

**(The following is not a verbatim transcript of comments or discussion that occurred during the meeting, but rather a summarization intended for general information purposes. All motions and votes are the official records).**

## **CITY COUNCIL CLAIMS COMMITTEE**

Regular meeting of the Claims Committee was held on Monday, November 26, 2012 in the Council Chambers, City Hall, Cranston, Rhode Island.

### **CALL MEETING TO ORDER:**

The meeting was called to order at 6:10 P.M. by the Chair.

Present: Councilman Steven A. Stycos, Chair  
Councilwoman Leslie A. Luciano, Vice-Chair  
Councilman Paul H. Archetto (left meeting at 6:25 P.M.)  
Councilman Michael W. Favicchio (appeared at 6:20 P.M.)  
Council President Anthony J. Lupino (appeared at 6:30 P.M.)

Absent: Councilwoman Maria A. Bucci

Also Present: Evan Kirshenbaum, Assistant City Solicitor (appeared at 6:25 P.M.)  
Anna Marino, Claims Examiner  
Rosalba Zanni, Assistant City Clerk/Clerk of Committees

### **MINUTES OF THE LAST MEETING:**

On motion by Councilman Archetto, seconded by Councilwoman Luciano, it was voted to dispense with the reading of the minutes of the last meeting and they stand approved as recorded. Motion passed unanimously.

### **CORRESPONDENCE:**

### **OLD BUSINESS:**

## **PUBLIC HEARING**

The following names of claimants and the nature of the claims were read into the record.

- **Introduction of new claims and review of pending claims:**

<b><u>Claimant</u></b>	<b><u>Date of Incident</u></b>	<b><u>Nature of Claim</u></b>
<b>Melissa Voccio</b>	August 28, 2011	Vehicle damage
<b>Dulce Delos Santos</b>	October 12, 2012	Personal injury –slip & fall
<b>Maria Baez</b>	March 17, 2011.	Personal injury
<b>Staci Sauro</b>	August 29, 2012.	Personal injury
<b>Michael Sugerman</b>	September 11, 2012	Property damage claim
<b>Maria Salguerio</b>	August 11, 2012.	Personal injury claim

## **EXECUTIVE SESSION Pursuant to RIGL 42-46-5(a)(2)**

**Chair** stated that after the last meeting, he made an Executive decision to invite Council Members-Elect Donald Botts and Sara Lee, who will be serving on the Claims Committee in January to sit in Executive Session to see how the Committee operates.

Chair handed gavel to Vice-Chair.

Councilman Stycos motioned to allow Council Members-Elect into Executive Session. Councilman Archetto seconded the motion for discussion.

### Under Discussion:

**Councilwoman Luciano** stated that the Council Members-Elect have not taken their Oath of Office yet and these claims could be pending liability and there are privacy issues.

**Councilman Archetto** stated that the Mayor has allowed the Council Members-Elect into Executive Session at a Special Council meeting held last week and because precedent has been set, they should be allowed into Executive Session.

Due to the Solicitor's absence, the Committee decided to refer this issue to after the Public Hearings.

**Ms. Marino** stated that the following four claims on the agenda which can be discussed in Public Session:

- ***Maria Baez***

**Ms. Marino** stated that this incident occurred at Dutemple School. This claim will be forwarded to the School Department and it will be forwarded to the Trust.

- ***Staci Sauro***

**Ms. Marino** stated that this incident occurred at Cranston High School West. This claim will also be forwarded to the School Department to be forwarded to the Trust.

- ***Michael Sugerman***

**Ms. Marino** stated that this incident occurred on Reservoir Ave., which is a State road and letter will be sent to the claimant directing him to make claim with the State of Rhode Island.

- ***Maria Salguerio***

**Ms. Marino** stated that this incident occurred at Wal-Mart Plaza, which the City does not own. Letter will be sent to the attorney directing him to make claim with Wal-Mart.

Discussion resumed regarding whether to allow Council Members-Elect into Execution Session.

**Councilwoman Luciano** objected to this again.

Roll call was taken on motion to allow Council Members-Elect Botts and Lee into Executive Session and motion passed on a vote of 2-1. The following being recorded as voting "aye": Councilmen Stycos and Archetto -2. The following being recorded as voting "nay": Councilwoman Luciano -1.

**Councilwoman Luciano** exercised her right to remain in the Council Chambers until the Solicitor arrives.

The meeting went into Executive Session at 6:20 P.M.

Solicitor Kirshenbaum appeared at 6:25 P.M.

On motion by Councilwoman Luciano, seconded by Councilman Favicchio, it was voted to come back into Public Session. Motion passed unanimously.

**Solicitor Kirshenbaum** was asked his opinion regarding the issue of whether to allow Council Members-Elect into Executive Session and he stated that he agrees with Councilwoman Luciano. He had similar situation last week at a special Council meeting where the Mayor and Council allowed Council Members-Elect into Executive Session and he questioned this and Mr. Quinlan referenced that he called the Attorney General's Office and they had no problem with this. The Attorney General's Office did not see this as a violation of Open Meetings. Solicitor Kirshenbaum also stated that there has been precedent set, but he has seen nothing in writing. What is being protected in Executive Session is the City's litigation strategy based on information given and discussions.

On motion by Council President Lupino, seconded by Councilman Favicchio, it was voted to go into Executive Session pursuant to RIGL 42-46-5(a)(2) Collective Bargaining/Litigation and allow Council Members-Elect, who will be serving on this Committee, to attend only to listen. They will not be allowed to take part in any discussion or votes. Motion passed on a vote of 3-1. The following being recorded as voting "aye": Councilmen Stycos, Favicchio and Council President Lupino -3. The following being recorded as voting "nay": Councilwoman Luciano -1.

The meeting went into Executive Session at 6:35 P.M.

**Melissa Voccio**

On motion by Councilwoman Luciano, seconded by Councilman Favicchio, it was voted to deny this claim. Motion passed unanimously.

**Dulce Delos Santos**

On motion by Councilman Favicchio, seconded by Councilwoman Luciano, it was voted to deny this claim. Motion passed unanimously.

On motion by Council President Lupino, seconded by Councilman Favicchio, it was voted to come out of Executive Session. Motion passed unanimously.

The meeting came out of Executive Session at 6:45 P.M.

The meeting adjourned at 6:45 P.M.

Respectfully submitted,

Rosalba Zanni  
Assistant City Clerk/Clerk of Committee