

CLAIMS COMMITTEE

Regular meeting of the Claims Committee was held on Monday, April 6, 2009 in the Conference Room, Third Floor, City Hall, Cranston, Rhode Island.

The meeting was called to order at 6:00 P.M. by the Chair.

Present: Councilwoman Michelle Bergin-Andrews, Chair
Councilman Paul H. Archetto, Vice-Chair
Councilman Richard d. Santamaria, Jr.
Councilman Robert J. Pelletier
Council President John E. Lanni, Jr.

Also Present: Evan Kirshenbaum, Assistant City Solicitor
Anna Marino, Claims Examiner
Rosalba Zanni, Assistant City Clerk/Clerk of Committees

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

On motion by Council President Lanni, seconded by Councilman Santamaria, it was voted to go into Executive Session. Motion passed unanimously.

The meeting went into Executive Session at 6:00 P.M.

Present in Executive Session: Councilwoman Michelle Bergin-Andrews, Chair;
Councilmen Paul H. Archetto, Vice-Chair, Richard D. Santamaria, Jr., Robert J. Pelletier,
Council President John E. Lanni, Jr.; Evan Kirshenbaum, Assistant City Solicitor; Anna Marino, Claims Examiner.

The meeting came out of Executive Session at 6:55 P.M.

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

On motion by Councilman Santamaria, seconded by Council President Lanni, it was voted to seal the minutes of Executive Session. Motion passed unanimously.

The meeting adjourned at 6:55 P.M.

Respectfully submitted,

Rosalba Zanni
Assistant City Clerk/Clerk of Committees

CLAIMS COMMITTEE – EXECUTIVE SESSION MINUTES

APRIL 6, 2009

Discussion took place on the Committee members signing off on out of Court settlements. Council President Lanni stated that there was one such settlement listed on last month's Council docket for the Council to approve. He questioned whether these settlements should be listed on the docket at all. He stated that in the future, any out of Court settlements of claims that have not come before this Committee, be forwarded to this Committee for update of what happened before this Committee signs off on them. Ms. Marino stated that the Committee is signing them because the money comes out of the Claims line item. As to a Court settlement, they are handled by the Solicitor's Office and they enter into an agreement. Assistant Solicitor Kirshenbaum suggested that as a clarification, any settlements should be listed on the Council docket as a claim settlement by the Administration and the paperwork signed by the Solicitor or Mayor's Office.

0901-003

Ms. Marino stated that she received a bill for fence damage in the amount of \$2,750.

On motion by Councilman Santamaria, seconded by Council President Lanni, it was voted to approve this claim. Motion passed unanimously.

Ms. Marino stated that there is a third claimant – Vincent Rossi. Originally, Mr. Rossi's claim was denied based on the fact that he did not report the incident to the Police. Since then, he reported it and an amended Police Report was drafted adding him as a party to the incident and was sent to her office through Mr. Rossi's insurance company.

On motion by Councilman Santamaria, seconded by Councilman Archetto, it was voted to approve this claim for \$300.00.

Motion and second were withdrawn.

On motion by Council President Lanni, seconded by Councilman Santamaria, it was voted to deny this claim. Motion passed unanimously.

0901-033

Ms. Marino stated that this claim is before the Committee for introduction.

On motion by Councilman Pelletier, seconded by Councilman Santamaria, it was voted to deny this claim. Motion passed on a vote of 4-1. The following being recorded as voting "aye": Councilmen Santamaria, Pelletier, Councilwoman Bergin-Andrews and Council President Lanni -4. The following being recorded as voting "aye": Councilman Archetto -1.

0901-034

On motion by Councilman Santamaria, seconded by Council President Lanni, it was voted to approve this claim for \$50.00. Motion passed unanimously.

0902-012

Ms. Marino stated that she has received subrogation from Liberty Mutual for \$4,954.35 for damage to the claimant's vehicle and rental.

On motion by Councilman Santamaria, seconded by Council President Lanni, it was voted to approve this claim. Motion passed unanimously.

0902-035

On motion by Councilman Santamaria, seconded by Council President Lanni, it was voted to approve this claim for 50% of amount of claim. Motion passed unanimously.

0902-036

On motion by Councilman Santamaria, seconded by Council President Lanni, it was voted to approve this claim for 50% of amount of claim (\$104.20). Motion passed unanimously.

0903-037

On motion by Councilman Santamaria, seconded by Council President Lanni, it was voted to approve this claim for \$50.00. Motion passed unanimously.

0903-038

On motion by Councilman Santamaria, seconded by Council President Lanni, it was voted to approve this claim for \$50.00. Motion passed unanimously.

0903-039

On motion by Councilman Santamaria, seconded by Council President Lanni, it was voted to approve this claim for \$50.00. Motion passed unanimously.

0903-040

On motion by Councilman Santamaria, seconded by Council President Lanni, it was voted to deny this claim. Motion passed unanimously.

0903-041

On motion by Council President Lanni, seconded by Councilman Santamaria, it was voted to approve this claim for \$50.00. Motion passed unanimously.

0903-042

On motion by Councilman Santamaria, seconded by Council President Lanni, it was voted to approve this claim for 50% of the claim. Motion passed unanimously.

0903-043

Ms. Marino stated that this claim is before the Committee for introduction.

On motion by Councilman Santamaria, seconded by Councilman Archetto, it was voted to approve this claim for 50% of the claim. Motion passed unanimously.

0903-044

On motion by Councilman Santamaria, seconded by Councilman Archetto, it was voted to approve this claim for 50% of the claim. Motion passed unanimously.

0903-045

On motion by Councilman Pelletier, seconded by Council President Lanni, it was voted to approve this claim for 50% of the claim (\$119.07). Motion passed unanimously.

0903-046

On motion by Councilman Santamaria, seconded by Council President Lanni, was voted to approve this claim for 50% of the claim (\$147.47). Motion passed unanimously.

0807-127

Ms. Marino stated that claimant is requesting \$1,579. Assistant Solicitor Kirshenbaum stated that this is an appeal to Superior Court of decision from Municipal Court.

On motion by Council President Lanni, seconded by Councilman Santamaria, it was voted to deny this claim. Motion passed unanimously.

0812-103

Ms. Marino stated that she needs an approval for claim from Citizens Bank in the amount of \$1,850.00.

On motion by Council President Lanni, seconded by Councilman Santamaria, it was voted to approve this claim. Motion passed unanimously.

0812-112

Ms. Marino advised Committee that proof of insurance has been provided to her and she will forward this to the attorney.

0903-032

Ms. Marino stated that she needs approval for repair of claimant's vehicle in the amount of \$1,346.43 and no damage to the City vehicle.

On motion by Councilman Santamaria, seconded by Council President Lanni, it was voted to approve this claim. Motion passed unanimously.

0902-029

Ms. Marino stated that she needs approval to repair City vehicle.

On motion by Councilman Santamaria, seconded by Councilman Archetto, it was voted to approve the repair of the City vehicle. Motion passed unanimously.

0903-030

Ms. Marino stated that she needs approval to repair City vehicle in the amount of \$1,484.92.

On motion by Councilman Santamaria, seconded by Council President Lanni, it was voted to approve this amount. Motion passed unanimously.

0903-031

Ms. Marino stated that she needs approval to repair City vehicle in the amount of \$1,598.60.

On motion by Councilman Santamaria, seconded by Councilman Pelletier, it was voted to approve this amount. Motion passed unanimously.

0901-022

Ms. Marino stated that the reason this claim is before the Committee again is because the claimant was adamant with her that her claim be re-addressed.

Councilman Santamaria asked that Ms. Marino find out from the Mayor's Office what the status is on the tree, whether it will be taken down or not. He also stated that this Committee should not be hearing this claim again because there is no new information.

On motion by Councilman Santamaria, seconded by Council President Lanni, it was voted to deny this claim.

Motion and second were removed.

On motion by Council President Lanni, seconded by Councilman Archetto, it was voted to continue this claim to next month's meeting until the Committee receives a response back from the Mayor's Office regarding the status of the tree. Motion passed on a vote of 4-1. The following being recorded as voting "aye": Councilmen Archetto, Pelletier, Councilwoman Bergin-Andrews and Council President Lanni -4. The following being recorded as voting "nay": Councilman Santamaria -1.

Assistant Solicitor Kirshenbaum suggested that Ms. Marino contact the claimant and see if she is willing to sign a release and waive any interest if the City takes down the tree.

0901-027

Ms. Marino stated that this claim was originally denied by the Committee. After researching this, it was discovered that the land given to the Post was strictly the building. The parking lot is City owned. She will call attorney back and give him this information.

Assistant Solicitor Kirshenbaum stated that he will draft a letter asking the Post if they would add an additional rider to their insurance policy covering the parking lot.

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

The meeting came out of Executive Session at 5:55 P.M.

On motion by Councilman Santamaria, seconded by Council President Lanni, it was voted to seal the minutes of Executive Session. Motion passed unanimously.