

March 19th, 2014

Insurance Workshop Meeting

Petersburgh Town Board

Present: Supervisor Siegfried Krahforst, Councilman Jack Barnhill, Councilman Neil Geary, Councilwoman Denise Church, Councilman Alan Webster

Guests: Anne Maxon, Berlin Town Clerk, Judge Amy Manchester, Judge Richard Snyder

Guest Speaker: Lee Pollock, Rose & Kiernan, Inc.

Press: Alex Brooks, The Eastwick Press- 4:42PM

4:00 PM INSURANCE WORKSHOP

Lee Pollock III, CIC; Rose & Kiernan, Inc. provided handouts of the PowerPoint presentation entitled, "Town Insurance Issues" for reference during the presentation. Mr. Pollock has 3 years of experience with education related seminars, including teaching for the annual Association of Towns conference. The topics covered tonight will cover basic liability issues pertaining to Towns.

- Basic Liability Risks for Towns. Avoid it; transfer it; accept it. Preemptive actions can be taken, such as asking if the problem be avoided.
Insurance covers matters such as property, auto liability, inland marine, crime, general liability, Public Officials E&O, employment claims, law enforcement, umbrellas, workers compensation. Policies cover claims as legally required. (Zig- Judges immune to liabilities? Lee- will get to that) Assuming we are covered; insurance protects the Town, avoids paying and reduces payout of the Town.
 - Highway Policies: annual survey of roads, verbal and written complaints/notices; vehicle maintenance records, hiring and training drivers, work safety records, contractor insurance and indemnity, accident investigations.
 - Employee Policies: terminations, benefits, training of administrators, discrimination-disabilities, sexual harassment, work rules- communication and sign-off, workplace violence prevention.
 - Public Areas and Recreation: survey for employee safety, signage and hazards, evacuation plan, playground setup, weekly/monthly checklists, usage requirements.
- Safe & Unsafe
 - Youth & Recreation Programs: application, screening and training of staff, rules and approved activities, sign up and waiver of participants (signed consents), parent expectation and communication, confidentiality, insurance needs- accident, special events.
 - Board Liability: POL/E&O, Malpractice. Formal procedures on planning/permits, open meeting law and notices, ethics and conflicts of interest, Public Officers Law, Case Law- appearance of impropriety, Town Ethics Policy; Legal advice- Town Attorney, confidentiality. AOT county Civil Service- own counsel.
- Problem Claims:

- Part 1. Exclusions- no coverage to Town. These include injury to volunteers, pollution/asbestos/lead, intentional acts, non-monetary claims, (Article 76), eminent domain (inverse condemnation), breach of contract, monetary gain and fair pay labor laws, computer related.
- Part 2. Problems for both the Town and Insurance Company. Late notice, scope of duty- Board, Employees, Volunteers, high cost defense, good faith/honest service.
- Part 3. Why claims are not paid- the PR factor. Time barred- 9 day notice; immunity- emergency vehicles (snow plows included), streets, roads, and sidewalks (written notice required), judicial; not negligent- defense money; someone else is responsible.
- Exposures not always covered.
- Unique Exposures. Highway and infra-structure maintenance, recreational areas and programs (youth), safety and emergency services, land use decisions, public employment,
- Summary: Towns are targets because they are easy to find and can't go bankrupt.
- Q&A: Zig- parking lot- if someone or their vehicle gets injured in the municipal complex parking lot, are we liable? Lee- publically owned defined under V&T as a highway. LL highway defect law covers. Alan- Town Highways- no speed limits- no sign, no speed limit- accident? Lee- same answer. Zig- dust on roads- material used produces silica dust- respiratory issues as a result, Town gets sued- is Town liable? Lee- problem claim- silica dust is a pollutant. Zig- it's natural- Lee- that's right. Courts do not usually prevail in these cases. Alan- waiver- ran summer camps- modeled waived after ADA form, but was told waivers are worthless. Lee- great question- depends on if it considered informed consent. Zig- industry in Town with numerous employees, Zig advised to have emergency plan- Town has designated shelter, offered to let company use in case of emergency- could Town be liable? Lee- in the public good, but the Town should ensure that a written agreement (indemnity/hold harmless) and certificate of insurance is on file. Zig- re_ YP- using school bus for transport- would like to eliminate and have parents carpool- Lee- reimburse mileage? Zig- no, volunteer- only was to transport is swim program is to continue. Is Town on the hook? Lee- absolutely. Zig- re: YP- policy has been to eat lunch under tree- if storm/lightning hits, what happened? Lee- ins. co. defends, say it was probably a fluke and the Town should therefore not be liable. Alan- schools have 30min. warnings... Zig- our office is accessible- records not confidential- should lock access. Lee- yes. NYS workplace violence law- Town held to higher standards. Zig- sometimes meets with residents at office in private- invited in- not? Lee- should think about it. Zig- staff background checks? Lee- comptroller reports said Towns are not doing enough. Zig- took an unsafe building down in emergency procedure- should have been more concerned? Lee- mutual aid is Town- a lot of responsibility- emergency responsibility falls on Town. Zig- time limits with ins. co.? Lee- once submitted to ins. co., off hook. Zig- storm damage- ("God's action?" ???) Lee- analysis, etc. Denise- background checks? Lee- ins. co rates cost \$10-15 per check-companies up to \$100 per check.

5:00 PM SPECIAL MEETING

Call to Order: Following the Pledge of Allegiance, Supervisor Krahforst called the meeting to order at 5:40 PM.

- Trustco Bank Corporate (Municipal) General Resolution: Town Justices Amy Manchester and Richard Snyder were present to request approval for the Town Court to switch banking accounts from Pioneer Bank to Trustco Bank. The proposed resolution was approved by the Board.

RESOLUTION #29. TRUSTCO BANK CORPORATE (MUNICIPAL) GENERAL RESOLUTION, PETERSBURGH TOWN COURT JUSTICE ACCOUNTS

On motion of Councilman Barnhill, the following resolution was adopted. Be it RESOLVED that:

1. Trustco Bank (hereinafter called "The Bank") be and hereby is designated a depository of the funds of the Town Court of the Town of Petersburg, New York (hereinafter called "The Municipality") and that:
 - *Amy Manchester, Justice of the Petersburg Town Court*, hereby designated to sign singly for two separate accounts (1. Town Justice Regular Account, and 2. Town Justice Bail Account); and
 - *Richard Snyder, Justice of the Petersburg Town Court*, hereby designated to sign singly for two separate accounts (1. Town Justice Regular Account, and 2. Town Justice Bail Account),

are hereby authorized to sign, for and on behalf of this Municipality, any and all checks, drafts and orders with respect to any funds at any time(s) to the credit of this Municipality with the Bank and/or against and account(s) of this Municipality maintained at any time(s) with the Bank, inclusive of such checks, drafts, and other orders in favor of any of the above designated officers(s) and/or other person(s), and that the Bank be and hereby is authorized (a) to pay the same to the debit of any account(s) of this Municipality then maintained with it; (b) to receive for deposit to the credit of this Municipality, and/or for collection for the account of this Municipality, any and all checks, drafts, notes, and other instruments for the payment of money, whether or not endorsed by this Municipality, which may be submitted to it for such deposit and/or collection, it being understood that each such item shall be deemed to have been unqualifiedly endorsed by this Municipality; and (c) to receive, as the act of this Municipality, stop-payment instructions (inclusive of any relative agreement) with respect to any such checks, drafts, and other orders as foresaid and reconciliation(s) of account which signed by any one or more of the officers(s) and/or other person(s) as hereinbefore designated.

Unless the check, draft, or note indicates otherwise, or unless the Bank is provided specific written instruction, the Bank shall be entitled to rely on a single signature authorized as set forth herein. The Municipality, by delivering this resolution to the Bank, does hereby agree to indemnify and hold the Bank harmless from and against any and all liability in connection with the Bank's reliance on a singular signature when two are required.

2. BE IT FURTHER RESOLVED that:
 - *Amy Manchester, Justice of the Petersburg Town Court*, hereby designated to sign singly for two separate accounts (1. Town Justice Regular Account, and 2. Town Justice Bail Account); and
 - *Richard Snyder, Justice of the Petersburg Town Court*, hereby designated to sign singly for two separate accounts (1. Town Justice Regular Account, and 2. Town Justice Bail Account),

are hereby authorized, for and on behalf of this Municipality, to transact any and all other business with or through the Bank which at any time(s) may be deemed by the said officer(s) and/or other person(s) transacting the same to be advisable, including, without limiting the generality of the foregoing, authority to (a) discount and/or negotiate notes, drafts, and other commercial paper; (b) apply for letters or other forms of credit; (c) borrow money, with or without security; (d) assign, transfer, pledge, or otherwise hypothecate any property of the Municipality; (e) purchase, exchange, sell, or otherwise deal in or with any stocks, bonds and other securities; (f) execute and deliver automated customer services and other agreements relative to performance of various computer services; and (g) in reference to any of the business or transactions hereinbefore in this subdivision "2" referred to, make, enter into, execute and deliver to the Bank such negotiable or non-negotiable instruments, indemnity and other agreements, obligations, assignments, endorsements, hypothecations, pledges, receipts and/or other documents as may be deemed by the officer(s) and/or other persons(s) so acting to be necessary or desirable.

3. BE IT FURTHER RESOLVED that any and all withdrawals or money and/or other transactions heretofore had in behalf of this Municipality with the Bank are hereby ratified, confirmed, and approved, and that the Bank (and any interested third party) may rely upon the authority conferred by this entire resolution unless, and except to the extent that, this resolution shall be revoked or modified by a subsequent resolution of this Board, and until a certified copy of such subsequent resolution has been received by the Bank.

Councilwoman Church seconded such motion, and roll call showed the following results:

Supervisor Siegfried Krahforst	Aye
Councilman Jack Barnhill	Aye
Councilwoman Denise Jacon Church	Aye
Councilman Neil Geary	Aye
Councilman Alan Webster	Aye

Supervisor Krahforst declared that the foregoing resolution was duly adopted.

Adjourn: With no further business, on motion of Councilman Webster, seconded by Councilman Barnhill, the Special Meeting was adjourned at 5:41 PM.

Respectfully Submitted,

Callie Crisp, Town Clerk

****Minutes Approved September 15th, 2014**