

# Roadway Defects or Pothole Claims

## Procedures for filing a claim with the Town of Pembroke.

Claims of damages to a vehicle arising from defects in the public way are governed by M.G.L. c.84.

If you incurred damages caused by **roadway and sidewalk defects or potholes** within town limits and are seeking a reimbursement, please follow the procedure outlined below.

**Your claim *must* be submitted in writing, not by email or telephone to the Office of the Board of Selectmen, 100 Center Street, Pembroke, MA 02359.**

### Your claim *must* include the following items:

1. **Detailed Explanation** of damages suffered.
2. **Exact Location** of Incident
3. **Date and Time** of Incident
4. **Claimant's name, address and contact information**

### Items that may be included with your claim:

1. Itemized estimate of damages and/or receipts
2. Copy of Police Report if applicable
3. Pictures, color if possible
4. Copy of medical bills for personal injuries
5. If estimate of repairs is over \$500, a second estimate may be required

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### Please Note:

- All claims for sidewalk, roadway or pothole incidents **MUST** be filed within thirty (30) days of the date of the incident per the Statute of Limitations Law, MGL Chapter 84, Section 18.
- The Office of the Board of Selectmen will **NOT** submit for processing claims filed after the statute of limitation date.

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In order for a municipality to be found responsible for damages caused by alleged defects in the public way, the municipality must have received sufficient, prior notice of the defect.

A new occurrence exists if a prior defect was repaired and then re-opens.

**The Town is ONLY responsible for the filing of your claim** and has **no further involvement once it is forwarded to the insurance carrier.**

The Town's insurance carrier requires sufficient time to complete an investigation of your claim. Compensation is paid only if the Town of Pembroke is found liable. To preserve your rights, if the Town does **NOT** pay your claim, you may pursue your matter in the appropriate state court.