

(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, November 7, 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
Councilman Michael W. Favicchio
Council Vice-President Robert J. Pelletier

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:

- **Costello Claim (requested by Solicitor)**

Solicitor Kirshenbaum stated that he has the expert's report and asked that this item be placed on next month's agenda for the report to be submitted in Executive Session for the Committee to review.

On motion by Councilwoman Luciano, seconded by Council Vice-President Pelletier, it was voted to place the expert's report on next month's agenda to be reviewed by the Committee in Executive Session. Motion passed unanimously.

Alice Petrone, 24 Bretton Woods Dr., appeared to speak and stated that she filed her claim and her neighbor's claim on Friday and it is not listed on the agenda this evening. She asked if the agenda could be amended this evening to include those two claims. Chair stated that, by law, there is a 48-hour notice for posting of a notice of meeting and because of this, these two claims cannot be heard this evening. Ms. Petrone stated that due to the winter coming, asphalt can only be installed until the end of this month. She asked if a special meeting of this Committee could be held to hear those two claims.

Council Vice-President Pelletier stated that in fairness to other claims that have been filed after this evening's agenda was posted, there should not be any special meeting.

Councilman Favicchio stated that this issue came up the first time at the September Council meeting. If this claim was filed prior to last Friday, it could have been placed on this evening's agenda and be heard.

Councilwoman Luciano motioned to have a special meeting to handle these two claims. Councilman Archetto seconded the motion.

Chair indicated that the motion needs to include a date.

Motion and second were withdrawn.

Discussion took place on what date to hold a special meeting, if the Committee decides to hold a special meeting.

Solicitor indicated that on November 17th, the Committee meetings are being held and a special meeting could possibly be held then.

On motion by Councilwoman Luciano, seconded by Councilman Archetto, it was voted to hold a special Claims Committee meeting on November 17th to consider the two claims regarding the issue at Bretton Woods Dr.

Under Discussion:

Council Vice-President Pelletier stated that this would set precedent of people who file their claim late and want a special meeting to address their claim.

Roll call was taken on motion to hold a special meeting on November 17th and motion passed on a vote of 3-2. The following being recorded as voting "aye": Councilwoman Luciano, Councilmen Archetto and Favicchio -3. The following being recorded as voting "nay": Councilman Stycos and Council Vice-President Pelletier -2.

Discussion took place on the time for this meeting. A suggestion was made to hold the meeting at 5:00 p.m. or 5:30 p.m., but the majority of the members felt that time is too early for the members. Chair suggested holding the meeting after the Ordinance Committee.

Councilman Favicchio motioned to reconsider the date. Councilwoman Luciano seconded the motion. Motion passed unanimously.

Councilman Favicchio motioned to hold the special meeting prior to the November 28th Council meeting at 6:00 p.m. Councilwoman Luciano seconded the motion. Motion passed unanimously.

OLD BUSINESS:

PUBLIC HEARING

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

Executive Session Pursuant to RIGL 42-46-5(a)(2)

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

<u>Claimant</u>	<u>Date of Incident</u>	<u>Nature of Claim</u>
Robert Easton	08/28/11	house damage
Fire Department	08/28/11	Ladder 3
Patricia Capirchio	11/27/10	trip & fall
Karen Santanello	07/05/11	tire damage
Taylor Briand	08/30/11	personal injury
Todd Cambio	10/19/11	tire damage
Colleen Masterson	10/27/11	tire damage
Gregoria Ysabel	05/02/11	Inspection Permit
William Votto	05/25/11	personal injury

On motion by Council Vice-President Pelletier, seconded by Councilwoman Luciano, 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 7:05 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.

Robert Easton

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

Fire Department

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

Patricia Capirchio

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

Karen Santanello

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

Taylor Briand

On motion by Council Vice-President Pelletier, seconded by Councilwoman Luciano, it was voted to approve the subrogation from Safety Insurance for property damage only. Motion passed unanimously.

Todd Cambio

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

Colleen Masterson

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

Gregoria Ysabel

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

William Votto

On motion by Councilwoman Luciano, seconded by Councilman Favicchio, it was voted to deny this claim. Motion passed on a vote of 4-0. The following being recorded as voting "aye": Councilmen Stycos, Archetto, Favicchio and Councilwoman Luciano -4. Council Vice-President Pelletier recused.

The meeting adjourned at 7:05 P.M.

Respectfully submitted,

Rosalba Zanni
Assistant City Clerk/Clerk of Committee