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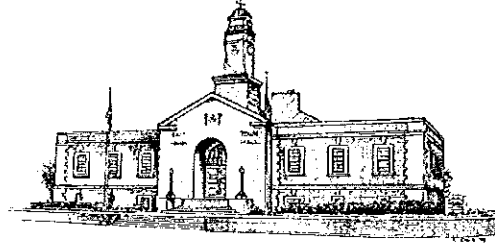
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EAST HAVEN LEGAL SERVICES DEPARTMENT **POLICY REGARDING "MAILBOX CLAIMS"**

NOTE: THIS NOTICE IS PROVIDED SIMPLY FOR INFORMATIONAL PURPOSES AND SHOULD NOT BE RELIED ON BY RESIDENTS OR ANY PARTICULAR PERSON. THE OFFICE OF THE TOWN ATTORNEY REPRESENTS THE TOWN OF EAST HAVEN EXCLUSIVELY AND THIS GUIDE DOES NOT ESTABLISH AN ATTORNEY-CLIENT RELATIONSHIP WITH ANY FUTURE READER. IF YOU HAVE QUESTIONS REGARDING A POTENTIAL CLAIM, YOU SHOULD CONTACT INDEPENDENT LEGAL COUNSEL.

1. Overview - The Department's General Policy.

It is the general policy of the legal services department to recommend that the Town deny claims of mailbox damage when it is alleged that damage to a mailbox was caused by a Town plow or by a third-party contractor working for the Town.

This is PRIMARILY because a "mailbox claim" is no different than any other claim or lawsuit. The Town will generally only consider settling a lawsuit or paying a claim if the facts of a particular case, based on the applicable law, tend to establish that the Town might be found to have been "negligent." Although it could take pages to explain the definition of "negligent," it can be simply defined as "acting, or failing to act, such that the Town somehow caused damage to someone or something." With most mailbox claims, a resident alleges that a town plow driver acted (drove a plow incorrectly or poorly) and, as a result, caused damaged to a mailbox.

In Connecticut, state statutes afford broad protection, or "immunity," from claims and lawsuits in a variety of scenarios. As a result, often times (especially with mailbox claims), neither the facts nor the law support a decision to settle a claim

2. Factors to Review if you are Considering Bringing a "Mailbox Claim."

a. Did any part of a plow actually make contact with your mailbox? Or, rather, did the force of the snow being pushed by the plow somehow damage your mailbox?

i. Potential Contact Between a Plow and a Mailbox

A primary consideration for the Department when evaluating a mailbox claim is whether a plow actually made contact with a mailbox. Contact between a plow and a mailbox **could** (*emphasis added*) help determine whether the Town might consider paying a claim. However, "contact" is not the sole factor.

Signs that a plow has made contact with a mailbox include, but are not limited to, extreme damage to the mailbox (separation from the post), the actual box being thrown or crushed, gashes on the mailbox, scrape marks on the curb around the mailbox, and tire or tread marks running very close to or through the area of the mailbox.

ii. Did the force of the plowed snow cause damage to a mailbox?

On the other hand, another consideration is whether the force of snow being pushed, as opposed to physical contact, caused a mailbox to be damaged.

Generally, plows are driven sufficiently far enough from a curb that it is **VERY** difficult for physical contact occur. Rather, the force of wet or heavy snow being pushed or thrown can sometimes push mailboxes or knock them off of their posts.

The East Haven Legal Services Department, like many area legal departments, does not recommend settlement of claims when it appears that the force of snow, as opposed to physical contact, allegedly causes damage. Plow drivers must get close enough to curbs to widen roadways so that they are safe to travel and they simply cannot be blamed if the snow that they push allegedly damages a mailbox. Plow drivers take great care to push snow carefully but they can only do so much to control where it goes.

3. How to submit your mailbox claim.

Any resident, regardless of this explanation, is free to submit a claim for mailbox damage. To do so, you should submit the following information to the Town Clerk's office:

1. The date and time of the alleged damage;
2. A description of the mailbox, including the age of the mailbox and the approximate value of the mailbox prior to the alleged damage;
3. Photos of the damage, including photos of the street, curb, sidewalk, and/or area surrounding the mailbox;
4. An explanation of what happened and anything you or anyone else witnessed;
5. Two estimates (online printouts or clippings from a catalog) for a replacement mailbox of the same quality and kind as the allegedly damaged mailbox.

Upon filing that information with the Town Clerk's office, that information will be forwarded to the office of the Town Attorney. That office will open up a file and start an investigation. An investigation may include sending a representative from public works to survey the area and interviewing witnesses and employees. Generally, many claims are handled relatively quickly. However, claims can take anywhere from a month to four months to be resolved. Residents are urged to fix their mailboxes to avoid mail problems. However, the Town does not guarantee that a claim will be paid simply because it is submitted or simply because a resident elects to fix a mailbox before a claim is evaluated by the Town.

If the Town denies your claim, you will receive a letter stating the reasons for the denial. If the Town accepts your claim, it may reimburse you for the value of a new mailbox. Occasionally, the Town will elect to fix the damaged mailbox. In either case, if the Town agrees to settle a claim, the homeowner is required to sign a release of liability in exchange for the Town's agreement to reimburse the homeowner or fix the mailbox.

4. Conclusion.

The Town of East Haven is "self-insured." This means that each year, the Town Council budgets a certain amount of money to pay all the claims and judgments against the Town for a given year. As a result, since the money to settle claims is taxpayer money, the Town takes great pains to ensure that any settlement is justified by both the facts of each particular case and the law as it relates to those facts.

As a result, if you find yourself in the frustrating position of having a mailbox claim denied, at least take comfort in knowing that the Town is vigorously safeguarding the taxpayer dollars that you pay each year to the Town.