



**CHICOPEE CITY COUNCIL
CLAIMS & ACCOUNTS COMMITTEE**

MEMBERS

Frank Laflamme, Chairman
Gary Labrie, Vice Chairman
Fred Krampits
Stan Walczak
William Courchesne

APPROVED 8-22-19

**MINUTES
April 12, 2018**

The following are the minutes of a public hearing held Thursday, April 12, 2018 at 6:30 PM in the City Council Chambers, Fourth Floor, City Hall Annex, 274 Front Street, Chicopee, MA 01013.

Members Present Laflamme, Labrie, Krampits, Walczak, Courchesne

Members Absent

Also Present Daniel Garvey (Associate City Solicitor), Elizabeth Soja (Assistant to the DPW Superintendent), Elizabette Botelho (City Engineer), Sharon Riley (City Auditor), Jeff Neece (DPW Superintendent), Tom Stefanik

The meeting was called to order at 6:00 PM.

In compliance with the Open Meeting Law the Chairman asked if anyone in the audience was recording the meeting. Hearing none the meeting continued.

Claim 18-1
Joanna Collado – Property (fence) damage - ?

Claimant was not present.

Sharon Riley stated that Joanna Collado filed this claim the day of the accident 10/30/17. She stated she had damage to her fence; a city tree fell on her property. Sharon Riley stated that she called her several times. She stated that the claimant is putting through a claim with no cost estimate.

Sharon Riley stated she will call the claimant to inform her that her claim has been postponed to the next committee meeting with the assumption that she will get us a cost estimate in writing.

Councilor Labrie motion to postpone – Councilor Krampits 2nd the motion – motion passed

Claim 18-2
Janel Cruz Santos – Towing charges - \$153.80

Claimant was not present

Councilor Krampits motion to postpone – Councilor Laflamme 2nd the motion – motion passed

Claim 18-3

Takira Long – Vehicle Damage pot hole - \$233.33

Claimant was present she stated that while driving home from work at 7:15 am on Broadway Street there was a pothole that she didn't see because of the rain. She hit the pothole and it busted her tire. She then drove it to the dealership right away.

Councilor Krampits stated the incident happened on Broadway Street near the Boutique across from Sam's Convenience store.

Elizabeth Soja stated that if that is the case then that would be Ludlow Construction's responsibility.

Sharon Riley stated this is where the problem comes in, four months after the fact I have to tell them they have to go to Ludlow Construction.

Councilor Laflamme stated he has issues with the Claims and Accounts. He stated when they go to your department for review we need a response in a reasonable amount of time. Now this is referred to Ludlow construction which will take longer.

Elizabeth Soja stated when she spoke to Quin Lonczak she was told that this was not Ludlow Construction because Broadway was such a mess. He did not indicate which side of Broadway it was on.

Councilor Laflamme stated that you need to communicate this to Sharon Riley. He stated that before he sets the committee meeting he speaks to Sharon to make sure all the information is in place and up to date.

Sharon Riley stated that it should be the Engineer Department.

Elizabeth Botelho stated that she would take a copy of the information.

Sharon Riley stated we don't want someone to wait four months and be told they have to go to Ludlow Construction.

Elizabeth Botelho stated given that this person stated it was on the School Department side of Broadway Street I would say this would be a valid claim to go to Ludlow Construction.

Jeff Neece stated that they may not have the legal contractual responsibility, but realistically they're on that side of the road.

Elizabeth Soja stated what if their actual work didn't impact that condition of the road on that side.

Elizabeth Botelho stated that because it is on that side of the street, it should go to Ludlow Construction.

Councilor Walczak stated when we receive a report do we send someone out to investigate and take pictures.

Councilor Laflamme stated that he is working with Sharon Riley to try to get this done in a reasonable amount of time.

Elizabeth Botelho asked if the claims could be scanned to her.

Sharon Riley stated she will scan them to both Elizabeth Botelho and Elizabeth Soja.

Councilor Walczak asked how long does it take for Ludlow Construction to pay.

Sharon Riley answered she sends them a notification and that's where our commitment stops.

Elizabeth Botelho stated that Ludlow Construction has been fairly responsive on their claims.

Councilor Krampits motion to deny and refer to Ludlow Construction – Councilor Laflamme 2nd the motion – motion passed.

Claim 18-4

Israel Ramos – Vehicle Damage pot hole - \$300.00

Claimant was present he stated that he was driving home early on a Saturday morning on Broadway and he hit a pothole. He had some damage to his wheel and tire. He stated that he had it fixed the same day.

Councilor Laflamme stated this is the same as above. He stated that the road is awful.

Councilor Labrie motion to deny and refer to Ludlow Construction – Councilor Laflamme 2nd the motion – motion passed.

Claim 18-5

Daniel & Mindy Adams – Vehicle Damage pot hole - \$300.00

Claimant was not present.

Councilor Labrie motion to postpone – Councilor Krampits 2nd the motion – motion passed

Claim 18-6

John Hooks Davis – Towing charges - \$178.76

Claimant was present he stated that on January 4th in a snow storm his car was towed. He stated that he looked on the parking ban list and called around and was told by DPW the street is already one sided parking so that would be alright during a snow emergency. He stated he had been parking this way since 2011. Now in 2018 his car was towed.

Jeff Neece stated that it is an even year and they were parked on the odd side.

The Councilors stated that they thought if everyone was on one side, and the road can still be cleared that they would not be towed.

Jeff Neece stated if there are cars parked on both sides of the road, what do you do. He stated he pulled from the parking ban side.

Councilor Krampits stated that the claimant called and went through the motions of verifying it. He stated that he was under the impression that if there was no parking on one side of the street during a snow storm then you could park on the other side of the street unless there was a major obstruction to traffic. He stated that the claimant complied what he would have done himself.

Councilor Courchesne stated that there are more streets like this with one sided parking. He stated that we need to look at this from an ordinance point of view and make some kind of an allowance.

Councilor Laflamme stated that he will call a meeting to further discuss towing on no parking streets.

Restitution paid: \$178.76

Councilor Labrie motion to pay – Councilor Walczak 2nd the motion – motion passed

Claim 18-7

Debra Simmons – Vehicle damage pot hole - \$300.00

Claimant was present she stated that she works third shift and on January 13th she was driving home from work on Fuller road at 6:00 a.m. She stated that when she went through the last light before Memorial Drive she hit a giant hole and her tire blew out. She stated it was pouring rain.

Councilor Walczak asked why she is seeking restitution for two tires.

Debra Simmons answered that they recommend that you buy two with a front end alignment to balance your car.

Tom Stefanik stated that you have to pay for the front end alignment with the one tire replacement.

Councilor Krampits motion to pay for one tire and alignment.

Restitution paid: \$194.57

Councilor Krampits motion to pay – Councilor Courchesne 2nd the motion – motion passed

Claim 18-8

Juan Colon – Towing charges - \$224.08

Claimant not present

Councilor Krampits motion to postpone – Councilor Walczak 2nd the motion – motion passed.

Claim 18-9

Lena Saleh – Vehicle damage pot hole - \$300.00

Claimant not present

Councilor Walczak motion to postpone – Councilor Krampits 2nd the motion – motion passed.

Claim 18-10

Sonia Fernandez – Towing charges - \$144.30

Claimant was present she stated that on March 13th she heard a commotion outside and she saw all the cars were getting towed. She stated that she has been living there for seven years and the city has never plowed that street ever. She said the plow truck driver was new and he just assumed that we didn't move our cars and mostly everyone was towed.

Councilor Laflamme stated that this is a private way. How will we know not to tow on this street for next year.

Jeff Neece stated that it's based on experience and historical information. He stated we generally keep the same people on the same routes.

Elizabeth Soja stated the driver was not used to that route, he does the Willamansett area and this was Aldenville. She stated he didn't have the list of private streets.

Councilor Laflamme stated that you could have a new driver every year that doesn't know the route.

Elizabeth Soja stated that the driver called in and was told that the street was color coated, that meant he could tow the cars. She stated that when this happened we did some research and it came out that this street is a private way and the map is incorrect.

Councilor Walczak suggested putting up a "Private Way" sign and this way the street would not be plowed.

Elizabeth Soja stated we are working getting it all coordinated.

Councilor Laflamme suggested working on the map as well.

Restitution paid: \$144.30

Councilor Krampits motion to pay – Councilor Laflamme 2nd the motion – motion passed

Claim 18-11

Pamela Elmer – Vehicle damage pot hole - \$300.00

Claimant was present she stated that she was going to a patience house on her way to work on New Lombard Road and she hit a deep pot hole. She stated she couldn't swerve because of oncoming traffic. She stated her rim was blown. She stated that she has not fixed it yet and she is still riding around on a donut.

Jeff Neece stated that they were aware of potholes at that time.

Councilor Laflamme asked if there was \$300.00 worth of damage.

Tom Stefanik answered yes.

Restitution paid: \$300.00

Councilor Labrie motion to pay – Councilor Walczak 2nd the motion – motion passed

Claim 18-12

Harvey Cote – Towing charges - \$144.30

Claimant was present he stated that he has been there nine years and they never towed our cars. He stated that the owners of the property will tell you where to park your car and they will tow you, not the city.

Councilor Laflamme stated this is the same situation as claim 18-10

Restitution paid: \$144.30

Councilor Krampits motion to pay – Councilor Walczak 2nd the motion – motion passed.

Claim 18-13

Roy Couture – Mailbox damage/plow - \$190.42

Claimant was present he stated that the plow took the mailbox out; we found it when we got up in the morning. His wife stated we were plowed out during the night. He stated that the mailbox was not salvageable.

Councilor Walczak asked if this ever happened before.

Roy Couture stated it never happened before.

Councilor Laflamme stated that the claimant did not see the plow truck hit his mailbox.

Jeff Neece stated that the post on the mailbox appeared to be rotting at the bottom.

Restitution paid: \$100.00

Councilor Walczak motion to pay – Councilor Laflamme 2nd the motion – motion passed.

Claim 18-14

Robert Wrzesinski – Vehicle damage pot hole - \$113.52

Claimant was present he stated that he hit a pothole on Fuller Road by the Christmas tree farm and he got a bubble on the sidewall of his tire. He stated that two days later he went to Town Fair Tire and replaced all four tires and just wants the one tire reimbursed.

Restitution paid: \$113.52

Councilor Labrie motion to accept the December 12, 2017 minutes – Councilor Laflamme 2nd the motion – motion passed.

Meeting adjourned at 7:38 PM.