

**MINUTES OF THE MEETING OF THE
LITIGATION SETTLEMENT COMMITTEE
Wednesday, September 28, 2011**

Committee Members Present: Mr. Robert Smuts, Acting Chairman; Alderman Jorge Perez; Mr. Michael O'Neil, Acting Controller; and Mr. Joseph Clerkin, Designee for Management and Budget.

Corporation Counsel Staff Present: Victor Bolden, Corporation Counsel; Michael Wolak, Senior Assistant Corporation Counsel; Roderick Williams, Assistant Corporation Counsel, and Nancy Pepe, Legal Assistant.

Meeting Started: 5:33 p.m.

Meeting Ended: 6:02 p.m.

Mr. Smuts called the meeting to order at 5:33 p.m.

Mr. Clerkin moved approval of the minutes of the September 14, 2011 meeting. Alderman Perez seconded the motion. Alderman Perez abstained because he was not present at the September 14, 2011 meeting. The motion passed.

Alderman Perez moved approval of Office No. L09-0253. Mr. Clerkin seconded the motion.

Office No. L09-0253 – James Setaro, et al v. Reginald Holston, et al - Attorney Wolak summarized the issues regarding this matter to the Committee Members. Alderman Perez asked if there is any way to verify if the Officer was on the phone at the time (perhaps by Subpoena). Attorney Wolak stated the phone records were not looked into because that issue came up when the depositions were taken; it wasn't a part of the original claim. The Officer stated that he went on his shoulder radio to call in the accident. He denied being on his cell phone. Had the case proceeded, the records would have been obtained.

The motion to approve the recommendation passed unanimously.

Mr. Clerkin moved approval of Office No. L10-0250. Mr. O'Neil seconded the motion.

Office No. L10-0250 – Edith Hunter v. City of New Haven - Attorney Williams summarized the issues regarding this matter to the Committee Members. Alderman Perez asked who is responsible for repairing sidewalks, is it the City or, does the City repair the sidewalk and bill the property owner? Mr. Smut stated that the new policy with the Department of Public Works is that the City will take care of the repair on a liability but, it may not be pretty. It may be done with blacktop or slab grinding. If the owner wants the slabs repaired, the City will talk with the property owner about who will pay. Alderman Perez asked (outside of liability) who is responsible for fixing sidewalks? Mr. Smuts stated that if it's not caused by a tree, etc. the City would have to fix it but could put a lien on the owner's property for payment.

Attorney Wolak stated that putting liability aside, theatrically, it is the abutting property owner's responsibility, except the City has the duty to maintain. Statutorily, a municipality can put in a sidewalk and charge the property owner if it's due to something not caused by the city. Alderman Perez asked if we can find this out for sure. Entities that could pay for repairs should pay. Attorney Wolak stated that there is a City Ordinance. Mr. Bolden stated that the Committee would be provided with a copy of the Ordinance at the next scheduled meeting.

Mr. Smuts explained that the City has spent a fair amount of time redrafting the sidewalk policy. However, it has not yet been submitted.

The motion to approve the recommendation passed unanimously.

Alderman Perez moved approval of Office No. L10-0325. Mr. Clerkin seconded the motion.

Office No. L10-0325 – Vincenza Scarpaci v. City of New Haven - Attorney Williams summarized the issues regarding this matter to the Committee Members. Alderman Perez asked if the area has been fixed. Attorney Williams stated it has not yet been repaired but is on the list and should be done in a couple of weeks.

The motion to approve the recommendation passed unanimously.

Office No. L09-0128 – Bryan Zentek v. Christopher Simon - It was recommended that this matter be discussed in an executive session.

On the advice of Counsel, Alderman Perez moved the Committee enter into an Executive Session to discuss Office No. L09-0128 with Attorney Bolden and Attorney Wolak. Mr. Clerkin seconded the motion. The motion passed unanimously.

The Committee entered into Executive Session at 5:49 p.m.

A motion was made to exit Executive Session. The motion was seconded and passed unanimously. The Committee exited Executive Session at 6:01 p.m.

The Committee approved the Recommended Settlement for Office No. L09-0128.

A motion was made to adjourn the meeting. The motion was seconded and passed unanimously.

The meeting was adjourned at 6:02 p.m.