

DEPARTMENT OF CITY CLERK

CITY HALL

FEBRUARY 25, 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., Councilman Clifford J. Wood and Councilman Seth Yurdin – 3.

ABSENT: Vice Chairman Council President Peter S. Mancini and Councilman Miguel Luna – 2.

Also present are Ernie Rowe, Water Supply Board; Anthony Cottone, Senior Assistant City Solicitor, Law Department; Michael Calise, Assistant City Solicitor, Law Department; Sharon Mulcahey, Law Department; Lori L. Hagen, Second Deputy City Clerk and Tina L. Mastroianni, Assistant Clerk.

COUNCILMAN WOOD: I make a motion to go into Executive Session, pursuant to Rhode Island General Law 42-46-5 (a) (2).

COUNCILMAN YURDIN: Second the motion.

On motion of Councilman Wood, 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 – Absent.
Councilman Luna – Absent.
Councilman Wood – Aye.
Councilman Yurdin – Aye.

EXECUTIVE SESSION

RECONVENTION

February 25, 2008

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

Roll Call:

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

COUNCILMAN YURDIN: Mr. Chair, I make a motion to seal the record of the Executive Session.

COUNCILMAN WOOD: Second it.

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

CHAIRMAN NARDUCCI: All in favor.

COMMITTEE: Ayes.

ERNEST D'ANDREA, 08-18. Compensation for damages sustained on December 3, 2007, whereby petitioner hit a pothole on Route 44.

No. Providence Tire & Auto Center	\$231.98
Tire Pros	\$224.70

EMC INSURANCE a/s/o LINCOLN ENERGY, INC., 07-219. Compensation for damages sustained on June 29, 2007, whereby petitioner was involved in an accident with a Water Supply Board vehicle.

GORDON J. MC CLURE, 08-10. Compensation for damages sustained on December 3, 2007, whereby petitioner hit a sink hole.

NATIONAL GRID, 07-271. Compensation for damages sustained on or about September 4, 2007, whereby petitioner alleges damages to steel gas mains due to a water break.

PEERLESS INSURANCE COMPANY a/s/o LAURETTE LISI (Ernest J. Palazzolo, Esquire), 07-250. Compensation for damages sustained on or about May 31, 2005, whereby petitioner claims a water leak from a water meter caused property loss.

Claim \$76,177.58

BETHANY E. POTHIER, 08-8. Compensation for damages sustained on December 3, 2007, whereby petitioner hit a large, unmarked pothole on Route 44 in Johnston.

JO-ANN RAGOSTA, 07-298. Compensation for damages sustained on September 17, 2007, whereby petitioner's parked vehicle was struck by a Water Supply Board vehicle.

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.

DARLENE R. RIVARD, 07-302. Compensation for damages sustained on December 3, 2007, whereby petitioner hit a sinkhole on Route 44.

DAVID RUGGIERO, JR., 07-294. Compensation for damages sustained on December 3, 2007, whereby petitioner drove into a sinkhole on Route 44.

JOSEPH M. SANTORO, 07-303. Compensation for damages sustained on December 3, 2007, whereby petitioner's vehicle went into a ditch on Route 44.

Town Fair Tire \$196.62

USAA INSURANCE a/s/o JOSEPH W. ANDRADE, 07-226. Compensation for damages sustained on July 16, 2007, whereby petitioner was involved in an accident with a Water Supply Board vehicle driven by Antonio Miccoli.

Claim \$5,397.85

TROY F. AUGER, 08-35. Compensation for damages sustained on January 22, 2008, whereby petitioner hit a pothole.

MATTHEW E. BERGERON, 08-30. Compensation for damages sustained on January 14, 2008, whereby petitioner alleges snow and debris from a snow plow broke his windows at 660-664 Charles Street.

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J. F. DEEGAN III, 08-51. Compensation for damages sustained on February 4, 2008, whereby petitioner hit a pothole at the corner of Camp and Olney Streets.

BEVERLY LAKE, 08-2. Compensation for damages sustained on December 27, 2007, whereby petitioner struck a pothole on Prairie Avenue.

Tasca \$411.04

LIBERTY MUTUAL a/s/o JOSEPH and ANNETTE CAMPOPIANO, 06-294. Compensation for damages sustained on April 28, 2006, whereby petitioner's building at 1852 Smith Street was struck by Public Works vehicle.

Claim \$10,932.63

PHILLIP A. MORTON, 08-38. Compensation for damages sustained on January 23, 2008, whereby petitioner hit a pothole on Branch Avenue.

Town Fair Tire \$129.18

PROVIDENCE MUTUAL FIRE INSURANCE a/s/o NATHANIEL SMITH CONDO ASSOCIATION, 08-31. Compensation for damages sustained on December 16, 2007, whereby a plow struck petitioner's building at 106 Benefit Street.

Claim \$1,669.95

MELISSA RIVERA, 08-19. Compensation for damages sustained on December 28, 2007, whereby petitioner hit a pothole on Whitmarsh Street.

Town Fair Tire \$83.46

CAROL A. VANNIEUWENHUIZE, 08-5. Compensation for damages sustained on December 29, 2007, whereby petitioner hit a pothole on Admiral Street.

Jake Kaplan's \$248.55
Town Fair Tire \$184.10

DORA AMARAL, 07-308. Compensation for injuries and damages sustained on December 13, 2007, whereby petitioner was involved in an accident with a Fire Department vehicle.

ALBERT ROSSI, 08-24. Compensation for damages sustained on December 14, 2007, whereby petitioner was involved in an accident with a Fire Department vehicle.

West End Collision Service, Inc.	\$1,334.05
Fleet Auto Body	\$1,631.30

ENCOMPASS INSURANCE a/s/o SOPHIE MC COY, 07-309. Compensation for damages sustained on October 28, 2007, whereby petitioner was involved in an accident with a City vehicle.

Claim	\$3,809.00
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JOHN C. and JASON M. CLANCY, 07-207. Compensation for damages sustained on September 5, 2007, whereby petitioner was involved in an accident with a Police Department vehicle driven by Sgt. Kevin Lanni. (Settled up to an Amount December 10, 2007)

Fogarty Auto Body, Inc.	\$1,744.85
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ROXANNE MADDEN (Patricia M. Joyce, Esquire) vs. the CITY OF PROVIDENCE, 00-63. Compensation for injuries sustained on February 22, 1999, whereby petitioner fell on a stairway at Central High School.

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.

COUNCILMAN YURDIN: I make a motion that we approve several agenda items up to the amount recommended by the Law Department.

COUNCILMAN WOOD: Second.

On motion of Councilman Yurdin, Seconded by Councilman Wood, 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.

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MARY GLIOTTONE (Dino A. Brosco, Esquire), 07-249.

Compensation for injuries sustained on or about April 10, 2007, whereby petitioner tripped and fell, allegedly due to a raised shutoff valve cover on the sidewalk in front of 926 Atwood Avenue, Johnston.

Claim \$100,000.00

ROMA GOURMET, 07-274. Compensation for damages sustained on October 23, 2007, whereby petitioner alleges damages to property caused by a water main break.

SELECTIVE INSURANCE a/s/o VIA ROMA, INC., 07-270.

Compensation for damages sustained on August 23, 2007, whereby a water pipe ruptured, allegedly caused by work being performed by the Water Supply Board, causing water damage to petitioner's basement.

Claim \$10,371.77

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; Continued January 30, 2008)

Claim \$19,736.69

VERIZON, 07-236. Compensation for damages sustained on March 20, 2007, whereby petitioner's underground cable and conduit were struck/damaged allegedly by workers from the Water Supply Board.

Claim \$5,263.44

MARIA ZARRA (Paul J. DiMaio, Esquire), 08-33. Compensation for injuries sustained on December 26, 2007, whereby petitioner slipped and fell at the Dunkin' Donuts Center.

ALBERT B. CASSELL, JR., 08-23. Compensation for damages sustained on January 2, 2008, whereby petitioner's vehicle slipped on black ice in Roger Williams Park.

Bryan Auto Repair \$415.00

ERIN WILLIAMS, 08-13. Reimbursement for towing fees paid, whereby petitioner alleges her car was towed without cause.

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CHARLES WOOD, 07-305. Compensation for damages sustained on December 7, 2007, whereby petitioner's vehicle was towed and his belongings were allegedly stolen from the vehicle.

ROBERT J. MEDEIROS, JR., 08-4. Compensation for damages sustained on December 13, 2007, whereby petitioner struck a large chunk of ice or heavily compacted snow while driving to his child's school bus.

BTS Tire **\$1,120.81**

ANN MARIE SAN ANTONIO, 08-15. Compensation for damages sustained on December 18, 2007, whereby petitioner's vehicle was damaged while parked in the Gilbert Stuart Middle School parking lot.

James Auto Body **\$687.18**
Inskip Automax Collision Center **\$767.29**

COUNCILMAN YURDIN: I will move that we deny several item agendas.

COUNCILMAN WOOD: Second.

On motion of Councilman Yurdin, Seconded by Councilman Wood, 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.

LINCOLN ENERGY, 08-44. Compensation for damages sustained on June 29, 2007, whereby petitioner was involved in an accident with a Water Supply Board vehicle.

PASCO PICANO (John S. Coughlin, Esquire), 06-304. Compensation for injuries sustained on June 21, 2006, whereby petitioner was riding his bicycle when he hit a raised and broken water marker. (Denied December 7, 2006)

Claim **\$100,000.00**

DOMINIC J. RAGOSTA, 07-245. Compensation for damages sustained on September 17, 2007, whereby petitioner's vehicle was struck by a Water Supply Board vehicle.

COUNCILMAN YURDIN: I make a motion that we continue indefinitely the foregoing item agendas.

COUNCILMAN WOOD: Second.

On the motion of Councilman Yurdin, Seconded by Councilman Wood, it is voted to continue indefinitely the foregoing matters.

CHAIRMAN NARDUCCI: All in favor.

COMMITTEE: Aye.

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

SCOTT CURLY and LUCINDA HUBBARD (Robert V. Russo, Esquire) vs. the CITY of PROVIDENCE, 06-27. Compensation for injuries and damages sustained on March 3, 2003, whereby petitioner was involved in an accident with a Police vehicle driven by Yianiss Noel.

Claim \$200,000.00

TIFFANY MEDEIROS vs. the CITY of PROVIDENCE.

COUNCILMAN YURDIN: I make a motion to continue.

COUNCILMAN WOOD: Second.

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

CHAIRMAN NARDUCCI: All in favor.

COMMITTEE: Ayes.

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

ADJOURNMENT: On motion of Councilman Yurdin, Seconded by Councilman Wood, it is voted to adjourn the meeting at 6:43 o'clock P.M.


Second Deputy City Clerk



Assistant Clerk