

Minutes
Nottingham Selectmen's Workshop
May 9, 2014

8:30 AM Chair Carpenter opened the workshop.

Members Present: Mark Carpenter, Mary Bonser and Donna Danis

Others: Charles A. Brown – Town Administrator, Dawn Wirkkala – Secretary, Ronald O'Keefe, David Goodwin, Paul Colby

Property Liability Insurance Quote Review:

Mr. Brown stated he presented the Selectmen's questions to the insurance company representatives for answers.

Chair Carpenter asked if the Town would be responsible for additional payment if a lawsuit judgment award is higher than the Town maximum liability insurance coverage.

Mr. O'Keefe stated the statute limits are to protect municipalities; it is the maximum amount per person and per incident that a court can award as being part of a risk pool.

Ms. Bonser stated she is concerned because courts have been known to issue awards higher than the liability limit. Mr. O'Keefe stated he has never seen that type of situation and has never seen maximum cap issues.

Mr. Goodwin stated he isn't familiar with that particular law; however he has a current example of an injured employee collecting unemployment and is also suing for the liability insurance. The law indicate collection one type of insurance or the other, but the employee is testing the law.

Mr. O'Keefe stated this statute specifically addressed personal property and bodily injury; there are other sections of insurance, such as the total loss.

Mr. Goodwin stated the differences between the Health Trust policies and private insurances are difficult to explain. He included a \$10 million rider, which can be reduced if the Selectmen request. Private insurances offer a maximum per claim, which is not the same as being part of the risk pool.

Mr. Brown stated the Immanuel quote will be reduced because of a typo in portions of the coverage.

Mr. O'Keefe stated there are additional things Health Trust covers that private insurance may not cover, such as volunteer medical and auto coverage, education and training, which is included in the quote.

Mr. Brown stated he does not see the value in changing for \$4,000.00, and the Health Trust also offers training to employees on a variety of issues.

Mr. Brown stated he had an additional question regarding legal coverage being provided to past employees.

Mr. Goodwin stated private insurance offers training and courses to employees if desired, also included in the quote. Coverage for a past employee is also included within the limit of the policy.

Mr. Brown stated PLT offers the Member Agreement booklet, which identifies each of the categories of coverage.

Mr. O'Keefe stated the Member Agreement is the policy for the Health Trust. Mr. Goodwin stated private coverage is based on individual riders within the policy, and the umbrella policy covers all the others.

Mr. O'Keefe requested the Selectmen consider apples to apples comparison; Health Trust makes an attempt to pay the claims as easily as possible and if a mistake is made by not adding an existing structure or vehicle, coverage will still be offered. Flooding, earthquake and volcanic eruption is also automatically included. Chair Carpenter asked if movement from ground water was included in the PLT policy and Mr. O'Keefe stated it is not.

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Chair Carpenter asked about the price difference with a lower umbrella policy. Mr. Goodwin stated he receives a lump sum policy amount and would estimate an approximate \$2500.00 savings with a \$5 million dollar rider.

Ms. Bonser asked about the information not covered by private insurance. Mr. Goodwin stated flood and earthquakes are not covered. Mr. Goodwin stated the Health Trust is a pool that covers all the members of the pool and the maximum liability amount is split between all members of the pool. Private insurance offers the maximum amount solely to the Town.

Mr. O'Keefe stated the PLT policy is a pool, but incidents like earthquakes or flooding tend to happen in a specific area and not state wide.

Chair Carpenter asked about hurricanes. Mr. O'Keefe and Mr. Goodwin stated the damage would be covered.

Mr. Brown stated there are outside factors that can influence insurance coverage; current mapping stated one area of town that wasn't within a flood plain is now, despite the houses being 30 feet above the water level.

The Selectmen thanked the agents from coming and answering the questions.

Mr. Goodwin reminded the Selectmen the quoted price would be less with a lower umbrella and a cap to the amount could not be guaranteed.

Mr. O'Keefe stated there is an increase with a 5% cap for the next year.

Chair Carpenter asked if Mr. Goodwin works with other municipalities. Mr. Goodwin stated in the past, and they gradually transferred to the Health Trust but now it appears towns are swapping back to private coverage.

The Selectmen reviewed their opinions regarding the policies and after discussion decided to remain with the PLT Health Trust. The Selectmen also decided they would continue considering use of alternate property liability insurance with Mr. Sterndale.

Motion by Ms. Danis, second by Ms. Bonser to continue use of PLT Health Trust insurance for the current year and continue research of a possible alternate property liability insurance company in the coming year.

Vote: 3 – 0 in favor.

Ms. Bonser and Chair Carpenter stated they like the Immanuel quote enough to further review the options for future consideration.

Chair Carpenter asked Mr. Brown to call Mr. Goodwin and explain the Selectmen are very interested and look forward to understanding the differences in the coming year.

Planning Board Letter: Mr. Colby presented the letter of request from the Selectmen to the Planning Board about their taking one year off from making ordinance changes to test how existing ordinances are working for Nottingham residents.

Ms. Danis stated it is important for the Selectmen to express a unified request and wanted to try and make sure every interaction is professional and respectful.

The Selectmen agreed and signed the provided letter to the Planning Board.

Peters Driveway: Mr. Colby reviewed his research on the court case presented by Mr. Peters, which was based on a road that already existed and being used. Mr. Colby stated his recommendation is to process the existing appeal to the Zoning Board.

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Chair Carpenter asked about land locked pieces of property. Mr. Colby stated it becomes a private issue between the two parties.

A letter will be sent to Mr. Peters explaining the Zoning Board appeal process and outlined the steps that will be taken.

Town Administrator: Ms. Danis provided a letter of introduction of the new Town Administrator Chris Sterndale, which included a summary of his experience, and recommended Mr. Sterndale have an opportunity to review the information prior to release. The letter also included an opportunity for the public to come in and meet him.

Ms. Bonser stated Mr. Sterndale might attend the next Planning Board meeting for introduction. Mr. Brown stated he proposed introducing Mr. Sterndale to all Department heads and employees and all boards and committees.

Selectmen Liability: Ms. Bonser reviewed that the Board of Selectmen ultimately has responsibility and liability over all the decisions the Conservation Commission makes. Ms. Bonser requested that the Board of Selectmen receive copies of the Conservation Meeting minutes and that meetings should also be televised. Ms. Wirkkala would forward minutes to the Selectmen and stated they are also available on the Town website.

Chair Carpenter stated the Selectmen have requested the Conservation Commission hold their meetings on Channel 22 and the members seemed agreeable. It is one of the reasons why Conference Room #2 is being wired for TV access.

Ms. Danis asked if the Selectmen can issue a policy about all boards and committees airing their meetings on Channel 22.

Ms. Wirkkala stated there are occasions when more than two meetings are taking place at the same time. The Selectmen decided there should be a change of meeting night if such a situation occurs.

Ms. Bonser asked if the Selectmen should also have the ability to review non-public minutes as well and it was stated a legal opinion should be reviewed.

ADJOURNMENT: Having no further business,

9:27 AM **Motion:** by Ms. Bonser, second by Ms. Danis to adjourn.

Vote: 3 – 0 in favor.

Respectfully Submitted,

Dawn Wirkkala