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Supervisor

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**The following information is provided to assist you in determining whether or not to file a claim against the Town. Please be advised that the law allows the Town to pay only for damage caused as a direct result of Town operations. Also, the Town can pay only to repair or replace damaged property with comparable materials. For these reasons, accurate and honest estimates or repair bills are essential, and should be obtained from a reputable source.**

NOTE: The Town is not required to pay for damages resulting from a defect in a street or sidewalk (such as a pothole or a crack) unless the Town Clerk or Superintendent of Highways was notified of the specific defect in writing before the damage occurred, and had a reasonable opportunity to repair the defect.

To make a claim for damage (including personal injuries) against the Town of Greece, New York, Section 50-e of the General Municipal Law requires you to take the following steps within **90 days of the incident**:

- 1.) You must present a notarized statement of your account of the incident to the Town of Greece. Your statement must be sent by **CERTIFIED or REGISTERED MAIL or SERVED DIRECTLY on the Greece Town Clerk**:

**Greece Town Clerk  
Town of Greece  
One Vince Tofany Blvd.  
Greece, New York 14612**

If you choose to serve the Town Clerk in person, please call (585)723-2341 to arrange for a meeting.

- 2.) Your letter **must** contain:
  - a. Your name, address and phone numbers as well as your attorney's name and address, if you are being represented by an attorney.
  - b. Specific time, date and place of the incident are essential. For example, "broken sidewalk in front of 30 English Road" not a general street reference of "English Road" would be specific.
  - c. Describe the damage or injury, and explain how the incident occurred. If property damage is involved, describe the property. Also, an estimated value for damages is to be included in your claim. If this is a motor vehicle incident, please provide the license plate number and state of registration as well as the registered owner of the vehicle.
- 3.) Your signature on the letter must be witnessed by a **NOTARY PUBLIC or COMMISSIONER OF DEEDS**. (Most banks provide Notary Public service.)

Although not required, it would help us handle your claim if you included the following information, if possible.

- a. Itemized bills and estimates if available, or any other evidence that supports the amount of your damage. Send what you have within **ninety (90) days. Do not wait beyond ninety days to send your claim letter, even if you do not have all of your bills.**
- b. Names and addresses of witnesses.
- c. Dates, name of Court, Judge and disposition of any court appearance related to this claim.

# **SOME COMMON QUESTIONS ABOUT CLAIMS AGAINST THE TOWN OF GREECE**

## **HOW WILL MY CLAIM BE HANDLED?**

Your claim will be recorded in the Town Clerk's Office, and a file opened. Town staff will gather information about your incident from various sources. You may be contacted for additional information. You may contact Town staff if you would like to submit additional information. When the investigation has been completed, you will receive a response notifying you of the Town's decision regarding payment or denial of your claim.

## **CAN I DO ANYTHING TO SPEED THE REVIEW OF MY CLAIM?**

We can review claims more quickly if your claim is accurate and detailed. That is why it is important that the exact location of an incident or defect be given, and any witnesses and/or any Town personnel who may have been on the scene can be identified.

Please remember that the Town can pay only to repair or replace damaged property with comparable materials. For these reasons, an accurate and honest estimate or repair bill is essential.

## **WHY MIGHT MY CLAIM BE DENIED?**

The most common reasons that claims are denied are:

- a. The existence of a defense under the law that prevents liability.
- b. Failure to file the claim on time (within ninety (90) days from the incident).
- c. The incident was caused by circumstances unrelated to the Town of Greece operations.

The Town is not alone in working in and under its streets. Utility companies, Monroe County Pure Waters, and contractors serving private property owners and others all have occasion to work in the streets. If a Town contractor is involved, your claim will be sent to the contractor and its insurer. Similarly, we will tell you if we find that your incident occurred outside of the Town of Greece, or on property controlled by someone other than the Town.

## **WHO CAN I CALL REGARDING THE STATUS OF MY CLAIM?**

The Town of Greece Attorney's office and Finance Department work together to investigate and respond to claims. Please call Barbara Chirido at 723-2320 with questions regarding a filed claim.