

Authorizing Settlement Of Withdrawal Claims Litigation Between Various Fire Districts And The Ulster County Self-Insurance Plan

The General Services / Community Services Committee (Chairman Tipp and Legislators Every, Maloney, McAfee, Kraft, Rodriguez and Stoeckeler) offers the following:

WHEREAS, the Ulster County Self-Insurance Plan (the "Plan") is a cooperative plan organized under the Workers' Compensation Law whereby the County and various towns, schools districts, and other municipalities electing to join the Plan pool their resources to pay the claims for Workers' Compensation and Disability benefits of the employees of the various members, and

WHEREAS, upon withdrawal of a member, that withdrawing member is required to pay withdrawal charges representing its share of the total liabilities of the Plan without regard to whether and to what degree the withdrawing member's employee claims contributed to that total liability, and

WHEREAS, a number of fire districts have withdrawn from the Plan in recent years and have refused to pay withdrawal fees and litigation has therefore resulted between these fire districts and the Plan over the suitability of these withdrawal charges and whether or not amounts the districts had paid over the years should be refunded to them, and

WHEREAS, litigation is pending with respect to the following fire districts: Woodstock, Ulster # 5, Phoenicia, Plattekill, Big Indian-Oliverea, Highland, East Kingston, Port Ewen, Mt. Marion, Olive, Rifton and Esopus, and

WHEREAS, a proposal has been made to resolve and settle such litigation whereby the settling district would pay to the Self-Insurance Plan any amounts the Plan paid out for claims and State Workers' Compensation assessments up to the present or in the future for such district and if a settling district has paid more to the Plan than the Plan has paid out to date for such purposes, said withdrawing district shall receive a credit against future amounts the Plan must pay; and the Self-Insurance Plan will waive the administrative costs attributable to the claims of settling districts, and

WHEREAS, a number of fire districts have agreed to this proposed settlement, as more fully outlined in the attached memorandum, which more fully outlines the details of the settlement; these districts are Woodstock, Ulster # 5, Phoenicia, Plattekill and Big Indian-Oliverea, and

WHEREAS, the General Services/Community Services Committee has met and reviewed said request with a majority of the members voting approval, and

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WHEREAS, the Ways and Means Committee has met and reviewed said request with a majority of the members voting approval.

RESOLVED, that the Ulster County Self-Insurance Plan is authorized to settle the various pending cases with the fire districts who have withdrawn from the Self-Insurance Plan on the terms described above and in the attached memorandum, and

FURTHER RESOLVED, that the Administrator of the Plan is authorized to execute, approve and deliver any necessary documents required to effectuate such settlements,

and moves its adoption.

ADOPTED AS AMENDED BY THE FOLLOWING VOTE:

AYES: 30 NOES: 0
(Absent: Legislators Aiello, Hyatt and Provenzano)

Legislator Donaldson motioned, seconded by Legislator Lomita to table the resolution until the next meeting on October 13, 2005.

MOTION DEFEATED BY THE FOLLOWING VOTE:

AYES: 14 NOES: 16
(AYES: Legislators Bartels, Berardi, Dart, Donaldson, Feldmann, Kraft, Lomita, Loughran, R.A. Parete, R.S. Parete, Rodriguez, Shapiro, Stoeckeler and Zimet)
(Absent: Legislators Aiello, Hyatt and Provenzano)

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Legislator Lomita motioned, seconded by Legislator R.S. Parete, to amend the resolution to indicate that the Self-Insurance Oversight Committee be reinstated.

MOTION ADOPTED BY THE FOLLOWING VOTE:

AYES: 30 NOES: 0
(Absent: Legislators Aiello, Hyatt and Provenzano)

FINANCIAL IMPACT:
TO BE DETERMINED

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