

**GLOUCESTER, SALEM, CUMBERLAND COUNTIES  
MUNICIPAL JOINT INSURANCE FUND**

**Gloucester County Library  
389 Wolfert Station Road  
Mullica Hill, New Jersey**

**November 23, 2015 – 3:30 PM**

***EXECUTIVE CLAIMS MEETING MINUTES***

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The Executive Claims Committee Meeting of the Gloucester, Salem, and Cumberland Counties Municipal Joint Insurance Fund (TRICO JIF) was held at the Gloucester County Library, 389 Wolfert Road, Mullica Hill, New Jersey on Monday, November 23, 2015 at 3:30 PM, prevailing time. Acting Chair Campbell, **Shiloh Borough**, presiding. The meeting was called to order at 3:37 PM.

***STATEMENT OF COMPLIANCE WITH THE OPEN PUBLIC MEETING ACT***

Notice of this meeting was given by: (1) sending sufficient notice herewith to *South Jersey News*, of Woodbury and the *Courier Post*, Cherry Hill, NJ; (2) filing advance written notice of this meeting with the Clerks/Administrators of all member municipalities of the TRICO Municipal Joint Insurance Fund, and (3) posting notice on the public bulletin boards of all member municipalities of the TRICO Municipal Joint Insurance Fund.

Those in attendance were:

Doris Hall, **Logan**  
Brad Campbell, *Acting Chair Shiloh Borough*  
Mike Razze, **Pitman**  
Bob Dickenson, **Vineland**  
Karen Sweeney, **Wenonah Borough**  
Bob Law, **Woodbury**

Also present were:

Paul J. Miola, CPCU, ARM, Executive Director, *AJGRMS*  
David S. DeWeese, Esquire, *The DeWeese Law Firm, P.C.*  
Tim Sheehan, **J.A. Montgomery**  
Kathie Tyler-Schohl, *Qual-Lynx*  
Karen Beatty, *QualCare*  
Debby Schiffer, *Wellness Director*

***CLOSED SESSION PORTION OF MEETING***

Acting Chair Campbell entertained a motion to move to Executive Session to review the *Payment Authorization Requests* that will be voted on in Open Session during the Executive Committee Meeting being held on November 23, 2015 at 5:00 PM.

Motion by Mr. Razze, seconded by Ms. Hall, to move to Executive Closed Session. All in favor. Motion carried.

***REOPEN PUBLIC PORTION OF THE MEETING***

Acting Chair Campbell entertained a motion to reopen the public portion of the meeting.

Motion by Mr. Law, seconded by Ms. Hall, to reopen the public portion of the meeting. All in favor. Motion carried.

**RECOMMENDATION OF APPROVAL OF CLAIMS PAYMENTS**

The Executive Claims Committee recommends approval of the PARs at the Executive Committee Meeting as presented in their entirety during the Closed Session portion of the *Executive Claims Meeting*.

The Committee reviewed fourteen (14) claims. Of the claims reviewed, there nine (9) Workers' Compensation, three (3) General Liability and two (2) Property PARs recommended for approval of settlement or continuing defense.

Acting Chair Campbell asked if there were any questions at this time. No questions were entertained.

**SOLICITOR'S REPORT FOR OPEN SESSION:**

**Closed Cases**

Mr. DeWeese noted that there were three (3) case closed in the month of October, 2015:

<i>Heaton vs. Borough of Pennsville</i>	<i>A Stipulation of Dismissal with Prejudice was filed on September 14, 2015.</i>
<i>Mattia vs. Township of Monroe</i>	<i>Counsel was able to negotiate an amount of \$150,000 to settle.</i>
<i>Mulvihill vs. Township of Franklin</i>	<i>Motion for Summary Judgment was granted on October 23, 2015.</i>

**MANAGED CARE REPORT**

**Lost Time v. Medical Only Cases**

Ms. Beatty presented the TRICO JIF *Lost Time v. Medical Only Cases (Intake Report)*.

	<b>October</b>	<b>YTD</b>
<i>Lost Time</i>	2	23
<i>Medical Only</i>	11	169
<i>Report Only</i>	10	98
<i>Total Intakes(New Claims)</i>	23	290
<i>Report Only % of Total</i>	43.5%	33.8%
<i>Medical Only/Lost Time Ratio</i>	85:15	88:12
<i>Average Days to Report</i>	1.8	4.4

***Transitional Duty Report***

Ms. Beatty presented the Transitional Duty Report.

<b>Transitional Duty Summary Report</b>	<b>YTD</b>
<i>Transitional Duty Days Available</i>	2,780
<i>Transitional Duty Days Worked</i>	1,747
<i>% of Transitional Duty Days Worked</i>	62.8%
<i>Transitional Duty Days Not Accommodated</i>	1,033
<i>% of Transitional Duty Days Not Accommodated</i>	37.2%

***PPO Penetration Report:***

Ms. Beatty presented the monthly PPO Penetration Report

<b>PPO Penetration Rate</b>	<b>October</b>
<i>Bill Count</i>	247
<i>Original Provider Charges</i>	\$285,608
<i>Re-priced Bill Amount</i>	\$143,672
<i>Savings</i>	\$141,935
<i>% of Savings</i>	49.7%
<i>PPO Penetration Rate Bill Count Percentage</i>	95.5%
<i>PPO Penetration Rate Provider Charge Percentage</i>	99.1%
<i>EPO Penetration Rate Bill Count Percentage</i>	91.2%
<i>EPO Penetration Rate Provider Charge Percentage</i>	75.0%

**QUAL-LYNX REPORT**

***Lessons Learned from Losses – November***

Ms. Tyler-Schohl reported on the *Lessons Learned from Losses for November* which was included in the agenda packet.

She stated that this month the focus is on Title 59 Immunities when there are no proper approvals or documentation. She stated that in one town, contractors were completing part of a paving project. Since there were complaints from homeowners of flooding there, the mayor verbally requested that the contractor put a strip of asphalt at a driveway, which made a 2 ½ inch elevation at the end of the driveway to prevent further flooding there. Shortly after the job was done, someone tripped over the raised area and sustained significant injuries. She stated that her office thought that they could rely on Title 59 Immunities and have the claim dismissed but could not because:

- Actual or constructive notice was out since the Mayor not only knew of the elevation but approved it. He actually directed the asphalt company to lay down the asphalt a short time before the claimant fell.
- Failure to inspect or negligence inspection was out also for the same reason.
- Tried to use the Design Immunity. But, In order to have this immunity, the governing body would have had to approve the plans regarding the asphalt strip. There were no plans submitted, no plans drawn up and therefore, no approval.

- Tried to bring the contractors in and have them take over the defense, but there wasn't a Certificate of Insurance for that extra work they did and no paperwork regarding it. The Mayor had informally authorized it.

She stated that they have been able to bring the contractors into the litigation but it is unknown as to whether defense can prove negligence against them. She stated that it is important to have the proper documents, to follow proper procedures and to obtain necessary approvals in order to successfully obtain dismissals in these kinds of cases.

#### ***Adjuster File Counts***

Ms. Tyler-Schohl reported that the Adjuster File Count report for the month of October, 2015 was included in the agenda packet. She noted that Rachel Woods is dedicated to all the Vineland files.

#### ***EPL/POL Sweep Letters***

Mr. Miola stated that in order to control the 2016 budget, the MEL and each member JIF have successfully negotiated placement of the Public Officials and Employment Practices Liability insurance program with a new insurance carrier, QBE Insurance. The effective date of change is January 1, 2016. He stated that there will be no change in the reporting procedures. He stated that any existing POL/EPL claims must be reported to the current carrier prior to the policy's expiration on December 31, 2015. Failure to timely report a claim will result in the carrier denying the claim. He noted that instructions to follow were included in the agenda packet.

#### ***Review Defense Panel RFQ Responses***

Mr. DeWeese stated that a Special Meeting will be called for the members to review the RFQ responses for the defense panel. It will be held on December 21, 2015 @ 1:30PM. He stated that since there are more than twenty responses, he will send the RFQ responses to the members ahead of the meeting so they can review them.

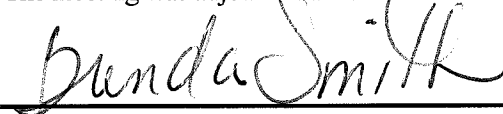
#### ***NEXT MEETING***

The next Executive Claims Meeting will be held on **Monday, December 21, 2015 at 1:30 PM** at the **Deptford Township Municipal Building, Deptford, New Jersey.**

#### ***MOTION TO ADJOURN***

Motion by Mr. Law, seconded by Mr. Law, to adjourn the Executive Claims meeting. All in favor. Motion carried.

The meeting was adjourned at 4:40 PM.

  
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**Brenda Smith, Recording Secretary for**

  
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**BRAD CAMPBELL, ACTING CHAIR**