

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

CITY COUNCIL CLAIMS COMMITTEE

Regular meeting of the Claims Committee was held on Monday, December 5, 2011 in the Council Chambers, City Hall, Cranston, Rhode Island.

CALL MEETING TO ORDER:

The meeting was called to order at 6:05 P.M. by the Chair.

Present: Councilman Steven A. Stycos, Chair
Councilwoman Leslie A. Luciano, Vice-Chair
Councilman Paul H. Archetto (appeared at 6:20 p.m.)
Councilman Michael W. Favicchio
Council Vice-President Robert J. Pelletier
Council President Anthony J. Lupino

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

MINUTES OF THE LAST MEETING:

On motion by Council Vice-President Pelletier, seconded by Councilman Favicchio, 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

Chair stated that at the last meeting he stated that he addressed claims involving City vehicles that do not involve legal action, such as Police and Fire, and he questioned if they could be discussed and voted on in Public Session. He had asked that the Solicitor report back on this.

Solicitor stated that the purpose of discussing those claims in Executive Session is it involves personnel matter.

Councilman Favicchio stated that the settlement amounts are disclosed at the City Council meetings. Out of abundance of caution, all claims should be taken and acted on in Executive Session, because they could have potential for litigation. He suggested that maybe the Solicitor could research whether Police and Fire claims should be part of the claims process. Maybe they can be considered as internal Administrative issues for the City. Solicitor stated that they may not be third party claims, however, the City is self-insured.

Councilman Favicchio suggested that next month, we try taking claims in Executive Session that should be Executive Session and if any claims the Solicitor and Committee feel can be acted on in Public Session, the those will be discussed and acted on in Public Session.

Council President Lupino stated that in the years he has served on the Claims Committee, he has never seen a claim for the claimant's insurance deductible only. There was one before the Committee recently. He asked that the Solicitor provide an opinion at the next meeting regarding this. He also stated that for future claims like this, maybe they should be denied automatically. We should continue this process.

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:**

| <u>Claimant</u> | <u>Date of Incident</u> | <u>Nature of Claim</u> |
|------------------------|--------------------------------|-------------------------------|
| Annette Martinelli | 09/19/11 | vehicle damage |
| Scott Hipsman | 08/28/11 | fence damage |
| Fire Department | 08/28/11 | ladder truck |
| David McCormick | 04/12/11 | personal injury |
| Karen Santanello | 07/05/11 | tire damage |
| Highway truck | 08/30/11 | vehicle damage |
| Michael Ribezzo | 10/14/11 | tire damage |
| Lisa Bradley | 10/24/11 | tire damage |
| Vanessa Maples | 10/16/11 | vehicle damage |
| Margarete Hosemann | 11/21/11 | personal injury |

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

On motion by Council President Lupino, seconded by Councilman Archetto, it was voted to go into Executive Session pursuant to RIGL 42-46-5(a)(2) Collective Bargaining/Litigation. Motion passed unanimously.

The meeting went into Executive Session at 6:30 P.M.

On motion by Council Vice-President Pelletier, seconded by Councilwoman Luciano, it was voted to come out of Executive Session. Motion passed unanimously.

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

On motion by Council Vice-President Pelletier, seconded by Councilwoman Luciano, it was voted to add to the minutes the following motions of settlement offers this Committee made in Executive Session. Motion passed unanimously.

Annette Martinelli

On motion by Councilman Archetto, seconded by Council Vice-President Pelletier, it was voted to approve this claim. Motion passed unanimously.

Scott Hipsman

On motion by Council Vice-President Pelletier, seconded by Councilwoman Luciano, it was voted to deny this claim. Motion passed unanimously.

Fire Department

On motion by Council President Lupino, seconded by Council Vice-President Pelletier, it was voted to approve this claim. Motion passed on a vote of 4-2. The following being recorded as voting "aye": Councilmen Favicchio, Archetto, Council Vice-President Pelletier and Council President Lupino -4. The following being recorded as voting "nay": Councilwoman Luciano and Councilman Stycos -2.

David McCormick

On motion by Council Vice-President Pelletier, seconded by Councilwoman Luciano, it was voted to deny this claim. Motion passed unanimously.

Karen Santanello

This claim was previously denied. No action needed.

Highway Truck

On motion by Council Vice-President Pelletier, seconded by Councilwoman Luciano, it was voted to approve this claim. Motion passed unanimously.

Michael Ribezzo

On motion by Council President Lupino, seconded by Councilman Archetto, it was voted to approve this claim for 50%. Motion passed on a vote of 5-1. The following being recorded as voting "aye": Councilmen Favicchio, Archetto, Stycos, Council Vice-President Pelletier and Council President Lupino -5. The following being recorded as voting "nay": Councilwoman Luciano -1.

Lisa Bradley

On motion by Council President Lupino, seconded by Council Vice-President Pelletier, it was voted to approve this claim for 50%. Motion passed unanimously.

Vanessa Maples

No action taken at this time. This claim is continued.

Margaret Hosemann

No action taken at this time. This claim is continued.

NEW BUSINESS:

Ms. Marino stated the following New Business:

- Claim of Sean McCormick on an incident that occurred on Warwick Ave. Ms. Marino referred Mr. McCormick to the State.
- Claim of Diana Colambo. Ms. Marino stated that she will send Ms. Colambo a letter advising her to make claim with National Grid.
- Monthly bill form Beacon was presented for signatures.

The meeting adjourned at 6:55 P.M.

Respectfully submitted,

Rosalba Zanni
Assistant City Clerk/Clerk of Committee

