

AMENDED

2.

On a motion of Supervisor Walters, seconded by Councilwoman Potter-Juda, the following resolution was

ADOPTED Ayes 3 Walters, Quinn, Potter-Juda
 Noes 0

RESOLVED, that the Town Board approve the following settlement of the grievance with Lance Kelly:

SETTLEMENT AGREEMENT REGARDING HEALTH INSURANCE COVERAGE
Lance Kelly
July 13, 2015

The TOWN OF HAMBURG, NEW YORK (“Town”), Local 2478 International Association of Fire Fighters, AFL-CIO-CLC Union (hereinafter “the Union”), and LANCE KELLY, 235 Pleasant Avenue, Hamburg, New York 14075 hereby agree as follows:

WHEREAS,

- a. Lance Kelly is a former Town employee and member of the Union.
- b. On May 22, 2015, the Town accepted Lance Kelly’s resignation for failing to report to work or contact his supervisor.
- c. Pursuant to the Collective Bargaining Agreement between the Town and the Union, in effect from January 1, 2010 until December 31, 2016, Lance Kelly filed a grievance objecting to the Town of Hamburg’s acceptance of his resignation.
- c. On July 1, 2015, a step two grievance meeting was held regarding Lance Kelly’s resignation. The Town of Hamburg was represented by Supervisor Steven Walters. Lance Kelly was present and he was represented by the Union President Jack Chiappone, Jr. The Town’s Human Resources Consultant, Michael Reilly and the Union Vice President, Roseanne Nadrich were also present.
- d. Lance Kelly has requested health insurance coverage from the Town for himself only, indicating that his spouse and children are covered with health insurance benefits provided through another source.
- e. The Town’s position is that Lance Kelly has resigned and is no longer entitled to health insurance benefits pursuant to the terms of the Collective Bargaining Agreement.

f. The parties have reviewed and discussed the relevant issues, and have agreed to settle this dispute as provided herein.

NOW, THEREFORE, for good and sufficient consideration, the receipt of which is hereby acknowledged, all parties hereto mutually agree as follows:

1. Lance Kelly shall begin to receive health insurance coverage, as an individual only, provided by the Town, and he shall comply with all procedures and requirements related thereto. Lance Kelly’s health insurance benefits provided by the Town will begin immediately upon execution of this agreement by all parties, and will terminate at the end of June 30, 2016, or at such time as Lance Kelly’s application for New York State Disability benefits is approved, whichever comes first.

2. Lance Kelly will receive health insurance benefits as a single subscriber, and hereby specifically waives any right to family coverage, that might be available and provided for under the Collective Bargaining Agreement, so that his spouse and children will not be eligible for health insurance coverage provided for by the Town.

3. The Town is authorized to terminate Lance Kelly’s health insurance coverage immediately upon Lance Kelly’s qualification for health insurance coverage from any other source, including but not limited to, Medicare and Medicaid.

5. The parties enter into this Agreement to fully and finally resolve any and all outstanding matters and do so to avoid litigation on this matter, and hereby agree that they will not pursue any further grievance, action, claim or litigation relative to this matter now or in the future.

TOWN OF HAMBURG

FOR LANCE KELLY

By: Steven Walters
Hamburg Town Supervisor

By: Lance Kelly

LOCAL 2478 INTERNATIONAL
ASSOCIATION OF FIRE FIGHTERS
AFL-CIO-CLC UNION

By: Jack Chiappone, Jr.
President