

**GUIDELINES
FOR CLAIMS & ACCOUNTS**

IMPORTANT: ALL APPLICANTS MUST BE PRESENT TO HAVE THEIR CLAIMS DECIDED AT THE MEETING.

1. **NOTICE OF INJURY** – Any claim for property damage incurred as a result of an alleged act by the city **MUST BE MADE WITHIN THIRTY (30) DAYS OF THE ALLEGED INJURY**. Any claim filed beyond thirty (30) days from the date of the alleged injury shall be presumed to have prejudiced the City relative to adequately investigating, evaluating, and or defending such claim. (Reference M.G.L. Chapter 84, Section 18).
2. **PROPERTY DAMAGE ONLY** – In its present form, the authority of the Claims and Accounts Committee to settle claims against the City is limited to “Property Damages” only and to an amount **NOT TO EXCEED \$300.00** per injury and incident claim.
3. **CITY LIABILITY BASED ON CAUSE** – “Doubt as to Cause” – When the precise cause of an injury or incident is left to conjecture or could “go either way”, then a finding should be directed against claimant as the claimant carries the burden of proof as to why he or she should be compensated. (Forbs vs. Framingham Union Hospital Inc. 1989 MA. App. Div. 83)
4. **NOTICE TO CITY** – If the City had reasonable “Notice” of a defect and a contributing cause such as snow, ice, or the like, then the City may be found liable. If an allegation or question of “Notice” is raised, the burden of proof shall be on the claimant to show that the defect, or defect and contributing cause had been in existence long enough to enable the city, with the exercise of reasonable care and diligence, to discover and remedy the matter. (Slonimski vs. City of Springfield, 37 MA. App. Dec. 18)
5. **BURDEN OF PROOF AND DOUBT** – When the precise cause of an injury or incident is left to conjecture or “could go either way”, then a finding should be directed against the claimant as the claimant carries the burden of proof as to why he or she should be compensated. (Forbes vs. Framingham Union Hospital Inc. 1898 MA >App. Div. 83)
6. **NON-RESIDENTS – ANY NON RESIDENT OF THE CITY OF CHICOPEE IS NOT ELIGIBLE TO ANY BENEFITS OF THIS ORDINANCE.**
7. **OVERHANGING OBSTRUCTIONS** – Any objects that may fall on or in a public way or from a city property onto a way or person may be considered a defect that the City may be liable for but the provisions of Section 6 herein relative to Notice to the City by actual Notice or by proof that the defect had been in effect long enough to enable the City, with the exercise of reasonable care and diligence, to discover and remedy the matter. (Daigneault vs. Town of Auburn, 259 N.E. 2d 574, 357 MA. 612)
8. **PRESUMPTION RELATIVE TO ICY ROADS** – The normal presumption is that a City or Town does its best to clean and treat its streets so as to protect its citizens. Thus, absent some “showing” of negligence or neglect or some acceptable or believable evidence as to why a certain road was neglected, forgotten, ignored, etc. I would submit that the City should be held harmless.
9. **BACKED UP WATER ON CITY STREETS** – A car or other item or personal property being damaged due to a driver attempting to drive through such an obstacle will not be deemed a liability of the City absent circumstances deemed by the Claims and Accounts Committee to warrant such liability. (e.g. Individual not familiar with area and potential depth involved)
10. **PLUMBING FIXTURES** – Plumbing fixture below exterior ground level, in a basement, should be protected by a check valve, shutoff valve or flapper valve. The City shall not be liable for any damage caused by improper shutoff fixtures or lack thereof.
11. **DEFECT DEFINED** – Anything that renders a way or City property unsafe.
12. **VANDALISM** – Vandalism that may occur to personal property while on City Property is **NOT THE FAULT OF THE CITY** or the Property Owner involved. Accordingly, the City will not accept liability for the vandalism.
13. **MOTOR VEHICLE CLAIMS** – All Motor Vehicle damage claims must include: **PROOF OF VEHICLE REGISTRATION, A COPY OF THE DECLARATION PAGE OF THE CLAIMANTS MOTOR VEHICLE INSURANCE POLICY, AND A COPY OF THE CLAIMANTS VALID MASSACHUSETTS DRIVER'S LICENSE.**

Claim # _____

Date Filed _____

(May not exceed 30 days from incident)

**CITY COUNCIL
CLAIMS AND ACCOUNTS COMMITTEE
CITY OF CHICOPEE**

Complete entire form and return to: Auditing Department, City Hall, Chicopee, MA

Name: _____

Address (City, State & Zip Code) _____

Date of Accident: _____ Time of Accident: _____ a.m. _____ p.m.

Location: _____ Weather at time of Accident: _____
(Street and Number)

Damages to Property (State in Detail): _____

Witness to Accident _____
(Name) (Address)

Describe Fully How Accident Occurred: (Use reverse side if necessary)

Have you made Claim to an Insurance Company of this loss? Yes _____ No _____
(If yes, please attach Report of Company)

Name of Company _____ Name of Agent _____

What department do you feel is responsible for your Accident? _____

Did you notify the Police? Yes _____ No _____ (If yes, please supply copy of Police report)

State reason why you feel the City is liable for your accident:

Amount of Claim (Please substantiate with bills or receipts) _____

*******THIS AMOUNT MAY NOT EXCEED THREE HUNDRED DOLLARS (\$300.00)*******

I hereby certify under penalties of perjury that the information given above is true to the best of my knowledge and belief. I also hereby authorize the release of any and all information requested by the Claims and Accounts Committee for the City of Chicopee, relative to the above stated incident and claim.

Date: _____ Signature: _____

Home Telephone# _____ Work Telephone # _____

Please be sure that there is a telephone number listed on this form where you can be reached.

REQUIRED SUPPORTING INFORMATION

1. **HOW**, in your opinion, is the City Responsible in regards to the incident or issue involved in your claim?
2. **HOW**, was the City aware of the condition(s) or situation(s) that, in your opinion, contributed to or caused the damage involved?
3. **WHEN**, to your knowledge did the City become aware of the condition(s) or situation(s) that, in your opinion contributed to or caused the damage involved.
4. **WHEN**, specifically did the incident that you were involved in occur?
Day: _____
Date: _____
Time of Day: _____
5. **WHERE**, specifically did the incident that you were involved in occur? (Please describe exact location. Please photograph if possible.)
6. **WHY**, in your opinion, was the City responsible for this matter?
7. **WHAT** could the City have done, under the circumstances involved, to prevent this situation?
8. **WHEN** should the City have taken the action noted in your answer to Question #7?
9. **WHY** should the City have known that such action, (as described in your answer to Question #7) should have been taken? (e.g. How would the City know about the matter, was the situation involved a reoccurring situation, was the situation previously reported? Etc.

REQUIRED SUPPORTING INFORMATION CONTINUED

10. WHAT SPECIFICALLY IS YOUR CLAIM FOR?

A. Property Damage _____

B. Other _____

11. What is the amount involved in your claim? _____

12. Why, in your opinion, is the amount you are requesting the correct cost of the loss? (e.g. Cost for new tire and previous tire was two (2) days old, ½ cost of replacement needed as item involved was X years old.)

VEHICLE INFORMATION:

MAKE _____

MODEL _____

YEAR _____

MILEAGE _____

COLOR _____