



## Recommendation Memo

**To:** Eric Earls, Department of Public Works  
**From:** Margie White, Finance Department X 9241  
**Date:** January 4, 2024  
**Re:** Council Claim

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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:** August 2022

**Police/tow/auto report:** N/A

**Claimant:** David Pickering  
215 Pettis Drive  
Warwick, RI 02889

**Claim:** City culvert was compromised by heavy rainfall causing it to get blocked. The run off of water caused damage to light posts.

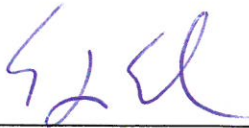
**Estimates:** K Electric \$1950.00

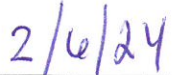
**PLEASE SEE ATTACHED LETTER**

**Department Recommends:**

**Approval** of this claim for **\$1950.00**

**Denial** of this claim (please include comments below):

  
\_\_\_\_\_  
Director Signature

  
\_\_\_\_\_  
Date

# CLAIM CHECKLIST

✓ Completed Claim Form

n/a Valid Registration

n/a Police/Tow or Auto Report

✓ Invoice

✓ 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: David W. Pickering

Address: 215 Pettis Drive

City, State, Zip: Warwick, RI 02889

Telephone #: 401-742-5039

JAN 04 2024

Date of incident (M/D/Y) August 2022 Time: Unknown  AM  PM

Description of Incident/Claim: please see attached statement and photos

Vehicle Year: N/A Make: N/A Model: N/A Odometer reading: N/A

The Pothole was located on N/A road.

I notified the Finance | Public Works department on August, 2022 (date).

The nature of my property damage is: Please see attached statement and photos.

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

I request reimbursement in the amount of \$ 1,950.00

SIGNATURE OF CLAIMANT: David W. Pickering DATE 12/18/23

**AFFIDAVIT**

(Petitioner Name) David W. Pickering, 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) August 2022 as a result of (please provide brief description):

please see attached information and photos.

Said claim was filed with the Finance Department on 1/4/23 (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.

David W. Pickering  
Signature of Claimant or its Representative

David W. Pickering  
Printed Name

State of Rhode Island  
County of Kent

Subscribed and sworn to before me on this 4<sup>th</sup> day of January, 2024

**NOTARY PUBLIC**  
Margie A. White  
759429

My Commission Expires 7/25/24  
**RHODE ISLAND**

Margie A. White  
(Notary Public)  
My Commission Expires 7/25/24

## TO THE HONORABLE CITY COUNCIL, WARWICK, RI

PROPERTY DAMAGE TO: David Pickering, 215 Pettis Drive, Warwick, RI  
Description of Incident, Claim – attachment:

In late August, 2022, a great rain had fallen and led to the damage and destruction of both my driveway light posts and corner of my driveway.

The attached photos illustrate the damage to our driveway lamps and driveway which was washed away when our light pole and its cemented base was broken in two and swallowed by a 7' deep and 3' wide hole that was washed opened when the blocks inside a culvert were washed out of position, which normally diverted the water from the culvert to the run off pipe beside my property.

Upon further inspection the light post on the opposite side of the driveway it became clear there was electrical damage to the light bulb socket and wiring.

I immediately contacted Mr. David Kurowski, Construction Inspector of the Engineering Division of the Department of Public Works. He was most helpful and I immediately came to inspect the damage and put orange protector barrels and tape around the hole and my damaged driveway area to protect children from falling in. His team quickly came and appeared to repair the damaged to the culvert and also appeared to fill in part of the huge hole. He suggested that I submit a claim to the City of Warwick, which I did. I kept checking in with him over the months and he indicated he had heard nothing about my claim. I just discovered that he was not the one to be checking in with, but rather the Finance Department, which I immediately did.

I recently met with Lynne Prodger, Treasurer, who tried to locate my claim, however was unsuccessful. She appreciated my documentation and photos and had me meet with and complete this new claim with the kind assistance of Margie White.

I made numerous efforts to gather three estimates, placing calls to more than 12 electrical companies in the area and found only one electrical company, B&K Electric, 719 Pontiac Avenue, Cranston, RI was interested in doing the necessary lamp replacements and repair work. I've attached their updated proposal, dated 12-04-2023 for \$1,950.

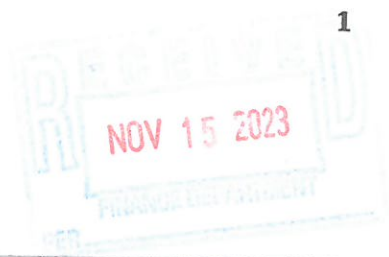
I was told by many of the electrical companies I spoke with that the smaller electrical companies and technicians that might have been interested in doing this replacement and repair work, were long gone out of business following the COVID-19 Pandemic. This work was far too small for the companies I contacted and that their work for the most part was booking new work out three months or more.

I hope this explanation is helpful. To date no one has been injured, however final repairs are needed to protect the many children that live next door and in the neighborhood area.

Sincerely,  
David W. Pickering

JAN 04 2024

original estimate



**PROPOSAL**

**Bill To:** 215 Pettis Dr  
David Pickering Warwick RI,  
02889 captdavepickering@gmail.com

**JOB LOCATION:** 215 Pettis Dr  
Warwick RI,  
02889 captdavepickering@gmail.com

<u>Proposal #</u>	<u>PO #</u>	<u>Date</u>	<u>Payment Due</u>	<u>Tech doing job</u>
#213642	#	10-07-2022	Upon Receipt	Jared Danielian

**Job summary/notes**

<u>JOB DESCRIPTION</u>	<u>QTY</u>	<u>PRICE</u>	<u>AMOUNT</u>
post light - black			
(Install/replace a standard lamp post and post light fixture at existing power source. Cement/anchor of new lamp post included.)	2	\$858	\$1716
	<b>Total</b>		<b>\$1716</b>
	<b>Tax</b>		<b>\$0.00</b>
	<b>Trip &amp; Service Fee:</b>		<b>\$99</b>
	<b>Total Investment</b>		<b>\$1815.00</b>

Payment is due upon receipt	Amount Due	Paid	Date Paid	Payment Method
	\$1815.00	Balance Due		

**Terms & Conditions:**

updated

JAN 04 2024



**PROPOSAL**

**Bill To:** David Pickering 215 Pettis Dr Warwick RI, 02889 (401) 742-5039 captdavepickering@gmail.com

**JOB LOCATION:** 215 Pettis Dr Warwick RI, 02889 (401) 742-5039 captdavepickering@gmail.com

<u>Proposal #</u>	<u>PO #</u>	<u>Date</u>	<u>Payment Due</u>	<u>Tech doing job</u>
#215714	#	12-04-2023	Upon Receipt	Michael O'Neill

**Job summary/notes**

<b>JOB DESCRIPTION</b>	<b>QTY</b>	<b>PRICE</b>	<b>AMOUNT</b>
Install/replace a standard lamp post and post light fixture at existing power source.			
<b>DESCRIPTION</b> Includes cement and anchor of new post. post not included.	2	\$816	\$1632
Purchase and supply light post - black			
<b>DESCRIPTION</b> Supply general black light post	2	\$197	\$394

**Standard Pricing**

<b>Total</b>	<b>\$2026</b>
<b>Tax</b>	<b>\$0.00</b>
<b>Trip &amp; Service Fee:</b>	<b>\$99</b>
<b>Adjustment: ( - )</b>	<b>\$175</b>
<b>Total Investment</b>	<b>\$1950</b>

Payment is due upon receipt	Amount Due	Paid	Date Paid	Payment Method
	\$1950.00	Balance Due		

**Terms & Conditions:**

I hereby authorize you to proceed with the above work for price of \$1950.00

\$ 1950.00

**Technician's acknowledgment:** prior to the customer entering into this contract, I have discussed the nature of service that will be done and costs. I have given a copy of this contract to the customer by email. All work has been done to or has exceeded national or local building codes when applicable. All work has met our company standards.

**ACCEPTANCE OF WORK PERFORMED:**

I acknowledge satisfactory completion of the above described work that the premises has been left in satisfactory condition. I understand that if my check does not clear, I am liable for the check and any charges from the bank. I agree to pay 1.5% per month for past due contracts (minimum charge \$15). In the event that collection efforts are initiated against me, I shall pay for all associated fees at the posted rates as well as all collection fees and reasonable attorney fees. I agree that the amount set forth marked "Grand Total" is the total upfront price I have agreed to. Only material purchased and installed by B & K Electric, Inc. will be warrantied. We offer a 1-year warranty on repairs. A 3-year warranty on New Installs. A 5-year warranty on new panels and new electrical services. We do not warranty standard bulbs or lamps, customer purchased material or connected equipment due to surge damage. Additional manufacturer warranties with applicable products are to be claimed through applicable manufacturer and not B & K Electric, Inc.. Motion activated products and motion activated light fixtures are EXCLUDED from B & K Electric, Inc's warranty. B & K Electric, Inc. does not recommend motion activated products due to their unreliability.



THANK YOU

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B&K Electric  
719 Pontiac Ave  
Cranston RI, 02910

P: (401) 258-2224  
E: Bandkelectric@gmail.com  
A-004559

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David Pickering, 215 Pettis Drive, Warwick, RI 02889  
[captdavepickering@gmail.com](mailto:captdavepickering@gmail.com) (401) 742-5039

These four photos show the original damage to our driveway that was washed away when the light pole and base was broken in two and swallowed by 7' deep 3' hole which was washed opened when the blocks inside the culvert that normally divert the water from the culvert down to the run off were washed out their original position. The light post on the opposite side of the driveway electrical was burned out and damaged.



Broken light & light base swallowed by the 7' hole.



I covered the broken light pole and broken base with a trash can and put tape around hole area to help keep the neighborhood kids safe.



Light pole & broken base



Light on opposite side of driveway electrical and wiring burned out.

NOV 13 2023

**LUTEC Outside Street Light with One Head Die-Cast Aluminum LED Outdoor Hard Wired Lamp (Head & Pole)**

★★★★★ (5)

~~\$174.99~~ \$149.99

Free shipping & returns

The classic design of the LUTEC Black 7' Head Street Pole Lamp makes it perfect for illuminating your outdoor space and making the most of your yard. The optional outdoor design is perfect for a variety of outdoor lamp. Constructed of weather resistant and premium materials and the street pole is made of 3/4" aluminum outdoor pipe.

**Product Highlights**

- One head pole allows the light to shine brightly
- Constructed of die-cast aluminum and steel
- Perfect for outdoor use in all climates
- One size fits all (fits most street lamps, for outdoor)
- A business and residential choice for new installation
- Low maintenance

Replacement light

These photos were taken **November 3, 2023** – the hole is still present.



The hole appears to have been partially filled in a little.



The orange can & pad covers the washed away part of the driveway



The electrical wire is 2' away from the hole and runs under and across the driveway to the light with burned out electrical



The broken light base and light pole are now well away from the hole.

October 7, 2022

Mr. David Kurowski  
Engineering Division – Construction Inspector  
Department of Public Works  
925 Sandy Lane  
Warwick, RI 02886

NOV 17 2023

Dear Mr. Kurowski,

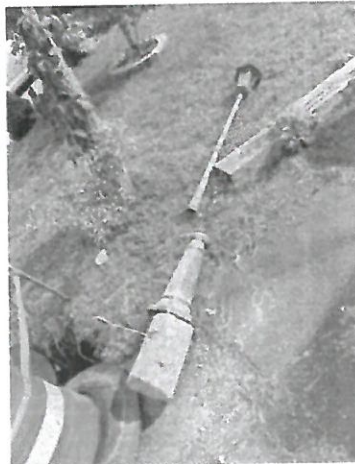
Thanks to you and your entire team in helping begin repairing the extensive damage done with the erosion of the drain and surrounding area with regard to my driveway lights and driveway located 215 Pettis Drive, Warwick. The hole was more than 7' deep and three feet across.

Your team responded immediately and began to make the necessary repairs and corrections which are ongoing. It is very much appreciated as so many young children play in this area.

I am including photos of the damage to the end of my driveway and my driveway light, which was swallowed into the hole, broke in half and also ripped in half the electrical line as well.

Attached are two copies of quotes for me to purchase a new driveway light to repair the damaged one. I am willing to do the work to install it.

Thank you for your kind efforts, they are greatly appreciated as my wife is quite ill battling brain and lung cancer and those lights help make sure she can walk the driveway safely.



Sincerely,

David Pickering