

**WESTBROOK CITY COUNCIL  
FINANCE COMMITTEE AGENDA  
MONDAY SEPTEMBER 9, 2019 AT 6:30PM  
WESTBROOK HIGH SCHOOL ROOM 114**

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Westbrook City Council's Finance Committee, chaired by Councilor Michael Foley, will meet at 6:30pm, immediately prior to a regular City Council meeting. The agenda items are as follows:

- 1. Appeal of Insurance Claim Denial**

FINO COMM  
9/9, 6:30 PM.

**WESTBROOK WASTEWATER DIVISION**  
**371 Saco Street**  
**Westbrook, Maine 04092**

Memorandum for Record

July 22, 2019

SUBJECT: Inspection of 910 Main Street, China Villa

During the time when the City and Li Huang, the property owner of China Villa at 910 Main Street were jointly discussing the paving of the ally way and parking lot behind the building. I was asked by Katherine Kelley, who was asked by Arty Ledoux, to investigate the drain in the basement and to determine if it was the drain that tied into the catch basin in the parking lot. I, Daniel Vaughan and Brock Bragdon went to China Villa. Upon arriving Brock noticed that the top of the catch basin was higher than the surrounding asphalt. We then removed the drain cover to investigate the catch basin to determine where the pipe drained out. We were unable to see the pipe because of the three to four feet of water in the catch basin. I used our long-handled shovel to feel along the walls to ascertain where the inlet of the pipe might be. I felt what might have been the pipe going out towards Mechanic Street. We then went inside and spoke with Li. She had us go down stairs into the basement to look at the sewer connection, she was busy with a customer at the time but, joined us down stairs a few minutes later. Brock and I were looking around the perimeter of the basement to identify the various pipes and looking for cleanouts. When Li joined us, she explained that the pipe was under a plywood covered opening approximately two by two feet square. I lifted the cover to identify what the pipes were and determine from where each one was coming. I noticed an Orangeburg pipe that ran under the cement floor. At the time there was no flow coming from the pipe. We discussed the likelihood of the pipe coming from the catch basin. Since I did not see any flow coming from the pipe in question, I told her I thought the catch basin pipe might go out to Mechanic Street. She was sure the Orangeburg pipe was the drain pipe. I told her we would go back to the shop and get our Vactor truck and clean out the catch basin to see where it drained. We returned and sucked out the water and still did not see a pipe. There was a considerable amount of sand still in the pipe, so I had Brock suck that out as well. We identified the pipe at the bottom of the catch basin, and it did go in the direction leading under the basement. Li came out. I told her she was right and that the catch basin was deeper than I expected. I pointed out the open end of pipe to her. After that she went back inside, we broke down our equipment and returned to the shop. Our actions in cleaning the catch basin at no time would have had any effect on her pipe. Where there was no flow in the basement end of the pipe. I could not with any certainty verify the two ends were of the same pipe. I did not investigate any further. In conclusion, there was standing water in the catch basin. In addition there was 2- 3 feet of sand below the water. There was no flow coming from the outfall end of the pipe in the basement. Had there been a flow into the basement, Li would have been cited for having a storm drain tied into the wastewater sewer system a violation of the city's sewer ordinance.

Note: Orangeburg pipe is essentially rolled up tarpaper and over time blisters and sags and eventually fails.



Daniel T Vaughan

Supervisor

Westbrook Wastewater Division

Mike Sanphy  
Mayor of Westbrook, Maine  
2 York Street  
Westbrook, Maine 04092

Dear Mayor Sanphy,

I'm reaching out for your assistance with a recent issue I have started having at my restaurant here in Westbrook.

My husband and I purchased 910 Main Street and opened China Villa in March of 2007. This year I made the decision to repave our parking lot. When working with the city for approval of the work to be done, the city made a decision to clear out the drain in our parking lot as they had questions regarding the drainage and where it was going to. Since that time if there is a heavy rain the drain now gets clogged up and water overflows out it. Once the rain slows down or stops the drain in the parking lot will clear out, but it does take quite a while for it to drain. Prior to the work being done on the drain we have not seen this issue since we started here in 2007. Since we opened our business both my husband and myself have been working here full time and have always paid attention to our building and are very familiar with the property.


After we discovered the drain was not working properly we did file a claim with the city. I have received notification from the city's liability carrier; Trident; they are denying liability of the claim and stating any issue was already there prior to the work the city performed on May 19, 2019.

I do have photos from June 20, 2019 when we had a very heavy rainfall showing that this drain is no longer working properly and is backing up water into the parking lot instead of draining it away. Please let me know of any additional information you may need or any steps that I can take to get this issue rectified.

Thank you for your consideration in this matter.

Sincerely,

Keri Li  
Yong Li  
Owners of China Villa



7-16-19



**TRIDENT**  
PUBLIC RISK SOLUTIONS

*Member Argo Group*

July 1, 2019

China Villa  
Attn: Li Yu Huang  
910 Main Street  
Westbrook, ME 04074

RE: Insured: City of Westbrook  
Date of Loss: May 19, 2019  
Claim Number: TNT-0154638  
Insurer: Argonaut Insurance Company

Dear Ms. Huang:

Please be advised that we represent the liability insurance carrier for the City of Westbrook. We are in receipt of your claim referenced above. Your claim damage was done to the drain in your parking lot as a result of work the City did on May 19, 2019 to inspect the drain. It is alleged that the drain in the parking lot no longer drains during heavy rain events.

After review of the facts, we do not find that any negligence or liability rests with the City of Westbrook. We have found no evidence to substantiate your claim that the problems you're having were caused by our insured. On May 19, 2019, the City responded to inspect the manhole drain in your parking lot. Upon arrival they had found the drain to be full of water and dirt and proceeded to pump it down to the bottom of the manhole at which time it was determined that this drain line appeared to be leading into your property. When pumping the drain, the City followed normal protocol and had done nothing out of the ordinary. There was nothing done during the pumping that would have caused any additional problems beyond what had already existed.

Based upon this, it has been determined there is no negligence or liability on behalf of our insured and we must deny your claim.

Very Truly,  
Argonaut Insurance Company

Mark Howard, AIC  
Sr. Claims Examiner

Cc: City of Westbrook  
P & C Insurance

Rec'd 6/11/19 3:20pm JAW

## CITY OF WESTBROOK NOTICE OF LOSS

If you are requesting reimbursement from the City of Westbrook, please complete this form. The claim will be submitted to the City's insurance carrier and if necessary heard by the City Council's Accounts and Claims Committee. If they recommend payment, the claim will be heard by the City Council. You will be notified by mail of the Accounts and Claims Committee meeting so that you may attend.

NAME: ckeri) Liyu Huang china villa

ADDRESS: 910 main st Westbrook ME 04074

HOME PHONE: Business 207-854-8888 CELL PHONE: 207-450-0348

DATE OF LOSS: May - 19 TIME OF LOSS: \_\_\_\_\_

DESCRIPTION OF INCIDENT: the city public work came to check the sewer water line, after that the water won't drain

DESCRIPTION OF LOSS: drine no longer works.

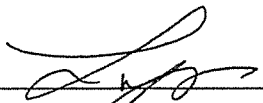
NAME OF WITNESS TO INCIDENT (if any): Ray (manager)

WITNESS ADDRESS: same as above

WITNESS PHONE: 207-854-8888

Please attach all signed receipts or estimates by independent appraisers supporting your claim for damages.

PLEASE NOTE: Charges for estimates and/or appraisals are not reimbursable expenses.

CLAMAIN SIGNATURE:  DATE: 6-11-19

### RETURN FORM AND SUPPORTING DOCUMENTS TO:

Westbrook City Hall  
c/o Jennifer Pratt  
2 York Street  
Westbrook, Maine 04092  
Phone: (207) 854-9105 x1207  
Fax: (207) 854-0635  
Email: jpratt@westbrook.me.us