

DEPARTMENT OF CITY CLERK

CITY HALL

AUGUST 19, 1993

The Committee on Claims and Pending Suits meets this day at 3:00 o'clock p.m., in Committee Room "A", City Clerk's Department, City Hall.

PRESENT: Chairwoman Fargnoli, Vice-Chairman Lombardi and Councilman Mancini.

ABSENT: Councilman Rollins and Councilwoman Young.

Also present is Judge William McGair, Senior City Solicitor; David Salvatore, Assistant City Solicitor; Janice Carrazzo, Department of Public Works; Ernie Rowe, Providence Water Supply Board and Lesley M. Albanese, Assistant Clerk.

On motion of Councilman Lombardi, seconded by Councilman Mancini, it is voted to enter into Executive Session pursuant to 42-46-5 §2 of the Rhode Island General Laws.

EXECUTIVE SESSION

The following Claims were heard in Executive Session:

Richard E. Smith	91-327
Christopher W. Holden	92-330
Susan Whitehead	92-32
Joshua K. Paterson	92-312
Nationwide Insurance Co. a/s/o John & Rita Casey	92-375
Karen Menissian	93-177
Michael W. Clifford	93-71
Mary Lou Gallant	90-250
Sieglinde L. St. Germain	92-268
Anthony Comella	91-72
Federico Pellergrino	92-224
Sterling Properties	92-381
Bilray Demolition Company	93-192
Maria A. Checrallah	93-113
George J. Grossi	93-130
Daniel J. Amat	93-83
Tanya DelGardo	93-82
Anthony Lupo	89-317
Maria Leone	93-22
John P. Morookian	92-328
Dennis L. Greene	93-103
Andres A. Espinal	91-196
Mary Placella	91-257
Automobile Club Insurance a/s/o Carol Emby	92-329

August 16, 1993

Peter R. Barchi p.p.a. Douglas Barchi	93-68
Rita Veras	88-248
Patricia A. Whela p.p.a Candy Whelan	89-365
Rastelli	92-102
Odis Mejia	84-270

RECONVENTION

On motion of Councilman Lombardi, seconded by Councilman Mancini, it is voted to reconvene into open session by the following roll call:

Chairwoman Fagnoli:	Aye.
Vice-Chairman Lombardi:	Aye.
Councilman Mancini:	Aye.
Councilman Rollins:	Absent.
Councilwoman Young:	Absent.

On motion of Councilman Lombardi, seconded by Councilman Mancini, it is voted to close and seal the minutes of Executive Session pursuant to Section 42-46-5 §7 of the Rhode Island General Laws.

TAXES

Certificates from the City Assessor (Nos. 24W and 1X and 2X) Recommending the same be severally cancelled pursuant to the provisions of Section 14 and 15 of Title 44, Chapter 7 of the General Laws of the State of Rhode Island, 1956, As Amended.

Certificates from City Collector (Nos. 11, 12, and 13) Recommending the same be severally cancelled pursuant to the provisions of Section 44-7-14 of the General Laws of Rhode Island, 1956, As Amended.

On motion of Councilman Lombardi, seconded by Councilman Mancini, it is voted to transmit the subject certificates to the City Council with recommendation the same be severally approved for cancellation.

CHAIRWOMAN FARGNOLI: At this time we asked Elizabeth Grady to do some research for us and I want you to know that she is prepared for us and I'm sorry you had to wait until the end of the meeting.

MS. GRADY: In listening to the Claims Committee in the last months, it seems there is really an enormous problem with driver liability and accidents and defensive driving technique not in place. I did some research on defensive driving on municipalities and it is generally accepted as an appropriate defense to accidents. Several companies that I did contact and I interviewed a gentleman for it came up with some guidelines for us. Their suggestions were to use the test case across the city. Deciding on a department

~~June~~ 16, 1993

that may be your prime element. Because of the cost factor in the cost of the estimates. They are coming in at \$32.50 per student and they do not wish to do it for more than 20 students at a time. Which is about a \$500 Dollar charge per group. The suggestion came up to look at your accident history and make a decision whether it is public safety, highway department or water and do it at a department at a time. And then analyze the results of that and see if it appropriate for the City of Providence. It will include a test book and a rate sheet for each individual. In it there is indications where if you were covered by an insurance policy as some municipalities are, I believe Providence is self-insured for their injuries, it does effect your rates. The two gentlemen that I spoke with will be more than happy to give you a presentation on their own. They did send documents in to take look at it. I think it is something worth pursuing because it seems like you got some problems with your truck drivers and maybe not being trained to the degree that they should be trained.

COUNCILMAN MANCINI: Madam Chair, I was telling a few people about this. Your hired down at Public Works as a laborer and you are going to start using the truck to plow the streets. There really isn't any formalize training whatsoever. You drive with another driver and he says here is what you do and then the next storm he lets you try it. I think it is time that we really look into like this here.

CHAIRWOMAN FARGNOLI: I think it is long overdue. And I think each department and any department that allows automobiles or trucks to be used ^{by} an employee should have excess to this kind of training. And before anyone is put on board they should have excess to this kind of training. Because I think what we are going through now if we don't practice preventive measure we are on the hook for someway things that are just plain carelessness.

MS. GRADY: Well, they also indicated that as part of their program that is something that you can opted for or you can exclude. They also give the employee the options of if you have a particular driver who goes through the defensive driving course and continues to maintain an unsafe driving record or carelessness habits, they

August 16, 1993

give you some options on how you might want to proceed with charging back into that employee for the damages he causes. I don't know if a municipality can do that or how the contracts are going to hold up with that. They certainly allow you to review your options with this.

CHAIRWOMAN FARGNOLI: Maybe we should ask the bargaining units to contribute something to the cost of these type of training. Because they are the ones that protect these drivers and they have a public safety fee. Maybe they can help us out with this.

MS. GRADY: I would be happy to further if you would like to have the people in to speak with. I would be happy to ask them to come in and talk to you about it, to give you some details on it. Again, I would be happy to leave this with you. These were just two of the companies involved. Now, I tried to go through a government agency to see if we participate on a lower cost program and that is just available to us at this time. However, if you are looking to do off set, you also ask me to check into an urban - - program which is a safety training program with equipment. We can obtain that at no cost. The John Donnelly center will come in and train inhouse with a group of 25 or more or they will allow you to bring you people over to the Donnelly Center for urbanonics training. You can tell them what you need and they will tailor a program for your needs and there is no cost it.

CHAIRWOMAN FARGNOLI: That's free. By all means I think we should apply for something that. Don't you think so, Judge?

JUDGE MCGAIR: Yes, it sounds very beneficial.

CHAIRWOMAN FARGNOLI: David, don't you think we should be a part of this.

MR. SALVATORE: The other one is going to be different to do with the amount of money that we are dealing with.

MS. GRADY: That is why they had suggested that you make a decision of a particular group that is at risk for you. Whether it be firefighters or

COUNCILMAN LOMBARDI: Public Safety.

MS. GRADY: They suggested to bring it down one step further.

August 16, 1993

If you select a public safety section whether it is police or fire to go under high risk group and they indicated they'd go patrol first. Because they are on the road and then you priority would go down to administration as your last group, if it were a funding situation that you might want to make your decision to do online people during a particular fiscal year and then it split into another year for your non-heavy maintenance people.

MR. SALVATORE: When they police do they teach them also how to drive fast and drive safety....

MS. GRADY: It is a course tailor to each group you'll tell whether it is police, fire, rescue vehicle or maintenance vehicle and the program is tailor to the needs of that particular group. This are all State certificated individuals, I believe it is also your federally certified instructors. And again it might be beneficial to have these people come in and give you the overview with no obligation to you.

COUNCILMAN LOMBARDI: Can we do this Madam Chair, could we get an officer assigned to that and maybe pool it with the other city and towns in this city and in the state. And then get that officer certified to do the various department heads in the City of Providence? You know what I am trying to say?

MS. GRADY: We can buy this program and hire a consultant. That was the other option we had. The program is probably \$2,500 Dollars. The training manuals are \$10 Dollars a piece which certainly costs down on the program. The consultant could come on board again and he is certified to basically oversee the program to make sure you are meeting with the criteria.

COUNCILMAN LOMBARDI: All we have to pay is \$2,500 Dollars?

MS. GRADY: -- take the program or that -- you are going to pay \$10 Dollars for the manual that is his cost and I'm sure there is going to be some sort of consultanting fee.

COUNCILMAN LOMBARDI: So, my question again, can we get one of our officers certified in a one shot deal.

MS. GRADY: It is a very expensive program for certification that was my understanding with it. They go through some training, some certification, testing processes and it could take up to a year to get this done.

August 16, 1993

CHAIRWOMAN FARGNOLI: Now, I am under the impression that the Police Department does have on board an administrator supposedly for safety. Do you think that perhaps the Police Department with its safety officer could maybe fund this kind of a program out of their budget?

COUNCILMAN LOMBARDI: See that is what I am saying - - - I would rather utilize that.

MS. GRADY: I'm not sure - - I would be happy to verify the facts. These people are not certified to run the safety program. They can help you with information, they can do some research for you. But, it is not a registered certified safety instruction program. You really need to purchase a program from a company that would certify with the defensive driving technics.

MR. SALVATORE: It is my understanding and I am not sure but in the past the Police Department has trained drivers. They have just have ride with someone for a long time More recently they have had them out there going backwards through cones, going forward through cones, slamming on the brakes, running the car back and forth and they started to teach them methods and perhaps maybe a similar course could be established by the Police Department.

CHAIRWOMAN FARGNOLI: Can you discuss this with someone from the Police Department because as David mentioned they do have an inhouse driving.

MS. GRADY: This is a very - - again this is a very intense program and it may be that we can incorporate the Police Department's online people to adminster it and cut some costs at that point.

CHAIRWOMAN FARGNOLI: I think you have to involve the Police Department. I would hope that is were we whould start because that is were the bulk of the accidents occur. And then when we are through with the Police then maybe we can start with some of the other departments. But, in the meantime if that course at the Donnelly center is free maybe we can get the inhouse agencies and other departments submit names of people that would use that kind of instruction.

MS. GRADY: They have indicated with us that they would run programs for people who use jackhammers, who do heavy lifting

August 16, 1993

or labor oriented people and that is were we are running into workers' compensation cases and law suits. They problem that you have is that you have to take those people out of their work force during work time or you are going to get into a labor situation where your going to pay overtime. So, they have to be allow to go on City time.

COUNCILMAN LOMBARDI: So, what we are asking Madam Chair is that she get back to us with more information.

CHAIRWOMAN FARGNOLI: I would say get back to us but I would make contact with the Police Department to find out how their program is working and to see if perhaps if they may be interested in something more intensive like this. You have made a great effort and I thank you very much.

MS. GRADY: Your quite welcome.

ADJOURNMENT: On motion of Councilman Lombardi, seconded by Councilman Mancini, it is voted to adjourn at 4:55 p.m.

Michael R. Clement
CLERK

Lesley M. Albanese
Assistant Clerk