

DEPARTMENT OF CITY CLERK

CITY HALL

JULY 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. Igliazzi and Councilman Ronald W. Allen – 2.

Also present are Kenneth Chiavarini, Assistant City Solicitor, Law Department; Alan Kornstein, Assistant City Solicitor, Law Department; Sara Rapport, Senior Assistant City Solicitor, Law Department; George Rinaldi, Esquire; Ernie Rowe, Water Supply Board; Michael R. Clement, City Clerk and Lori L. Hagen, Assistant Clerk.

COUNCILMAN BUTLER: Mr. Chair, I make a motion to go into Executive Session pursuant section 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 Igliazzi – 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.

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: Motion has been made and seconded to seal the records, all in favor.

COMMITTEE: Ayes.

CHAIRMAN MANCINI: All 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; Continued April 23, 2003; Continued May 28, 2003; June 25, 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; Continued April 23, 2003; Continued May 28, 2003; Continued June 25, 2003)

**Claim** **\$3,107.99**

**VICTORIA E. BENNETT, 455 Sharon Street, Providence, RI 02908, 99-218.** Compensation for damages sustained, whereby soil erosion

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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; Continued April 23, 2003; Continued May 28, 2003; Continued June 25, 2003)

Bernard Tesoniero \$2,300.00

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; Continued April 23, 2003; Continued May 28, 2003; Continued June 25, 2003)

Paul Bailey's Auto Body \$5,732.23

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; Continued April 23, 2003; Continued May 28, 2003; Continued June 15, 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. (Continued April 23, 2003; Continued May 28, 2003; Continued June 25, 2003)

PAUL DELMATIO (Charles Greenwood, Esquire) vs. the CITY of PROVIDENCE, 00-287. Compensation for injuries and damages sustained on May 19, 2000, whereby petitioner was involved in an accident on Route 10 with a Parks Department vehicle driven by Andre Lapaz. (Denied November 29, 2000; Continued May 28, 2003; Continued June 25, 2003)

JOAN L. DUTT (Justin T. Shay, Esquire) vs. the CITY of PROVIDENCE, 97-361. Compensation for injuries sustained on September 18, 1997, whereby petitioner fell allegedly due to a defective sidewalk located on the west side of North Main Street at the intersection of Blair Lane. (Continued May 28, 2003; Continued June 25, 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; Continued April 23, 2003; Continued May 28, 2003; Continued June 25, 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; Continued April 23, 2003; Continued May 28, 2003; Continued June 25, 2003)

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

CHAIRMAN MANCINI: Motion has been made.

COUNCILMAN HASSETT: Second.

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

CHAIRMAN MANCINI: All those in favor.

COMMITTEE: Ayes.

CHAIRMAN MANCINI: The "Ayes" have it.

**JORGE E. ALBINA, M.D., 21 Laurel Court, Providence, RI 02906, 03-143.** Compensation for damages sustained on March 3, 2003, whereby petitioner hit a very large pothole on Eddy Street.

**Wigwam, Inc. \$430.34**

**JANICE E. BLAIS, 300 Front Street, Unit 306, Pawtucket, RI 02860, 03-245.** Compensation for damages sustained on April 4, 2003, whereby petitioner hit a pothole at Eddy Street and Allens Avenue.

**Crown Collision Center, Inc. \$593.61**  
**Tasca \$432.59**

**MATTHEW T. BRANNIGAN, 35 Tipping Rock Drive, East Greenwich, RI 02818, 03-265. Compensation for damages sustained on April 15, 2003, whereby petitioner hit a huge pothole on Washington Street.**

**Engle Tire \$193.10**

**TIMOTHY J. BROWN, 540 Cole Avenue, Providence, RI 02906, 01-279. Compensation for damages sustained on June 17, 2001, whereby a sewage back up occurred in petitioner's home.**

**Claim \$9,405.00**

**EILEEN A. CHECE, 30 Union Avenue, North Providence, RI 02904, 03-159. Compensation for damages sustained on March 6, 2003, whereby petitioner hit a pothole on Industrial Drive.**

**JOHN D. & BARBARA B. DEACON, 72 Pine Street, Providence, RI 02903, 03-182. Compensation for damages sustained on March 8, 2003, whereby petitioner struck a pothole on North Main Street. (Denied by the Law Department April 15, 2003)**

**Goodyear Auto Service Center \$115.90**

**MARIA T. ENGELHARDT, 275 Chaplin Drive, Coventry, RI 02816, 03-297. Compensation for damages sustained on May 2, 2003, whereby while driving behind a City truck allegedly a rock flew out of the back and hit petitioner's windshield.**

**Tarbox Toyota \$322.15  
Reliable Collision Repair \$710.33**

**CHERYL D. MEAD, 37 Bullocks Point Avenue, 7A, East Providence, RI 02914, 03-221. Compensation for damages sustained on March 29, 2003, whereby petitioner struck a manhole cover on Wadsworth Street.**

**Attleboro Toyota, Inc. \$1,841.74  
Pep Boys \$1,978.24**

**JAMIE C. MENDOZA, 32 Ferncrest Boulevard, North Providence, RI 02911, 02-310. Compensation for damages sustained on November 16, 2002, whereby petitioner struck a pothole on Manton Avenue.**

**North Providence Tire & Auto Center, Inc. \$159.05  
Town Fair Tire \$115.56**

**ELISE J. WEISMAN, 77 Third Street, Providence, RI 02906, 03-146.**  
Compensation for damages sustained on February 7, 2003, whereby  
petitioner's parked vehicle was struck by a snowplow.

New Century Auto Body, Inc.	\$3,145.50
State Auto Body	\$3,766.63

**MILDRED RAMOS, 69 Stamford Avenue, Providence, RI 02907, 03-300.** Compensation for damages sustained on April, 16, 2003, whereby  
a branch from a tree in front of 69 Stamford Avenue fell on petitioner's  
parked vehicle.

A.E. Latour Auto Body	\$3,438.18
Peravia Auto Sales & Body	\$3,788.00

**OLGA REBELLO, 2 Aetna Way, Johnston, RI 02919, 03-196.**  
Compensation for damages sustained on November 17, 2001, whereby  
roots from a City tree caused problems with petitioner's water line at 21  
Waller Street.

Dennis Diffley Drain Services	\$300.00
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**MARIA AVILES (John S. Coughlin, Esquire) vs. the CITY of PROVIDENCE, 01-207.** Compensation for injuries and damages  
sustained on May 19, 2001, whereby petitioner was involved in an  
accident with a Police vehicle.

**DEPASQUALE vs. the CITY of PROVIDENCE.**

**MARIE VECCHIO (Randy Olen, Esquire) vs. the CITY of PROVIDENCE, 93-52.** Compensation for injuries sustained on  
December 26, 1992, whereby petitioner tripped over a raised sidewalk  
at the intersection of Washington and Mathewson Streets. (Denied  
December 28, 1993)

Claim	\$100,000.00
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COUNCILMAN BUTLER: Mr. Chair, I make a motion to approve up to the  
dollar amount we discussed in Executive Session.

COUNCILMAN HASSETT: Second.

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

CHAIRMAN MANCINI: All those in favor.

COMMITTEE: Ayes.

CHAIRMAN MANCINI: The "Ayes" have it.

**Certificates from the City Assessor (Nos. 3G and 4G), recommending the same be severally cancelled pursuant to the provisions of Sections 14 and 15 of Title 44, Chapter 7 of the General Laws of Rhode Island, As Amended.**

COUNCILMAN BUTLER: Mr. Chair, I make a motion to approve the taxes.

COUNCILMAN HASSETT: The taxes? What taxes?

CHAIRMAN MANCINI: They're the ones we do every month.

COUNCILMAN HASSETT: Oh, we certify them. Second.


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

CHAIRMAN MANCINI: All in favor.

COMMITTEE: Ayes.

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

**ADJOURNMENT:** On motion of Councilman Butler, Seconded by Councilman Hassett, it is voted to adjourn the meeting at 6:20 o'clock P.M.

  
City Clerk

  
Assistant Clerk