

DEPARTMENT OF CITY CLERK

CITY HALL

DECEMBER 16, 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, Vice-Chairman John J. Igliazzi and Councilman Patrick K. Butler – 3.

ABSENT: Councilman Ronald W. Allen and Councilman Terrence M. Hassett – 2.

Also present are Kenneth Chiavarini, Assistant City Solicitor, Law Department; Sara Rapport, Senior Assistant City Solicitor, Law Department; Jennifer Hoopis-D'Ambra, Assistant City Solicitor, Law Department; Kevin McHugh, Assistant City Solicitor, Law Department; Sharon Mulcahey, Claims Coordinator, Law Department; Michael R. Clement, City Clerk and Lori L. Hagen, Assistant Clerk.

COUNCILMAN BUTLER: Mr. Chair –

CHAIRMAN MANCINI: Councilman.

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

CHAIRMAN MANCINI: Motion has been made –

VICE-CHAIRMAN IGLIOZZI: Second.

CHAIRMAN MANCINI: -- and seconded, Clerk, call the roll, please.

On motion of Councilman Butler, Seconded by Vice-Chairman Igliazzi, 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 – Aye.

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Councilman Allen – Absent.
Councilman Butler – Aye.
Councilman Hassett – Absent.

EXECUTIVE SESSION

RECONVENTION

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

Roll Call:

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

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

VICE-CHAIRMAN IGLIAZZI: Second.

On motion of Councilman Butler, Seconded by Vice-Chairman Igliazzi, 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.

ROBERT G. BAILEY (Gregory S. Inman, Esquire), 1193 Tiogue Avenue, Coventry, RI 02816, 02-92. Compensation for injuries and damages sustained on May 7, 1999, whereby petitioner was involved in an accident with a Water Supply Board vehicle.

Claim

\$50,000.000

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ANTONIO MICCOLI, 37 Jastram Street, Apt. 2, Providence, RI 02908, 03-507. Compensation for damages sustained, whereby petitioner's parked vehicle was struck by a Water Supply Board vehicle driven by Jermaine Duarte.

ANN MARIE PANARELLO, 60 Venice Avenue, Johnston, RI 02919, 03-533. Compensation for damages sustained on October 15, 2003, whereby petitioner struck a sinkhole on Water Street in Johnston.

Delta Auto Body	\$2,272.02
Greenville Collision	\$2,359.35

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; Continued July 23, 2003; Continued September 10, 2003; Continued November 18, 2003)

Claim	\$3,107.99
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SHIRLEY SHAW, 549 Academy Avenue, Providence, RI 02908, 03-304. Compensation for injuries sustained on April 30, 2003, whereby petitioner tripped and fell on the sidewalk in front of 200 Dyer Street.

MICHAEL GAGNE, 10 Gloria Drive, Warwick, RI 02886, 03-476. Compensation for damages sustained on October 15, 2003, whereby a tree limb fell on petitioner's parked vehicle.

IRENE SAMOORIAN, 466 River Avenue, Providence, RI 02908, 03-471. Compensation for damages sustained on September 3, 2003, whereby a very large tree fell onto petitioner's lawn.

Distinctive Landscaping, Inc.	\$1,315.00
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TRAVELERS INSURANCE a/s/o DENISE M. & MALCOM E. DAVENPORT, P.O. Box 3022, Fall River, MA 02722-3022, 03-398. Compensation for damages sustained on June 25, 2003, whereby petitioner was involved in an accident with a Police vehicle.

Claim	\$4,407.47
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MARIA TURCOIS, 18 Laurel Hill Avenue, Providence, RI 02908, 03-436. Compensation for damages sustained on June 23, 2003, whereby petitioner's parked vehicle was struck by a police vehicle.

Collision Pros	\$1,281.30
Rego's Auto Body	\$1,583.29

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

VICE-CHAIRMAN IGLIOZZI: Second

On motion of Councilman Butler, Seconded by Vice-Chairman Igliazzi, it is voted to continue the foregoing matters.

CHAIRMAN MANCINI: All those in favor.

COMMITTEE: Ayes.

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

AMERICAN STATES INSURANCE a/s/o PROVIDENCE ASSEMBLY of GOD (Stuart Allan & Associates, Inc.), 5447 East 5th Street, Suite 110, Tucson, AZ 85711-2345, 03-220. Compensation for damages sustained on January 5, 2000, whereby following a heavy rainstorm, sewage backed up into petitioner's drain and toilet.

Claim	\$1,025.18
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JACK J. BAPTISTA, 102 Laurelwood Drive, New Bedford, MA 02745, 03-503. Compensation for damages sustained on November 4, 2003, whereby petitioner hit a pothole on North Main Street.

CHRISTINE BOYLE, 44 Chapel Court, #2, Norwood, MA 02062, 03-505. Compensation for damages sustained on November 5, 2003, whereby petitioner struck a pothole on North Main Street.

LISA & RUPERTO CAMPOS, 30 Cortez Street, Providence, RI 02909, 03-406. Compensation for damages sustained on July 17, 2003, whereby the door of petitioner's vehicle was hit by a rock allegedly due to workers cutting the lawn at Cortez Street.

Rego's Auto Body	\$644.76
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**DANIEL DUCLOS, 10 Olympia Avenue, Tiverton, RI 02878, 03-189.
Compensation for damages sustained on March 13, 2003, whereby
petitioner hit a pothole on Eddy Street.**

Brougham Motors Collision Center	\$752.68
Jeronimo's Collision Center	\$737.20

**MELISSA GUILLET, 215 River Avenue, Providence, RI 02908, 03-367.
Compensation for injuries and damages sustained on July 1, 2003,
whereby petitioner struck a concrete planter on Messer Street.**

**LUIS M. PARENTE, 98 Sykes Road, Seekonk, MA 02771, 03-423.
Compensation for damages sustained on August 19, 2003, whereby
petitioner struck a pothole on Eddy Street.**

**CHERYL BARNES, 16 Jackson Avenue, Riverside, RI 02915, 03-469.
Compensation for damages sustained on August 5, 2003, whereby
petitioner was involved in an accident with a Providence Housing
Authority vehicle.**

James Auto Co.	\$504.60
Pride Auto Group	\$1,572.25

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

VICE-CHAIRMAN IGLIOZZI: Second.

On motion of Councilman Butler, Seconded by Vice-Chairman Igliazzi, it is
voted to deny the foregoing matters, 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.

**JOSEPH E. RIDDENS DALE, 89 Montgomery Road, Swansea, MA
02777, 03-383. Reimbursement for a building permit issued on May 9,
2003, whereby the customer cancelled the project.**

Claim \$139.00

CHANTEL BRANNON, 91 Goddard Street, Providence, RI 02908, 03-488. Compensation for damages sustained on October 25, 2003, whereby petitioner hit a pothole.

Town Fair Tire \$72.43

ALISON JANE CURRY, 48 Hobbs Road, Warwick, RI 02889, 00-64. Compensation for damages sustained on February 22, 2000, whereby petitioner struck a pothole at Benefit & Wickenden Streets. (Denied by the Law Department April 19, 2000)

Fogarty Appraisal Service \$2,574.58

DAVID P. L'ETOILE, 36 Tom Lee Drive, North Smithfield, RI 02896, 03-207. Compensation for damages sustained on March 18, 2003, whereby petitioner drove over an unmarked cutout in the asphalt on Washington Street.

Town Faire Tire \$506.11
The Speed Shop \$401.25

KEVIN J. MANNI, 51 Burton Street, Cranston, RI 02920, 03-370. Compensation for damages sustained on July 17, 2003, whereby petitioner struck a pothole on Benefit Street.

Tarbox Toyota \$1,293.48
Sears \$ 67.60
\$1,361.08 Total

JOANNE L. MILLER, 20 Diman Place, Providence, RI 02906, 03-506. Compensation for damages sustained on November 3, 2003, whereby petitioner hit a hole in the road on Park Street.

East Side Servicenters, Inc. \$976.37

JOSHUA M. NADEAU, 20 Algonquin Road, Rumford, RI 02916, 00-171. Compensation for damages sustained on April 18, 2000, whereby petitioner struck a hard bump while traveling along Blackstone Boulevard. (Denied December 12, 2001)

Zero Limits \$500.00
Hyperformance \$558.00

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PATRICIA J. NEVES, 385 Woodhaven Road, Apt. 5, Pawtucket, RI 02861, 03-317. Compensation for damages sustained on May 26, 2003, whereby petitioner struck a pothole.

Firestone Service Centers	\$78.16
Pep Boys	\$67.76

KATE S. NITTERAUER, 128 Modena Avenue, Providence, RI 02908, 03-402. Compensation for damages sustained on July 29, 2003, whereby petitioner struck a large drain hole on Modena Avenue.

ELEANOR RADIN, 118 Williams Street, Providence, RI 02906, 03-396. Compensation for damages sustained on July 16, 2003, whereby petitioner hit a pothole on Benefit Street. (Denied by the Law Department November 20, 2003)

Tasca Volvo	\$162.75
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JASON C. ULLOM, 274 Nicholas Road, P.O. Box 5104, Greene, RI 02827, 02-339. Compensation for damages sustained on December 18, 2002, whereby petitioner struck a pothole on West River Avenue.

Inskip	\$569.00
Coventry Wheel & Brake Service, Inc.	\$412.00

KAITLIN VANN, 15 Ivy Street, Cranston, RI 02905, 03-464. Compensation for damages sustained on September 26, 2003, whereby petitioner's windshield was cracked, allegedly by a rock from a weed whacker being used by City workers.

LISA J. WOOD, 4 Chris Drive, Rehoboth, MA 02769, 03-444. Compensation for injuries sustained on July 27, 2003, whereby petitioner fell and injured her foot.

JILLIAN CONRAD, 10 Esten Street, Providence, RI 02908, 03-352. Compensation for damages sustained on April 25, 2003, whereby petitioner's parked vehicle was struck by another parked vehicle, which was struck and pushed forward by a Fire Department vehicle.

Anchor Subaru	\$1,535.96
Cowesett Motors, Inc.	\$1,500.00

KEITH SORIBA, 14 Durham Street, Providence, RI 02908, 03-390.
Compensation for damages sustained on November 16, 2002, whereby
petitioner was involved in an accident with a Fire Department vehicle.

**THOMAS GEORGE ASSOCIATES, LTD./LIBERTY MUTUAL
INSURANCE a/s/o DEBRA REDDY**, P.O. Box 30, East Northport, NY
11731-0030, 03-424. Compensation for damages sustained on December
31, 2001, whereby petitioner's parked vehicle was struck by a Fire
Department vehicle.

Claim	\$2,002.63
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TAMMY F. BOUCHARD, 84 Cactus Street, Providence, RI 02905, 03-
405. Compensation for damages sustained on August 6, 2003, whereby
petitioner struck a pothole in Roger Williams Park.

East Providence Mitsubishi	\$1,694.95
Firestone Tire & Service Centers	\$1,571.29

CAROL RANGLIN, 5 Bradley Street, Providence, RI 02908, 01-13.
Compensation for damages sustained on December 17, 2000, whereby
the branch of a tree in front of petitioner's home at 5 Bradley Street fell,
breaking petitioner's front window.

Arnel Sales Co.	\$899.00
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METLIFE AUTO & HOME a/s/o DONALD WESTBERG, P.O. Box
668, Warwick, RI 02887, 01-53. Compensation for injuries and
damages sustained on June 19, 2000, whereby petitioner was involved in
an accident with a Police vehicle.

CINDY L. AMER, 2 Richard Road, North Providence, RI 02911, 03-
446. Compensation for damages sustained on August 29, 2003, whereby
a parking sign fell on petitioner's parked vehicle.

Lindbergh Auto Body	\$419.33
Detroit Collision Center	\$350.00

**RONALD ADAMO (Joseph A. Capineri, Esquire) vs. NAPOLITANO
& the CITY of PROVIDENCE**, 99-93. Compensation for injuries and
damages sustained on September 15, 1998, whereby petitioner alleges
Officer J. Decesare entered his home and proceeded to viciously beat
him without cause. (Settled up to an amount May 19, 1999)

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Claim \$100,000.00

RICHARD J. ARRUDA, JR. (Kevin J. Phelan, Esquire) vs. NAPOLITANO & the CITY of PROVIDENCE & JOHN WASHBURN, 98-136. Compensation for injuries sustained on September 29, 1997, whereby petitioner was a passenger in a motor vehicle that was involved in an accident with an Animal Control vehicle. (Denied February 9, 1999)

Claim \$6,954.01

VANESSA DAILEY vs. the CITY OF PROVIDENCE SCHOOL DEPARTMENT & NAPOLITANO.

MARK JENNINGS & LYNN GARDNER (Michael P. Robinson, Esquire) vs. RICHARD D. TARLAIN ET AL and the CITY of PROVIDENCE, 01-395. Compensation for injuries and damages sustained on March 15, 1999, whereby petitioners were involved in an accident with a Police vehicle.

Claim \$27,000.00

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. (Continued April 23, 2003; Settled up to an amount May 28, 2003)

Claim \$500,000.00

LINDA VERHULST, BERYL KENYON & PAUL CAMPBELL (Robert P. Brooks, Esquire) vs. the CITY of PROVIDENCE, 02-327. Compensation for damages sustained, whereby petitioners allege claims against the City on account of the actions of Acting Mayor Lombardi's Chief of Staff, Paul V. Jabour, Esquire, in summarily discharging them from their employment with the City.

EVELYN WHEELER (Charles J. Vucci, Esquire) vs. NAPOLITANO & the CITY of PROVIDENCE, 02-164. Compensation for injuries sustained on April 20, 2002, whereby petitioner tripped and fell on an uplifted sidewalk on West Exchange Street.

Claim \$100,000.00

COUNCILMAN BUTLER: Mr. Chairman, I make a motion to approve the several items up to the dollar amounts that we discussed in Executive Session.

VICE-CHAIRMAN IGLIOZZI: Second.

On motion of Councilman Butler, Seconded by Vice-Chairman Igliazzi, 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: Opposed? The "Ayes" have it.

Certificates from the City Assessor (Nos. 1H and 2H), recommending the same be severally cancelled pursuant to the provisions of Section 14 and 15 of Title Chapter 7 of the General Laws of Rhode Island, As Amended.

COUNCILMAN BUTLER: Mr. Chairman, a motion to approve the taxes.

VICE-CHAIRMAN IGLIOZZI: Second.

On motion of Councilman Butler, Seconded by Vice-Chairman Igliazzi, it is voted to approve the forgoing matters.

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

COMMITTEE: Ayes.

CHAIRMAN MANCINI: The "Ayes" have it.

COUNCILMAN BUTLER: Mr. Chairman, I make a motion to –

VICE-CHAIRMAN IGLIOZZI: Mr. Chairman, I have a question.

CHAIRMAN MANCINI: Yes, Councilman.

VICE-CHAIRMAN IGLIOZZI: I would ask if the Clerk could put a letter together with your signature to be forwarded to – I guess is Mr. Kornstein, Attorney Kornstein, is he in charge of this Committee, assigned to this Committee.

ASSISTANT CITY SOLICITOR CHIAVARINI: Yes.

VICE-CHAIRMAN IGLIOZZI: Just forward him a letter just stating to reiterate that when the attorneys appear that they put together a –

ASSISTANT CITY SOLICITOR CHIAVARINI: -- an analysis breakdown of the –

VICE-CHAIRMAN IGLIOZZI: An analysis, a confidential analysis or a confidential synopsis of each case, which will then be utilized during the Committee session, and, of course, would then be destroyed at the appropriate time.

CHAIRMAN MANCINI: Okay. If they have any questions, they can ask Kenny about.

VICE-CHAIRMAN IGLIOZZI: I'd like to ask the Clerk to put this in the letter.

ADJOURNMENT: On motion of Councilman Butler, Seconded by Vice-Chairman Igliazzi, it is voted to adjourn the meeting at 6:04 o'clock P.M.


City Clerk


Assistant Clerk