



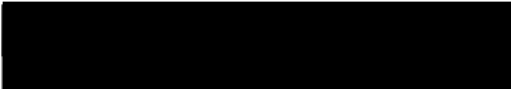
Erie County Water Authority

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

Monday, August 26, 2019

VIA E-MAIL & U.S.P.S.

Mr. Erik Svensson



Dear Mr. Svensson:

Re: ECWA Claim Number: 2019-060
Alleged damage to your property

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 black ink, appearing to read "AJA".

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

2019-060 – Svensson, Erik

General Information

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 page 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

2019-060 – Svensson, Erik

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 *N/A already paid*
- 3 - Evidence of any other amounts you are claiming

Please Print

Claimant Name	Erik Svensson	Social Security #	[REDACTED]
Address	95 Scott St	Zip Code	14150
Home Phone #	[REDACTED]	Work Phone #	716-858-1837

Accident / Damage Location	On road in front of 95 Scott St (underneath)		
Date of Incident	6/21/19	Time of Incident	a.m / p.m.
Police Contacted?	Yes / <input checked="" type="radio"/> No	Police Report Taken?	Yes / <input checked="" type="radio"/> No
If NO, why?	Not a police matter		

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

Name			
Address		Zip Code	
Home Phone #		Work Phone #	

<i>Cost</i>	Repair Estimates	\$ 4096.00	\$
-------------	------------------	------------	----

Witness(es), if available

Name	Sandra Svensson	Name	Roy Svensson
Address	95 Scott St	Address	322 Creekside Dr.
Phone	[REDACTED]	Phone	[REDACTED]

2019-060 - Svensson, Erik

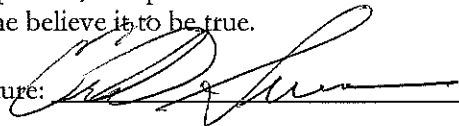
Claimant's Statement (please be specific):

95 Scott Street - Marks Plumbing excavated and repaired a broken sewer line pipe. Previous repair completed by Erie County Water Authority failed, causing undo hardship on homeowners at this address. It is obvious to Mark's plumbing and City of Tonawanda inspector Bill Harmon that this repair was unsatisfactory. The PVC replacement pipe was totally detached when it was exposed on 6/21/19 (see pics) The inspector, homeowner and contractor will confirm that this repair was improper, poor work quality for longterm sewer service at this house. We hereby submit our claim to the Erie County Water Authority for this poor workmanship by it's contractor and expect reimbursement.

(Use reverse side if necessary)

VERIFICATION

Erik Svensson, 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: 

Date: 6/16/20

Sworn to before me this 16 day of June, 2020


Notary Public

ALICE PORTALE
Notary Public - State of New York
No. 01PO6295629
Qualified in Erie County
My Commission Expires Jan. 06, 2022



The Travelers Home And Marine Insurance Company
Po Box 430
Buffalo, NY 14240-0430

02/04/2020

Erik and Sandra Svensson
95 Scott St
Tonawanda NY 14150

Insured: Erik and Sandra Svensson
Claim Number: IHG4922
Policy Number: 0B2289-602950398-633 -1
Date of Loss: 05/01/2019
Loss Location: 95 Scott St Tonawanda NY

Dear Mr. and Mrs. Svensson,

I am following up on our recent conversation about your claim. As we discussed, after researching this claim, The Travelers Home And Marine Insurance Company determined that your policy does not cover loss due to wear and tear, deterioration or faulty or inadequate construction. The reasons for this determination are outlined below.

You presented a claim for damage to your sewer line from your house to the town sewer connection. Our research found the plumbing line had not been properly installed with the correct materials and had deteriorated over time. Since that type of damage is excluded, your policy does not provide coverage.

As a reference, I have provided the following section of your policy, (HO-3 (12-86)), which explains that this type of loss is not covered:

SECTION 1- PERILS INSURED AGAINST

**COVERAGE A- DWELLING AND
COVERAGE B- OTHER STRUCTURES**

We insure against risk of direct physical loss to property described in Coverages A and B, EXCEPT:

- A. we do not cover any loss that results from a peril excluded or limited by this policy, even if a covered peril is a concurrent cause of loss
- B. we do not cover any loss or damage to your dwelling or other structures caused directly or indirectly, contributed to, or aggravated by defective, inadequate, or faulty planning, construction, or maintenance of any property whether on or off the insured location resulting from:

DEFECTIVE, INADEQUATE, OR FAULTY:

- 1. Development, subdividing, surveying, or siting; including grading, excavation, and so compaction;
- 3. Alteration, construction, repairs, renovation, or remodeling;
- 4. Materials recommended, selected, supplied or used in alteration, construction, repairs, renovation or remodeling.
- 5. Maintenance.
- C. We do not cover:
 - 7. Loss caused by:

- a. Wear and tear, marring, deterioration, and failure to maintain;
- b. Inherent vice, latent defect, mechanical breakdown;

This decision is based on the information and documentation we received during our research of this claim. If you are aware of any new or different information or documentation that might lead us to reconsider our decision, please contact me immediately.

Your policy may have other terms, conditions and exclusions that apply to this claim. We do not waive any rights, including our right to deny coverage, for any other valid reason under the policy or at law.

Please note, your policy contains a suit limitation period of two years from the date of the loss in which to file suit regarding this claim.

The State of New York requires us to provide the following information.

“Should you wish to take this matter up with the New York State Department of Financial Services, you may file with the Department either on its website at <http://www.dfs.ny.gov/consumer/fileacomplaint.htm> or you may write to or visit the Consumer Assistance Unit, Financial Frauds and Consumer Protection Division, New York State Department of Financial Services, at: One State Street, New York, NY 10004; One Commerce Plaza, Albany, NY 12257; 1399 Franklin Avenue, Garden City, NY 11530; or Walter J. Mahoney Office Building, 65 Court Street, Buffalo, NY 14202.”

If you have any questions, please contact me at (585)509-6037 or KFMEYER@travelers.com.

Sincerely,

Kurt F Meyer
Claim Professional
Direct: (585)509-6037
Office: (800)662-2310 Ext. 509-6037
Fax: (877)749-0037
Email: KFMEYER@travelers.com





Invoice

R.I.C. Plumbing, Inc.

5984 Dunnigan Road

Lockport, NY 14094

716-625-8200

<http://www.ricplumbing.com>

May 14, 2019

Invoice #: 2664-3245

Due Date: 5/14/2019

Job Date: 5/14/2019

Bill To:

Erik Svensson
95 Scott Street
Tonawanda, NY 14150

Job Name:

Erik Svensson
95 Scott Street
Tonawanda, NY 14150

PAID

Date	Item Description	
Customer was given a manual invoice		
5/8/2019	Clean sewer at main.	185.00
5/14/2019	Replace one part laundry tub	685.00
		Total
	870.00	16.19
		\$886.19

All material is guaranteed to be as specified. All work to be completed in a professional manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders and will become an extra charge over and above the estimate. All agreements contingent upon delays beyond our control. Purchaser agrees to pay all costs.

Balance: \$0.00

Terms: COD

THANK YOU FOR YOUR BUSINESS

Mark's Plumbing, Inc.

314 Delaware Street • Tonawanda, NY 14150
 (716) 694-6711 • (716) 692-2296 Fax
 marksplumbingtonawanda@gmail.com

Today's Date 6-21-19

Phone: _____

Cell: [REDACTED]

Email: _____

Fax: _____

CUSTOMER NAME: Erik Svensson

BILLING ADDRESS: 95 Scott Street
Tonawanda NY 14150

JOB ADDRESS: _____

Service Date: _____

M T W Th **F** Sa Su

WORK REQUESTED:

SEWER BROKEN IN ROAD

WORK COMPLETED:

AFTER CAMERA DETERMINED SEWER BROKEN IN STREET.
LOCATE AREA OF BROKEN SPOT. EXCAVATE DOWN TO FIND 4" WATER MAIN
PIPE INSTALLED AS A REPAIR ON SEWER. REMOVE SECTION OF PIPE THAT
HAD DROPPED. INSTALL NEW 4" SDR PVC APPROX 10'. SLEEVE INSIDE 6"
3" STONE WITH # 4 BEDDING & CRUSH & RUN, TAMP STONE FLUSH.
INSPECTION PASSED

VI [REDACTED] exp 12/23
Roy W. Svensson sec. [REDACTED]
222 Creekside TTL 3640

(will call in card Monday)

ARRIVE 8:30

DEPART 12:30

TECH Cameron & Chris

JOB COMPLETED: YES NO

Model # _____

Serial # _____

Make/Model: _____

Warranty: None Years partial repair

PAID: Check# _____ Cash Credit

I have authorized the above repair work including the necessary materials and accept the above performed service as being satisfactory and acknowledge that equipment has been left in good condition. Until such work is paid in full, this contract constitutes a lien against equipment serviced, repaired and or material installed by Mark's Plumbing Services.

SIGNATURE X Sandra Svensson

COST:

TOTAL PARTS	\$
TOTAL LABOR	\$
COUPON	\$
SUB TOTAL	\$
% TAX	\$
Tax Exempt <input type="checkbox"/> Cap. Improve <input checked="" type="checkbox"/>	
TOTAL	3640.00

TERMS: Net cash upon completion of work. If charge of 1-1/2% per month will be made for each month beyond 30 days this bill goes unpaid
 Costs incurred by Mark's Plumbing Service for the collection of this amount are those of the customer.

R. I. C. PLUMBING, INC.

5984 DUNNIGAN ROAD
 LOCKPORT, NY 14094
 (716) 625-8200
 Fax (716) 625-9016



Wed

CUSTOMERS ORDER NO.	DATE ORDERED <i>4-24-19</i>
ORDER TAKEN BY	DATE PROMISED <input type="checkbox"/> A.M. <input type="checkbox"/> P.M.

BILL TO <i>Erik SVENSON</i>	PHONE [REDACTED]
ADDRESS <i>95 Scott st</i>	MECHANIC <i>mle</i>
CITY <i>Ton 14150</i>	HELPER
JOB NAME AND LOCATION	<input type="checkbox"/> DAY WORK
DESCRIPTION OF WORK	<input type="checkbox"/> CONTRACT
	<input type="checkbox"/> EXTRA
<i>price 220 Thank you!</i>	

QUANT.	DESCRIPTION OF MATERIAL USED	PRICE	AMOUNT
	<i>sewer backing up thru opening in basement, where hose from wash machine goes in.</i>		
	<i>Snake from plugged floor drain by sump pump (screw on plug)</i>		
	<i>Located vent in front yd.</i>		
	<i>is running, but feels like there may be some slipped/damaged tiles in street.</i>		
	<i>IF continues to be a problem, can try to camera line.</i>		

HOURS	LABOR	AMOUNT	TOTAL MATERIALS
	MECHANICS @		
	HELPERS @		
I hereby acknowledge the satisfactory completion of the above described work.			TOTAL LABOR
SIGNATURE			TAX
DATE COMPLETED			TOTAL

250 00
21 88
271 88

Leslie Brogan

From: Leslie Brogan
Sent: Friday, June 19, 2020 7:41 AM
To: Molly Jo Musarra
Cc: Marie E Denning
Subject: USMAIL RECEIVED YESTERDAY, JUNE 18, 2020

Good Morning Molly –

We received a USMail envelope yesterday addressed to ECWA Attn: Risk Manager.

Normally we would just forward it to you in the interoffice mail. However, there is no interoffice mail delivery until further notice, so I called and left a message for you yesterday on your cell phone, asking if you wanted us to open it to determine if it was something important that we could perhaps scan to you.

I didn't hear back from you yesterday, but now have a necessity to get some checks hand delivered to Ellicott Square today, so I'm going to include this envelope in that delivery. I put it in an interoffice envelope with your name on it.

Leslie