

Resolution # _____-2016

Affirmation of Policy for Handling Accident Claims against the Town

WHEREAS, the Town maintains insurance policies to provide financial protection for accidents; and

WHEREAS, the Town is a member of the New York Municipal Insurance Reciprocal (NYMIR) under which liability risk is managed by Wright Risk Management; and

WHEREAS, evaluation of accidents by the insurer and risk management company provides an objective evaluation of cause and assignment of responsibility; and

WHEREAS, objective assessment of accidents by the insurer provides constructive information for minimizing future accident risks; and

WHEREAS, processing of accident claims through our insurer provides fiscal protection to the Town from current and future liability risks; therefore be it

RESOLVED, that any Town officer, employee, or agent who is involved in any incident or accident which may or could result in a claim against the Town shall promptly report the nature and details of such incident or accident to both their department head and to the town supervisor, and promptly thereafter submit a written summary of such report; and be it further

RESOLVED, the town supervisor (or department head, with notification to the town supervisor) shall provide prompt written notice to the Town's insurer, Bailey Place Insurance, whenever there is an incident or accident that has the likelihood of being the subject of a claim or suit; and be it further

RESOLVED, that any claim against the Town arising from, or in relation to, the alleged negligent or tortious acts of the Town or its officers, employees, and agents, shall be subject to the notice and claim requirements of the New York State General Municipal Law (such as § 50-e), and any contract-based or related claims shall be subject to the notice and claim requirements of New York State Town Law (such as § 90), and nothing in this resolution shall waive or alter such federal or New York State mandated procedures or requirements as may apply, and no new claim, cause of action, right, or procedure or form of notice is authorized or created hereby.