

**MERCER COUNTY INSURANCE FUND COMMISSION  
OPEN MINUTES  
MEETING – OCTOBER 27, 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 ( <i>arrived 10:47</i> )

**FUND PROFESSIONALS PRESENT:**

Executive Director	PERMA Risk Management Services <b>Joseph Hrubash</b>
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Claims Service	Inservco Insurance Services, Inc. <b>Nancy Fowlkes</b> <b>Debbie Stout</b>
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Conner Strong & Buckelew  
**Robyn Walcoff**

Managed Care Services	First MCO
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Risk Management Consultant	Borden Perlman Salisbury & Kelly <b>Doug Borden</b>
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Attorney	<b>Arthur J. Sypek, Jr.</b> <b>Paul Adezio</b>
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Treasurer

Safety Director	J.A. Montgomery Risk Control <b>Glenn Prince</b>
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**ALSO PRESENT:**

Alma Ortiz, Mercer County Improvement Authority  
Thomas J. Walls, Jr., Capehart Scatchard  
Cathy Dodd, PERMA Risk Management Services

**APPROVAL OF MINUTES: OPEN & CLOSED MINUTES OF SEPTEMBER 30, 2014**

**MOTION TO APPROVE THE OPEN & CLOSED MINUTES OF  
SEPTEMBER 30, 2014**

Moved:	Commissioner Scannella
Second:	Chairman Mair
Vote:	2 Ayes, 0 Nays

**CORRESPONDENCE:** None

**COMMITTEE REPORTS:**

**SAFETY COMMITTEE:** Mr. Prince reported the Safety Committee last met on September 23<sup>rd</sup> and another meeting would be scheduled during the last quarter of 2014 which would be attended by Mr. Barry Sloane. Mr. Prince advised he would discuss the safety related items during his report.

**CLAIMS COMMITTEE:** Ms. Walcoff reported the Claims Committee met prior to the Commission meeting today to review and discuss the PARS that would be presented during closed session. Ms. Walcoff referred to a copy of the Claims Committee's Best Practices Workshop which was included in the agenda. Ms. Walcoff advised there were five guest speakers and the workshop was well attended. Commissioner Scannella advised she attended the Workshop with Lillian Nazzaro, Nancy Fowlkes, and Susan Schaefer. Commissioner Scannella indicated they all picked up some good tips and were especially interested in Dean Sizemore's report from Gloucester County. Commissioner Scannella noted she thought it would be a good idea to talk to an injured employee after they returned to work so both parties could express their opinions about the work related incident as they did in Gloucester County. A brief discussion ensued on the takeaways from the break out session regarding the challenges of repeat claims. Mr. Prince reported he sent e-mails to all CEL member Insurance Commissions and Counties with the user information to access the MAP Client Services which were discussed by Marian Bell of Safety National.

**EXECUTIVE DIRECTOR REPORT:** Executive Director advised he had one action item for his report along with some informational items.

**CERTIFICATE OF INSURANCE REQUEST FORM:** Executive Director reported on the Certificate of Insurance Report for the period of September 23, 2014 to October 21, 2014. There were three (3) certificate of insurances issued during this period. In response to Chairman Mair's inquiry regarding the Description of Operations Commissioner Scannella advised certificates could be issued for use of facilities for an event or many times the State would request a certificate for a grant. Ms. Dodd advised the actual need for the certificate appeared on page 2 of the certificate; however the report was not formatted to show that information. Ms. Dodd indicated she would

check with the appropriate department in PERMA to see if the report could be amended to include the pertinent page 2 information. Commissioner Scannella advised the information on the report did correspond with her information and recommended the report be approved.

**MOTION TO APPROVE THE CERTIFICATE OF INSURANCE REPORT**

Moved:	Commissioner Scannella
Second:	Chairman Mair
Vote:	2 Ayes, 0 Nays

**NJ EXCESS COUNTIES INSURANCE FUND:** Executive Director reported the CEL met on October 23, 2014 and a summary report of the meeting was distributed at the beginning of the meeting. Executive Director advised at that meeting the Board of Commissioners made a motion to introduce the 2015 Budget in the amount of \$19,964,592 and scheduled a Public Hearing for November 20<sup>th</sup> at 2:00 PM via a teleconference. Executive Director reviewed the insurance company premiums and also noted there was a new line item under the Ancillary Coverage's for XS Flood in the amount of \$250,000. Executive Director noted due to the addition of Ocean County and the possibility of Atlantic County as of January 1<sup>st</sup> monies were budgeted to pursue if feasible the purchase of additional flood limits. Executive Director advised the Board of Fund Commissioners offered membership to the County of Atlantic.

**MERCER COUNTY INSURANCE FUND COMMISSION PROPERTY & CASUALTY FINANCIAL FAST TRACK:** Executive Director advised the August Financial Fast Track was not available as PERMA had not received the claim bank statements for the month of August and September. Executive Director advised the August Financial Fast Track would be included in the November agenda.

**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 August. As of August 31, 2014 the CEL had a surplus of \$4,872,494.

**2015 AUTO ID CARDS/WC POSTING NOTICES/RENEWAL CERTIFICATES OF INSURANCE:** Executive Director advised the 2015 auto ID cards and WC Posting Notices would be sent for distribution the first week of December. Executive Director noted Ms. Dodd would review with Commissioner Scannella any certificates which should be re-issued for 2015.

**REPORTING OF CLAIMS TO CLAIMS MADE POLICIES PRIOR TO 12/31/14 EXPIRATION:** Executive Director asked Ms. Walcoff to review her letter to the Commissioners regarding the Reporting of Claims to Claims Made Policies Prior to 12/31/14. Ms. Walcoff referred to a copy of her letter and limit schematics which were included in the agenda. Ms. Walcoff reminded the Commission that the Public Officials/Employment Practices, Medical Professional and General Liability policy along with the Crime policy were expiring on 12/31/14. Ms. Walcoff explained the policies were written on a claims made and reported policy form basis. Ms. Walcoff noted with this type of coverage, any claims made against a member entity that would be covered under the policies must be reported during the same policy year within which the claims were received by the member entity. Ms. Walcoff stressed the importance of reporting any claim or potential claim be reported prior to the policy expiration. Ms. Walcoff requested the Insurance Commission follow their usual claim reporting procedures and provide notice to Conner Strong & Buckelew by December 19, 2014 to ensure any claim was reported to the carrier prior to the

expiration of the policy. Ms. Walcoff advised she would also e-mail the letter and limit schematics to Commissioner Scannella so she could reach out to her internal departments. Commissioner Scannella requested the e-mail also be sent to the legal department.

Executive Director advised since the CEL had introduced their budget, the 2015 Mercer County Insurance Fund Commission Budget would be introduced at the November meeting.

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 October Bill List, Resolution 41-14, was included in the agenda. In response to Commissioner Scannella's inquiry, Ms. Dodd advised we do advertise with the Trentonian, however, she did not receive the required voucher to include their payment on the October Bill list.

**MOTION TO APPROVE RESOLUTION 41-14, OCTOBER BILL LIST**

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

**ATTORNEY:** Mr. Sypek advised he did not have anything to report.

**CLAIMS SERVICE:**

Executive Director advised Resolution 42-14, Disclosure of Liability Claims Check Register, was included in the agenda along with a copy of the check register for the period of September 1, 2014 to September 30, 2014. Ms. Dodd pointed out that the check register included the entry for voiding the check that was issued to EB Fence in error.

Ms. Stout referred to the quarterly claims report which was included in the agenda. Ms. Stout advised since the Commission was only in existence for three quarters of a year the charts did not include a full year of data and there was nothing to compare to yet as far as trending. Ms. Stout advised the charts indicated what type of claims were occurring and their cost. Ms. Stout advised next year the reports would show the trends. Mr. Sypek thought it would be interesting to see which claims were unwitnessed. Ms. Stout advised she would have to check with her IT department to see if that information could be captured but would try to do something manually back to the inception of the Commission. Executive Director also suggested looking at pre Commission claims.

Executive Director reported at the last meeting Mr. Mooney from First MCO offered to do an assessment of the account to determine if the Insurance Commission was receiving the best possible savings and to review the out of network providers. Ms. Stout advised she would follow up with Mr. Mooney.

Chairman Mair requested a motion to approve Resolution 42-14.

**MOTION TO APPROVE RESOLUTION 42-14 AUTHORIZING  
DISCLOURE OF LIABILITY CLAIMS CHECK REGISTER**

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

**MANAGED CARE:** Executive Director reported a copy of First MCO's report was included in the agenda. Executive Director advised the report included an additional column to reflect the amount of net savings which was requested at a previous meeting.

**CEL SAFETY DIRECTOR:** Mr. Prince reviewed the September – November Risk Control Activity Report which was included in the agenda. Mr. Prince commended the County for their participation in the training classes. Mr. Prince referred to the listing of the training courses conducted and those scheduled which were included in his report. Mr. Prince reviewed a copy of a Loss Control Report for the Mercer County Department of Corrections which was distributed at the meeting. Mr. Prince advised at the request of Commissioner Scannella he visited the Corrections Department to investigate a worker compensation incident. Mr. Prince advised based on the information he gathered at the facility and an interview with Captain Bearden he concluded that the injured worker did sustain the injuries while performing the assigned duties. Mr. Prince also recommended the repairs to the door be made as soon as possible. Mr. Prince also reviewed a Loss Control Report for "MCBOSS" prepared by Mr. Sloane that was included in the agenda. Commissioner Scannella commented that Mercer Safety Day was held the previous week and Mr. Sloane made a presentation in the afternoon on office safety.

**RISK MANAGER CONSULTANT:** Mr. Borden advised he did not have anything to report.

Correspondence Made Part of Minutes.

**OLD BUSINESS:** None

**NEW BUSINESS:** In response to Chairman Mair's inquiry regarding MCBOSS, Mr. Prince advised Mr. Sloane did identify some issues in his report regarding the fire extinguishers. Mr. Prince reported it was suggested the extinguishers be replaced with ABC rated fire extinguishers and he thought MCBOSS was following up with their vendor.

**PUBLIC COMMENT:**

**MOTION TO OPEN MEETING TO THE PUBLIC**

Moved: Commissioner Scannella  
Second: Commission Walker  
Vote: 3 Ayes, 0 Nays

Seeing no 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: Commissioner Walker  
Vote: 3 Ayes, 0 Nayes

**CLOSED SESSION: RESOLUTION 43-14, 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 43-14 FOR EXECUTIVE SESSION**

Moved: Commissioner Scannella  
Second: Commissioner Walker  
Vote: 3 Ayes, 0 Nayes

**MOTION TO RETURN TO OPEN SESSION**

Moved: Commissioner Scannella  
Second: Commissioner Walker  
Vote: 3 Ayes, 0 Nayes

Commissioner Scannella advised she would make a motion to approve the PARS that was discussed during closed session.

**MOTION TO APPROVE THE PARS THAT WAS PRESENTED DURING CLOSED SESSION**

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

**MOTION TO ADJOURN:**

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

**MEETING ADJOURNED: 11:15 AM**

Minutes prepared by:  
Cathy Dodd, Assisting Secretary