

**TOWN COUNCIL SPECIAL MEETING - MONDAY EVENING
JUNE 10, 2013**

PRESENT: Parella, Herreshoff, Calouro, Stuart, and Sweeney

ALSO PRESENT: Antonio A. Teixeira, Town Administrator
James Galuska, Director of Public Works

The Council met in special session on Monday, evening, June 10, 2013 in the Town Hall, Council Chambers, beginning at 7:02 o'clock PM, Council Chairman Parella presiding:

1. Engineering/Planning - Tanyard Brook Phase II and Phase III
 - a. Michael E. Grilli, P.E., Beta Group, Inc. to Town Administrator Teixeira re Final Design for Tanyard Brook Replacement Phase II (proposed agreement attached)

Calouro/Herreshoff - Voted
unanimously to approve the fee for
Phase II and the Scope of Services
as submitted in the amount of
\$432,600.

Prior to the vote taken, Mr. Grilli reported that the project is 99% complete and that the project will be completed below the bid price.

Mr. Grilli also reported that there has been conceptual planning regarding future Tanyard Brook work and that there will be a significant cost to complete this work. He added that BETA envisioned three (3) phases for the Tanyard Brook and that Phase II will include the culvert and Phase III will include the State Street Reservoir.

Mr. Grilli reported that he has reviewed the project with the Town Administrator and that there is a recommendation to proceed, beginning with several workshops to review the GIS photography and that a detail survey of the existing culvert is needed.

He added that this survey is budgeted and that this will be necessary to proceed toward biddable documents.

Mr. Grilli informed the Council that some borings are already done and additional borings will be required. He added that most of the permitting is complete but that additional permitting is required.

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Mr. Grilli noted that Kevin Aguiar is the person most familiar with the details and that the fees will be 1.7% because of economies of scale and the fact that much of the permitting is already complete.

Mr. Grilli reported that there was an urgent requirement to begin work since it is better to complete the work necessary during daylight hours and that he wished to complete the field work during optimal conditions. He added that he plans to bid the project so that it may be acted upon during the next construction season.

Councilman Sweeney asked to know the plan for communicating with the abutters with Mr. Grilli reporting that there are approximately forty (40) properties abutting the culvert.

Mr. Aguiar noted that these abutters will be invited to a workshop.

Council Chairman Parella asked to know if the property owners will receive notice with Mr. Aguiar explaining that the property owners must be contacted personally so that they may sign off. He added that it is important to speak to the property owners.

Council Chairman Parella asked to know if property owners will be individually invited to attend the group workshop with Mr. Aguiar responding that they would be invited. He added that it will be necessary to obtain anecdotal information from the property owners also.

Council Chairman Parella noted that the Town anticipates that fences, garages, etc., must be returned to "pristine" condition before the project is considered as complete.

Mr. Aguiar noted that these requirements must be included in the plan document and that there is an allowance for survey and easement work in the budget.

Council Chairman Parella asked to know the number of property owners impacted during the first phase with Mr. Aguiar responding that there were five (5) property owners.

Mr. Grilli repeated that there are forty (40) property owners impacted by Phase II. He added that BETA historically took care of every issue and that there is a budget for the "human relations" portion of the project. He added that BETA will aid Director of Community

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Development Williamson and Town Administrator Teixeira during the project and that this is part of their (BETA's) responsibility.

Mr. Grilli explained that the budget includes consideration of the reservoir but that this work can be deleted if necessary in order to have the job "shovel-ready" and also that reservoir permitting may complicate the permitting process.

Council Chairman Parella emphasized that most of Phase I work was completed with grant funding and that these grants allowed that there would be funds available for Phase II. Council Chairman Parella added that at the meeting with Senator Reed held in February or March, the Senator made the point that projects "ready to go" can be often the beneficiary of additional grant funding.

Mr. Grilli responded that Senator Reed has been "heroic" about obtaining grant funding for Rhode Island projects.

Councilman Stuart asked if the Town will need forty (40) easements for the (40) abutting property owners with Mr. Aguiar responding that this may be the case. Mr. Grilli commented that this will be determined by the planned, more-detailed survey.

Council Chairman Parella asked to know the level of improvement in the flooding situation anticipated with Mr. Grilli responding that he anticipates an overall "striking" improvement.

Councilman Stuart asked to know if a different type of structure (as compared to the lower portion of the brook) was contemplated with Mr. Grilli noting that he anticipates building a shallower culvert.

Mr. Aguiar noted that there was a considerable difficulty in the relocation of sewer lines in Phase I. He noted that there are several sewer crossings anticipated in Phase II and also some gas line considerations.

Council Chairman Parella asked to know if everything will be repaired while the trench is open with Mr. Aguiar responding that this would be ideally completed at that time.

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Councilman Stuart asked about permits with Mr. Aguiar responding that the wetland permitting is complete and that the only other permits were for the portion of the project dealing with the State Street Reservoir which will need wetland permits and that BETA will work with RIDEM to determine what might be required for compliance. He added that there may be a different "enhancement" mechanism and perhaps there will be a trade-off for another water-quality component project in another area of Town.

Councilman Stuart asked to know about the borings with Mr. Aguiar explaining that borings were completed in 2001. Mr. Grilli explained the purpose of the borings to Councilman Sweeney.

Councilman Stuart asked to know if construction management is included in the budget with Mr. Grilli explaining that this is not included. He added that the contract will be amended once the scale and scope of the project is known.

Councilman Herreshoff stated that the project has been pending for many years and that he was "delighted" by Phase I. He noted that the original memorandum suggested that the project may be bid in January and asked to know if January was still a viable time-frame.

Mr. Grilli noted that January remains as the target date for bidding.

Councilman Herreshoff noted that a January bid date would assume that the contractor would be selected by March and that the project would "get going."

He added that the most difficult portion of the project appears to be the addressing of neighbor/abutter concerns and that he hoped that Town Administrator Teixeira would be helping with the neighbors.

He also added that it would be useful to make "a strong case" with Senators Reed and Whitehouse for grant funding.

Councilman Herreshoff added his thoughts that the reservoir may be doubled in size to create a "marshaling area" to hold storm water for eventual release into the culvert. He also added that it would be advantageous to complete the project during 2014.

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Council Chairman Parella asked for an update on the State Street Reservoir.

Mr. Aguiar provided a plan of the reservoir and an aerial view of the project area. He noted that during 2002, BETA examined a "slew" of alternatives. He explained that the watershed runs from east of Franklin Street and that it (the reservoir) is undersized for the amount of water it potentially handles.

Mr. Aguiar noted that Planning Board action in the Franklin Street area (retention ponds, etc.) has mitigated the amount of storm flow heading toward the State Street Reservoir. He also explained that the sluice gate was retrofitted in the 1980s.

Mr. Aguiar explained that he initially considered adding additional volume to the reservoir and will look at having a "dry basin" which may drain in 48-72 hours after a storm event.

A discussion ensued regarding previous Council discussions about having a "storm water utility."

Council Chairman Parella asked to know if it would be important to complete Phase II and Phase III together with Mr. Aguiar explaining that there are definitely economies of scale to consider and that he examined the possibility of obtaining a DEM grant for the design of Phase III.

Councilman Sweeney asked to know the anticipated depth of the culvert (Phase II).

Mr. Aguiar noted that the size will vary.

Councilman Sweeney asked to know if the Phase II project will resolve storm events with Mr. Aguiar reporting that this will depend upon the severity and duration of the storm and the time of year.

Councilman Sweeney asked to know the intended result with Mr. Aguiar noting that the plan is to resolve a ten (10) year storm.

Mr. Grilli added that the Town may anticipate a marked improvement over present storm conditions and that the reservoir will "take the steam" from a storm.

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Council Chairman Parella stated that it appears to be sensible to design the project and determine what may be possible. She added that the design will likely help in discovering problems and opportunities. She asked to know how much larger the reservoir may become.

Mr. Aguiar stated that it may be possible to double the size of the reservoir.

Council Chairman Parella asked to know if the reservoir would be made deeper with Mr. Aguiar explaining that this would depend upon the ultimate slope of the pipe.

Councilman Calouro asked to know what was found when the borings were made in 2001 with Mr. Aguiar responding that there is a belief that there are heavy metals present in the soil under the water in the reservoir. He added that dredging the reservoir would carry a significant cost.

Mr. Grilli reported that disposal of soils contaminated with heavy metals is four to five (4-5) times the cost of ordinary disposal.

Councilman Calouro asked to know if this might qualify for brown field funding with Mr. Aguiar agreeing to examine this possibility.

Councilman Herreshoff suggested it may be easier to leave the existing reservoir alone and add another adjacent retention pond.

Mr. Aguiar agreed with Councilman Herreshoff and added that there would also be a consideration to deal with the rock found adjacent to the water in the reservoir.

Councilman Herreshoff repeated his suggestion to leave the current reservoir alone.

Council Chairman Parella noted that former Town Administrator Parella maintained that same posture on the reservoir.

Councilman Stuart asked to know what might be found if the area is expanded with Mr. Aguiar reporting that the planned area for expansion, if necessary, would be to the south and east of the reservoir and that this area was not part of the original flow plan for the brook.

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A discussion ensued regarding the flow of water and the volume of the reservoir and the sources of the water.

Council Chairman Parella noted the development along Franklin Street with Mr. Aguiar noting that these developments seem to have helped control approximately fifty percent (50%) of the water. He added that a report on this exists.

Councilman Calouro noted the potential of forty (40) culvert easements and posed the question as to what would happen if five (5) of these would refuse to cooperate.

Mr. Aguiar noted that eminent domain would be a last resort.

Mr. Grilli explained that a goal of the design is to limit disturbance to private property.

Mr. Aguiar added that the Town would be looking for a "proscriptive" easement.

Councilman Calouro observed that the cost of the design was significant and asked to know why the Town would not seek bids for same and get a "second opinion."

Mr. Grilli explained that \$300,000 is an incrementally small portion and that BETA is already familiar with all of the component parts of the project and that its relationship with the project is in its second decade. He added that the construction will cost \$ millions and that Phase I has a credit.

Councilman Stuart asked to know about the fees for Phase I with Mr. Aguiar responding that the design fee was \$161,000 and the construction management fee was \$142,000.

Councilman Calouro asked to know why the Town should choose BETA with Director of Community Development Williamson explaining that BETA is familiar with the project area. She added that feedback about BETA has been very positive.

Mr. Aguiar explained that he has been involved with the Tanyard Brook since "almost the beginning" and has first-hand knowledge of the problems, etc., since 1998 when he did the original modeling. He added that he lives in Portsmouth and visits the culvert regularly to examine its

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workings and that he is experienced and knows what to expect.

Mr. Aguiar also added that BETA brings "value added" experience since it is familiar with the sewer lines and that this is a consideration when dealing with the culvert project and its relation to the sewer lines.

After the vote taken, Council Chairman Parella asked Mr. Aguiar to arrange more than one meeting for the neighbors since there will likely be vacation considerations during the summer time.

Councilman Calouro asked BETA to commit to an "extra effort" with telephone calls, etc., to assure adequate neighbor participation.

Mr. Aguiar noted that it will be in the Town's and BETA's best interest to get as much neighbor participation as possible.

Town Administrator Teixeira noted an "update" on the Town sidewalk project near Wood and Union Streets and that a prefabricated piece was needed for the area near Harker Avenue and Wood Street.

Town Administrator Teixeira added that one side of Union Street is complete.

ADD ITEM

2. Additional Assistant and Auxiliary Harbormasters

Calouro/Stuart - Voted unanimously
to add an agenda item to discuss
Assistant/Auxiliary Harbormasters.

It was agreed, by consensus, that the Council may have a meeting on this topic to be posted by the Clerk for June 18, 2013 if this is found to be necessary.

Prior to the vote taken, Town Administrator Teixeira reported that the Harbor Department was "running tight" and that additional Assistant and Auxiliary Harbormasters might be needed.

There being no further business, upon a motion by Councilman Calouro, seconded by Councilman Herreshoff and

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voted unanimously, the Chairman declared this meeting to be adjourned at 8:46 o'clock PM.

Louis P. Cirillo, CMC
Council Clerk