

# 21-22  
cc  
Shaw  
Cowan  
DPR

RECEIVED:

William F. Berardi

In the Matter of the Claim of

NOTICE OF CLAIM

RECEIVED BY JS

DATE 8/11/21  
TO:

TIME 9:30 AM

City of Kingston, New York

PLEASE TAKE NOTICE that the claimant herein hereby makes claim and demand against City of Kingston, New York  
as follows:

1. The name and post office address of each claimant and of his/her attorney is:

<u>Claimant</u>	<u>Claimant's Attorney</u>
<u>William F Berardi</u>	<u>N/A</u>
<u>200 First Ave</u>	<u></u>
<u>Kingston, NY 12401</u>	<u></u>
<u>845-338-4953</u>	<u></u>

2. The nature of the claim:

Raised manhole - unmarked, no construction markings, or cones  
or flagmen present - damage to undercarriage and guard of vehicle

3. The time when, the place where and the manner in which the claim arose:

The incident occurred on August 2, 2021, at about 12  a.m.  p.m.  
at (location) Broadway and Elemendorf

4. The items of damage or injuries claimed are:

Undercarriage Guard/Shield and subframe.  
  
Subframe not repaired at this time. Shield replaced.

The undersigned therefore present this claim and demand \$ 167.63 for adjustment and payment, and notify

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you that unless same is adjusted and paid within the time provided by law from the date of this presentation to you, it is the intention of the undersigned to commence an action thereon.

Dated: August 10, 2021  
Kingston, New York



Signature

William F. Berardi

Print Name

N/A

Attorney(s) for Claimant(s)  
Office and Post Office Address, Telephone Number

**Individual Verification**

State of New York, County of Ulster ss.:

being duly sworn, deposes and says that deponent is the claimant in the within action; that he/she has read the foregoing Notice of Claim and knows the contents thereof; that the same is true to deponent's own knowledge, except as to the matters therein stated to be alleged on information and belief, and that as to those matters deponent believes it to be true.

Sworn to before me this 10<sup>th</sup> day of

August, 2021  


Notary Public

CHAD D. MILLER  
Notary Public, State of New York  
No. 01M16070955  
Qualified in Ulster County  
Commission Expires: 3/11/22

**Corporate Verification**

State of New York, County of \_\_\_\_\_ ss.:

Being duly sworn, deposes and says that deponent is the of Corporate claimant named in the within action; that deponent has read the foregoing Notice of Claim and knows the contents thereof, and that the same is true to deponent's own knowledge, except as to the matters therein stated to be alleged upon information and belief, and as to those matters deponent believes to be true.

This verification is made by deponent because said claimant is a \_\_\_\_\_ corporation, and deponent an officer thereof, to wit its The grounds of deponent's belief as to all matters not stated upon deponent's knowledge are as follows:

Sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Notary Public

**wberardi@cpa.com**

---

**From:** Tinti, Elisa <emtinti@kingston-ny.gov>  
**Sent:** Friday, August 6, 2021 8:44 AM  
**To:** wberardi@cpa.com  
**Cc:** O'Reilly, Patrick  
**Subject:** RE: [EXTERNAL EMAIL] Undercarriage and guard on my Vehicle  
**Attachments:** 20210806074042.pdf

Good morning,

Attached please find the claim form that needs to be completed. Also, please note that it must be notarized. Please attach photos and any repair quotes that you have. The more documentation the better. This original notarized form must be dropped off or mailed to my office no later than 90 days from the incident.

If you have any questions please don't hesitate to call 334-3914.

Thank you,  
Elisa Tinti

*Elisa Tinti*

City Clerk and Registrar  
City of Kingston

(845) 334-3914 Office  
(845) 334-3918 Fax

[Kingston City Clerk Webpage](#)



**From:** wberardi@cpa.com [mailto:wberardi@cpa.com]  
**Sent:** Wednesday, August 04, 2021 8:05 AM  
**To:** Tinti, Elisa <emtinti@kingston-ny.gov>  
**Cc:** O'Reilly, Patrick <ward7@kingston-ny.gov>  
**Subject:** [EXTERNAL EMAIL] Undercarriage and guard on my Vehicle

Elisa,

I am sure you and your office has plenty to do. Just making sure your office is where to file this. I see something on web-site that looks like a claim – is that what we use.

Thanks!

Bill

**From:** O'Reilly, Patrick <ward7@kingston-ny.gov>  
**Sent:** Monday, August 2, 2021 6:15 PM

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To: [wberardi@cpa.com](mailto:wberardi@cpa.com)

Subject: Re: [EXTERNAL EMAIL] Undercarriage and guard on my Vehicle

Hi Bill,

All is well thank you.

Please file a claim for damages at the city clerks office.

Patrick O'Reilly

Alderman

Sent from my iPhone

On 2 Aug 2021, at 2:27 PM, [wberardi@cpa.com](mailto:wberardi@cpa.com) wrote:

Patrick,

Hope you are counting your last months of service and hope all family is well. Today around noon when navigating the winding down construction on semi-paved Broadway near the Elemendorf Street intersection, hit a raised manhole – no flagmen or cones there? – the undercarriage and guard of my Van was broken/off and damaged – what are we to do? I contacted Honda – they have to access the damage and order parts for now. BTW the former RR crossing on Cornell Street the County ripped up is roadway is very deep and only marked as BUMP.

Bill Berardi

200 First Avenue  
Kingston, NY 12401

William F. Berardi CPA, MBA, RIA, PFS  
Berardi, Gottstine & Miller CPAs PC

**MAILING ADDRESS: PO Box 5030  
Kingston, NY 12402-5030**

(845)338-1619 x1  
Fax (845) 338-2458  
[www.bgmcpas.com](http://www.bgmcpas.com)

**NOTE: MY EMAIL ADDRESS IS CHANGED TO: [WBerardi@CPA.COM](mailto:WBerardi@CPA.COM)  
NEW Physical Address 273 Wall St; Suite 201 Kingston NY 12401 (rear of Citizens Bank Building – not in Bank branch) offstreet parking via Crown St. In between Key Bank and the Ulster County Courthouse. Must buzz to enter bldg. 2<sup>nd</sup> Floor – 28 steps - NO ADA access. Small locked drop box on exterior of Building.**

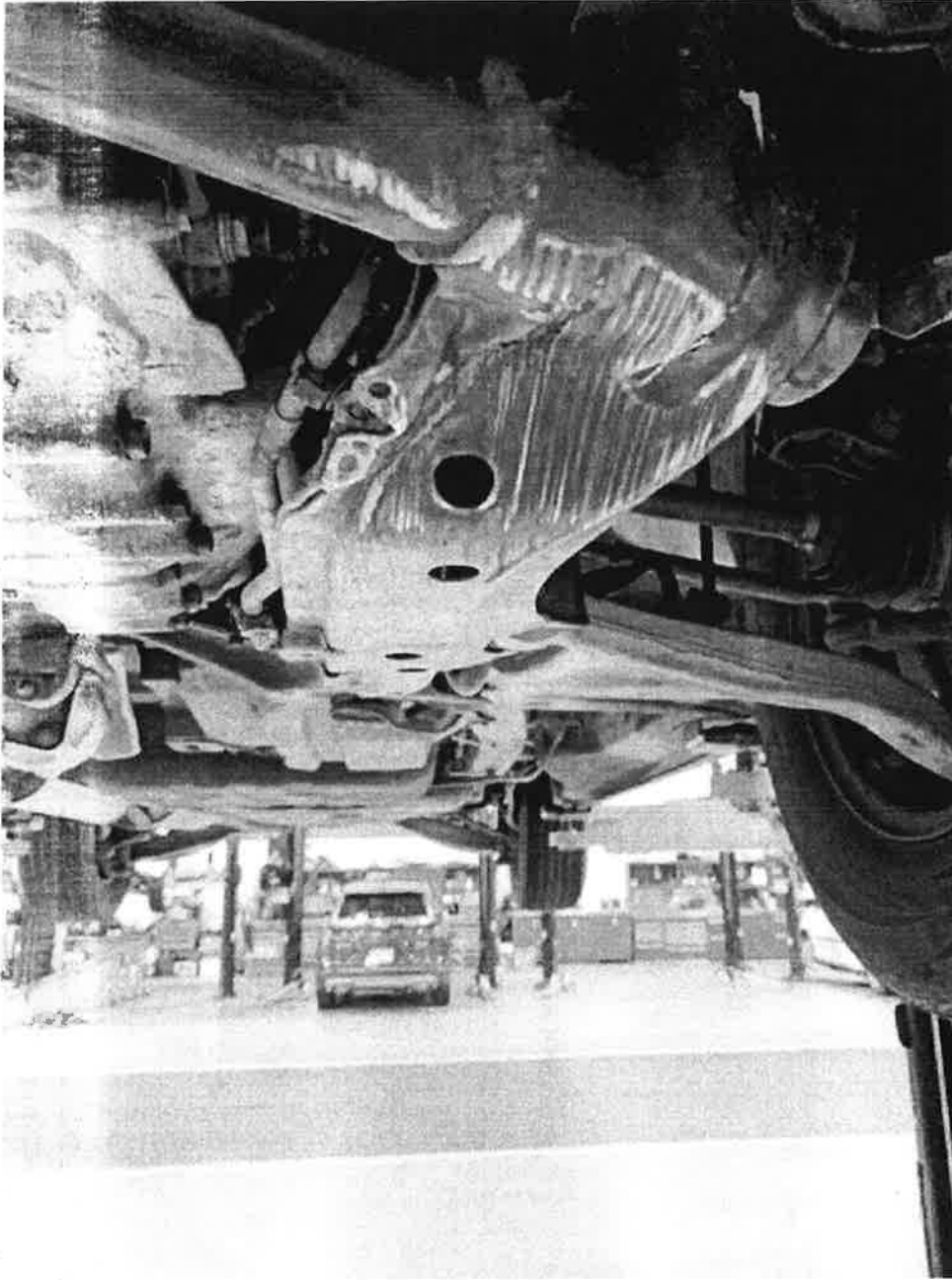
<image001.png>

4

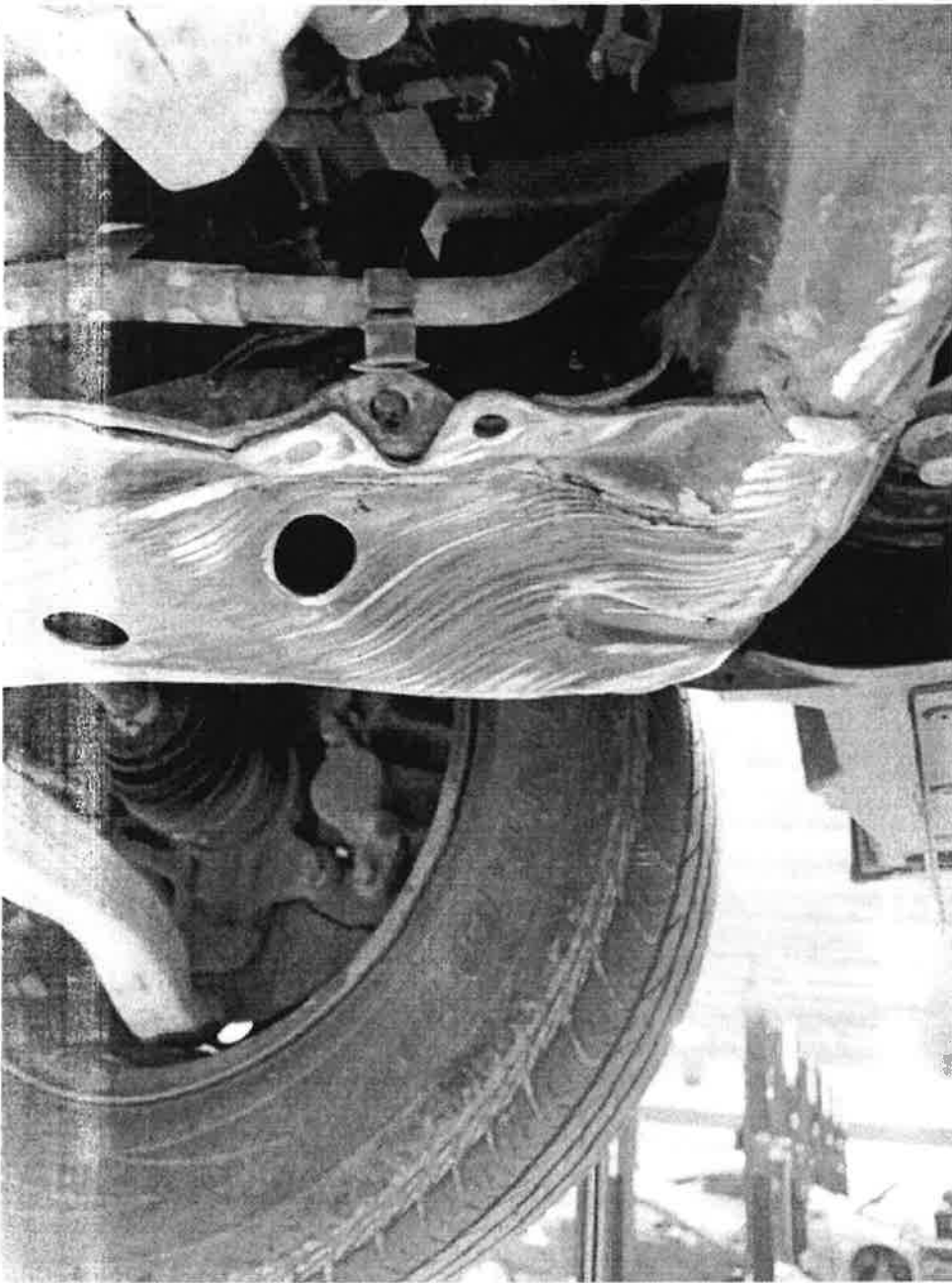
**Bill Berardi**

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**From:** Jared Stoutenburg <jstoutenburg@liacars.com>  
**Sent:** Friday, August 6, 2021 8:41 AM  
**To:** bberardi@hvcbiz.rr.com  
**Subject:** Subframe



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Sent from my iPhone



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WILLIAM F. BERARDI 200 FIRST AVE KINGSTON, NY 12401 BBERARDI@HVCBIZ.RR.COM		VEHICLE ID		MILES IN	MILES OUT	DATE/TIME IN	DATE OUT	INVOICE NO.
		5FNRL3H28AB074212		75553	75553	08/06/21 08:15	08/06/21	57489
		VEHICLE DESCRIPTION					TAG NO.	STATUS
2010 HONDA ODYSSEY LX					00047	COMPLETE		
CONTROL NO.	LICENSE PLATE NO.	CUST. LABOR RATE	PROD. DATE	IN-SERV DATE	DELIV. DATE	DELIV. MILES	TERMS	
19339K				05/04/10	05/04/10		Cash	
HOME PHONE	WORK PHONE	CELL PHONE	STOCK NO.	SERV. ADV.			RO COMMENT	
(845) 338-4953		(845) 532-8338		SUSAN KELLY (19)			3.5L V6 MPI SOHC 24V	

**Customer Totals**

Charge Description	Amount
Labor	\$74.50
Parts	\$80.71
SalesTax	\$12.42
Total Amount Due	\$167.63
<hr/>	
Amount Due	\$167.63

All parts are new unless otherwise specified

**DISCLAIMER OF WARRANTIES**

The seller hereby expressly disclaims all warranties either express or implied, including any implied warranty of merchantability or fitness for a particular purpose, and neither assumes nor authorizes any other person to assume for it any liability in connection with the sale of the vehicle or product. I authorize the retrieval of on-board date as needed to facilitate vehicle repairs as well sharing of data with the manufacturer for diagnostic and research purposes.

NY RMV# 7121581

Dealer guarantees the labor performed in this repair shop has been competently performed, and that any defect which occurs will be corrected without charge by this repair shop for a period of 90 days or 4,000 miles from the date of the repair, whichever first occurs.

This part(s) is sold "as is". The only warranties apply to this part(s) are those which may be offered by the manufacturer(s). The selling dealer hereby expressly disclaims all warranties, either express or implied, including any implied warranties of merchantability or fitness for a particular purpose, and neither assumes nor authorizes any other person to assume for it any liability in connection with the sale of this part(s) and/or service. Buyer shall not be entitled to recover from the selling dealer any consequential damages, damages to property, damages for loss of use, loss of time, loss of profits, or income, or any other incidental damages. In addition, expressly excluded is any dealer liability for defects pertaining to safety or performance, by way of "strict liability", negligence or otherwise.

Thank You for this opportunity to serve you. It is our aim to perform all the repairs requested on this repair order to your complete satisfaction. If our service was satisfactory tell your friends, if not, please tell us immediately.

X \_\_\_\_\_

Customer Signature



Lia Honda of Kingston

738 E. Chester St  
Kingston, NY 12401  
845-331-4400  
www.liacars.com

LIA HONDA OF KINGSTON  
743 E CHESTER STREET  
KINGSTON, NY 12401  
845-331-4400 NY STATE REPAIR CENTER 7121535  
WWW.LIACARS.COM

57489 BER

WILLIAM F. BERARDI 200 FIRST AVE KINGSTON, NY 12401 BBERARDI@HVCBIZ.RR.COM		VEHICLE ID <b>5FNRL3H28AB074212</b>	MILES IN 75553	MILES OUT 75553	DATE/TIME IN 08/06/21 08:15	DATE OUT 08/06/21	INVOICE NO. <b>57489</b>
VEHICLE DESCRIPTION 2010 HONDA ODYSSEY LX					TAG NO. <b>00047</b>	STATUS <b>COMPLETE</b>	
CONTROL NO. 19339K	LICENSE PLATE NO.	CUST. LABOR RATE	PROD. DATE	IN-SERV DATE 05/04/10	DELIV. DATE 05/04/10	DELIV. MILES	TERMS Cash
HOME PHONE (845) 338-4953	WORK PHONE	CELL PHONE (845) 532-8338	STOCK NO.	SERV. ADV. SUSAN KELLY (19)		RO COMMENT 3.5L V6 MPI SOHC 24V	

Line	Op-Code	Fail Code	Tech	Hours	Type	Amount
<b>A</b>	00MULTI		A99		Customer	<b>\$0.00</b>
Concern	MPI MULTI-POINT INSPECTION: Complimentary Multi-Point vehicle inspection, battery test, inspect and/or replenish under hood fluids (engine oil, brake fluid, coolant, transmission fluid, power steering fluid, windshield washer fluid). Check cabin air filter, parking brake operation, horn operation, exterior lights, wiper blades and windshield washer operation, engine air filter, CV shaft and drive shaft, axle and hub bearings, suspension, steering linkage, exhaust system, fuel lines and brake lines, drive belts and radiator, tire wear and brake wear.					
Cause	Performed Multi-Point inspection.					
Correction	Performed complimentary Multi-Point inspection (\$59.95 value)					
<b>Line Total...</b>						<b>\$0.00</b>

<b>B</b>	97HOZ		A99		Customer	<b>\$74.50</b>
Concern	customer request that we replace th ordered splash shield - would like sue to take a picture of the bend in frame before installing					
Correction	replaced lower engine cover					

Part Number	Description	Qty.	Unit Price	Ext. Price
74111-SHJ-A02	SHIELD, FR. SP	1	\$63.37	\$63.37
91512-SX0-003	CLIP, FENDER (	5	\$2.58	\$12.90
91505-TM8-003	CLIP, BUMPER	6	\$0.74	\$4.44
<b>Parts Total...</b>				<b>\$80.71</b>
<b>Line Total...</b>				<b>\$155.21</b>

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646 ALLMERICA FINANCIAL ALLIANCE CO

Policy Number  
A1S-A530693

Name & Address of Issuer  
ALLMERICA FINANCIAL ALLIANCE CO  
440 LINCOLN STREET,  
WORCESTER MA, 01653

Effective Date Expiration Date  
02042021 02042022  
12:01 a.m. 12:01 a.m.

An authorized NEW YORK Insurer has Issued an Owner's  
Policy of Liability Insurance complying with Article 6  
(Motor Vehicle Financial Security Act) of the NEW YORK  
Vehicle and Traffic Law to:

(Not acceptable to obtain registration  
after 45 days from effective date.)

Applicable with respect to the follow  
Motor Vehicle

BERARDI, WILLIAM, F  
BERARDI, SUSAN, E  
200 1ST AVE  
KINGSTON NY 12401

2010 HONDA  
Year Make  
5FNRL3H28AB074212  
Vehicle Identification Number



**Keep this document to show to the police and courts.**

NY-639CR (2/18) NEW YORK STATE REGISTRATION DOCUMENT 

E PAS  
ANA6700  
2010 HONDA NONTRANSFERABLE  
SUBN GY 5FNRL3H28AB074212  
4275 G 6 UTD4022 JAN 29 2021  
W/Seats Fuel/Cyl 022 UTD21F  
Expires 02/25/23

BERARDI, SUSAN, E  
200 FIRST AVE  
KINGSTON NY 12401 ANNUAL CHG 38.00  
645446DW VOID IF ALTERED EXCEPT FOR ADDRESS AMT PAID (INCL ADD CHG) 96.00



# hv1



General News

## Stretch of Kingston's Broadway has caused extensive vehicular damage

by Rokosz Mavis / August 5, 2021 / 0 comments

*"Oh, God, that pothole was there when I was learning how to drive, and now I'm teaching my daughter to drive and it's still there."*

— Livery driver, driving Broadway under the railroad overpass.

*"Busted axle shafts. Snapped tie-rods. Exploded tires."*

A mechanic at the J&H Tire and Auto Center on Cornell Street goes down the list of bad outcomes a driver can expect after hitting a pothole at high speed.



Fixing the roadway on Broadway in Kingston. (Photo by Dion Ogust)

Advertisement



“You’re going along at 30 m.p.h. even, and bang! There was no orange warning sign or maybe there was but you didn’t see it. It’s too late now. That new clickity sound coming from your tire could be a demolished CV joint.”

In any city with heavy precipitation, drivers come to loathe potholes. Kingstonians are no exception.



A mere depression on a road surface, the cracked and crumbling beginnings of something deeper, or an outright sinkhole to the underworld, a pothole is usually the result of water pooling in the underlying soil. Once settled in place, the pooled water expands and contracts with seasonal changes in temperature, stressing and eroding the asphalt above and beside it. Vehicles passing over the affected area do the rest.

At first blush, it seems easy enough to just fill in the open hole in the road with asphalt and let the passing traffic take care of the compaction. This is known as throw-and-go,

style of year-round repair common to rural areas and poverty-stricken regions. In the case of Kingston, it’s used primarily between the months of November to March, when winter cold holds sway.

The only advantage of this method is that the unheated asphalt, known as cold patch, plugs holes even when the temperatures are below freezing. It’s a stopgap measure to get the driving populace over the icy hump and into the springtime.

From April to October, the repair job can be done right. The old surface of the asphalt road is ground down with a machine called a miller. A jackhammer then breaks through the surface of what remains. A large water-cooled saw cuts a square hole and any remaining rubble is removed with an enormous vacuum tube attached to a truck. Drainage solutions are applied, and when all has been accomplished a dense, hot-mix asphalt is poured in to patch the hole. Then the new asphalt is tamped down. This is how a pothole is fixed properly.

The annual effort to repatch, retread and resurface Kingston's roads is in full swing. Mayor Steve Noble's weekly message keeps the public up to date as to which local roads are scheduled to be fixed and when.

On Broadway between Albany Avenue and Grand Street, there has been an intense state and city focus on tearing up the roadway, replacing ancient pipes, installing new lighting, adjusting the manholes, changing the traffic pattern, repaving the road surfaces, and adding trees and street furniture — all the while leaving enough room in the wide central artery for ambient traffic.

Up and down Broadway, the side roads are impeded by rows of traffic cones and horizontal white boards hashed with diagonal orange stripes. The smoky reek of bubbling asphalt hangs in the air. Long-necked excavators peel back the ground. Dump trucks trundle back and forth, heavy with loads of gravel or filled with the rubble that was dug out and saved for recycling.



The din rises above even the thick lunch-hour traffic. Suntanned workers dripping sweat guide spinning saws through materials that seem harder than steel. It is a strange thing to accept that concrete is soft, that steel can be cut through, and that asphalt is flexible.

Through various revenue streams, the City of Kingston has accumulated the money long ago for the asphalt milling machine, for the pavement saw, the jackhammer, the single-drum vibratory roller. These words are a poetry of sorts for the workers who must tame the broken streets.

Even though these are good union jobs, the work of repairing potholes on the roads can be a thankless enterprise. Extreme weather. Dangerous environs. Backbreaking labor but the sort of labor where, as one worker puts it, "When you do good, nobody remembers. When you do wrong, nobody forgets."

Wearing a reflective orange vest, a road worker calling himself Sammy T. is on a smoke break. "Just 'cause you see a hole in the ground, don't assume it's one of ours," he says. "Could be utility workers dug the hole. Filling them sloppy. They pay private companies to come along after them, and do it correct. And we're not out on the roads that connect to the highways. That's New York State. There's a lot of people doing work around here right now."

He pinches his cigarette off before it's finished and puts it in a cigarette box. "Well," he says, "back to work."

### **Grin and bear it**

Despite the considerably painful damages that Broadway construction has inflicted on local vehicles, Kingston mayor Steve Noble has remained relentlessly positive. The construction will be over soon, he has assured his local audience, and Kingston's infrastructure will end up considerably improved.

"This has been a very busy and productive construction season for us here in the City of Kingston," reported Noble in his weekly message to his constituents. "Just this week, construction for the Broadway-Grand intersection improvements project began, and the DOT team paved Washington Avenue from Hurley Avenue to the bridge over Esopus Creek. We know this may feel like a lot of detour signs, but we're making great progress in improving the city's infrastructure for our residents."

Each week, the mayor tells residents which roads are scheduled for paving. This week, for instance, the list consists of Hunter Street from Wurts to Ravine and McEntee from Broadway to West Pierpont. Weather permitting, the paving will take place on from August 9 to August 14.

Advertisement



The city Department of Public Works' division of paving and repair of roads must coordinate closely in a project as extensive as that on Broadway with some of the eight other DPW divisions, such as those in charge of the sanitary sewers and the runoff.

Much of the information on paving in this article was supplied by Maureen Toppie, the DPW's principal account clerk.

Kingston has planned for the funding of the Broadway rehabilitation project, and the recent and expected influx of new federal funding for infrastructure will leave the city on a solid financial footing.

— *Geddy Sveikauskas*

*The Woodstock Times, New Paltz Times, Kingston Times, Saugerties Times and Almanac Weekly have been consolidated into one news source... Hudson Valley One. Available in print and on-line. **Subscribe today.***

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CITY OF KINGSTON  
Office of the City Clerk  
Registrar of Vital Statistics  
cityclerk@kingston-ny.gov

Steven T. Noble, Mayor  
Elisa Tinti, City Clerk & Registrar



Deidre Sills, Deputy Clerk  
Susan Mesches, Deputy Registrar

August 11, 2021

Ms. Ruth Morris  
420 E. Main St.  
Middletown, New York 10940

Dear Ms. Morris:

Enclosed please see claim (#21-22) for auto damage from William F. Berardi, 200 First Ave., Kingston, NY 12401.

If you have any questions, please contact me at (845) 334-3919.

Very truly yours,

Deidre M. Sills  
Deputy City Clerk

cc: Corporation Counsel  
Common Council  
Andrea Shaut  
DPW