it sounds like it is very expensive, can you explain that?

JAMES SUZMAN: Basically it is a new technology in the last few years. When the road is resurfaced the top asphalt is emulsified and heated and a good example is if you drive up Route 6 to Connecticut where they repaved the road a couple of years ago, the state did it and they were very successful. There are no seams when the roads are repaved but when they roll the road eventually there are seams and then they have frost heave contraction and expansion. The water gets in there and eventually you have cracking and potholes but this so called infrared we do not have a lot of experience quite honestly but the DOT says it is very good.

CHAIRMAN CLARKIN: Rita I believe it basically melts it together.

JAMES SUZMAN: The top patch is seamless.

COUNCILWOMAN WILLIAMS: Why is it so costly?

TOM GAVULA: It is an additional operation because you have to go out there and do the permanent repair that you typically do and now as a separate operation we have a contractor go back at a later date to heat up the road and it is very time consuming.

FRED MASON: What is the hourly rate that the contractor charges?

TOM GAVULA: We are paying \$1,800.00 a day for them to be there.

JERRY FLORIO: Do you use that on state roads?

TOM GAVULA: They require it in some instances.

COUNCILWOMAN WILLIAMS: So the state is requiring it.

TOM GAVULA: In some instances.

JAMES SUZMAN: The way this is written out it says that infrared will only be required in a so called protected street but right now the city to their disadvantage we have not done a lot of road paving in the last five years so there are perhaps only a couple of so called protected streets or maybe the DOT resurfaced the road. If the city should be fortunate enough of course to have a big road paving program we would have a large list of five year streets which we would have changed anyway but that say kind of proposed after researching various communities.

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COUNCILMAN ALLEN: Mr. Chairman in the proposed costs from Providence Gas there is a big disparity between the two prices, the maximum and minimum and is there anyway of making that more true to whatever the quantity cost is. It just seems to me that for someone who is in the business you should be able to come up with a closer proximity than a \$119,000.00 to \$269,000.00.

FRED MASON: I agree with you and the thing to do is take out some of these specs. That is the range and the high number represents what the DPW could force us to do in these specs and the low number is the minimum cost.

COUNCILMAN ALLEN: So these numbers had nothing to do with your calculations?

FRED MASON: No they are driven by this and we are just reflecting the work we did last year.

JERRY FLORIO: I think you are taking the worse scenario, is this a cost analysis on a curb to curb basis.

FRED MASON: The high number is the worse scenario and the low number is the minimum scenario.

JERRY FLORIO: Which would be the curb to curb repair.

TOM GAVULA: That is the way the specs read.

JERRY FLORIO: I don't think the city is going to force you to do to many curb to curb jobs.

FRED MASON: But the specifications say it.

JAMES SUZMAN: It could be but the thing I would stress is when the DOT did Admiral Street over a couple of years ago there you have a road that is 40 feet curb to curb. I think it would probably be unreasonable for us or maybe even if it was a new street. Broadway is more than 50 feet wide so we probably would not say curb to curb even if it is a five year street. It would be very reasonable for us to say curb to center line but say you cut down the center line of the road on a 40 foot street we may say theoretically we don't want a 20 foot cut in the second and third lanes so in that case maybe we would say we want the whole thing. I think that is why we wrote that, kind of with the intent to realize your view point.

FRED MASON: We are simply pointing out what the cost will then be if infact that discretion is exercised. We are giving you the low number and the percentage increases of what it would be tomorrow if this package was adopted and the high number is what it could be given the discretion of the director.

JERRY FLORIO: That is saying resurfacing all three streets curb to curb.



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CHAIRMAN CLARKIN: At the moment how long is it after they put in a temporary patch do they have to come back.

JERRY FLORIO: They have thirty days.

CHAIRMAN CLARKIN: Basically on the thirty days it wouldn't kill us if we had to use the cold patch.

JAMES SUZMAN: Right now we allow that.

JERRY FLORIO: We consider the hot patch to be more of a permanent patch and more of a permanent solution to the problem. It holds better than a cold patch would and for instance on Chalkstone Avenue where I live there is a couple of cut outs that have actually loosened up and there are potholes there and the city has been showing the potholes to the Gas Company. That is because the patches are not holding.

FRED MASON: That should not be happening you should call us. You shouldn't be filling our patches.

JERRY FLORIO: That is true but the thing is the council person wouldn't know whether it is a gas patch or a water patch or whatever. All they know is that there is a pothole there and they want DPW to fix it and while the men are on the roads they fix the pothole and naturally it makes the main road safe for pedestrian traveling. That is why we would prefer a hot patch, I mean we use hot patch as much as we can whether it be winter time or summer time. Narragansett Improvement is opening tomorrow for the season and we go to Tedesco-Forte in the winter on Tuesdays and Thursdays. When we wrote the specs we didn't see a big problem where the Gas Company or the Water Supply Board would have one truck going over to Narragansett Improvement and jumping around to your job sites and putting a hot patch in.

JAMES SUZMAN: The most objection from your view point is the minimum curb to center line or curb to curb.

FRED MASON: We are not in the business of paving roads, we are in the business of fixing gas lines and we are willing to talk to you about making sure that the patch is driveable. We will be willing to discuss with you eliminating the patch work quilt issue that we talked about before to some degree of trenching but the curb to center line or curb to curb or 10 feet out is terribly problematic for us.

JAMES SUZMAN: I want to ask Mike Russo is that you folks or the Gas Company outside of the Water Supply Board.

MIKE RUSSO: That is the Providence Gas Company.

JERRY FLORIO: They may be great patches but when you ride on them it is like a rumble strip and there is no way around that. If you don't think that it is effecting the integrity of the road than I don't know what is. I mean I have had a number of calls from council people complaining about them.

FRED MASON: Again we have never said and in fact we have made it clear that things do happen and we know that, we are not perfect but the problem is we are coming up with a few specific names and streets here and there and we may be able to come out with ten more for you but for the thousands of jobs that we do the magnitude of the problem just isn't there. We understand the politics and we understand we need to eliminate rumble strips and the problem is these kinds of blanket ordinances and everybody in this room ten years from now may not be in the jobs that we have right now and it is going to be coming upon those people to interpret them and show the good faith that we are showing here and that isn't necessarily the case and that is what we are trying to get to.

COUNCILMAN ALLEN: Fred is there anyway of re-writing this from your perspective that one, address the good faith that you call it and two bring this gap closer to the minimum and maximum.

FRED MASON: Yes we proposed some things back in June that the city has not seen to agree on but frankly I think there are still issues that we could further discuss and room to move at both ends of the issue. We are not suggesting that we are going to walk away and come out with present costs, we know the cost is going to go up but it is a question of being reasonable and what is the market going to bear particularly in the future of the City of Providence with these kinds of expenses.

COUNCILWOMAN WILLIAMS: The italicized is the new addition.

JAMES SUZMAN: No.

COUNCILWOMAN WILLIAMS: On page 6, special restoration requirements is that what you are referring to that you are concerned about because it refers to the infrared treatment and the trenches.

JAMES SUZMAN: I think that is one of them but on page 7 that is one of the things we were referring to which is small patches. Honestly there were piecemeal regulations over the years but never this, it is the first comprehensive approach to address it all in one so called regulation. Then on that same page number one is a minimum of curb to centerline cold planning, resurfacing, however, the director may reply curb to curb and that would be on a protected street.

FRED MASON: We are not going to argue over protected streets.

JAMES SUZMAN: But on the non protected streets I believe that is where the bulk of your work is. Number eight on page 7 is the 100 feet patch work quilt and 9A number one that is the protected street which you are required to get curb to curb or minimum of curb to centerline.

FRED MASON: As a practical matter I drove River Avenue up to Admiral Street and by the way we were not the only ones at the intersection of River and Admiral we found out later so I understand personally that particular issue. Most if not all of those patches are in the parking lane of River Avenue and to require a overlay from the curb ten feet out is well beyond any area that we have been working in and that is what we are concerned about. That review is unreasonable and we would consider trenching that work if infact that was what you wanted to have done but that particular project I think ten feet is a problem.

JAMES SUZMAN: What he is talking about is on page 6 number 8A.

FRED MASON: Sometimes as we call them keyholes they are in the middle lane and sometimes they are in the travel lane and we understand that but in that particular case for example half of them are covered by parked cars and we need to further discuss that and consider trenching instead of the squares that we have been doing.

JAMES SUZMAN: It does say that the actual width will vary according to trench configuration but your concern is it says a minimum of ten feet. These minimums and maximums are based on scan and conversation with other Public Works departments. Much of this was taken from three departments, City of Boston, City of Springfield, MA and the City of Hartford, CT. We are trying to put all of this together and get something comprehensive.

JERRY FLORIO: This is the first time in twenty two years that there is a change being made to this.

CHAIRMAN CLARKIN: Our first priority is the protection of the taxpayers and the protection of streets because none of us want potholes. We are willing to try to compromise in most issues but these are our experts that we have to depend on and they are the ones we go with so if we can't come up with something we will not vote on this tonight.

FRED MASON: Would you like a communication from us addressing some of these issues.

COUNCILWOMAN WILLIAMS: If you have already talked about it with the Public Works Director and they still didn't implement them, we don't want to repeat the same thing. Do you see any areas of compromise?

JAMES SUZMAN: I will just say a number of the issues that they did raise we certainly have lesser issues regarding steel plates in the road and should they be reset or waiving the so call five year guarantee on the infrared because we have not had a lot of experience with it. We change the fee structure on the dollar per trench per linear foot and 90% of the issues I think we satisfied.

JERRY FLORIO: I think the steel plates come into play when there is a cement base that has to be replaced.

CHAIRMAN CLARKIN: What is a steel plate?

JERRY FLORIO: A steel plate is a shield.

JAMES SUZMAN: I would say most of the issues have been addressed and probably 75% of the issues mutually can be worked out. A lot of your points were good and we incorporated the exact language but some of these other issues I guess naturally it is a financial burden on you folks.

CHAIRMAN CLARKIN: I am going to depend on you two gentlemen not so much you Mr. Suzman but I do want your opinion and I personally depend on these guys an awful lot because they are the ones I have to call up all the time. I want to ask as Fred says here it was a patch that was two feet from the sidewalk, could we come up with a special thing and say go out ten feet from that but not if it is out in the middle.

JAMES SUZMAN: Those are some of the things we have tried to address for instance and that is a good example. Quite often they have a patch that is less than twelve inches from the curb and for many years they would restore the patch say it was eighteen inches from the curb and under the new regulations to kind of get a homogeneous road pavement. They would be required to extend that patch to the curb rather than start the patch two feet. So if they have what we call a blow out or a fracture line twenty four inches or less from the curb now you have to extend that patch. Say it was just a typical Water, Electric or Gas patch six by eight it might be six by ten in that case. I think we have always tried on special jobs to address it but maybe there is room to look at it again.

FRED MASON: Just by way of information the process was that we had our initial meeting and you asked us for comment and we all went back to our respective organizations and reviewed and submitted those comments but they were all done in individual organizations. We didn't talk to Narragansett and they

didn't talk to us or the Water Company. You guys reviewed them at your end and there hasn't been a lot of dialogue and I am not sure how much technology information has been thrown on the table there maybe be more technology that we can more seriously consider than we have in the past and those kinds of things come through conversation.

CHAIRMAN CLARKIN: Basically the Gas Company had called me and I called them back and they said they were willing to take care of the potholes that they have done and they will guarantee it.

COUNCILWOMAN WILLIAMS: Can I just clarify one thing, you said you agree with the requirements for the protected street list. Does that mean that you agree with 9A and 9B on page 7 or do you still object to 9B which wants you to do the infrared?

FRED MASON: Pretty much protected streets.

COUNCILWOMAN WILLIAMS: You will agree with that okay. See I am not clear on what it is that you want us to change in this other than would it be 8A?

JAMES SUZMAN: That is a typical old street and their concern on an 8A is on River Avenue we did a patch work quilt so are they going to have 8A ten feet wide for a mile long.

COUNCILWOMAN WILLIAMS: Which is practically repaving the whole street.

FRED MASON: Then paying a degradation fee on top of that.

CHAIRMAN CLARKIN: What about Bucklin Street where they had all those multiple patches in that small area.

JAMES SUZMAN: They have to go from Dexter all the way to the other end a minimum of ten feet wide. So that is his main objection if it is quote an old street going the whole length from the first patch to the last ten feet wide and then under this he would have to pay \$1.00 per foot for the whole length. But the way it is now for everyone of those patches two feet by two feet he would be paid 50 cents a square foot.

COUNCILWOMAN WILLIAMS: What is the typical width of one of the side streets.

JERRY FLORIO: 24

FRED MASON: Two of the issues first of all I wanted to get across is that in the cities that you did talk to by the way and we know where a lot of this came from. What is realistically happening in the street and we may not necessarily be

telling you that it is happening or what is on paper by way of information. Some of them have proven themselves to be impractical. The second point I want to make it that for instance if we were to expand our distribution system on Elmwood Avenue which we have repeatedly had some discussions with certain council people and Councilwoman Nolan in particular about getting that area ready for future economic development ahead of time. We have a major cost on our hands and we are going to need a customer to pay for that. Typically that kind of capital investment with these kinds of numbers the customer is not going to be willing to pay for that and we are not going to be able to absorb it anymore. The more competitive environment that we are operating now keep in mind deregulation of energy overall is the other factor compounding our problem. These things typically used to be absorbed and passed along not to this scale and even smaller things are going to be a lot more difficult to pass along from now on. So I think it requires more conversation and dialogue.

RICHARD RAFANOVIC: I think maybe for you folks to understand there is certain types of work we are doing in the streets. One of them is in response to failures, emergencies and brakes and we just simply have to respond whether it is a protected street or not it is not a question of what we choose. Secondly is we have requests for new service applications and again whether it is a protected street or not we of course have the choice to deny the service or not and I don't think that Providence wants to deny service to properties that need to be developed or redeveloped so we have to work in these areas. Thirdly we are starting on a major and extensive water system replacement program which is going to replace aging and deteriorating facilities. Now let me say that since 1990 we have been trying to communicate with all municipalities in the state in order to get schedules of where the municipalities will do street work so that we can get them ahead of time. I congratulate the Public Works Department that they are finally going to be establishing some lists and I am not sure that one year is reasonable because we need some advance time to get into them and maybe more than one year needs to be considered. I don't mean to offset us against the best owned utility but we do not have a fund that is called profit from which we could subtract temporarily expenses in order to absorb the new fees. So we need time to get to the Public Utilities Commission in order to path those new costs through because we do not have any room and I will honest with you we need a half a years time to get authorization to charge new fees to our customers because when we are required to pay the permits to Public Works they do not allow our

customers and or contractors to take out the permits, we have to take them out. So we have to basically make an assessment analysis in what kind of a condition we will in order to establish a fee. We cannot set a fee on a case by case basis, we have to establish a schedule of typical fees for a street opening or for a service application and we have to go to the Public Utilities Commission and get authorization for that. There was discussion about two years ago about raising fees and we pointed out that we can live with that as long as you give us time. I am not going to pontificate whether the degradation fees are arbitrary or whether there is some basis for the computation. Other than the square footage there is a basis for the computation of the square footage there is no basis for the establishing of the fee but I will leave that to someone else. Sooner or later there has to be some basis otherwise it is just a regular new generation scheme if I may say so. So we can live with what he said and I will tell you if we have to go curb to curb or centerline to curb from our perspective it is a little bit of a confiscatory approach and I don't know how else to say it. We may have to consider a different set of fees for our customers in the City of Providence verses our customers in other towns and the City of Providence represents 25% of our work our revenue and of everything but if we have to do it we will do that. We just need reasonable time to implement and we will just have to set a schedule for people else where and for people in Providence and obviously the fee for the people in Providence is going to be substantially high.

STEVEN BROWN: We have work very closely with Mr. Suzman in giving our comments to him and he has graciously put a significant quantity of our comments in the document. Over the years we have worked closely with the City or Providence and I think we want to be able to do that in the future and obviously we are in a different position than the Water Department with there increase fees they obviously can be absorbed by our rate pays. We would not go as far as to say we would have to raise it for Providence customers versus the City of Warwick's customers. I think what we want to do is go on record to say that whatever is established by the city we expect to see fair and equal treatment and consistent treatment. We have seen situations where we as a company have lived up to the expectations of the City and others have not and I wonder whether or not some of these documents were regenerated as a result of the performance of others. I think for us we are not going to go away we will be here forever and I just look for a consistent enforcement in the rules and specifications that are fair. We can live with this document but obviously it is an increase cost to us and it is going to

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result in increase prices to our customers but if they are consistently interpreted and consistently applied to all then I think as Narragansett Electric we can live with these rules and specifications.

CHAIRMAN CLARKIN: Basically we said we were not going to vote on this, we will digest it and we will send out another written notice and we will get together and I will talk with Jerry. We will sit down with these gentlemen again and see if we can compromise and then we are going to have to vote on this soon and make some decisions.

COUNCILMAN ALLEN: Mr. Chair would it make sense for our Acting Director to sit down with the Gas Company because it seems to me if the dialogue is going to happen it is going to happen there and they are the technicians.

RICHARD RAFANOVIC: Without repeating myself I am really concerned about the effective date on whatever you do so we have reasonable time.

CHAIRMAN CLARKIN: We will compromise with the time and I am sure the council will look into that.

ADJOURNMENT: On motion of Councilwoman Williams, seconded by Councilman Allen, it is voted to adjourn the meeting at 7:00 o'clock P.M.

*Barbara A. Coirier*  
SECOND DEPUTY CITY CLERK

*Sheri A. Petronio*  
Assistant Clerk