



Recommendation Memo

To: Eric Earls, Department of Public Works
From: Margie White, Finance Department X 9241
Date: February 1, 2024
Re: Council Claim

Please investigate the attached claim against the City of Warwick involving your department and return this recommendation to the Treasury office as soon as possible.

Date of Incident: 1/25/24

Police/tow/auto report: 24-5584

Claimant: Joseph DiMaio
263 Sleep Hollow Farm Road
Warwick, RI 02886

Claim: Hit pothole on Cowesett Avenue causing damage to tire.

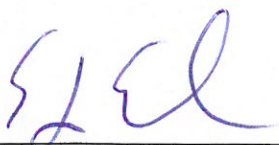
Invoice: Wyoming Towing & Repair \$500.06

Estimates: Town Fair Tire \$679.88
BridgestoneTire.com \$279.99
Firestone \$301.62

Department Recommends:

Approval of this claim for **\$300.00**

Denial of this claim (please include comments below):



Director Signature

2/6/24

Date

CLAIM CHECKLIST

- Completed Claim Form
- Valid Registration
- Police/Tow or Auto Report
- Invoice

- 3 Estimates

TO THE HONORABLE CITY COUNCIL

The undersigned respectfully petitions your body for compensation for injuries or damages sustained as follows:

Please print information that pertains to your claim.

Motor Vehicle Accident Pothole Property Damage Tax Waiver Other

Claimant Name: Joseph-Anthony DiMaio

Address: 263 Sleepy Hollow Farm Road

City, State, Zip: Warwick, RI 02886

Telephone #: 401-499-3535

Date of incident (M/D/Y) 1/25/24 Time: 8:01 AM PM

Description of Incident/Claim: Incident happened on Thursday evening 1/25/24 at aprox. 8:01 p.m. I was travelling west on Cowesett Road when I encountered a the unsettling pothole. I took photos of the hole and tire damage and my odometer (after I picked up my car and when I was at the police station reporting the incident). I submitted a claim with the state, but was told today (1/31/24) that this is not a State road, contrary to what Warwick Police indicated. Attached is the police report, paid receipt (paid w/ Ck#4622, registration, odometer pic (58153), pothole, tire damage, response from the State, and 3 competitive quotes.

Vehicle Year: 2016 Make: BMW Model: 435i XDrive Odometer reading: 58151

The Pothole was located on 349 Cowesett Road road

I notified the Finance I Public Works department on Phone msg. 1/27/24 @ 11:13 a.m. (date). and in person 1/31/24

The nature of my property damage is: Tire

JAN 31 2024 LYP

Additional information about Tax Waiver (include letter from Tax Collector stating adverse decision)

I request reimbursement in the amount of \$ 500.06

SIGNATURE OF CLAIMANT:

Handwritten signature of Joseph-Anthony DiMaio

DATE

1/31/24

AFFIDAVIT

(Petitioner Name) Joseph-Anthony DiMaio , being duly sworn, deposes and states:

1. I have petitioned the City Council of the City of Warwick for compensation for losses arising from an incident which occurred on (date) 1/25/24 as a result of (please provide brief description):

Potole in front of 349 Cowesset Road. Per photo taken on Saturday, 1/27/24 it appears to have existed for quite some time.

Said claim was filed with the Finance Department on 1/31/24 (date).

2. Check appropriate box or boxes:

I have not sought compensation, nor will I at any time seek compensation from any source (including, but not limited to, any insurance company) other than the City of Warwick, for any loss arising from the above-described incident, understanding for pothole claims, the maximum recovery is \$300.00 under Rhode Island General Law § 24-5-13 (b).

I have received compensation from a source or sources other than the City of Warwick, (including, but not limited to, any insurance company) in connection with this incident. The amount(s) which I received total \$ _____ and the source of the other payment(s) was _____

I am seeking, or intend to seek, compensation from a source or sources other than and/or in addition to the City of Warwick (including, but not limited to, any insurance company), for any loss arising from the above described incident. The source or sources from which I seek such other compensation is/are: _____

3. In the event that the Warwick City Council should deny my claim, I understand that I may pursue a claim against any other party who may be liable for my loss.

4. I understand that I am not entitled to recover more than the amount of my actual loss. If the City of Warwick pays any amount to me in connection with the above described incident, and if I should receive any amounts from any source other than the City of Warwick with respect to the above described incident, I will report such other receipt(s) to the Finance Department of the City of Warwick.


5. I have personal knowledge of the facts aforesaid.


Signature of Claimant or its Representative

Joseph-Anthony DiMaio
Printed Name

State of Rhode Island
County of Kent

Subscribed and sworn to before me on this 31 day of January, 2024


(Notary Public)

My Commission Expires

DEBRA A HAMMOND
Notary Public, State of Rhode Island
My Commission Expires FEB. 01, 2026
Commission # 768157



STATE OF RHODE ISLAND
 DIVISION OF MOTOR VEHICLES

600 New London Avenue
 Cranston RI 02920-3024
 Web Address: WWW.DMV.RI.GOV



JOSEPH A DIMAIO
 263 SLEEPY HOLLOW FARM RD
 WARWICK RI 02886-0404

Date: 03/29/2022

Registration Certificate

REG NUMBER: JD222	PLATE TYPE: PASSENGER	PLATE DESIGN: WAVE	VEHICLE TYPE: PASSENGER	DRIVERS LICENSE: 7952489	REG EXP DATE: 04/30/2024
YEAR: 2016	MAKE: BMW	MODEL: 435	BODY TYPE: CONVERTIBLE	MAJOR COLOR: BLACK	MINOR COLOR: BLACK
VEHICLE IDENTIFICATION NUMBER: WBA3T7C50G5A38345		RENEWAL FEE: \$128.50	GROSS WEIGHT: 5020	# OF PASSENGERS: 5	# OF CYLINDERS: 6
FUEL TYPE: GAS	CARRYING CAPACITY: N/A	LENGTH: N/A	CCs: N/A	MAX SPEED: 0	
REGISTERED OWNER/LEASING COMPANY: JOSEPH A DIMAIO 263 SLEEPY HOLLOW FARM RD WARWICK RI 02886-0404			SECOND OWNER:/LESSEE		

- TAX TOWN: **WARWICK**
- Notice: The law requires that the DMV be notified within 10 days of any change in name or address. Please visit our website to update your address online.
- Plate Cancellation -Excise Tax: Plates must be **cancelled** with the DMV to ensure the vehicle is removed from the city or town tax rolls. Please retain your receipt as proof of cancellation.
- Every registration plate shall be at all times securely fastened in a horizontal position and be in a condition to be clearly legible. Validation stickers are only to be placed securely on the lower right corner of the registration plate.
- Registration Certificate shall at all times be carried in the vehicle to which it refers or shall be carried by the person driving or in control of such vehicle.
- Proof of valid insurance/financial security is required as per Rhode Island General Laws § 31-47 (Motor Vehicle Repairs Act).
- It is your responsibility to renew your registration prior to the expiration date. Failure to do so may result in the assignment of new plates.
- Failure to obtain an **Emissions Inspection** on or before **11/14/2023** will result in this vehicle being suspended.
- Not valid without official signature of Administrator.
- Any vehicle operating in excess of legal weight limits is required to have an overweight permit per Chapter 31-25 of the Rhode Island General Laws. Failure to obtain an overweight permit may result in the imposition of fines and/or other penalties.

WALTER R. CRADDOCK
 Administrator
 Division Of Motor Vehicles

03/29/2022

For Date: 01/29/2024 - Monday

<u>Call Number</u>	<u>Time</u>	<u>Call Reason</u>	<u>Action</u>	<u>Priority</u>
24-5584	1723	Walk-In - POT HOLE	Services Rendered 3	
Call Taker:		TMATHIE - Civilian Tyler C Mathieu		
Call Closed By:		SCASTAL - Civilian Steven J Castaldi 01/29/2024 1834		
Location/Address:		[203 3837] WARWICK POLICE DEPARTMENT - 99 VETERANS MEMORIAL DR		
Calling Party:		***UNKNOWN***, JOSEPH @ ***UNKNOWN*** - WARWICK, RI		
Calling/Inv. Party:		DIMAIO, JOSEPH A @ 263 SLEEPY HOLLOW FARM RD - WARWICK, RI 02886		
Unit:		Race: W Sex: M		
Unit:		P12 Officer Zachary J Coyne		
Unit:		Disp-18:11:29	Clrd-18:13:27	
Unit:		P16 Officer Yadira Allen		
Unit:		Disp-18:13:24	Arvd-18:15:41 Clrd-18:30:02	
Unit:		Officer Johnathan H DiPietro		
Vehicle:		BLK 2016 BMW 4D Reg: PC RI JD222 VIN: WBA3T7C50G5A38345		
Owner:		DIMAIO, JOSEPH A @ 263 SLEEPY HOLLOW FARM RD - WARWICK, RI 02886		
Owner:		Race: W Sex: M		
Insurance Co:				
Policy No:				
Narrative:		01/29/2024 1724 Civilian Tyler C Mathieu		
Narrative:		veh damaged by pot hole on cowesett rd		
Narrative:		would like to speak with an ofc		
Narrative:		01/29/2024 1724 Civilian Tyler C Mathieu		
Narrative:		had veh repaired, was not driveable after hitting pot hole		
Narrative:		01/29/2024 1827 Officer Yadira Allen		
Narrative:		rp stated he struck a pot hole. He already got it repair		
Narrative:		given o filling the RIDOT form.		



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Wyoming Towing & Repair

P.O. Box 251
 Wyoming, RI 02898
 401-397-5551

No. 10141

Towing & Repair

CUSTOMER'S ORDER #: 16 BMW 435I DATE: 1/29/24
 NAME: Joe PHONE: _____
 ADDRESS: _____
 DESCRIPTION OF WORK TO BE DONE: _____

PARTS		TOTAL
ITEM		AMOUNT
2	225 45 R18 BST Driveguard +	458.00
	Install Package	10.00

Polch # 4/622

All claims and returned goods must be accompanied by this invoice.

Thank You

SUB-TOTAL	
TAX	32.06
TOTAL	500.06

OWN FAIR TIRE CENTERS, INC.

ESTIMATE#: RST_548_240835

Name: JOE DIMAIO


Address: 263 SLEEPY HOLLOW FARM RD,
WARWICK, RI 02886

mail:

Phone: 4014993535

Remaining Tread Life: FL-CNH FR-CNH RL-CNH RR-
NH

Store: 548 Clerk: 591

ITEM	QUANTITY	PRICE	AMOUNT
 DRIVE GUARD PLUS RUN FLAT SIZE: 225/45R18W IBM#: 84753 MILEAGE WARRANTY WITH CARE:	2	\$285.00	\$570.00
COMPUTERIZED WHEEL BALANCE	2	\$22.95	\$45.90
NEW RUBBER VALVE STEM OR TPMS RECONDITIONING	2	\$7.50	\$15.00
INCLUDED:		FREE	FREE
<ul style="list-style-type: none"> • DISMOUNT & REMOUNT • RESET TPM SENSORS • 30 DAY TEST DRIVE • NATIONWIDE WARRANTY • LIFETIME FLAT REPAIR • LIFETIME TIRE ROTATION • LIFETIME SNOW CHANGEOVER 			
30 DAY COURTESY PROTECTION		FREE	FREE
WASINGS DISPOSAL	2	\$3.75	\$7.50
MISCELLANEOUS FEES (STATE RUBBER, RECYCLING FEE, ETC.)			
NET TOTAL			\$592.50
SALES TAX			\$41.48
TOTAL (GOOD FOR 14 DAYS)			\$679.88

Quote #1



291 Dealers near 02818



BMW 435i XDRIVE

View Tires

BRIDGESTONE DRIVEGUARD PLUS

Run Flat | All Season ★★★★★

4.5 (135) [Write a Review](#)



GET HELP FROM A TIRE EXPERT

Quote #2

1/3



TOP 3 FEATURES



**Dry
Performance**



**Wet
Performance**



**Ride
Comfort**

TIRE DESCRIPTION

Touring tire comfort meets all-season confidence in the DriveGuard Plus. With improved performance and extended mobility, the DriveGuard Plus gets you where you need to go safely. Its next-gen run-flat capabilities are good for up to 50 miles at up to 50 mph post-puncture*. Engineered with zero-degree draft angles, it has superior gripping powers to help you excel in all the elements—stopping 40 feet shorter in snow over the original DriveGuard. *Up to 50 miles at up to 50 mph. Repairability of DriveGuard tires depends on the tire damage, amount of pressure loss, and vehicle operating conditions. See technical bulletin P-14-02 for details or call our Technical Hotline at 1-800-847-3272.

**Conditions apply. See BridgestoneTire.com/warranty for details.



**GET HELP FROM
A TIRE EXPERT**

Not your tire size? Choose a diff

225/45R18 (Fits Your Vehicle)

MSRP Price

\$279.99ea



2016 BMW

Quote

#2

2/3

Find This Tire Near Me



Click find this tire near me to view a map of stores near you where you can buy this tire

See a map of stores near you where you can buy this tire

[VIEW MORE VARIATIONS OF THIS TIRE SIZE](#)

NEARBY STORES

291 NEARBY STORES

1. Flood Ford Of East Greenwich

0.9 mi away

2545 South County Trail, East Greenwich Rhode Island, 02818-0000

(401) 884-4000

2. B.j's Wholesale Club

3.1 mi away

790 Centre Of New Eng Island, 02816-0000

CLOSED - Opens at 9AM

(401) 8

GET HELP FROM
A TIRE EXPERT

Show More

Quick
#2 3/3

In stock at [Warwick, RI](#) | This tire fits your 2016 BMW 435i xDrive Base



BRIDGESTONE
BRIDGESTONE DRIVEGUARD PLUS TIRE

SIZE: 225/45R18 XL

Touring tire comfort meets all-season confidence in the DriveGuard Plus. With improved performance and extended mobility, the DriveGuard Plus gets you where you need to go safely. Its next-gen run-flat capabilities are good for up to 50 miles at up to 50 mph post-puncture*. Engineered with zero-degree draft angles, it has superior gripping powers to help you excel in all the elements—stopping 40 feet shorter in snow over the original DriveGuard. *Up to 50 miles at up to 50 mph. Repairability of DriveGuard tires depends on the tire damage, amount of pressure loss, and vehicle operating conditions. See technical bulletin P-14-02 for details or call our Technical Hotline at 1-800-847-3272. **Conditions apply. See [BridgestoneTire.com/warranty](#) for details.



4.5 (26)

[Write a Review](#)

65K mi ?

WARRANTY

ALL-SEASON TIRES

CAR & MINIVAN



Get this tire for

\$50.27/month for 6 months

with flexible financing with your Firestone Credit Card

*Subject to credit approval.

[See Details and Apply Today](#)

PRICING SUMMARY

Quote #3 1/2

1 Tire

\$253.99 ea.

INSTALLATION FEES

\$28.94

[Show Pricing Details](#)

FREE SERVICES

-  Tire Mounting **FREE**
-  Tire/Wheel Alignment Check **FREE**
-  Lifetime Free Tire Rotation **FREE**
-  Contact Free Experience **FREE**

TAX

\$18.69

OUT THE DOOR PRICE

\$301.62

Add to Compare



Get this tire for \$50.27/month for 6 months
 with flexible financing with your Firestone Credit Card
 *Subject to credit approval.
[See Details and Apply Today](#)

FREE SERVICES INCLUDED

- TIRE MOUNTING
- LIFETIME TIRE ROTATION
- ALIGNMENT CHECK

Quote # 3



Joseph DiMaio <dimaio.jd@gmail.com>

349 Cowesett Road - Warwick

Nelson, Arlene (DOT) <arlene.nelson@dot.ri.gov>
To: "dimaio.jd@gmail.com" <dimaio.jd@gmail.com>

Wed, Jan 31, 2024 at 9:21 AM

I'm sorry you were given the wrong information, but the above location is NOT a State road. You need to file your claim with the City of Warwick. (See attached picture showing roadway, which is not highlighted in red)

Arlene Nelson

State of RI - DOT

Engineering Coordinator

360 Lincoln Avenue

Warwick, RI 02888

Telephone No. (401) 734-4842

Email: arlene.nelson@dot.ri.gov

Fax No. (401) 734-4902

From: RIDOT <no-reply@wufoo.com>
Sent: Tuesday, January 30, 2024 8:58 PM
To: Nelson, Arlene (DOT) <arlene.nelson@dot.ri.gov>
Subject: RIDOT Pothole Claim 2023 [#2178]

Full Name * Joseph–Anthony DiMaio

Address * [263 Sleepy Hollow Farm Road](#)

City/Town * Warwick

State * RI

Zip * 02886

Email * dimaio.jd@gmail.com

Phone Number * (401) 499-3535

Date Incident Took Place * Thursday, January 25, 2024

City/Town Incident Took Place * Warwick

Street Name or Highway Incident Took Place: Rt. 3 (Cowesett Road)
*

Additional Notes - IMPORTANT *

Incident took place just after 8 p.m. on Thursday, 1/25/24, nearly in front of [349 Cowesett Road \(RI Rt. 3\)](#) in the West Bound lane at the drainage grate. I reported it to the City after hours. They called back and said report it to the Police. I reported it to the Police on Monday, and they said report it to the state because it is a state road. Picture of: 1) the Police Report, 2) the pothole , 3) the damage , and 4) \$500.06 repair bill was uploaded. I am not submitting the tow bill at this time. I have more pictures but was limited as to what I could upload.

Upload Photo - Optional



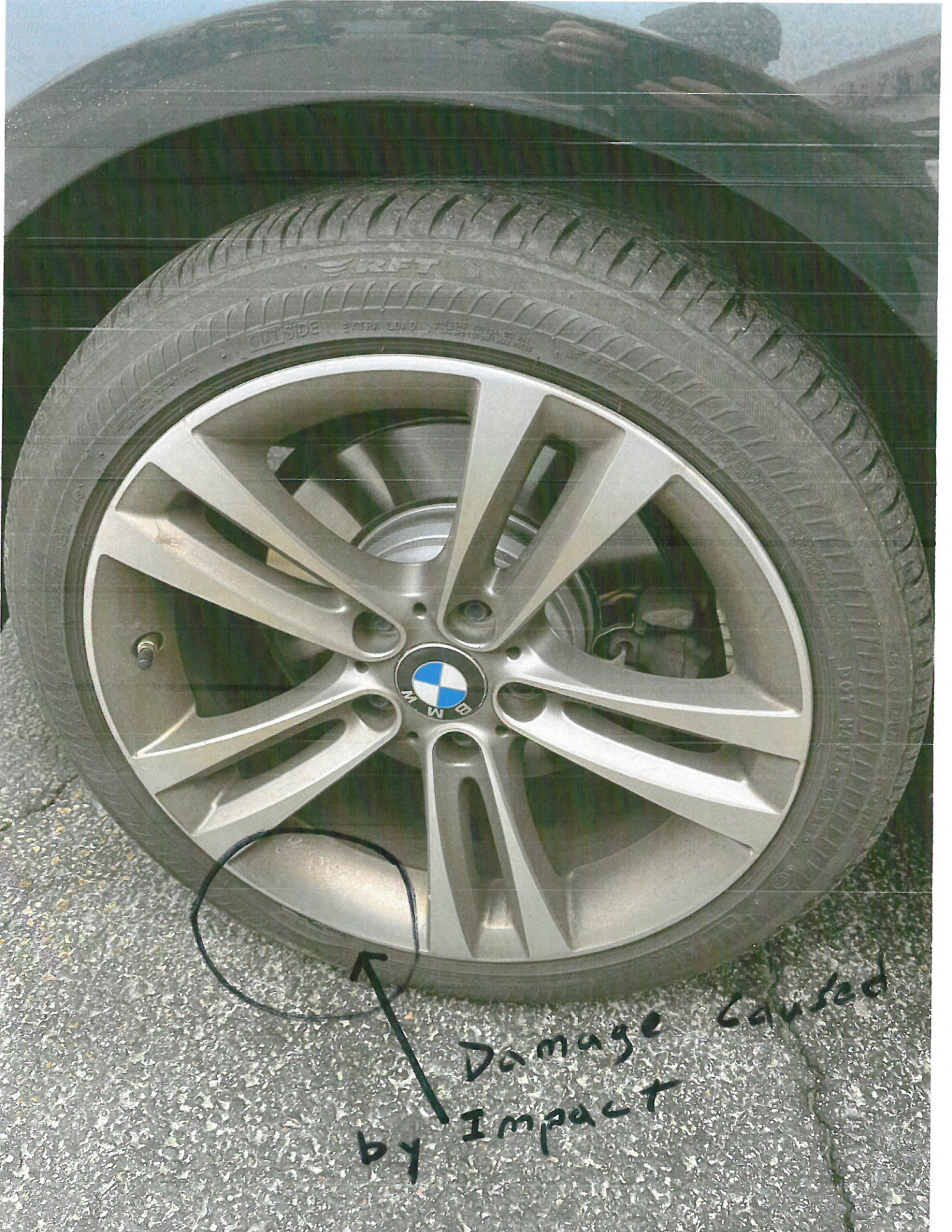
[jd222_pothole_incident_12524.pdf](#) 7.57 MB · PDF [ridot.wufoo.com]



NOT a State road.docx
480K



349



Damage caused
by Impact