

Town of Danville
Special Selectboard Minutes
September 15, 2023
Danville Town Hall (7:30 am)

Board Members Present Using Teams: Glenn Herrin, Eric Bach, Peter Griffin, Janice Ouellette, and Alison Low

Others Present: Audrey DeProspero and Susan Rowell of VLCT

Meeting called to order by Chair Eric Bach at 7:30 am.

1. Issues and Information (All)

(a) Pending Insurance Claim Discussion with VLCT

Susan Rowell of VLCT discussed claim process: investigate and make determination, then check with member. She was not asking member to investigate. The reason to pay was because of facts: resting picture showed dump truck on wrong side of road (doesn't matter whether truck was pulling out or not), resting picture other vehicle was on own side of road, and no signage (not mandatory but best practice - Loss Control to talk about signage around work areas). Loss was round tabled twice and everyone came to same conclusion.

Janice Ouellette noted signs were out but taken down because job was finished and Town vehicles were leaving finished work site area.

Susan Rowell noted she was told he didn't have signs up. She discussed hard corner to see around, not much shoulder, and very tight area. She noted round table discussion was with senior adjuster and manager at VLCT. They felt it was reasonable to pay.

Police report and age of driver was questioned.

Susan Rowell noted the police report was not admissible in court and the age of driver was responsibility of Police not VLCT as they do not get involved in that piece, however if it is found to be an issue then Police will fine the driver.

Alison Low noted kids were coming back from Marty's, so they had already been by work site and truck once.

Susan Rowell did not think that was necessarily so but does not know either way as it would not factor into it much and was not part of other adjuster's conclusions.

Janice Ouellette noted investigating Officer said no fault situation.

Susan Rowell noted Police do not decide insurance fault so they cannot lean on Police report as it is just an additional tool.

Glenn Herrin spoke of submitted pictures: car on wrong side of road, tire marks show where vehicle was and went, and car took corner on wrong side of road. He discussed markings could determine car was going too fast and both sides at fault. Someone driving carefully would not have had the accident. The dump truck was on side of road parked and then was pulling out slowly so having a flagger would not be feasible there for just that one moment while pulling out. Conclusion was young driver was at fault.

Susan Rowell noted claim will have little impact on insurance and would not apply until 2025 however, the Town would have to pay \$1,000 deductible.

Glenn Herrin inquired if the other insurance company was involved at all.

Susan Rowell noted no, normally people will go to other insurance company first.

Alison Low noted Road Foreman was worried about being on employee's record.

Susan Rowell has no authority on that as it would come from DMV or Police. It does not come in to play with insurance and not part of liability portion.

Eric Bach inquired what would happen if it went to other insurance company and they said it looks like their insured was at fault.

Susan Rowell noted there could be multiple outcomes such as other insurance company could push back when they look at resting picture. The Appraiser went to look at claimant vehicle and determined other vehicle was a total loss because of age and damage. She noted she was not part of community, and able to deal with claimants as they are separate from Town. She understood frustration of persons involved which doesn't have any merits on claim as each claim is investigated separately.

Janice Ouellette wondered how common it was for claimant to reach out to VLCT insurance.

Susan Rowell noted it was very common as she has reached out to young driver and his mother and the insured.

Alison Low inquired what would happen if other insurance company was involved.

Susan Rowell noted if other insurance company becomes involved, they could file suit and VLCT would defend Town.

Selectboard inquired what defense would look like.

Susan Rowell noted attorney would do own investigation.

Janice Ouellette discussed person who was assigned case recused self because of personal involvement and she wanted to make sure person had nothing to do with making decision.

Susan Rowell noted final decision was made by self, senior adjuster, and supervisor. That person was not present nor included.

Estimate for Town vehicle received and deductible inquired about.

Susan Rowell noted there was \$1,000 deductible one time for entire claim which will not impact rating as it is not a severe claim.

Eric Bach inquired if there was any benefit for Town to pay out of pocket.

Susan Rowell noted they do not recommend as they have a release form signed by the other party so they cannot come back on Town and would not be able to claim extra money. If Town paid it will set precedent and VLCT doesn't recommend but it is a Town decision.

Susan Rowell exited at 7:56 am.

Selectboard discussed: checking in with their legal counsel, cost of claim, out of pocket expense versus going through insurance, behavior of claimant not good, advise of VLCT, revisiting insurance choice when renewal comes, concern for driver, DMV and Police process separate from insurance, putting item on agenda for next meeting and language for possible motion.

2. Adjourn – Motion by Peter Griffin, 2nd by Glenn Herrin to adjourn at 8:20 pm. All in favor.