



Recommendation Memo

To: BettyAnne Rogers, Sewer Authority
From: Margie White, Finance Department X 9241
Date: November 17, 2023
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: 10/18/2023

Police/tow/auto report: 23-60216

Claimant: Justin Mueller
167 Shand Avenue
Warwick, RI 02889

Claim: Hit raised sewer cap on Shand Avenue causing damage to vehicle.

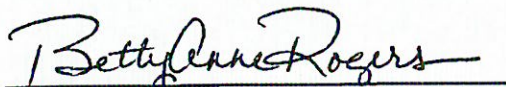
Estimates:	Primary Care	\$524.13
	Firestone	\$604.47
	West Shore Collision	\$937.26

Department Recommends:

Approval of this claim for \$ _____.

Denial of this claim (please include comments below):

10/18/23 – 147 Shand Ave – WO 316174 – Justin Mueller (lives at 167 Shand Ave) contacted the WSA. He said there is a loose sewer cover on his street. He drove over it and it flipped up and ripped off his muffler. He wanted to know if there was anything the city could do. Anthony Poole, WSA Administrative Service Manager, emailed him a claim form. WSA Inspector Jay Marchant was dispatched to check the manhole. The manhole had been redone on 10/4/23. The inspection indicated that there was nothing wrong with the manhole.



Director Signature

11/17/23

Date

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.

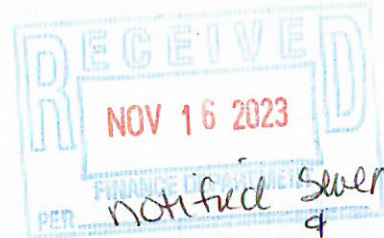
Motor Vehicle Accident Pothole Property Damage Tax Waiver Other (sewer cap)

Claimant Name: Justin Mueller

Address: 167 SHAND AVE

City, State, Zip: WARWICK RI 02889

Telephone #: 401-470-3875



Date of incident (M/D/Y) 10/18/2023 Time: 3:48 AM PM

Description of Incident/Claim: _____

Drove my Jeep south down Shand Ave, at 3:48pm, hit a slight dip in the road, that skipped my tire onto the sewer cap, followed by a real loud bang that shook my undercarriage of jeep. Immediately stopped, had a couple of cars coming down the road, looked under the jeep, + saw my tailpipe on the muffler end, severed and hanging to the ground.

Vehicle Year: 06 Make: JEEP Model: Liberty Odometer reading: 187389

The ~~Pothole~~ ^{sewer} was located on SHAND AVE road.

I notified the Finance I Public Works department on 10/18/23 (date).

The nature of my property damage is: severed tailpipe from Muffler end

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

I request reimbursement in the amount of \$ 524.34 (estimate # 1, lowest one)

SIGNATURE OF CLAIMANT: [Signature] DATE 11/16/23

the next day, AND SAID TO MAKE A police report AND emailed me the proper paperwork for claims. (Nickie Malbonado, Billing specialist warwick sewer Authority contacted me At 9:19 AM on 10/19

AFFIDAVIT

(Petitioner Name) Justin Mueller, 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) 10/18/23 as a result of (please provide brief description):

Driving south down Shand Ave, drove over a newly worked on sewer, my passenger rear tire hit the sewer at the inside edge + forced the other side to come up and impact my vehicle at my exhaust.

Said claim was filed with the Finance Department on 11-16-23 (date). Unexpected health issues separate from incident caused a short delay in filing right away

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]
Signature of Claimant or its Representative

Justin Mueller
Printed Name

State of Rhode Island
County of Kent

Subscribed and sworn to before me on this 15th day of November, 2023



[Signature]
(Notary Public)
My Commission Expires _____

For Date: 10/19/2023 - Thursday

<u>Call Number</u>	<u>Time</u>	<u>Call Reason</u>	<u>Action</u>	<u>Priority</u>
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23-60216	1101	Phone - POT HOLE		INFORMATION GIVEN 3
Call Taker:		AJOHNST - Civilian Andrea E Johnston		
Call Closed By:		KJOHNSO - Civilian Kassandra E Johnson 10/19/2023 1156		
Location/Address:		[203 5047] 167 SHAND AVE		
Calling Party:		***UNKNOWN***, JUSTIN @ ***UNKNOWN*** - WARWICK, RI 401-470-3875		
Unit:		P9 Officer David J Babcock		
		Disp-11:05:17		Clrd-11:05:25
Unit:		P9 Officer David J Babcock		
		Disp-11:32:09	Arvd-11:35:53	Clrd-11:52:03
Vehicle:		BLK 2006 JEEP UT LIBERTY Reg: PC RI YC770 VIN: 1J8GL48KX6W248760		
Operator:		MUELLER, JUSTIN P @ 167 SHAND AVE - WARWICK, RI 02889		
		Race: W Sex: M		
Owner:		MUELLER, JUSTIN P @ 167 SHAND AVE - WARWICK, RI 02889		
		Race: W Sex: M		


Insurance Co:
Policy No:

Narrative: **10/19/2023 1102 Civilian Andrea E Johnston**
SEWER CAP POPPED UP AND DAMAGED RPS CAR. SEE RP HERE

Narrative: **10/19/2023 1152 Officer David J Babcock**
RP advised sewer cap in front of 147 Shand Ave damaged exhaust pipe under vehicle yesterday (10/18/23). RP contacted Sewer Dept. who told him to notify police. [REDACTED] given & call # provided. No current issues observed w/ sewer cap upon inspection.

Hello Justin Mueller,


Thanks for being a customer of Primary Care Auto Repair, a detailed estimate of your 2006 Jeep Liberty Sport 3.7L 6Cyl GAS Naturally Aspirated is below. Please review the estimate of work and *APPROVE* or *DECLINE* the jobs to be performed on your vehicle.

▼  Primary Care Auto Repair


33 Locust Avenue Warwick RI 02886
License No: --
Phone: (401) 681-4994
Email: primarycareauto@gmail.com
Website: http://primarycareauto.com

▼  Justin Mueller

Phone: (401) 470-3875
Email: justinpm79@gmail.com

▼  2006 Jeep Liberty Sport

2006 Jeep Liberty Sport 3.7L 6Cyl GAS Naturally Aspirated
VIN: 1J8GL48KX6W248760
License: YC770
Unit #: --
Color: --
Odometer In: 187389 / Out: 187389

>  RO #69322

>  Client Concerns

ESTIMATE OF WORK

INSPECTION RESULTS





Primary Care Auto Repair

33 Locust Avenue
 Warwick, RI 02886
 (401) 681-4994
 primarycareauto@gmail.com
 http://primarycareauto.com

Estimate for RO #69322

Service Advisor: Kayla Brazil
 Posted Date: 11/07/23 at 12:17 PM EST
 Client: Justin Mueller
 Vehicle: 2006 Jeep Liberty Sport

Justin Mueller Phone: (401) 470-3875 Email: justinpm79@gmail.com	2006 Jeep Liberty Sport 3.7L 6Cyl GAS Naturally Aspirated VIN: 1J8GL48KX6W248760 License: YC770 Color: N/A Odometer In: 187389 / Out: 187389	RO #69322 Time-In: 11/07/23 at 11:15 AM EST Save Parts: No
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Client concerns:

- cs he needs a price just on the tailpipe only

1 - (B) Priorities	TECH: A J
<p>Note: Primary Care Auto Repair uses the Priority System. This system was design to give our customers a clear picture of what should be done and when it should be done. P1 - Priority 1 is any safety item, an item needed for RI State inspection or any concern that the customer has. P2 - Priority 2 is an item that should be done but can wait 3 to 5 months. P3 - Priority 3 is a maintenance item as should be done as soon as time and budget allows.</p> <p>All work comes with our 3 year 36,000 Mile Warranty! Financing available. NO credit check and 100 day interest FREE.</p> <p>Labor: Priorities</p>	
✓ Approved on 11/07/23 at 11:22 AM EST	0 0

2 - (BB) CMI Lite - Courtesy Maintenance Inspection (Lite)	TECH: A J
<p>Labor: Perform a Courtesy Maintenance Inspection</p>	
✓ Approved on 11/07/23 at 11:22 AM EST	0 0

3 - (E) Completed - Thank You	TECH: A J
<p>Labor: All of us here at Primary Care Auto Repair want to thank you for trusting us with all your vehicle needs. You are "WHY" we do what we do.</p>	
✓ Approved on 11/07/23 at 12:17 PM EST	0 0

1. "YES, DO THIS WORK" I hereby authorize the corresponding service to be done along with the necessary materials.
2. "YOU MAY DRIVE MY CAR ON PUBLIC ROADS" Primary Care Auto staff may operate my vehicle for the purpose of testing, inspection, and delivery.
3. "NO PAYMENT, NO KEYS" An express lien is acknowledged on my vehicle to secure the amount of services thereto.
4. "ONLINE COMMUNICATION OK" I welcome email and texts from Primary Care Auto as a means of receiving copies of my estimate, work order, and invoice.
5. "STORAGE FEES" I understand that storage fees may acruce 48 hours after I have been notified of the completion of repairs.
6. "HERE'S MY SIGNATURE" I endorse the attached digital image of my signature as equivalent to my written signature and as proof of my agreement to these five terms.

Total Repair Order & Signature:

	Total Fees: \$0.00
	Subtotal: \$0.00
	Grand Total: \$0.00
X _____	BALANCE DUE: \$0.00

Declined Jobs:

1 - Priority 1 - Remove Replace Tail Pipe

✗ Declined on 11/07/23 at 12:17 PM EST

Subtotal \$500.75 + est. Tax \$23.38

\$524.13

2 - (D) Quality Control

✗ Declined on 11/07/23 at 12:17 PM EST

0

0

ESTIMATE #Z

WORK ORDER #
380158

FIRESTONE COMPLETE AUTO CARE
400 BALD HILL RD STE 450
WARWICK, RI. 02886-1617

SERVICE ADVISOR
08 DEBRA
401.738.1661

Printed on 10/23/2023

MUELLER, JUSTIN/KATHALEEN
167 SHAND AVE
WARWICK, RI 02889-8717
401.470.3875 xjusti

2006 JEEP LIBERTY 65TH ANNIVERSARY EDITION
3.7L V6 FI GAS VIN K SOHC
LIC # YC770 RI VIN # 1J8GL48KX6W248760
IN 10/23/23 12:05PM MILEAGE 187,312

Store # 014702

Recommended Services not Authorized by Customer

Status	Description	Qty	Unit Price		Extended Price		Total
			Parts	Labor	Job Total	Cat. Total	
Recmd	EXHAUST					604.47	
	54441 TAIL PIPE	1	155.99	0.00			
	35336 WALKER CLAMP 1 EA WLKER	1	14.99	0.00			
	18944 DF MUFFLER ASSMBLY	1	188.99	0.00			
	REMOVE AND REPLACE MUFFLER AND TAIL PIPE	1	0.00	244.50			
Recmd	ENGINE ASSEMBLY & PARTS					907.49	
	CRP33A ENGINE OIL PAN	1	173.99	0.00			
	REMOVE & REPLACE OIL PAN &/OR GASKET	1	0.00	733.50			
Recmd	ENGINE ASSEMBLY & PARTS					588.89	
	8275685 TRANSMISSION LINES	1	213.99	0.00			
	REMOVE & REPLACE TRANSMISSION OIL COOLER PIPES - BOTH	1	0.00	374.90			
	System Failure - Required						2,100.85 2,100.85

Recommended Parts: 747.95
Labor: 1,352.90
Subtotal: 2,100.85
Shop Supplies: 35.00
Tax (7.00%): 54.81
Total: 2,190.66

THESE PRICES ARE VALID FOR 30 DAYS
 Labor charges are based on 'Menu Items' of a predetermined amount or the flat rate charged per the Mitchell Labor Manual @ Skill Rate.
 ALL PARTS ARE NEW UNLESS NOTED OTHERWISE

Estimate #3

WEST SHORE COLLISION
2134 W SHORE RD, WARWICK, RI 02889
Phone: (401) 738-0144
FAX: (401) 732-3350

Workfile ID: 0ebf734e
PartsShare: 7CrYQL
Federal ID: 05-0483905
License Number: 428

Preliminary Estimate

Customer: mueller, justin

Job Number:

Written By: Steve Kazanjian

Insured: mueller, justin
Type of Loss:
Point of Impact:

Policy #:
Date of Loss:

Claim #:
Days to Repair: 0

Owner:

mueller, justin
167 shand ave
warwick, RI 02889

Inspection Location:

WEST SHORE COLLISION
2134 W SHORE RD
WARWICK, RI 02889
Repair Facility
(401) 738-0144 Day

Insurance Company:

VEHICLE

2006 JEEP Liberty Sport 4WD 4D UTV 6-3.7L Gasoline SMPI black

VIN: 1J8GL48KX6W248760
License: YC770
State: RI

Interior Color: grey
Exterior Color: black
Production Date:

Mileage In: Vehicle Out:
Mileage Out:
Condition: Job #:

TRANSMISSION

6 Speed Transmission
4 Wheel Drive

POWER

Power Steering
Power Brakes
Power Windows
Power Locks
Power Mirrors

DECOR

Dual Mirrors

Body Side Moldings

Tinted Glass
Console/Storage

CONVENIENCE

Air Conditioning
Intermittent Wipers
Tilt Wheel

Rear Defogger
Keyless Entry
Rear Window Wiper

RADIO

AM Radio

FM Radio

Stereo

Search/Seek

CD Player

SAFETY

Drivers Side Air Bag
Passenger Air Bag
Anti-Lock Brakes (4)
4 Wheel Disc Brakes
Traction Control

Stability Control

ROOF

Luggage/Roof Rack

SEATS

Cloth Seats
Bucket Seats
Reclining/Lounge Seats

WHEELS

Styled Steel Wheels

PAINT

Clear Coat Paint

Preliminary Estimate

Customer: mueller, justin

Job Number:

2006 JEEP Liberty Sport 4WD 4D UTV 6-3.7L Gasoline SMPI black

Line	Oper	Description	Part Number	Qty	Extended Price \$	Labor	Paint
1		EXHAUST SYSTEM					
2	Repl	Muffler & pipe	52101120AD	1	757.00 m	0.6	
3	Repl	Muffler & pipe insulator #1	52128501AA	1	34.65		
4	Repl	Muffler & pipe insulator #2	52101126AA	1	34.65		
5	#	HAZARDOUS WASTE FEE		1	10.00		
SUBTOTALS					836.30	0.6	0.0

ESTIMATE TOTALS

Category	Basis	Rate	Cost \$
Parts			836.30
Body Labor	0.6 hrs @	\$ 60.00 /hr	36.00
Body Supplies	0.6 hrs @	\$ 10.00 /hr	6.00
Subtotal			878.30
Sales Tax	\$ 842.30 @	7.0000 %	58.96
Grand Total			937.26

PURSUANT TO RHODE ISLAND LAW, THE CONSUMER HAS THE RIGHT TO CHOOSE THE REPAIR FACILITY TO COMPLETE REPAIRS TO A MOTOR VEHICLE; AND AN INSURANCE COMPANY MAY NOT INTERFERE WITH THE CONSUMER'S CHOICE OF REPAIRER.

FOR ANY VEHICLE THAT IS LESS THAN FORTY-EIGHT (48) MONTHS BEYOND THE DATE OF MANUFACTURE, RHODE ISLAND LAW ENTITLES THE VEHICLE OWNER TO ORIGINAL EQUIPMENT MANUFACTURER (OEM) PARTS IN THE REPAIR OF A MOTOR VEHICLE PART. THIS ESTIMATE WILL INDICATE IF/WHEN AFTERMARKET BODY PARTS ARE SPECIFIED.

Any person who knowingly presents a false or fraudulent claim for payment of a loss or benefit or knowingly presents false information in an application for insurance is guilty of a crime and may be subject to fines and confinement in prison.

