



Erie County Water Authority

295 Main Street • Room 350 • Buffalo, NY 14203-2494
716-849-8484 • Fax 716-849-8463

Tuesday, April 30, 2019

Mr. George Hess

Angola, New York 14006

Dear Mr. Hess:

Re: ECWA Claim Number: 2019-035

I have attached the instructions and checklist for your completion for the above captioned matter.

This letter does not confirm liability for this claim. Liability will be determined following a review of the facts and circumstances of the alleged incident.

Very truly yours,

ERIE COUNTY WATER AUTHORITY

A handwritten signature in dark ink, appearing to read "AJA", followed by a horizontal line.

Anthony J. Alessi
Claims Representative / Risk Manager

ANY PERSON WHO KNOWINGLY AND WITH INTENT TO DEFRAUD ANY INSURANCE COMPANY OR ANOTHER PERSON FILES AN APPLICATION FOR INSURANCE OR STATEMENT OF CLAIM CONTAINING ANY MATERIALLY FALSE INFORMATION, OR CONCEALS FOR THE PURPOSE OF MISLEADING INFORMATION CONCERNING ANY FACT MATERIAL THERETO, COMMITS A FRAUDULENT INSURANCE ACT, WHICH IS A CRIME AND SUBJECTS THE PERSON TO CRIMINAL AND [NY: SUBSTANTIAL] CIVIL PENALTIES.

AJA/kzs
Enclosures

Procedures for Filing a Claim with the Erie County Water Authority

General Information **Mr. George Hess - ECWA Claim #2019-035**

If you desire to file a claim against the Erie County Water Authority, please consider the following information.

A "Notice of Claim" is a notice to the Erie County Water Authority of your claim against the Erie County Water Authority. The contents of a Notice of Claim are set forth in the New York General Municipal Law § 50-e (2). A Notice of Claim must include: (1) the name and post office address of each claimant, and of his/her attorney, if any; (2) the nature of the claim; (3) the time when, the place where and the manner in which the claim arose; and (4) the items of damage or injuries claimed to have been sustained so far as then practicable.

If you wish to file a claim against the Erie County Water Authority for property damage or personal injury, please follow this procedure:

1. Submit a claim to your own insurance company and provide insurance company claim number. (If damage is less than deductible, there is no need to submit to insurance.) Deductible payment is still required with claim.
2. Your claim should include:
 - A. Information indicating a filing of a claim with your own insurance company including the amount of claim, name of the insurance company, and adjuster, and the amount that the insurance company paid. Also, provide evidence as to the amount of your deductible by sending a copy of the declarations page of your policy.
 - B. A written statement supporting the claim for which you are seeking recovery, including date, location, persons and property involved.
 - C. Documentation of your claim:
 - a. Ownership (aka Certificate of Title).
 - b. If medical expenses are being claimed - copies of bills once submitted to health insurance or automobile insurance (under the medical portion of the policy) must be submitted explaining what insurance covered and the outstanding balance.
 - c. If property damage is a vehicle- a copy of the declaration page (showing deductible amounts and coverage) from your insurance company. If liability insurance coverage (2) repair estimates must be submitted also.
 - d. Evidence of any other amounts you are claiming (accompanying a receipt).
 - e. Names of persons with whom you have communicated regarding this claim.

Once information on a claim is received, an investigation is started to determine if the Erie County Water Authority is liable. All of the above information is necessary to start the investigation. **Please submit insurance information and your Notice of Claim immediately. A written statement for the total amount of the claim must be provided.**

If the Erie County Water Authority is liable, the claim is paid by the Erie County Water Authority or by our insurance company. The Erie County Water Authority cannot write you a check immediately for your damages, as the Erie County Water Authority Board of Commissioners must approve claim payments.

If your claim has been allowed and an amount agreed upon, you will be sent a General Release to sign. You must return that release before your claim can be processed. It may take many weeks after approval of your claim before you receive a check from the Erie County Water Authority or our insurance company.

Mr. George Hess - ECWA Claim #2019-035

PROPERTY DAMAGE CLAIMANT STATEMENT
CLAIMS REPRESENTATIVE / RISK MANAGER ERIE
COUNTY WATER AUTHORITY
295 MAIN STREET - ROOM 350
BUFFALO, NEW YORK 14203-2494
(716) 849-8484 - TELEPHONE
(716) 849-8463 - FAX

Property Damage Claim Checklist, (the following items must be included for your claim to be processed):

- ☐ 1 - Insurance declaration page (If at fault, the Erie County Water Authority or our insurance company will reimburse for uncovered items such as your deductible)
- ☐ 2 - Two written estimates
- ☐ 3 - Evidence of any other amounts you are claiming

Please Print

Claimant Name	GEORGE K. HESS	Social Security #	
Address	ANGOLA	Zip Code	14006
Home Phone #		Work Phone #	

Accident / Damage Location	Incident - water bubbling on front lawn		
Date of Incident	4/27/19	Time of Incident	10 a.m. / p.m.
Police Contacted?	Yes / No	Police Report Taken?	Yes / No
If NO, why?	not warranted - called ECWA		

If this is not your property, give the name and address of the owner:

Name			
Home Phone #		Work Phone #	

Repair Estimates	\$ 1,381.25	\$ ECWA told us it was
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Witness(es), if available

Name	Marylou H	Name	Mr. John S.
Address		Address	
Phone		Phone	

I was told by ECWA claims rep, after water leak was determined by MRS. to be a cracked meter, that "I was given bad advice" by ECWA crew on site.

Mr. George Hess - ECWA Claim #2019-035

Claimant's Statement (please be specific):

On Saturday morning, April 27th I noticed water bubbling up on my front lawn. I immediately called the ECWA emergency line. I was told someone would come to our home Sunday or Monday to diagnose our water problem. Since my water in the house was not comprised, I was notified, it could wait. On Monday, April 30th the ECWA arrived with a crew of 2. The ECWA men brought and used a device to scan the area around the leak. Both men diagnosed the leak in my water system to be in an area that was the homeowner's responsibility to repair. + not the ECWA's responsibility. I was guided by the crew to contact a Master Plumber in my home town to complete the repair. They left. I immediately obtained a list of Master Plumbers from the town of Swans. I selected a Master Plumber that could complete my water emergency the quickest. This water had now been leaking for 3 days. Mr. John S. arrived within one hour of my call, Monday April 27th, just after your crew had left. He gave me a quote + agreed to return the following morning to complete our repair. Mr. S. and another man arrived with a back hoe and other tools to begin our repair. After digging a large hole to view the damage, it was determined the mis-diagnosed water leak on the side of our responsibility.

VERIFICATION

(Use reverse side if necessary)

(over)

Margale Hess, being duly sworn, deposes and says s/he is the Claimant in this action; that s/he has read the foregoing Notice of Intention to File a Claim and knows the contents thereof; that the same is true to the knowledge of deponent, except as to the matters therein stated to be alleged upon information and belief, and as to those matters s/he believe it to be true.

Claimant's Signature:

Margale Hess

Date:

5/6/19

Sworn to before me this 6 day of

May, 2019.

Colette P. Chubow

Notary Public

COLETTE P. CHERBOW
01CH0100818
Notary Public, State of New York
Qualified in ERIE County
My commission expires APRIL 21st, 2020

Mr. S called the ECWA to notify them of the cracked meter. The 1st ECWA crew arrived to confirm the broken meter. A second crew was then contacted to deliver a new water meter for installation.

Mr. S waited at our residence until the crew had arrived + completed the replacement. He then filled in the large hole he had dug.

Included in this claim is Mr S charge for his work + time on both days.

It is my belief, by being misdiagnosed by the Erie County Water Authority, we were ill-guided to independently hire a Master Plumber.

I do not believe it is me, the homeowner's responsibility to incur the expense of

this repair. I am asking the ECWA to pay

Mr. S

charges for our time
Marylou & George Hess.

Stock Service

Angola, NY 14006

Invoice**BILL TO**George Hess
George Hess

Angola, NY 14006

SHIP TOGeorge Hess
George Hess

Angola, NY 14006

INVOICE # 1183**DATE** 04/30/2019**DUE DATE** 04/30/2019**TERMS** Due on receipt

ACTIVITY	QTY	RATE	AMOUNT
12,000# excavator	4	150.00	600.00T
2" pump	4	25.00	100.00T
Service Truck	4	75.00	300.00T
Service Call	1	500.00	500.00T

water leak repair, Erie County water Authority water meter was leaking

SUBTOTAL	1,500.00
TAX (8.75%)	131.25
DISCOUNT	-250.00
TOTAL	1,381.25
BALANCE DUE	\$1,381.25

Angela New York
14084

RECEIVED
19 MAY -9 AM 11:54
ERIE COUNTY
WATER AUTHORITY

Erie County Water Authority
295 Main Street
Room 350
Buffalo, New York 14203-2494

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BUFILE NO 152

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