

DEPARTMENT OF CITY CLERK

CITY HALL

MARCH 19, 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: Vice-Chairman John J. Igliazzi, Councilman Patrick K. Butler and Councilman Terrence M. Hassett – 3.

ABSENT: Chairman Peter S. Mancini and Councilman Ronald W. Allen – 2.

Also present are Kenneth Chiavarini, Assistant City Solicitor, Law Department; Alan Kornstein, Assistant City Solicitor, Law Department; Jennifer Hoopis-D'Ambra, Assistant City Solicitor, Law Department; 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 42-46-5 (a) (2).

VICE-CHAIRMAN IGLIOZZI: Is there a second?

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

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

VICE-CHAIRMAN IGLIOZZI: Do I have a 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.

**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)**

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.**

Claim **\$3,107.99**

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)

Bernard Tesoniero **\$2,300.00**

March 19, 2003

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.

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)

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)

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.

ESPIFANIO BAPTISTA (Nicholas A. Mattiello, Esquire) vs. the CITY of PROVIDENCE, 99-53. Compensation for damages sustained on December 18, 1998, whereby petitioner's vehicle, driven by Sabrina Luna, was involved in an accident at the intersection of Dexter and Cranston Streets with a Police vehicle driven by Officer Shawn M. Moffett.

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.

SHAWN MOFFETT vs. the CITY of PROVIDENCE.

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)**

**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)**

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

VICE-CHAIRMAN IGLIOZZI: Do I have a second?

COUNCILMAN HASSETT: Second.

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

VICE-CHAIRMAN IGLIOZZI: All in favor

COMMITTEE: Ayes.

VICE-CHAIRMAN IGLIOZZI: All opposed? Motion carries.

**JANICE MC CAUGHEY, 28 Dahlia Street, Warwick, RI 02888, 03-62.
Compensation for damages sustained on January 5, 2003, whereby
petitioner hit a large pothole in front of 1268 Eddy Street.**

Inskip Volvo \$288.93

**METLIFE AUTO & HOME a/s/o HILBERT BEALE, P.O. Box 659,
Warwick, RI 02887, 02-174. Compensation for damages sustained on
November 24, 2000, whereby petitioner's parked vehicle was struck by
a Fire Department vehicle.**

Claim \$2,380.57

**HEALTHFIT PUBLISHING, 20 Alpine Estates Drive, Cranston, RI
02921, 02-158. Compensation for damages sustained on May 27, 2002,
whereby a large limb broke off from a City tree on Upton Avenue and
fell on petitioner's vehicle. (Continued November 20, 2002; Continued
December 18, 2002; Continued February 12, 2003)**

Claim \$2,266.91

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.

Claim **\$819.64**

HOWARD S. GILBERT, 3389 Sheridan Street, #435, Hollywood, FL 33021, 02-266. Compensation for damages sustained on June 13, 2002, whereby petitioner's towed vehicle was returned with damage.

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 matters, based upon the recommendation of the Law Department.

VICE-CHAIRMAN IGLIOZZI: All in favor.

COMMITTEE: Ayes.

VICE-CHAIRMAN IGLIOZZI: All opposed?

NEW ENGLAND GAS COMPANY, 100 Weybosset Street, Providence, RI 02903, 03-97. Compensation for damages sustained on January 13, 2003, whereby during the repair of a water service a 1½ inch steel gas service was damaged.

Claim **\$1325.92**

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.

Claim **\$51,364.99**

A. I. PACIFIC INSURANCE COMPANY a/s/o HERENIA AQUINO, P.O. Box 5605, Jacksonville, FL 32247, 02-82. Compensation for damages sustained on January 21, 2001, whereby petitioner was involved in an accident with a plow truck. (Continued September 25, 2002; Continued November 20, 2002; Continued December 18, 2002; Continued February 12, 2003)

Claim **\$1,586.24**

CHRISTOPHER J. DI PARDO, 86 Woodland Road, Woonsocket, RI 02895, 03-80. Compensation for damages sustained on January 25, 2003, whereby petitioner hit a pothole on Whipple Street.

Scott Motors, Inc.	\$762.59
Fiore	\$784.23

DAVID GOLDSTEIN, 464 Cole Avenue, Providence, RI 02906, 02-146. Compensation for damages sustained on March 2, 2002, whereby petitioner's basement was flooded with toxic biological waste, allegedly due to a clog in the City's drainage system.

Diversified Restoration	\$2,920.27
Insurance Reconstruction Services, Inc.	\$2,838.39

LIBERTY MUTUAL a/s/o YAPING OUYANG, P.O. Box 5104, 114 Turnpike Road, Westborough, MA 01581, 02-102. Compensation for damages sustained on April 13, 2001, whereby petitioner's parked vehicle was struck by a Fire Department vehicle.

Claim	\$1,257.03
--------------	-------------------

PROGRESSIVE a/s/o WILLIAM LANGLOIS, P.O. Box 89440, Cleveland, OH 44101-6640, 02-322. Compensation for damages sustained on January 16, 2002, whereby petitioner's parked vehicle was struck by a Fire Department vehicle.

Claim	\$990.90
--------------	-----------------

PROGRESSIVE a/s/o ETHELYN TINGLEY, P.O. Box 43258, Richmond Heights, OH 44143, 01-343. Compensation for damages sustained on June 13, 2000, whereby petitioner's parked vehicle was struck by a Fire Department vehicle.

STATE FARM INSURANCE a/s/o SUSAN RITTSCHER, P.O. Box 9003, Framingham, MA 01701-9003, 02-121. Compensation for damages sustained on December 1, 2001, whereby petitioner's parked vehicle was struck by a Fire Department vehicle.

Claim	\$2,985.96
--------------	-------------------

PEERLESS INSURANCE a/s/o ELIZABETH CHARLEBOIS, I-91
Tech Center, 795 Brook Street, Rocky Hill, CT 06067, 02-170.
Compensation for damages sustained on June 6, 2002, whereby
petitioner's vehicle was struck by a Parks Department vehicle driven by
Anthony Bento.

Claim \$934.24

CELESTE M. RIPANTI, 68 Virginia Lane, Providence, RI 02908, 02-160. Compensation for damages sustained on May 22, 2002, whereby
petitioner's garage door and shutters at 68 Virginia Lane were struck
by rocks during the cutting of the grass at Corliss Park.

Parma Doors, Inc. \$529.65
John A. Iacona \$878.00

JOHN T. WILMOT, 147 Viscount Road, Warwick, RI 02889, 02-290.
Compensation for damages sustained on October 18, 2002, whereby
petitioner's parked vehicle was struck by a Parks Department vehicle.
(Continued December 18, 2002; Continued February 12, 2003)

Fiore Pontiac \$1,429.98
AutoPaint RI, Inc. \$1,364.10

THOMAS F. MOONEY, 41 Sutherland Road, North Attleboro, MA 02760, 02-245. Reimbursement for towing fees paid on August 5, 2002,
whereby petitioner alleges his vehicle was towed without cause.

Claim \$64.50

LUZ C. RAMOS, 15 Vineyard Street, Apt. #409, Providence, RI 02907, 02-259. Compensation for damages sustained on September 26, 2002,
whereby petitioner's parked vehicle was struck by a Police vehicle.

Superior Auto Body, Inc. \$1,362.50
Fleet Auto Body \$1,397.26

ARTUR AYRIYAN (John L. Quigley, Jr., Esquire) vs. the CITY of PROVIDENCE, 99-74. Compensation for injuries and damages
sustained on October 31, 1998, whereby petitioner was involved in an
accident with a Public Works vehicle, being driven by Wayne Ferland.

LEEZA FEYISETAN (Dennis H. Ricci, Esquire) vs. the CITY of PROVIDENCE, 02-288. Compensation for injuries sustained on July 29,
2002, whereby petition was involved in an accident with a City vehicle.

MICHELLE GALVAO (James P. Howe, Esquire) vs. the CITY of PROVIDENCE, 00-107. Compensation for injuries sustained on March 7, 2000, whereby petitioner fell over a cement parking block while on the premises of Providence Fire Department Ladder Company #8 at 220 Brook Street. (Denied June 14, 2000)

ALICE GORDON vs. the CITY of PROVIDENCE, 98-361. Compensation for injuries sustained on October 16, 1998, whereby petitioner was walking through Kennedy Plaza and tripped and fell over the marble walkway causing injuries. (Denied February 9, 1999; Continued February 12, 2003)

MICHAEL MANFREDI vs. NAPOLITANO and the CITY of PROVIDENCE. (Continued February 12, 2003)

JAMES ZACCARIA & DONNA FARISS (Thomas W. Pearlman, Esquire) vs. the CITY of PROVIDENCE, 97-421. Compensation for injuries sustained on October 25, 1997, whereby petitioners were involved in an accident with a Police vehicle driven by Patrolman Michael Sweeney. (Continued November 17, 1999; Continued February 9, 2000; Continued March 8, 2000)

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

VICE-CHAIRMAN IGLIOZZI: Do I have a second?

COUNCILMAN HASSETT: Second, yes.

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

VICE-CHAIRMAN IGLIOZZI: All in favor.

COMMITTEE: Ayes.

VICE-CHAIRMAN IGLIOZZI: All opposed? Motion carries.

JAMES J. LOMBARDI III, 15 Brentwood Avenue, Providence, RI 02908, 03-41. Compensation for damages sustained on January 6, 2003, whereby petitioner struck a pothole on Broadway. (Continued February 12, 2003)

Town Fair Tire
Tire Pros

\$355.13
\$442.45

COUNCILMAN BUTLER: Mr. Chair, I make a motion to refer to the New England Telephone Company.

VICE-CHAIRMAN IGLIOZZI: Second?

COUNCILMAN HASSETT: Second.

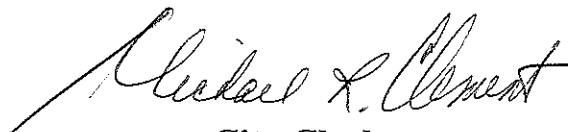
On motion of Councilman Butler, Seconded by Councilman Hassett, it is voted to refer the forgoing matter to the New England Telephone Company.

VICE-CHAIRMAN IGLIOZZI: All in favor.

COMMITTEE: Ayes.

VICE-CHAIRMAN IGLIOZZI: All opposed? Motion carries.

ADJOURNMENT: On motion of Councilman Butler, Seconded by Councilman Hassett, it is voted to adjourn the meeting at 6:18 o'clock P.M.


City Clerk


Assistant Clerk