

**MERCER COUNTY INSURANCE FUND COMMISSION
OPEN MINUTES
MEETING – MARCH 24, 2014
Mercer County
McDade Administration Building
640 South Broad Street
Trenton, NJ 08611
10:30 AM**

Meeting was called to order by Chairman Mair. Ms. Dodd read the Open Public Meetings notice into record.

ROLL CALL OF COMMISSIONERS:

Andrew A. Mair	Present
Elizabeth A. Scannella	Present
Raissa Walker	Present

FUND PROFESSIONALS PRESENT:

Executive Director	PERMA Risk Management Services Joseph Hrubash
--------------------	---

Claims Service	Inservco Insurance Services, Inc. Debra Stout Nancy Fowlkes Steve Daveggia Matthew Baron
----------------	--

	Conner Strong & Buckelew Michelle Leighton Robyn Walcoff
--	--

Risk Management Consultant	Borden Perlman Salisbury & Kelly Doug Borden
----------------------------	--

Attorney

Treasurer

Safety Director	J.A. Montgomery Risk Control Glenn Prince Dave McHale
-----------------	---

ALSO PRESENT:

Joseph P. Blaney, Assistant County Counsel
Phillip S. Miller, Mercer County Improvement Authority
Cathy Dodd, PERMA Risk Management Services

APPROVAL OF MINUTES: OPEN & CLOSED MINUTES OF MARCH 24, 2014

Ms. Scannella advised she had a correction for the minutes. Ms. Scannella referred to page 3 of the open minutes of March 24, 2014 and advised a correction was needed in the paragraph referring to the amendment of Resolution 15-14 to include MC before the BOSS.

MOTION TO APPROVE THE OPEN MINUTES OF MARCH 24, 2014 AS AMENDED

Moved:	Chairman Mair
Second:	Commissioner Scannella
Vote:	3 Ayes, 0 Nays

Ms. Dodd advised the closed minutes from the last meeting were distributed at the beginning of the meeting. In response to Chairman Mair's inquiry, Ms. Dodd advised the closed minutes should also be approved.

MOTION TO APPROVE THE CLOSED MINUTES OF MARCH 24, 2014

Moved:	Commissioner Scannella
Second:	Chairman Mair
Vote:	3 Ayes, 0 Nays

COMMITTEE REPORTS:

SAFETY COMMITTEE: Mr. Prince reported the Safety Committee last met on February 21, 2014 and during the CEL Safety Director's report he would discuss some of the training opportunities and topics. Chairman Mair advised the Safety Committee reported on the slip and fall hazard at 640 Broad Street. This becomes hazardous in freezing temperatures. He advised he reviewed the matter with engineering. Chairman Mair indicated the problem was due to a drainage issue. Chairman Mair advised there were discussions on creating a mona block curb which would allow the problem to be pushed away from the cross walk. Chairman Mair noted engineering was working on this and it was still not clear if even that solution was viable. Chairman Mair advised he would provide the Commission an update at the next meeting. Chairman Mair provided a copy of the engineering plans to Ms. Dodd for the records.

CLAIMS COMMITTEE: Ms. Walcoff reported the Claims Committee met on March 11, 2014. Ms. Walcoff advised the Claims Committee meetings were scheduled for the second Tuesday of the month and in March they met telephonically to discuss two payment requests for open property claims. Ms. Walcoff indicated only one of the claims would be presented during closed session. Ms. Walcoff noted upon review of the payment authority request of the second claim with Inservco it was determined the second claim was premature and more information was needed. Ms. Walcoff advised Matthew Baron of Inservco would now be handling the liability claims instead of Sue Irvine. Ms. Walcoff also advised Conner Strong and Buckelew would host an EPL Risk Manager Lunch and Learn with a presentation from AIG, the Employment Practices and Public Official carrier at the office in Marlton on March 27th from 11:00 to 1:00. Commissioner Scannella advised she planned on attending the session along with Lillian Nazzaro. In response to Mr. Borden's inquiry regarding the acceptance of County Counsel by Lexington, Ms. Walcoff advised

the information was submitted to the underwriting team and she was not anticipating any problems but would follow up with the carrier. Ms. Leighton advised once they had the endorsement approval it was their plan to set up an introductory meeting with representatives of AIG.

EXECUTIVE DIRECTOR REPORT: Executive Director advised he had three action items for his report.

2014 RISK MANAGEMENT PLAN: Executive Director referred to Resolution 18-14 the 2014 Risk Management Plan which was included in Appendix II of the agenda. Executive Director explained the Plan is an overview of the coverages provided by the Commission, the CEL, and the commercial market. Executive Director noted the Plan was required by statute and once the Plan was finalized it would be filed with the Department of Banking and Insurance. Executive Director advised the Plan included what risks are retained by the Commission, the reserving philosophy, method of assessing the member contributions and the claim payment authority of the claims administrator. Executive Director noted the Plan was also a narrative version of the Limit/Retentions Schematics which were discussed at the January meeting. Executive Director advised the Plan was sent in advance to the Commissioners, Commission Attorney, and Risk Manager for review. Commissioner Scannella advised she did have one amendment or addition to the plan under 6. d) regarding the approved defense attorney panel. Commissioner Scannella noted that she wanted to add “will utilize County attorneys and or in-house counsel” and also “In addition, it”. Executive Director advised he would make the changes.

MOTION TO APPROVE RESOLUTION 18-14, 2014 RISK MANAGEMENT PLAN AS AMENDED

Moved:	Commissioner Scannella
Second:	Chairman Mair
Vote:	3 Ayes, 0 Nays

CERTIFICATE OF INSURANCE REQUEST FORM: Executive Director reported on the Certificate of Insurance Report for the period of February 15, 2014 to March 13, 2014. There were 3 certificate of insurances issued during this period. Ms. Scannella advised she did review the report and it was correct.

MOTION TO APPROVE THE CERTIFICATE OF INSURANCE REPORT

Moved:	Commissioner Scannella
Second:	Chairman Mair
Vote:	3 Ayes, 0 Nays

NJ EXCESS COUNTIES INSURANCE FUND: Executive Director advised the CEL held their Reorganization Meeting on February 27, 2014 and a summary report of that meeting was included in the agenda. Executive Director advised Chairman Mair and Commissioner Scannella participated in the CEL meeting via teleconference. Executive Director reported the CEL introduced an amended budget due to two new members as of January 1, 2014, Hudson County and the Mercer County Insurance Fund Commission. Executive Director noted the total membership in the CEL is now up to eight. Executive Director advised the CEL scheduled a Public Hearing on March 27, 2014 at 1:45 PM

Moved: Commissioner Scannella
Second: Chairman Mair
Vote: 3 Ayes, 0 Nays

NJ CEL PROPERTY AND CASUALTY FINANCIAL FAST TRACK: Executive Director reported the agenda included the Financial Fast Track for the NJ CEL for the month of January. As of January 31, 2014 the CEL had a surplus of \$3,898,737. Executive Director advised in the near future the agenda would also include a financial fast track for the Mercer County Insurance Fund Commission.

OPRA REQUESTS: Executive Director reported the Commission needed to set up a process to handle any Commission related OPRA requests to be in compliance with the bill Governor Christie signed effective November 9, 2010. Executive Director noted a copy of the suggested OPRA request form was included in the agenda along with Resolution 19-14 to approve the OPRA request procedure. Executive Director advised the form would be posted on the website once it was approved. In response to Chairman Mair's inquiry, Executive Director advised the wording was changed to indicate the fee was permissive not mandatory.

**MOTION TO APPROVE RESOLUTION 19-14 OPRA FEE
LEGISLATION TO COMPLY WITH OPRA AND NJ CASE LAW
INTERPRETING THE SAME**

Moved: Commissioner Scannella
Second: Chairman Mair
Vote: 3 Ayes, 0 Nays

CLAIMS COMMITTEE: Executive Director reported at the February 24th meeting the Commissioners approved Resolution 15-14 which established a formal Claims Committee. Executive Director noted the resolution included wording to include "Designated Representative" as respects to the Mercer County Board of Social Services. Executive Director advised Delores Smith was now added as the Mercer County Board of Social Services representative. Executive Director also noted Esq. was deleted after Elizabeth Scannella's name. Executive Director advised this information was for the record and no action was required at this time.

EPL RISK MANAGER LUNCH & LEARN: Executive Director advised the EPL Lunch and Learn was discussed during the Claims Committee report.

MERCER COUNTY INSURANCE FUND COMMISSION WEBSITE: Executive Director reported at the last meeting the Commission approved Spark Creative Group as the vendor for the Commission website. Executive Director advised the website was created and many of the required documents were posted to the site. Executive Director noted the URL address for the website was <http://mcifc-nj.org/>. Executive Director advised the County's webmaster, Ms. Swetal Shah was working with Spark Creative Group to incorporate her recommendations. Ms. Dodd noted a call was scheduled between Ms. Shah and Mr. Snyder of Spark Creative Group but the call needed to be rescheduled.

EMPLOYEE DISHONESTY CRIME POLICY: Executive Director advised at the last meeting the Commission agreed to obtain quotes for an Employee Dishonesty Crime policy to cover the Executive Director, Commission Treasurer, and the Claims Administrator. Executive Director

advised copies of the Selective quote options were distributed at the start of the meeting. Executive Director advised there were quotes for the period of March 24, 2014 to January 1, 2015. The first quote in the amount of \$1,815 was for \$1,000,000 limits of liability with a \$10,000 deductible. The second quote in the amount of \$1,597 was for \$250,000 limits with a \$2,500 deductible and the last quote of \$1,675 was for \$500,000 limits with a \$5,000 deductible. Commissioner Scannella asked Mr. Borden to comment on the quotes. Mr. Borden advised he did not recommend reducing the limit by \$500,000 to save \$200, therefore he recommended the quote for \$1,000,000 with a premium of \$1,815.00. Executive Director advised the premium for the policy would be allocated to the miscellaneous and contingency account.

MOTION TO APPROVE THE PURCHASE OF THE SELECTIVE POLICY FOR \$1,000,000 WITH A \$10,000 DEDUCTIBLE FOR \$1,815 FOR THE PERIOD OF MARCH 24, 2014 TO JANUARY 1, 2015

Moved:	Commissioner Scannella
Second:	Chairman Mair
Vote:	3 Ayes, 0 Nays

Executive Director advised that concluded his report unless anyone had any questions.

Executive Director's Report Made Part of Minutes.

TREASURER REPORT: Chairman Mair advised the Treasurer was not present. Chairman Mair advised the March Bill List, Resolution 20-14, in the amount of \$36,037.36 was included in the agenda. Executive Director advised as of last Friday the previous payments had not been sent out yet and requested Chairman Mair to check on the status.

MOTION TO APPROVE RESOLUTION 20 - 14 IN THE AMOUNT OF \$36,037.36

Moved:	Commissioner Scannella
Second:	Chairman Mair
Vote:	3 Ayes, 0 Nays

ATTORNEY: Chairman Mair advised Joe Blaney was attending the meeting for County Counsel. Mr. Blaney advised he did not have anything to report.

CLAIMS SERVICE: Ms. Stout introduced Matt Baron of her office and advised Matt would be handing the liability claims for the Commission. Executive Director advised the Liability Claims Check Register was included in the agenda for the period of February 1, 2014 to February 28, 2014. In response to Commissioner Scannella's inquiry, Ms. Stout advised the bank had sent her office the wrong specifications so they had to be resubmitted and new test checks were just sent over to the bank. Ms. Stout advised this was put through as a rush and she would keep Commissioner Scannella updated.

Chairman Mair indicated Executive Director advised a motion should be made to noting there was no liability payments made this month.

**MOTION TO APPROVE RESOLUTION 21- 14 AUTHORIZING
DISCLOSURE OF LIABILITY CLAIMS CHECK REGISTER**

Moved: Commissioner Scannella
Second: Chairman Mair
Vote: 3 Ayes, 0 Nays

CEL SAFETY DIRECTOR: Mr. Prince reviewed the February – April Risk Control Activity Report which was included in the agenda. Mr. Prince advised Mr. McHale was attending the meeting to discuss the progress of the BRIT On- Line Training Program. Mr. McHale advised more specifically he wanted to report that next week he would be rolling out a new driver training program which focused on distractive driving which could be used by all departments. Mr. McHale advised the next agenda would include a description of the course, user name and login information. Mr. McHale recommended the training program be utilized in a group format. In response to Executive Director’s inquiry, Mr. McHale advised this training program was provided by Safety National who is the excess worker compensation carrier. Mr. McHale also advised at the last meeting he discussed a course on how to navigate through an intersection for the First Responders. Mr. McHale advised this course was linked to the distractive driving course. Mr. McHale noted he had also sent some resources to Commissioner Scannella regarding the HIPPA training. Mr. McHale advised that concluded his report unless anyone had any questions. In response to Executive Director’s inquiry, Mr. McHale advised his discussion related to Safety National’s programs and not BRIT.

RISK MANAGER CONSULTANT: Mr. Borden advised his office just received the Risk Management Plan which he would review and would also review the policies once they were available on the website. Mr. Borden indicated as noted earlier he was working with Ms. Walcoff to have County Counsel approved under the Lexington policy. Mr. Borden also advised he was working on coverage for the dam. At this point he was not sure if the dam was covered under the primary layer for liability; however was certain it was not covered for property.

Correspondence Made Part of Minutes.

OLD BUSINESS: None

NEW BUSINESS: Ms. Scannella advised she should have the cyber liability application completed by the end of the week.

PUBLIC COMMENT:

MOTION TO OPEN MEETING TO THE PUBLIC

Moved: Commissioner Scannella
Second: Chairman Mair
Vote: 3 Ayes, 0 Nays

Seeing not members of the public wishing to speak Chairman Mair asked for a motion to close the public comment portion of the meeting.

MOTION TO CLOSE MEETING TO THE PUBLIC

Moved: Commissioner Scannella
Second: Chairman Mair
Vote: 3 Ayes, 0 Nays

CLOSED SESSION: RESOLUTION 22-14, EXECUTIVE SESSION FOR THE PURPOSE AS PERMITTED BY THE OPEN PUBLIC MEETINGS ACT, MORE SPECIFICALLY TO DISCUSS PARS RELATED TO PENDING OR ANTICIPATED LITIGATION AS IDENTIFIED IN THE LIST OF CLAIMS PREPARED BY THIRD PARTY CLAIM ADMINISTRATOR INSERVCO INSURANCE SERVICES, INC. AND ATTACHED TO THIS AGENDA.

MOTION TO APPROVE RESOLUTION 22-14 FOR EXECUTIVE SESSION

Moved: Chairman Mair
Second: Commissioner Scannella
Vote: 3 Ayes, 0 Nays

MOTION TO RETURN TO OPEN SESSION

Moved: Chairman Mair
Second: Commissioner Scannella
Vote: 3 Ayes, 0 Nays

MOTION TO APPROVE CLAIM # 3960000005 IN THE AMOUNT OF \$33,095 AS REQUESTED BY INSERVCO

Moved: Commissioner Scannella
Second: Chairman Mair
Vote: 3 Ayes, 0 Nays

MOTION TO ADJOURN:

Moved: Chairman Mair
Second: Commissioner Scannella
Vote: 3 Ayes, 0 Nays

MEETING ADJOURNED: 11:03 AM

Minutes prepared by:
Cathy Dodd, Assisting Secretary