

DEPARTMENT OF CITY CLERK

CITY HALL

APRIL 23, 2003

The Committee on Claims and Pending Suits meets this day at 5:00 o'clock P.M. in the Conference Room, Third Floor, City Hall.

PRESENT: Chairman Peter S. Mancini, Councilman Patrick K. Butler and Councilman Terrence M. Hassett – 3.

ABSENT: Vice-Chairman John J. Iglizzi and Councilman Ronald W. Allen – 2.

Also present are Kenneth Chiavarini, Assistant City Solicitor, Law Department; Alan Kornstein, Assistant City Solicitor, Law Department; Fernando Cunha, Legal Counsel, Water Supply Board; Ernie Rowe, Water Supply Board; Anna M. Stetson, Second Deputy City Clerk and Lori L. Hagen, Assistant Clerk.

COUNCILMAN BUTLER: Mr. Chair, I make a motion to go into Executive Session pursuant 42-46-5 (a) (2).

COUNCILMAN HASSETT: Second.

On motion of Councilman Butler, Seconded by Councilman Hassett, it is voted to enter into Executive Session pursuant to Rhode Island General Law 42-46-5 (2) (a), by the following Roll Call Vote:

Roll Call:

Chairman Mancini – Aye.
Vice-Chairman Iglizzi – Absent.
Councilman Allen – Absent.
Councilman Butler – Aye.
Councilman Hassett – Aye.

EXECUTIVE SESSION

RECONVENTION

On motion of Councilman Butler, Seconded by Councilman Hassett, it is voted to reconvene into Open Session, by the following Roll Call Vote:

Roll Call:

Chairman Mancini – Aye.
Vice-Chairman Igliazzi – Absent.
Councilman Allen – Absent.
Councilman Butler – Aye.
Councilman Hassett – Aye.

COUNCILMAN BUTLER: Mr. Chair I make a motion to seal the records of the Executive Session.

CHAIRMAN MANCINI: Second?

COUNCILMAN HASSETT: Second.

On motion of Councilman Butler, Seconded by Councilman Hassett, it is voted to Seal the Minutes of the Executive Session.

CHAIRMAN MANCINI: All in favor.

COMMITTEE: Ayes.

CHAIRMAN MANCINI: All opposed? Motion carries.

COUNCILMAN BUTLER: Mr. Chair, I'm going to make several motions to pay up to dollar amounts that we discussed in Executive Session. I'll be giving the numbers and the dollar amounts will be what the Clerk has from Executive Session.

DENISE COLEMAN, 9 Maria Circle, Johnston, RI 02919, 03-229.
Compensation for damages sustained on March 10, 2003, whereby water leaked in petitioner's basement at One Mercy Street after the installation of a new water meter.

New England Carpet

\$91.00

KATHLEEN FITZGERALD (Joseph S. Votta, Jr., Esquire), 900 Smith Street, Providence, RI 02908, 96-404. Compensation for injuries sustained on August 21, 1996, whereby petitioner fell into an open manhole on Dudley Street, which was allegedly the responsibility of the Water Supply Board. (Denied November 20, 1996)

GEICO a/s/o TINA KHAMVONGSA, 750 Woodbury Road, Woodbury, NY 11797, 03-115. Compensation for damages sustained on January 27, 2003, whereby petitioner was involved in an accident with a Water Supply Board vehicle.

Claim \$2,430.04

GEORGE GEORGANTIS (Donald A. Woodbine, Esquire), 750 East Avenue, Providence, RI 02940, 96-463. Compensation for injuries sustained on August 9, 1996, whereby petitioner fell while riding his bike on Water Supply Board property abutting 2010 Cranston Street. (Denied December 19, 1996)

THOMAS MERRIGAN, JR. (Thomas R. DeSimone, Esquire), 735 Smith Street, Providence, RI 02908, 01-151. Compensation for injuries sustained on May 5, 2001, whereby petitioner slipped and fell into an open hole while jogging in front of 37 Flora Street. (Continued November 14, 2001; Denied December 12, 2001)

Claim \$21,500.00

PRUDENTIAL INSURANCE a/s/o JOSEPH QUINN, P.O. Box 5001, Westboro, MA 01581, 03-82. Compensation for damages sustained on August 12, 2002, whereby petitioner was involved in an accident with a Water Supply Board vehicle.

QUINCY MUTUAL FIRE INSURANCE COMPANY a/s/o INGE LOLLI, 7 Washington Street, Quincy, MA 02169, 02-238. Compensation for damages sustained on January 24, 2003, whereby a water pipe outside petitioner's home at 127 Standish Avenue broke causing water damage inside petitioner's home.

Claim \$3,251.83

R. ZOPPO CORP., 160 Old Maple Street, Stoughton, MA 02072, 03-133. Compensation for damages sustained on January 17, 2003, whereby the gates at the Water Supply Board Treatment Plant closed while petitioner was driving through them.

Brilliance Auto Body, Inc.	\$1,772.92
Leland & Visnick Company, Inc.	\$1,504.75

IAN CLEMMY, 45 Hillside Avenue, Providence, RI 02906, 03-42. Compensation for damage sustained on January 6, 2003, whereby petitioner struck a pothole on Blackstone Boulevard.

Pep Boys	\$69.46
Firestone Tire & Service Centers	\$180.13

RYAN HUGHES, 20 Catherine Drive, North Kingstown, RI 02852, 03-95. Compensation for damages sustained on February 9, 2003, whereby petitioner hit a pothole on Waterman Avenue.

Engel Tire	\$753.00
Speedy Auto Service	\$1,455.62

JOSETTE LATALLADI, 91 Daniels Street, Pawtucket, RI 02860, 03-117. Compensation for damages sustained on February 24, 2003, whereby petitioner hit a pothole on West River Street.

Speedy	\$325.69
Coletta's Garage	<u>\$ 45.00</u>
	\$370.69 total

MARK J. LOISELLE, 36 Gateway Court, Warwick, RI 02889, 03-125. Compensation for damages sustained on February 24, 2003, whereby petitioner hit a large pothole on Whipple Street.

Fox Toyota	\$158.72
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ANN L. LOMBARDO, 18 East Transit Street, Providence, RI 02906, 03-175. Compensation for damages sustained on March 3, 2003, whereby petitioner hit a pothole on Wickenden Street.

Ocean State Nissan	\$89.18
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DENNIS MEDVETSKY, 10 Maplehurst Street, Lincoln, RI 02865, 03-99. Compensation for damages sustained on February 8, 2003, whereby petitioner hit a pothole at the intersection of Waterman and North Main Streets.

MARGARET K. MILLER, 27 Bowen Street, Cranston, RI 02905, 03-44. Compensation for damages sustained on January 7, 2003, whereby petitioner struck a pothole on Eddy Street.

Carworks	\$111.54
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LANCE POWERS, 72 French Street, Pawtucket, RI 02860, 03-83. Compensation for damages sustained on January 30, 2003, whereby petitioner hit a pothole on Whipple Street.

Firestone Tire & Service Centers	\$622.67
Midas	\$632.47

RICHMOND SAND & GRAVEL, INC., P.O. Box 389, Stilson Road, Wyoming, RI 02898, 03-111. Compensation for damages sustained on February 3, 2003, whereby petitioner was involved in an accident with a Public Works vehicle.

Bay State Truck & Trailer	\$1,459.11
Ed Mezz Welding Co., Inc.	\$1,650.00

PAULA SAMOS, 120 Aberdeen Avenue, Warwick, RI 02888, 03-22. Compensation for damages sustained on January 2, 2003, whereby petitioner hit a pothole on Eddy Street.

DORABELLE SMITH, 10 Walter Drive, Apt. 1U, North Kingstown, RI 02852, 03-4. Compensation for injuries sustained on December 12, 2002, whereby petitioner tripped and fell on the sidewalk in front of Veterans Memorial Auditorium.

CHARLES E. TEASLEY, JR., 17 Middlebrook Drive, Springfield, MA 01129, 03-7. Compensation for damages sustained on December 28, 2002, whereby petitioner hit a pothole on Prairie Avenue.

**KIERA TERRELL, 10-B Squire Lane, Riverside, RI 02915, 03-49.
Compensation for damages sustained on January 11, 2003, whereby
petitioner ran over a pothole on Park Street.**

**MARY VICAN, 75 Oaklawn Avenue, #312, Cranston, RI 02920, 03-123.
Compensation for damages sustained on February 22, 2003, whereby
petitioner hit a deep pothole on Thurbers and Allens Avenues.**

Midas Auto Service Experts	\$238.46
Tasca	\$205.83

**HENRY J. LABONTE III, 17 Winfield Road, Johnston, RI 02919, 03-191. Compensation for damages sustained on March 6, 2003, whereby
petitioner's parked vehicle was struck by a Parks Department vehicle.**

New Century Auto Body, Inc.	\$2,562.05
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**PHH ARVAL, P.O. Box 2174, Baltimore, MD 21203-2174, 02-268.
Compensation for damages sustained on August 6, 2002, whereby
petitioner was involved in an accident with a Parks Department vehicle.
(Denied March 19, 2003)**

Claim	\$819.64
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**LAWRENCE B. ZEVON, 253 Orchard Woods Drive, Saunderstown,
RI 02874, 02-256. Compensation for damages sustained on May 15,
2002, whereby petitioner's vehicle was struck by a tree that was sticking
out of a City truck as it drove by.**

Standard Glass Co.	\$307.88
Global Glass	\$300.00

**AMERICAN COMMERCE INSURANCE COMPANY a/s/o MYLAN
FINDLAY, 11 Gore Road, Webster, MA 01570, 03-221. Compensation
for damages sustained on September 6, 2001, whereby petitioner was
involved in an accident with a Police vehicle.**

Claim	\$6,207.73
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**E'ZEE CAR RENTAL, 750 Taunton Avenue, East Providence, RI
02914, 03-38. Reimbursement for storage fees paid, whereby the
Providence Police Department requested possession of a vehicle they
said was involved in a hit and run investigation, and the petitioner had
to pay storage fees to retrieve the vehicle.**

Claim	\$96.00
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SARAH CLARK PAGE, 298 Lantern Hill Road, Mystic, CT 06355, 02-316. Compensation for damages sustained on August 31, 2002, whereby petitioner was involved in an accident with a Police vehicle.

Secor Subaru	\$1,273.64
GEICO	\$1,273.64

HERMAN B. BREWSTER, 146 4th Street, Providence, RI 02906, 02-275. Compensation for damages sustained on September 24, 2002, whereby the windshield of petitioner's vehicle was broken while parked in the Hope High School teacher's parking lot.

Standard Glass	\$223.35
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DAMIAN & WALTER BURKE (Christopher E. Fay, Esquire) vs. the CITY of PROVIDENCE, 96-302. Compensation for injuries and damages sustained on April 1, 1996, whereby petitioner was involved in an accident at the intersection of Fuller Street and Warren Avenue, allegedly due to a missing stop sign.

Claim	\$108,000.00
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MARIA ESPINAL p.p.a. WILLARDO ESPINAL (Christopher E. Fay, Esquire) vs. the CITY of PROVIDENCE, 96-305. Compensation for injuries and damages sustained on April 1, 1996, whereby petitioner was a passenger in a vehicle that was involved in an accident at the intersection of Fuller Street and Warren Avenue, allegedly due to a missing stop sign.

Claim	\$100,000.00
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LAURA MEINEL vs. the CITY of PROVIDENCE.

ANGELA MUNIR p.p.a. JUSUF BERRYMAN (Christopher E. Fay, Esquire) vs. the CITY of PROVIDENCE, 96-303. Compensation for injuries and damages sustained on April 1, 1996, whereby petitioner was a passenger in a vehicle that was involved in an accident at the intersection of Fuller Street and Warren Avenue, allegedly due to a missing stop sign.

Claim	\$100,000.00
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**LUZ VIROLA p.p.a. JAVIER VIROLA (Christopher E. Fay, Esquire)
vs. the CITY of PROVIDENCE, 96-304. Compensation for injuries and
damages sustained on April 1, 1996, whereby petitioner was a passenger
in a vehicle that was involved in an accident at the intersection of Fuller
Street and Warren Avenue, allegedly due to a missing stop sign.**

Claim **\$100,000.00**

**RAMOND VIROLA (Christopher E. Fay, Esquire) vs. the CITY of
PROVIDENCE, 96-306. Compensation for injuries and damages
sustained on April 1, 1996, whereby petitioner was a passenger in a
vehicle that was involved in an accident at the intersection of Fuller
Street and Warren Avenue, allegedly due to a missing stop sign.**

Claim **\$100,000.00**

COUNCILMAN BUTLER: I make a motion to approve.

CHAIRMAN MANCINI: A motion has been made to approve several
agenda items.

COUNCILMAN HASSETT: Second.

On motion of Councilman Butler, Seconded by Councilman Hassett, it is
voted to approve the forgoing matters for up to the dollar amounts discussed in
Executive Session, based upon the recommendation of the Law Department.

CHAIRMAN MANCINI: Motion has been made and seconded, all those in
favor.

COMMITTEE: Ayes.

CHAIRMAN MANCINI: Opposed? The "Ayes" have it.

**JOHN GREWER, 81R Benefit Street, Providence, RI 02904, 02-298.
Compensation for damages sustained on September 17, 2002, whereby a
water leak occurred in petitioner's driveway, allegedly from a Water
Supply Board pipe. (Continued December 18, 2002; Continued March
19, 2003)**

Claim **\$9,780.00**

**RAFEL ROSA, P.O. Box 25203, Providence, RI 02905, 02-265.
Reimbursement for monies paid by petitioner to redeem his property,
who alleges the payments were not applied correctly. (Continued March
19, 2003)**

Claim **\$3,107.99**

April 23, 2003

VICTORIA E. BENNETT, 455 Sharon Street, Providence, RI 02908, 99-218. Compensation for damages sustained, whereby soil erosion occurred as the result of the installation of a sidewalk in front of petitioner's home, thus requiring petitioner to install a retaining wall, which was supposed to have been done by the contractor. (Continued September 25, 2002; Continued November 20, 2002; Continued December 18, 2002; Continued February 12, 2003; Continued March 19, 2003)

Bernard Tesoniero

\$2,300.00

JENNY DICKINSON, 35 Arthur Avenue, Apt. 35, East Providence, RI 02914, 02-297. Compensation for damages sustained on July 30, 2002, whereby petitioner was involved in an accident with a Public Works vehicle.

PAMELA MATTHEWS, 27 Laura Street, Providence, RI 02907, 03-64. Compensation for damages sustained on January 14, 2003, whereby petitioner hit a pothole at the intersection of Globe and Eddy Streets. (Continued March 19, 2003)

Paul Bailey's Auto Body

\$5,732.23

AMICA MUTUAL INSURANCE COMPANY a/s/o DANE SHILLAN, P.O. Box 529, East Taunton, MA 02718, 02-156. Compensation for damages sustained on April 30, 2002, whereby petitioner's parked vehicle was struck by a Parks Department vehicle. (Continued November 20, 2002; Continued December 18, 2002; Continued February 12, 2003; Continued March 19, 2003)

Claim

\$3,675.00

HANOVER INSURANCE a/s/o CAROLE RICO, 100 North Parkway, Worcester, MA 01615, 02-247. Compensation for damages sustained on May 22, 2002, whereby a Police vehicle drove off the roadway onto petitioner's property. (Continued November 20, 2002; Continued December 18, 2002; Continued February 12, 2003; Continued March 19, 2003)

BRUCE MARTIN p.p.a. BILLY RAY MARTIN (Clare T. Jabour, Esquire), 151 Broadway, Providence, RI 02903, 02-313. Compensation for injuries sustained on September 26, 2002, whereby petitioner was allegedly attacked and assaulted by a classmate at the Carl G. Lauro Memorial School.

CHARLES I. ANAM (Kenneth J. Macksoud, Esquire) vs. the CITY of PROVIDENCE, 00-179. Compensation for injuries and damages sustained on May 14, 2000, whereby petitioner was involved in an accident with a Providence Police vehicle at the intersection of Elmwood Avenue and Potters Avenue. (Denied August 2, 2000)

FRANCISCO ARACENA & ROBERTO CASTELLANOS (Paul V. Jabour, Esquire) vs. the CITY OF PROVIDENCE, 00-373. Compensation for injuries and damages sustained on December 4, 2000, whereby petitioners were involved in an accident with a Traffic Engineering vehicle. (Continued March 19, 2003)

HELENA COFFEY vs. the CITY of PROVIDENCE, 00-132. Compensation for damages sustained on March 18, 2000, whereby petitioner was involved in an accident with a Police vehicle on Harold Street. (Denied November 8, 2000)

Exclusive Auto Body	\$827.90
G & R Auto Body	\$885.03

SABRINA LUNA (Nicholas A. Mattiello, Esquire) vs. the CITY of PROVIDENCE, 99-52. Compensation for injuries sustained on December 18, 1998, whereby petitioner was involved in an accident at the intersection of Dexter and Cranston Streets with a Police vehicle driven by Officer Shawn Moffett. (Denied October 13, 1999; Continued March 19, 2003)

LUIS ROCA (Christopher E. Fay, Esquire) vs. the CITY of PROVIDENCE, 00-175. Compensation for injuries and damages sustained on May 19, 2000, whereby petitioner was involved in an accident with a Parks Department vehicle. (Denied April 25, 2001; Continued December 18, 2002; Continued February 12, 2003; Continued March 19, 2003)

LUIS ROCA (Joseph P. Marasco, Esquire) vs. the CITY of PROVIDENCE, 00-277. Compensation for damages sustained on May 19, 2000, whereby petitioner was involved in an accident on Route 10 with a Parks Department vehicle driven by Andres Lapaz. (Continued December 18, 2002; Continued February 12, 2003; Continued March 19, 2003)

JEFFREY SILVA (V. Edward Formisano, Esquire) vs. the CITY of PROVIDENCE, 01-316. Compensation for injuries and damages sustained on December 10, 2000, whereby petitioner alleges unnecessary and excessive force by the Providence Police Department.

Claim	\$500,000.00
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COUNCILMAN BUTLER: Mr. Chair, I make a motion to continue.

COUNCILMAN HASSETT: Second.

On motion of Councilman Butler, Seconded by Councilman Hassett, it is voted to continue the foregoing matters.

CHAIRMAN MANCINI: Motion has been made and seconded to continue several items, all those in favor.

COMMITTEE: Ayes.

CHAIRMAN MANCINI: Opposed? The "Ayes" have it.

JOSEPH QUINN (James V. Burchfield, Jr., Esquire), 728 Valley Street, Providence, RI 02908, 02-227. Compensation for injuries and damages sustained on August 12, 2002, whereby petitioner was involved in an accident with a Water Supply Board vehicle. (Settled up to an amount March 19, 2003)

Claim	\$51,364.99
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COUNCILMAN BUTLER: Mr. Chair, I make a motion to rescind the approval and continue.

COUNCILMAN HASSETT: Second.

On motion of Councilman Butler, Seconded by Councilman Hassett, it is voted to rescind the previous approval and continue the foregoing matter.

CHAIRMAN MANCINI: All those in favor.

COMMITTEE: Ayes.

CHAIRMAN MANCINI: Opposed? The "Ayes" have it.

JOSEPH SAURINO, 168 Allston Street, Providence, RI 02908, 03-155. Compensation for damages sustained on January 16, 2003, whereby roots from a City tree clogged petitioner's sewer line causing a back up into petitioner's home.

COUNCILMAN BUTLER: Mr. Chair, I make a motion to deny

COUNCILMAN HASSETT: Second.

On motion of Councilman Butler, Seconded by Councilman Hassett, it is voted to deny the foregoing matter based upon the recommendation of the Law Department.

CHAIRMAN MANCINI: Motion has been made and seconded to deny, all those in favor.

COMMITTEE: Ayes.

CHAIRMAN MANCINI: Opposed? The "Ayes" have it.

FRANCIS & ROSEANN BROTHERS, 77 Lynde Street, Providence, RI 02908, 99-284. Compensation for damages sustained on August 26, 1999, whereby petitioner's basement, garage and daughter's car was flooded with at least two feet of water during a rain storm, due to the storm drains being unable to accept the large amounts of water. (Continued from November 17, 1999; Continued from January 12, 2000; Settled up to an amount January 18, 2000)

Classic Carpet & Upholster Care, Inc.	\$1,805.00
New York Carpet World	\$1,571.15
Georgia Carpet Outlet	\$1,278.96
Value of damaged items	\$2,000.00

MARJORIE A. BUCCI, 58 Prudence Avenue, Providence, RI 02909, 99-309. Compensation for damages sustained on August 26, 1999, whereby petitioner's basement was damaged when raw sewage and water backed up into the basement during a heavy rainstorm. (Continued from November 17, 1999; Continued from January 12, 2000; Settled up to an amount January 18, 2000)

Claim	\$5,039.91
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FRANK A. CICCONE, 15 Mercy Street, Providence, RI 02909, 99-325. Compensation for damages sustained on August 26, 1999, whereby blocked sewers caused water to back up into petitioner's basement toilet, causing damage to petitioner's home. (Continued from January 12, 2000; Settled January 18, 2000)

Pullano Interiors	\$868.84
Clean Care of New England	\$600.00

HUGH & DONNA CLEMENTS, 175 Lawn Street, Providence, RI 02908, 99-321. Compensation for damages sustained on August 26, 1999, whereby petitioner's home sustained structural damage and items were damaged or destroyed due to a severe rainstorm that caused the city sewers to stop up and flood petitioner's basement with three feet of water and sewage. (Denied November 17, 1999; Continued from January 12, 2000; Continued January 19, 2000; Continued February 9, 2000; Continued March 8, 2000; Settled up to an amount April 19, 2000)

HOWARD O., NANCY & ERICA MYERS and MARIAN BAILEY (Thomas C. Plunkett, Esquire), 91 Friendship Street, Providence, RI 02903, 99-259. Compensation for damages sustained on August 26, 1999, whereby petitioner's basement was filled with water due to poor drainage on neighboring streets. (Continued from October 13, 1999; Settled up to an amount November 17, 1999; Settled up to an amount January 18, 2000)

Claim	\$100,000.00
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ANGELO P. MICCOLI, 84 Lynde Street, Providence, RI 02908, 99-294. Compensation for damages sustained on August 26, 1999, whereby petitioner's garage was flooded with four inches of water during a rainstorm, allegedly due to the inadequate drainage system. (Settled up to an amount January 18, 2000)

Classic Carpet & Upholstery Care, Inc.	\$370.00
Ray's Ultimate Hockey and Sports	\$196.84

ERIN W. NOCERA, 55 Leslie Drive, Providence, RI 02908, 99-260. Compensation for damages sustained on August 26, 1999, whereby petitioner's home suffered damage when water flooded the basement due to the lack of drainage on Mt. Pleasant Avenue and Leslie Drive. (Continued from October 13, 1999; Continued from November 17, 1999; Continued from January 12, 2000; Settled up to an amount January 18, 2003)

COUNCILMAN BUTLER: Mr. Chair, I'd like to thank this Committee and the Solicitor's for these items, this Committee approximately two years ago, more than two years ago approved those agenda items that residents of the City had put in claims for because of not taking proper maintenance of catch basins and storm drains. Quite a few people had problems in the – in their homes were flooded out

due to not have the proper maintenance. This Committee approved those agenda items and the previous administration denied them. Fortunately for one of the people, he's gone to suit and the City finally agreed to reach a settlement. That one individual's persistence to keep his fight going because he lost his life's savings, you know, he helped out seven or eight other individuals who lost. So, again, I'd like to thank this Committee, the Solicitor's Office and the Chair for continuing to support the people of the City of Providence.

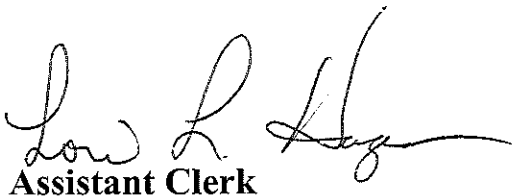
COUNCILMAN HASSETT: Yes.

CHAIRMAN MANCINI: We're going to send a letter to them. We're going to do a letter. Okay.

ADJOURNMENT: On motion of Councilman Butler, Seconded by Councilman Hassett, it is voted to adjourn the meeting at 5:50 o'clock P.M.



Second Deputy City Clerk



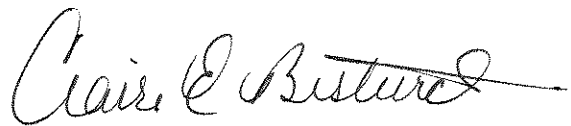
Assistant Clerk

DEPARTMENT OF CITY CLERK

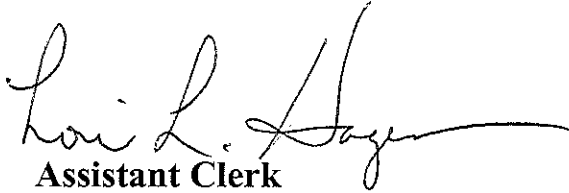
CITY HALL

MAY 21, 2003

Due to the lack of a quorum, the Committee on Claims and Pending Suits, scheduled to meet this day at 5:00 o'clock P.M., in The Conference Room, Third Floor, City Hall, has been cancelled. This meeting has been rescheduled to Wednesday, May 28, 2003.



First Deputy City Clerk



Assistant Clerk