



Hold to 1/18/17
2/22/17
PCR-16-16

Recommendation Memo

To: David Picozzi, Department of Public Works
From: Margie White, Finance Department ext. 6207
Date: August 24, 2016
Re: Council Claim

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

Date of Incident: 08/1/2016

Police/tow/auto report:

Claimant: Donna Jean Rainville
38 Ives Road
Warwick, RI 02818.

Claim: DPW cut tree limbs that are on her professionally landscaped property due to a complaint of a blocked stop sign. Claimant states trees are permanently damaged.

Estimates: Property damage \$500.00

Department Recommends:

Approval of this claim for \$0

Denial of this claim (please include comments below):

If this department did in fact find it necessary to trim any vegetation at this location, it would have been done to remove any obstructions to the roadway or any signs in the area. However, there is no evidence that this department did any vegetation removal at this location as there is no work order on file. This department denies any responsibility for damage to the trees.

Director Signature

Date

AFFIDAVIT

(Petitioner Name) Donna-Jean Rainville, 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) 8/1/2016 as a result of (please provide brief description):

damage to professionally landscaped yard

Said claim was filed with the Finance Department on 8/11/2016 (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]
Signature of Claimant or its Representative

Donna-Jean Rainville
Printed Name

State of Rhode Island
County of PROVIDENCE

Subscribed and sworn to before me on this 20th day of August, 2016.

Erin M. Connor
Notary Public, State of Rhode Island
My Commission Expires 2/2/17
ID # 51037

[Signature]
(Notary Public)
My Commission Expires 2/2/17



CITY OF WARWICK
OFFICE OF THE CITY CLERK
3275 POST ROAD
WARWICK, RHODE ISLAND 02886
TEL. (401) 738-2000, ext. 6214
FAX (401) 732-7640

SCOTT AVEDISIAN
MAYOR

JUDY WILD
CITY CLERK

October 21, 2016

Donna Jean Rainville
38 Ives Road
Warwick, RI 02818

Dear Donna:

Please be advised that on Monday November 7th at approximately 6:10 p.m. the Warwick City Council's Public Safety Committee will meet to discuss your claim against the City of Warwick.

Please be advised your attendance is required at this meeting. If you are unable to attend, please notify us as soon as possible at (401) 738-2000, extension 6214.

The meeting will be held in Warwick City Hall, Council Chambers, 3275 Post Road, Warwick R.I. 02886.

Sincerely,

Judy Wild
City Clerk



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3275 POST ROAD
WARWICK, RHODE ISLAND 02886
TEL. (401) 738-2000, ext. 6214
FAX (401) 732-7640

SCOTT AVEDISIAN
MAYOR

JUDY WILD
CITY CLERK

November 9, 2016

Donna Jean Rainville
38 Ives Road
Warwick, RI 02818

Dear Donna:

Please be advised that on Monday November 21st at approximately 6:10 p.m. the Warwick City Council's Public Safety Committee will meet to discuss your claim against the City of Warwick.

Please be advised your attendance is required at this meeting. If you are unable to attend, please notify us as soon as possible at (401) 738-2000, extension 6214.

The meeting will be held in Warwick City Hall, Council Chambers, 3275 Post Road, Warwick R.I. 02886.

Sincerely,

Judy Wild
City Clerk



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11/15 Spoke to Donna - Is and
has been out of town but
will be back by the 5th.

SCOTT AVEDISIAN
MAYOR

JUDY WILD
CITY CLERK

November 15, 2016

Donna Jean Rainville
38 Ives Road
Warwick, RI 02818

Dear Donna:

Please be advised that on Monday December 5th at approximately 6:10 p.m. the Warwick City Council's Public Safety Committee will meet to discuss your claim against the City of Warwick. Please disregard the previous letter indicating the date of November 21st as it was incorrect.

Please be advised your attendance is required at this meeting. If you are unable to attend, please notify us as soon as possible at (401) 738-2000, extension 6214.

The meeting will be held in Warwick City Hall, Council Chambers, 3275 Post Road, Warwick R.I. 02886.

Sincerely,

Judy Wild
City Clerk



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FAX (401) 732-7640

SCOTT AVEDISIAN
MAYOR

JUDY WILD
CITY CLERK

December 6, 2016

Donna Jean Rainville
38 Ives Road
Warwick, RI 02818

Dear Donna:

Please be advised that on Wednesday January 18th at approximately 6:10 p.m. the Warwick City Council's Public Safety Committee will meet to discuss your claim against the City of Warwick.

Please be advised your attendance is required at this meeting. If you are unable to attend, please notify us as soon as possible at (401) 738-2000, extension 6214.

The meeting will be held in Warwick City Hall, Council Chambers, 3275 Post Road, Warwick R.I. 02886.

Sincerely,

Judy Wild
City Clerk

Addendum to
8/20/2016
Claim

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: Dona-Jean Rainville

Address: 38 Ives Rd

City, State, Zip: Warwick, RI 02818

Telephone #: 401-575-6690

Date of incident (M/D/Y) 8/1/2016 Time: 1:55 AM/PM (PM)

Description of Incident/Claim: Please see attached detailed description

Vehicle Year: _____ Make: _____ Model: _____ Odometer reading: _____

The Pothole was located on _____ road.

I notified the Finance / Public Works department (circle one) on 8/11/2016 (date).

The nature of my property damage is: significant deterioration of property value & nature of trees. Evergreens are permanently damaged.

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

I request reimbursement in the amount of \$ 2500⁰⁰.

SIGNATURE OF CLAIMANT: _____

DATE 1/14/2017

AFFIDAVIT

(Petitioner Name) Donna-jean Rainville 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) 8/11/2016 as a result of (please provide brief description):

damage to professionally designed, planted & maintained property

Said claim was filed with the Finance Department on 8/11/2016 (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).

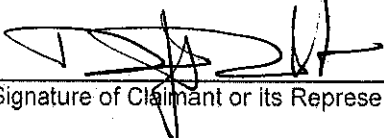
I have received compensation from a source or sources other than the City of Warwick, (including, but not limited to, any insurance company) in connection with this incident. The amount(s) which I received total \$ _____ and the source of the other payment(s) was _____.

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.



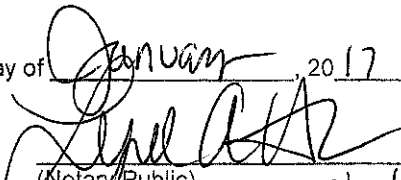
Signature of Claimant or its Representative

Donna-jean Rainville

Printed Name

State of Rhode Island
County of Kent

Subscribed and sworn to before me on this 17th day of January, 2017.



(Notary Public)
My Commission Expires 3/11/17

Donna-Jean Rainville
38 Ives Road
Warwick, RI 02818
401-575-6690
djrainville22@gmail.com

January 14, 2017

Honorable City Council
City of Warwick
3275 Post Road
Warwick, RI 02818

Dear City Council,

This is to follow up from my meeting with the Public Safety Committee on December 5, 2016. At that time the Committee determined a deferral for further discussion was necessitated by new evidence. This presents a \$2500 claim to replace eastern red cedar trees on my property that were severely disfigured by the Warwick Public Works Department.

The following summarizes the actions leading to this appeal:

On August 1, 2016 my neighbor observed the City of Warwick Dept. of Public Works cutting the sides of cedar trees that fronted Bradford Avenue. She immediately sent me a message (see attached) informing me of this action. At the time I was out of the country and was not aware it had happened until a week later.

Upon my return I called the Department of Public Works and requested to meet with them. They sent out a supervisor. I met with the supervisor and asked him why it was done, and what policies and procedures covered such an action. He told me there "were no policies and procedures", that a neighbor had made a complaint that the stop sign was being blocked and DPW was responding to it.

I then submitted a claim to the City, met with the Public Safety Committee and learned that the City DPW was denying any of the above. This has now resulted in a resubmission of the claim:

1. Regarding the Stop sign being blocked, I see no evidence that this was the case or that this represented a threat to public safety. The trees are over 30 feet from the sign and are conical red eastern cedar trees planted well into our property. There are only 11 homes on Bradford Ave (a dead end) and most of the residents have lived there for over 25 years. Bradford Ave. has a speed limit of 25 MPH and empties onto Ives Road where the speed limit is 25 MPH, however, it is almost impossible to be going even that fast as the roundabout at the dead end of Ives is only 50 feet from the exit of Bradford. I am not aware of any car accidents at this intersection in the 30 years I have lived here.

2. The cutting of the trees started at only two feet above the ground not even close to presenting any visual obstruction to the stop sign. Bradford Ave. is a flat street. One landscaper described the trees as "severely disfigured". My entire property of approximately 15,000 sq. ft. is a professionally designed, planted and maintained landscape which is visually apparent from the street. The landscape plans were displayed at the December meeting. Additional pictures are attached.

I am therefore requesting the following:

1. **\$2500 for removal and replacement of three Eastern Red Cedars.** See attached estimates for service that range from \$3303 to \$6230. This has been increased from the original \$500 claim estimate after further discussion with landscape professionals regarding the extent of the damage. Due to family illness I was unable to collect further information for my initial appeal in the time allotted. Securing these recent quotes took over 40 phone calls and emails. The lowest bid is above the maximum allowable before submission to the City insurance agency, however, in the interest of expediency I am willing to accept the \$2500.
2. **Establishment of policies and procedures** regarding when the City goes on to property and cuts trees.
3. **That there be sufficient evidence that there is a threat to public safety.** That before such action is taken on evidently maintained property, proof is provided that this is a clear and present danger to the public safety; and that the property owner be notified and have the option, should action be required of taking the appropriate steps him or herself to remediate the problem.

I very much appreciate your attention to this matter.

Respectfully,



Donna-Jean Rainville

Attach: text message from the witness of the tree cutting, three bids, miscellaneous pictures of the property and the damage

cc Steven B. Merolla, Esq.

Facebook LTE 9:29 AM

< Home (6)

Lynn Kennedy
Facebook



Invite Lynn to Messenger



Lynn Kennedy

1 mutual friend: David Robert
Lives in East Greenwich,
Rhode Island

AUG 1, 1:55 PM

Hey Donna-Jean, for
some reason Warwick
just trimmed your trees
that sit on Bradford? (I've
never seen them do that
before?)



You accepted Lynn's request

AUG 13, 3:10 PM

Tel: (401) 253-7700
(401) 253-8685
Fax: (401) 254-1194

Since 1890

Samuel Kinder & Brother, Inc.
Arborists, Landscapers, Nurserymen

315 Hope Street
Bristol, Rhode Island 02809
January 10, 2017

Donna-Jean Rainville
38 Ives Road
East Greenwich, RI 02818

Provide labor, equipment, and materials necessary for the removal and stump grinding of 3 specimen Eastern Red Cedar damaged and devalued by over-pruning. Costs as follows:

Item #1	Take down and remove 3 large Eastern Red Cedar facing Bradford Street approximating 35ft south of the corner of Ives Road.	843.00
Item #2	Grind out remaining 3 stumps to a suitable depth for replacement planting.	300.00
Item #3	Furnish and plant 3 Eastern Red Cedar (Juniperus virginiana) size 12-14' @720.00ea	2160.00
	total	3303.00

Replacement trees shall be planted using 8 year slow release fertilizer packets; trees shall be guyed using sub soil duckbill anchors - 3 per tree; planting area shall be mulched to a depth of 2 to 3 inches.

Respectfully submitted,

Samuel C. Kinder

From: lafayetteri@gmail.com
 Subject: Estimate 14 from Lafayette Landscape & Construction
 Date: January 10, 2017 at 9:43 PM
 To: djrainville22@gmail.com



Dear Customer :

Please review the estimate below. Feel free to contact us if you have any questions.

We look forward to working with you.

Sincerely,

Lafayette Landscape & Construction
 (401) 935-2952

Lafayette Landscape & Construction
 27 Rolling Hill Dr.
 Exeter, RI 02822
 (401) 935-2952

Estimate

Date	Estimate #
1/10/2017	14

Name / Address
Donna Rainville 38 Ives Rd. Warwick, RI 02818

Description	Qty	Cost	Project	
			Total	
Plantings: replace 3 extremely disfigured 25 ft Red Cedars. Remove tree and stumps and replace with 3 closely sized Cedars and repair lawn and bed damage.	1	5,800.00	5,800.00	
Total			\$5,800.00	

Phone #
401.935.2952

E-mail	Web Site
lafayetteRI@gmail.com	www.lafayetteRI.com

From: Dawn Pearce dawn.botanicalcreations@gmail.com
Subject: Tree replacement estimate
Date: January 13, 2017 at 5:03 PM
To: Donna-Jean Rainville djrainville22@gmail.com



Hi Donna-Jean,

Thank you for calling us. I am resending this because my last email did not contain my contact info. Estimate is as follows:

Tree Removal

3 Cedars cut down and removed \$900 each -----	\$2,900.00
3 stumps ground \$200 each -----	\$600.00

Tree and stump removal total ----- \$3,500.00

Installation

3 10' Eastern Red Cedars \$475 each -----	\$1,425.00
tax-----	\$99.75
installation -----	\$725.00
1 yard Mulch spread under drip line of each tree -----	\$80.00
2 yards topsoil for planting \$45/yd -----	\$90.00

Installation Total ----- \$2,729.75

Total ----- \$6,229.75

--
Dawn Pearce
Nursery Manager
Botanical Creations
401-782-1270
www.botanicalcreationsri.com

