

DEPARTMENT OF CITY CLERK

CITY HALL

JANUARY 30, 2008

The Committee on Claims and Pending Suits meets this day at 6:00 o'clock P.M. in the Committee Room "A", City Clerk's Department, Third Floor, City Hall.

PRESENT: Chairman Nicholas J. Narducci Jr., Vice-Chairman Council President Peter S. Mancini, and Councilman Seth Yurdin – 3.

ABSENT: Councilman Miguel Luna and Councilman Clifford J. Wood – 2.

Also present are Anthony Cottone, Senior Assistant City Solicitor, Law Department; Melissa Tucker, Assistant City Solicitor, Law Department; Sharon Mulcahey, Law Department; Lori L. Hagen, Second Deputy City Clerk and Tina L. Mastroianni, Assistant Clerk.

(Subsequently, Councilman Wood joins the meeting)

COUNCIL PRESIDENT MANCINI: I make a motion to go into Executive Session pursuant to Rhode Island General Laws 42-46-5 (a) (2).

COUNCILMAN YURDIN: Second the motion.

On motion of Council President Mancini, Seconded by Councilman Yurdin, 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 Narducci – Aye.
Council President Mancini – Aye.
Councilman Luna – Absent.
Councilman Wood – Absent.
Councilman Yurdin – Aye.

EXECUTIVE SESSION

RECONVENTION

On motion of Council President Mancini, Seconded by Councilman Yurdin,
it is voted to reconvene into Open Session, by the following Roll Call Vote:

Roll Call:

Chairman Narducci – Aye.
Council President Mancini – Aye.
Councilman Luna – Absent.
Councilman Wood – Aye.
Councilman Yurdin – Aye.

COUNCIL PRESIDENT MANCINI: Mr. Chair, I make a motion to seal the
record of the Executive Session.

COUNCILMAN YURDIN: Second it.

On motion of Council President Mancini, Seconded by Councilman Yurdin,
it is voted to Seal the Minutes of the Executive Session.

CHAIRMAN NARDUCCI: All in favor.

COMMITTEE: Ayes.

**Certificates from City Assessor (3M and 4M), 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.**

COUNCIL PRESIDENT MANCINI: I make a motion that we approve the
taxes.

COUNCILMAN YURDIN: Second.

On motion of Council President Mancini, Seconded by Councilman Yurdin,
it is voted to approve the foregoing matter.

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

COMMITTEE: Ayes.

CHAIRMAN NARDUCCI: The "Ayes" have it.

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RHODE ISLAND PUBLIC TRANSIT AUTHORITY, 07-172.

Compensation for damages sustained on August 3, 2007, whereby petitioner was involved in an accident with a Water Supply Board vehicle. (Continued October 9, 2007; Continued December 10, 2007)

TURNING POINT CONDOMINIUM (Robert A. Ragosta, Esquire), 07-

151. Compensation for damages sustained, whereby storm-water runoff from the Water Supply Board's property on Scituate Avenue in Cranston has allegedly caused damage to petitioner's property. (Continued October 9, 2007; Continued December 10, 2007)

Claim **\$19,736.69**

MATTHEW SCHECHTER (Michael L. DeSimone, Esquire) vs. the CITY of PROVIDENCE, 259 Wayland Avenue, Providence, RI 02906, 03-277. Compensation for injuries and damages sustained on March 26, 2003, whereby petitioner was involved in an accident with a Police vehicle operated by Officer Noel Yianiss. (Settled up to an amount November 24, 2004)

COUNCIL PRESIDENT MANCINI: I make a motion to continue.

COUNCILMAN YURDIN: Second.

On motion of Council President Mancini, Seconded by Councilman Yurdin, it is voted to continue the foregoing matters.

CHAIRMAN NARDUCCI: All in favor.

COMMITTEE: Ayes.

CHAIRMAN NARDUCCI: All opposed? The "Ayes" have it.

AMICA INSURANCE a/s/o SANDRA SHERMAN, 07-301.

Compensation for damages sustained on October 9, 2007, whereby petitioner struck a curbside bump out on Rochambeau Avenue.

Claim **\$1,554.77**

MARIE D'AMICO, 07-299. Compensation for damages sustained on December 9, 2007, whereby petitioner struck a speed bump behind the State House.

Quonset Auto Body **\$429.67**

KATHERINE DEFUSCO (Anthony J. Gianfrancesco, Esquire), 07-279. Compensation for injuries sustained on October 20, 2007, whereby petitioner slipped and fell on Washington Street.

STILES M. GILMORE (Michael P. Lynch, Esquire), 07-252.

Compensation for injuries sustained, whereby petitioner stepped into a depression on Melrose Street.

Claim **\$100,000.00**

GLORIA V. LEDOUX, 07-306. **Compensation for damages sustained on December 18, 2007, whereby petitioner's tire was damaged allegedly after driving through construction on Allens Avenue.**

Town Fair Tire **\$146.72**

SHERRI PROCACCINI, 07-166. **Compensation for injuries sustained on June 8, 2007, whereby petitioner tripped and fell while crossing the street past the "L" bus stop in Kennedy Plaza.**

CARMINE VALELLI, 07-227. **Compensation for damages sustained in May 2006, whereby petitioner alleges damage was done to the stucco foundation of his building at 865 Westminster Street during the installation of the sidewalk.**

Fresilli & Son Masonry **\$1,450.00**
Barradas Contracting and Remodeling **\$2,700.00**

ELLIOT D. MILLER, 07-253. **Reimbursement for towing and storage fees paid, whereby petitioner alleges he was not promptly notified of his recovered vehicle.**

Claim **\$1,008.00**

EVARISTO ROSARIO, 07-266. **Compensation for damages sustained on September 16, 2007, whereby petitioner's property was damaged, allegedly by a member of the Police Department.**

FAYAH DENTOR, 07-293. **Compensation for damages sustained on November 13, whereby petitioner's cell phone was stolen from a classroom at Hope High School.**

NINFA LEIGUE (Christopher E. Fay, Esquire), 07-145. **Compensation for injuries and damages sustained on June 5, 2007, whereby petitioner was involved in an accident at the intersection of Silver Spring and Bismark Streets, allegedly due to a missing stop sign.**

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PROGRESSIVE a/s/o CAROL SCHLOFF, 07-286. Compensation for damages sustained on September 1, 2007, whereby petitioner was involved in an accident, allegedly due to a missing stop sign.

Claim

\$3,844.01

NICOLE ROBERTSON, 07-275. Compensation for damages sustained on September 1, 2007, whereby petitioner was involved in an accident, allegedly due to a missing stop sign.

FELIX ROSALES (Christopher E. Fay, Esquire), 07-144.

Compensation for injuries and damages sustained on June 5, 2007, whereby petitioner was involved in an accident at the intersection of Silver Spring and Bismark Streets, allegedly due to a missing stop sign.

DONALD WICKLUND (Michael A. Delsignore, Esquire), 07-268.

Compensation for injuries sustained on October 20, 2007, whereby petitioner was involved in an accident at the intersection of Bergen Street and Regent Avenue, allegedly due to a missing stop sign.

DONALD WICKLUND (Michael A. Delsignore, Esquire), 07-273.

Compensation for injuries sustained on October 20, 2007, whereby petitioner was involved in an accident at the intersection of Bergen Street and Regent Avenue, allegedly due to a missing stop sign.

COUNCIL PRESIDENT MANCINI: Mr. Chair, I make a motion that we deny several item agendas.

CHAIRMAN NARDUCCI: Hang on a minute cause there was two that I was concerned with and I don't see them here now, how come?

COUNCILMAN WOOD: Look on the bottom there Nick, are they on the bottom?

CHAIRMAN NARDUCCI: They were stop signs.

COUNCIL PRESIDENT MANCINI: That would be traffic engineering then.

SECOND DEPUTY CITY CLERK HAGEN: Traffic, they'd be towards the end.

CHAIRMAN NARDUCCI: How come I don't see it on here?

COUNCIL PRESIDENT MANCINI: Number 26.

CHAIRMAN NARDUCCI: All right, 26 and also 29, I have a problem – what'd you say deny those?

SENIOR ASSISTANT CITY SOLICITOR COTTONE: Yeah.

CHAIRMAN NARDUCCI: I have a problem denying those because the Traffic Engineer was well aware of those – that stop sign not being there.

MS. MULCAHEY: But it wasn't missing.

CHAIRMAN NARDUCCI: Excuse me.

MS. MULCAHEY: A "T" intersection is an automatic stop. A stop sign is not required. After this incident a stop sign was installed, that's according to Bernard.

CHAIRMAN NARDUCCI: No, the stop sign is still not there.

MS. MULCAHEY: But it's not required is what I'm saying. A "T" intersection, where a street comes out to a main street and you can't go straight anymore it's an automatic stop. It's automatic. You have to stop. If you pull out into traffic –

COUNCILMAN WOOD: It's a State Law.

CHAIRMAN NARDUCCI: Well I'm not, I'm not disagreeing –

MS. MULCAHEY: -- you're wrong.

CHAIRMAN NARDUCCI: -- with what you're saying, what I'm saying is –

MS. MULCAHEY: So, it's not a defect is what I'm saying.

CHAIRMAN NARDUCCI: Yeah, but why not put a stop sign there. Do we have stop signs on DePinedo Street, if I'm not mistaken that's a "T", you know what I mean.

MS. MULCAHEY: Well, yeah, but that's up to the Traffic Engineer. This is only –

CHAIRMAN NARDUCCI: Right.

MS. MULCAHEY: -- a determination of liability. Now we can request that the Traffic Engineer put a stop sign there, but one is not required by law and it

would be an automatic stop. You have to stop at the end of the road. If you continue any further –

CHAIRMAN NARDUCCI: No, I understand that, you understand that, but I mean we got people that don't stop for red lights and everything else.

MS. MULCAHEY: Well, yeah, but that makes them responsible for the accident.

CHAIRMAN NARDUCCI: All right, I see what you're saying.

MS. MULCAHEY: I'm just saying as to liability.

COUNCIL PRESIDENT MANCINI: Okay, and the other one.

CHAIRMAN NARDUCCI: Yeah, all right, no. That's fine. Having it explained that way to me that's fine. I just want to make sure a stop sign gets put up there. If you could make a note of that and take care of that for me tomorrow please, thank you.

COUNCIL PRESIDENT MANCINI: Will you second that?

COUNCILMAN YURDIN: Second.

On motion of Council President Mancini, Seconded by Councilman Yurdin, it is voted to deny the foregoing matters, based upon the recommendation of the Law Department.

CHAIRMAN NARDUCCI: All in favor.

COMMITTEE: Ayes.

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

EILEEN M. BERARDUCCI, 07-285. Compensation for damages sustained on November 17, 2007, whereby petitioner hit a pothole on Dean Street.

Mahoney's Auto \$333.76

ADRIAN CALCAGNI, 07-310. Compensation for damages sustained on December 23, 2007, whereby petitioner hit a pothole.

Boch Toyota South \$139.81

MARGARET E. CAMBRA, 07-132. Compensation for damages sustained on March 2, 2007, whereby petitioner's retaining wall, walkway, driveway and sidewalk were damaged by water backing up from a drainage intake pipe that became blocked. (Continued December 10, 2007)

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|--------------------|-------------|
| Oak Hill Farm, LLC | \$25,250.00 |
| Quality Land, Inc. | \$25,000.00 |

CAROLYN CANCELLIRI, 07-292. Compensation for damages sustained on November 24, 2007, whereby petitioner hit a pothole on Promenade and Bath Streets.

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|------------|----------|
| D & M Tyre | \$232.35 |
|------------|----------|

ROBERT H. GOFF, JR., 07-189. Compensation for damages sustained on July 30, 2007, whereby petitioner hit a pothole on Westminster Street. (Denied October 3, 2007)

RUBEN LOPEZ, 07-311. Compensation for damages sustained on December 25, 2007, whereby petitioner hit a pothole.

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|----------------|----------|
| Town Fair Tire | \$300.88 |
|----------------|----------|

PATRICK MEEHAN, 07-312. Compensation for damages sustained on December 23, 2007, whereby petitioner hit a pothole on Promenade Street.

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|---------------|---------|
| Pep Boys Auto | \$37.17 |
|---------------|---------|

JACOV R. MENDEZ, 07-297. Compensation for damages sustained on December 16, 2007, whereby petitioner's vehicle was struck by a City plow.

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|-------------------|------------|
| Rego's Auto Body | \$1,528.73 |
| General Auto Body | \$2,067.21 |

ROBERT J. PAPA, SR., 07-291. Compensation for damages sustained on November 26, 2007, whereby petitioner hit a pothole on Promenade Street.

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|-------------------|----------|
| Inskip Autocenter | \$254.75 |
| Town Fair Tire | \$248.48 |

KEVIN M. REIDY, 07-289. Compensation for damages sustained on November 21, 2007, whereby petitioner hit a pothole on Federal Street.

CHRISTOPHER M. SCELSA, 07-290. Compensation for damages sustained on November 21, 2007, whereby petitioner struck a severe pothole on Federal Street.

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|----------------|----------|
| Town Fair Tire | \$222.59 |
| Tire Pros | \$264.57 |

JILLIAN NELSON SULLIVAN, 07-288. Compensation for damages sustained on November 25, 2007, whereby petitioner hit a pothole on Promenade Street.

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| Town Fair Tire | \$207.14 |
| Pep Boys | \$199.24 |

LISA DELORENZO SCOTTI, 07-272. Compensation for damages sustained on October 23, 2007, whereby a tree limb fell onto petitioner's vehicle. (Continued December 10, 2007)

DIEGO AZAEDA (Christopher E. Fay, Esquire) vs. the CITY of PROVIDENCE, 02-138. Compensation for injuries sustained on October 30, 2001, whereby petitioner broke his arm during a school field trip.

CARMEN HURTADO p.p.a. FREDDY P. HURTADO (Vincent A. DeCesare, Esquire) vs. the CITY of PROVIDENCE and the PROVIDENCE SCHOOL DEPARTMENT, 05-417. Compensation for injuries sustained on May 7, 2003, whereby petitioner, a student at Mount Pleasant High School, was injured when a door was slammed against his head.

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| Claim | \$50,000.00 |
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UJJWAL LAMA (G. Eben Milne, Esquire) vs. the CITY of PROVIDENCE, 04-1. Compensation for injuries sustained on December 16, 2003, whereby petitioner fell on the sidewalk on Claverick Street.

WILLIAM ROBINSON (Gregory J. Schadone, Esquire) vs. the CITY of PROVIDENCE, 97-437. Compensation for injuries sustained on October 28, 1997, whereby petitioner fell into an uncovered manhole while walking on Eddy Street.

COUNCIL PRESIDENT MANCINI: I make a motion that we approve several item agendas up to the amount recommended by the Law Department.

COUNCILMAN YURDIN: Second.

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On motion of Council President Mancini, Seconded by Councilman Yurdin, it is voted to approve the foregoing matters, up to the dollar amounts discussed in Executive Session, based upon the recommendation of the Law Department.

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

COMMITTEE: Ayes.

CHAIRMAN NARDUCCI: All opposed? The "Ayes" have it.

ADJOURNMENT: On motion of Council President Mancini, Seconded by Councilman Wood, it is voted to adjourn the meeting at 6:25 o'clock P.M.


Second Deputy City Clerk


Assistant Clerk