

## CITY COUNCIL CLAIMS COMMITTEE

Regular meeting of the Claims Committee was held on Monday, February 7, 2011 in the Council Chambers, City Hall, Cranston, Rhode Island.

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

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

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

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 Archetto, 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:**

- **ELECTION OF COMMITTEE VICE-CHAIR**

Discussion and appointment of Vice-Chair held at end of the Public Session section of the meeting.

### **OLD BUSINESS:**

## **PUBLIC HEARING**

**Chair** stated that Public Session will be held and asked that name of claimant and nature of claim be placed in the record in Public Session. In Executive Session, discussion can be held on who is at fault, etc.

**Solicitor** stated that he is concerned about any statements made by the Committee as to liability questions. He is also concerned about disclosing the names in Public Session as far as City employees due to collective bargaining and nature of the claim. He stated that this is a unique Committee. Not only is this Committee serving as Council members, but also as a fiduciary for the City.

**Council Vice-President Pelletier** stated that he agrees with the Solicitor and he has a lot of concerns about airing the City's dirty laundry in a public forum.

**Councilman Archetto** stated that in claims dealing with the Police, we have to be careful not to violate the Police Officer's Bill of Rights.

**Councilman Favicchio** stated that claims negotiations are always private.

**Council Vice-President Pelletier** motioned that this Committee not discuss in public forum any details of any claims, except for the claimant's name and amount of the claim. Councilwoman Luciano seconded the motion.

### Under Discussion:

**Council Vice-President Pelletier** stated that only the name of the claimant and the amount of the claim be forwarded to the full City Council for ratification.

Chair handed gavel to Councilman Archetto.

**Chair** stated that two issues need to be looked at: 1) Open Meetings Law, and 2) items such as Officer's Bill of Rights. He asked that the Solicitor look at the Open Meetings Law. He feels there is a responsibility for this Committee to give some explanation on the claims and why the Committee voted the way it did on each claim.

Roll call was taken on motion that this Committee not discuss in public forum any details of any claims, except for the claimant's name and amount of the claim and motion passed on a vote of 4-1. The following being recorded as voting "aye": Councilmen Archetto, Favicchio, Councilwoman Luciano and Council Vice-President Pelletier -4. The following being recorded as voting "nay": Councilman Stycos -1.

Gavel was handed back to the Chair.

## **CORRESPONDENCE:**

- **ELECTION OF COMMITTEE VICE-CHAIR**

**Council Vice-President Pelletier** nominated Councilwoman Luciano as Vice-Chair. No other nominations were made. Councilwoman Luciano was appointed unanimously Vice-Chair of Claims Committee.

**Chair** asked that Ms. Marino read for the record the names of the claimants and the nature of the claim.

- Robert Schmiegel auto accident – property damage
- Brandi Sullivan tire damage - pothole
- Anthony Ferraro plow damage - mailbox
- Sharon Fratantuono plow damage to her snow blower
- Samuel Ranallo plow damage - mailbox
- Peter & Laurie DeCesaro plow damage - mailbox
- John Meloccaro plow damage - mailbox
- Karl & Lisa Anastasi plow damage - mailbox
- Michael Psikakos plow damage - mailbox
- Steven DiSciullo plow damage - mailbox
- Salsia Rodriguez personal injury - slip and fall
- Stephen Nault auto accident –auto damage
- Police Vehicle 2492 auto accident – auto damage
- Police Vehicle 3882 auto accident – auto damage
- Robert Chatfield auto accident – snow plow - property damage

On motion by Council Vice-President Pelletier, 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 6:20 P.M.

Present in Executive Session: Councilmen Stycos, Archetto, Favicchio, Councilwoman Luciano, Council Vice-President Pelletier, Council President Lupino; Evan Kirshenbaum, Assistant City Solicitor; Anna Marino, Claims Examiner; Rosalba Zanni, Assistant City Clerk/Clerk of Committees.

The meeting came out of Executive Session at 7:02 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.

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

The meeting adjourned at 7:02 P.M.

Respectfully submitted,

Rosalba Zanni  
Assistant City Clerk/Clerk of Committees

CLAIMS COMMITTEE – FEBRUARY 7, 2011  
EXECUTIVE SESSION MINUTES

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

Present: Councilmen Stycos, Archetto, Favicchio, Councilwoman Luciano, Council Vice-President Pelletier, Council President Lupino; Evan Kirshenbaum, Assistant City Solicitor; Anna Marino, Claims Examiner; Rosalba Zanni, Assistant City Clerk/Clerk of Committees.

1012-094

On motion by Council Vice-President Pelletier, seconded by Councilman Archetto, it was voted to approve this claim for \$50. Motion passed unanimously.

1012-095

**Ms. Marino** stated that this claim is for \$156.76.

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

Under Discussion:

**Councilman Archetto** asked if we have any way of knowing the name of the drivers in snow plow claims. Ms. Marino stated that she does try to obtain this information from Highway, but it is very difficult for Highway to give her that information because during a snowstorm, there could be various plow trucks plowing the same street at various times. Councilman Archetto stated that there should be a Police report on file. Councilman Favicchio stated that there may not be a Police report filed on any of the snow plow claims.

**Solicitor** suggested the Council look at the possibility of budgeting mail box claims in the Public Works Department Budget. This may make that department more accountable.

**Chair** asked at what point the drivers file an accident claim. He stated that there should be a policy on where certain drivers are at a certain time.

The Committee members asked that Ms. Marino speak to the Highway Superintendent regarding this and report back at the next meeting.

Roll call was taken on motion to approve the above claim and motion passed unanimously.

**Chair** asked that Ms. Marino find out how much we pay in mailbox claims per year for the last three years.

1012-097

On motion by Council Vice-President Pelletier, seconded by Councilman Archetto, it was voted to approve this claim for \$50. Motion passed unanimously.

1012-099

On motion by Council Vice-President Pelletier, seconded by Councilman Archetto, it was voted to approve this claim for \$50. Motion passed unanimously.

1101-001

**Ms. Marino** stated that there is no amount for this claim.

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

1101-002

**Ms. Marino** stated the Highway Division did verify that there was a pothole at this location. This claim is for \$116.55.

On motion by Council Vice-President Pelletier, 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 Archetto, Favicchio, Councilwoman Luciano, Council Vice-President Pelletier and Council President Lupino - 5. The following being recorded as voting "nay": Councilman Stycos -1.

1101-003

On motion by Council Vice-President Pelletier, seconded by Councilman Archetto, it was voted to approve this claim for \$50. Motion passed unanimously

1101-004

On motion by Council Vice-President Pelletier, seconded by Councilman Archetto, it was voted to approve this claim for \$50. Motion passed unanimously

1101-005

On motion by Council Vice-President Pelletier, seconded by Councilman Archetto, it was voted to approve this claim for \$50. Motion passed unanimously

1101-006

On motion by Council Vice-President Pelletier, seconded by Councilman Archetto, it was voted to approve this claim for \$50. Motion passed unanimously

1102-007

**Ms. Marino** stated that the Police report verifies loss and statement from Highway Superintendent testified that the incident did occur. Appraisal is for \$5,725, the vehicle has \$600 worth of salvage. The offer to the claimant should be \$5,125 minus the \$600.

**Councilman Archetto** asked who the City employee is. Ms. Marino stated that it is Eddie Carroll, who normally works for Building Maintenance, and has a CDL License and he helped plow that particular day.

On motion by Council Vice-President Pelletier, seconded by Councilwoman Luciano, it was voted to approve this claim for \$5,125 minus \$600 salvage.

Under Discussion:

**Ms. Marino** stated that the claimant has had a rental since February 2, 2011. She advised him that once he signs a release, rental ends. The City will be responsible for the rental at that time.

**Council Vice-President Pelletier** withdrew his motion and Councilwoman Luciano withdrew her second.

On motion by Council Vice-President Pelletier, seconded by Councilman Archetto, it was voted to approve this claim for \$5,125 plus seven days rental at \$35 per day plus tax. Motion passed unanimously.

1012-091

**Ms. Marino** stated that she needs approval for repair of Police vehicle for \$4,299.17.

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

**Chair** asked that Ms. Marino provide amount the City has paid in Police vehicle damage claims.

1012-093

**Ms. Marino** stated that this incident occurred in a pursuit and this is why Police vehicle was damaged. The person has no insurance. Damage to Police vehicle is \$2,726.68.

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

1012-096

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

1004-098

**Ms. Marino** stated that the City has received subrogation from Progressive.

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

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 7:02 P.M.