

Albany lead paint lawsuit settled Landlords, county named in claim

BY LAURA SUCHOWOLEC
Gazette Reporter

ALBANY - A sister and brother poisoned by lead paint in two city apartments will get nearly \$1 million after settling a lawsuit against the landlords and the county.

The settlement was reached Tuesday, a week before the case was scheduled to go to trial in state Supreme Court in Albany.

The children, both toddlers at the time, suffered lead paint poisoning over a four-year period which began in 1991.

Both were hospitalized and treated for elevated blood levels. The girl, now 11, and boy, now 12, both have permanent learning disabilities and other health problems due to their exposure to lead paint, according to Albany attorney Peter Danziger, who represented them.

The parents of the children, whose names Danziger refused to reveal, sued the landlords and claimed they had notice of the hazards of lead but failed to inspect and maintain the apartments.

The first landlord, Roseanne Lane Ross, was a real estate agent and managed several properties including one at 58 Grant Ave. where the family lived between 1988 and 1992. The lawsuit claimed that Ross and the county of Albany, which inspected the apartment after one of the children was found to have elevated blood-lead levels, were negligent and responsible for the children's lead poisoning.

The Albany County Health Department inspected the apartment in 1991 and certified that the owners had properly removed the lead hazards in 1992. Even after the lead abatement project was completed by the landlord, children again had elevated lead levels in 1992, according to court records.

An insurance company which covered Ross at the time agreed to pay \$225,000 to the brother and \$50,000 to the sister.

The second landlord named in the lawsuit was Carl Baggetta, who owned an apartment at 12 Lincoln Ave. in Albany where the children lived from 1992 to 1995. After the children again had elevated blood-lead levels, the county inspected and found lead hazards in 1992 and ordered that the hazards be removed. The county then certified that the abatement had removed the problem, Danziger said.

When the children again in 1993 suffered from elevated blood-lead levels, the county again inspected the apartment and found lead hazards.

Baggetta's insurance company on Tuesday agreed to pay \$40,000 to the brother and \$350,000 to the sister.

Albany County's insurance carrier agreed to pay \$50,000 to the brother and \$200,000 to the sister.

None of the defendants admitted any wrongdoing.

Edwin Tobin, an Albany attorney who represented the county, declined to comment on the settlement.