

**MINUTES OF THE MEETING OF THE
LITIGATION SETTLEMENT COMMITTEE
Wednesday, March 10, 2010**

Committee Members Present: Mr. Lawrence Rusconi, Chairman; Mr. Robert Smuts, Chief Administrative Officer; Alderman Jorge Perez; Alderwoman Arlene DePino; Mr. Mark Pietrosimone, Controller and Edward Piazza, Esq.

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

CIRMA Care Representative: Mr. Joseph Salcita

**Workers' Compensation
Division Representative:** Mr. Daniel Roche

Meeting Started: 5:30 p.m.

Meeting Ended: 6:05 p.m.

Mr. Rusconi called the meeting to order at 5:30 p.m.

Attorney Piazza moved approval of the minutes of the February 24, 2010 meeting. Mr. Smuts seconded the motion. The motion passed unanimously.

Attorney Piazza moved approval of Office No. 0930417698. Alderman Perez seconded the motion.

Office No. 0930417698 – Donna Krusinski v. City of New Haven – Mr. Salcito summarized the issues regarding this matter to the Committee Members. The Committee had no questions.

The motion to approve the recommendation passed unanimously.

Attorney Piazza moved approval of Office No. L08-0255. Mr. Smuts seconded the motion.

Office No. L08-0255 – Mark IV Construction v. City of New Haven – Attorney Williams summarized the issues regarding this matter to the Committee Members. Alderman Perez asked what the Committee is being asked to approve. Attorney Bolden stated that the compromise amount of \$15,837.00 is what is before this Committee. Alderman Perez asked if the City would be paying money to the Plaintiff. Attorney Bolden stated no, the City will be agreeing to accept \$15,837.00 less than it would have. Attorney Piazza explained that the City is not compromising taxes, when it is doing is compromising the amount of the value. Alderman Perez asked if this was because they only paid the taxes for one year. Attorney Williams stated yes. Attorney Williams also clarified that the City would be refunding the amount \$15,837.00 to the Plaintiff.

Mr. Smuts stated that the Plaintiff paid their tax bill of \$21,460.00 which is the amount of the gross liability exposure. Attorney Williams stated that they then challenged the bill. Alderman Perez asked how the City could tax something they can't support. Attorney Piazza stated that these Companies are required to report that they have personal property in the City. However, when they don't report, the Assessor's Office taxes them. He stated that these personal property cases should be taxed by their own home towns, where the business is located. Mr. Pietrosimone stated they can support it because the law says "if a company has personal property in the town the City can tax them." Then, after the fact, companies bring supporting documentation and, are now willing to cooperate with the City. Attorney Bolden stated that a Company has to have its personal property in New Haven for three continuous months or on October 1st in order to be taxed. Mr. Pietrosimone stated that once these companies are taxed they tend to provide documentation which would have prevented the City from having made the initial assessment.

Alderman Perez stated that he is concerned about the Contractors used by the City for Tax Assessments as there have been multiple cases presented to this Committee where the assessments have been done by contractors and the City has had to give up large refunds. Mr. Rusconi explained that when the City hires outside vendors to assist with assessments, ultimately, the person who makes the final decision on the assessment is the Assessor himself; he evaluates what is presented by these outside vendors. Mr. Rusconi also stated that more of these assessments are now being done by the City itself. Mr. Pietrosimone stated that, unfortunately, the City's current Assessor was not the Assessor at the time some of these assessments were done, nor did the Assessors' Office have the reviews in place as they do now.

Mr. Perez asked if the company used to do the assessment got paid by the City. Mr. Pietrosimone stated they did get paid.

The motion to approve the recommendation passed with Mr. Rusconi, Mr. Smuts, Mr. Pietrosimone and Attorney Piazza voting in favor of the Recommendation, Alderman Perez opposed the Recommendation.

Office No. L05-0327 – Ruben Rodriguez Administrator of the Estate of Hiram Marrero v. Rahque Tennant, et al - It was recommended that this matter be discussed in an executive session.

Attorney Piazza moved the Committee enter into an Executive Session to discuss Office No. L05-0327 with Attorney Bolden and Attorney Wolak. Mr. Smuts seconded the motion. The motion passed unanimously.

The Committee entered into Executive Session at 5:45 p.m.

Mr. Smuts moved the Committee exit Executive Session. Alderman Perez seconded the motion. The Motion passed unanimously.

The Committee exited Executive Session at 6:03 p.m.

Mr. Piazza moved approval of Office No. L05-0327. Mr. Smuts seconded the motion. The motion passed unanimously.

The motion to approve the recommendation passed unanimously.

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

The meeting was adjourned at 6:05 p.m.