

**ONTARIO COUNTY  
INSURANCE COMMITTEE MINUTES  
February 4, 2014**

**MEMBERS**

JEFFERY GALLAHAN  
JOHN COWLEY  
BARBARA WELCH  
FREDRICK LIGHTFOOTE  
MARK VENUTI  
TODD CAMPBELL

**PRESENT:** Jeff Gallahan, Barbara Welch, Mark Venuti, Todd Campbell, Fred Lightfoote, John Parrott, Mike Reinhardt, Sandy Packard, Julie Hoffman, Sherman Manchester, Mary Krause, Leanne Lapp, Kris Thorsness, Darlys McDonough.

**DISTRIBUTION:** Committee Members, Board Chairman Jack Marren, John Parrott, John Park, Michael Reinhardt, Julie Hoffman, John Garvey, Sheriff Philip Povero, Karen DeMay, Sherman Manchester.

**CALL TO ORDER**

Chairman Gallahan called the meeting to order at 10:05 A.M.

Supervisor Cowley made a motion to approve the minutes of the December 3, 2013 meeting. Supervisor Lightfoote seconded the motion. After Committee discussion, the December 3, 2013 minutes were approved as amended. All ayes; motion carried.

**2014 COMMITTEE MEETING SCHEDULE**

Chairman Gallahan presented the 2014 Committee Meeting Schedule.

Supervisor Welch made a motion to approve the 2014 Committee Meeting Schedule as presented. Supervisor Lightfoote seconded the motion. All ayes; motion carried.

Chairman Gallahan asked Supervisor Lightfoote to be Vice-Chairman of the Insurance Committee. Supervisor Lightfoote accepted.

Chairman Gallahan made a motion to appoint Supervisor Lightfoote as Vice-Chairman of the Insurance Committee. Supervisor Cowley seconded the motion. All ayes; motion carried.

Supervisor Venuti arrived at the meeting at 10:15 a.m. and was given the handouts that were passed out at the beginning of the meeting.

**WAIVER OF INSURANCE REQUIREMENTS FOR POTENTIAL RESEARCH CONTRACT**

Ms. Lapp would like to hire an individual by contract to do a research project for the Public Defender's Office and asked the Committee's approval to waive the insurance requirement. Before recommending the insurance waiver, the Committee asked Ms. Lapp to provide a description of job duties the individual would be doing for the research project. Ms. Lapp will bring that information to the March Insurance Committee meeting.

Chairman Gallahan asked the Committee to introduce themselves to the Supervisors that are new to the Insurance Committee. Each person at the meeting introduced themselves and gave a brief overview of where they work and what they do for the Insurance Committee.

### **SAFETY REPORT**

Mr. Manchester distributed year-end reports and Safety Reports to the Committee. He reviewed recordable incidents.

Mr. Manchester requested the Committee's approval to submit a HAB (Hazard Abatement Board) Grant in the amount of \$10,200. The HAB Board will determine the amount the County receives.

Supervisor Lightfoote made a motion to approve submission of the HAB Grant. Supervisor Welch seconded the motion. All ayes; motion carried.

Mr. Manchester mentioned to the Committee that Midwest, the County's excess casualty carrier, will have an archived webinar available soon for Committee members to watch regarding what's going on now with insurance fraud.

Ms. Krause asked Chairman Gallahan to help write an article for Visions regarding the positive statistics the Insurance Committee has seen in regards to safety awareness and the improved safety record.

Ms Krause also mentioned that First Niagara has agreed to speak with Board Members on March 27, 2014 regarding the workers' compensation pool and share statistics about the recordables and the trends we are seeing.

### **TOWERS WATSON ACTUARIAL UPDATE**

Mr. Parrott requested the Committee's approval to accept a proposal from Towers Watson to do an update of an actuarial review of both the workers compensation and property liability self-insurance plans. One of the key components to the County's self-insurance plan is to have an outside actuarial consultant come in to review our outstanding losses, make a determination and put a number to what the County's outstanding liability is. Auditors want to see this information.

Supervisor Lightfoote made a motion to accept the proposal from Towers Watson. Supervisor Cowley seconded the motion. All ayes; motion carried.

Some Committee members expressed interested in checking with other vendors to compare costs. The Committee asked Mr. Parrott to check with Towers Watson to see if they would consider adjusting the \$40,000 premium to stay within budget.

The Committee accepted the contract with the provision that Mr. Parrott ask Towers Watson for a reduction in the premium. All ayes; motion carried.

### **WORKERS' COMPENSATION**

Ms. Hoffman reviewed the monthly reports noting 2013 ended the year with a positive balance. 2014 expenses were low for January.

Ms. Hoffman advised the Committee that Ed Nicosia from Buckner & Kourofsky will be attending the March Insurance Committee meeting to discuss a settlement.

Ms. Hoffman requested the Committee's approval to renew a contract with Coventry for 2014 to help manage disability claims. Coventry has been very helpful with helping employees get appointments with specialists quicker and getting them back to work sooner. Human Resources evaluates each disability claim and asks Coventry to help assist with certain ones.

Ms. Krause addressed a concern that was mentioned at a previous Personnel Committee meeting regarding the risk of Workers Compensation fraud as the County transitions away from the Health Facility. Ms. Krause mentioned that the disability program allows full pay up to six months which is a greater benefit than the workers compensation benefit. Coventry is a valuable service to the County to help prevent disability fraud.

Ms. Hoffman addressed an informational item to the Committee regarding a change in NYS Workers Compensation Assessment Methodology. First Niagara Risk Management no longer reviews the assessments and forwards them to Ms. Hoffman for processing and payment. Now, the Workers Compensation Board Chair sets the rate of assessment annually for all assessments in the coming year. In order for Ontario County to pay the assessment, all participants in the Mutual Self-Insurance Plan will be required to provide Ms. Hoffman with their quarterly payroll totals as soon as possible after the end of each quarter. This new methodology brings new penalties. Chairman Gallahan suggested putting a penalty policy in place for those participants that fail to report their quarterly payroll totals. Ms. Hoffman will be sending out a memo to all participants and will mention a penalty for late reporting. Chairman Gallahan suggested Ms. Hoffman review the local law to see what can and cannot do.

Supervisor Cowley made a motion to approve the contract with Coventry for the year 2014. Supervisor Lightfoote seconded the motion. All ayes; motion carried.

Lastly, Ms Hoffman mentioned to the Committee if they have specific items they would like to learn when First Niagara comes to do their presentation, please send her an e-mail. She will make sure those items are covered.

### **LIABILITY SELF-INSURANCE**

Mr. Reinhardt handed out a brochure and some charts to the Committee and gave a general overview of what the County Attorney's Office provides to the Insurance Committee. He also briefly reviewed the confidential litigation report with the Committee explaining what was on it and why.

At 11:29 A.M. a motion was made by Supervisor Cowley, seconded by Supervisor Welch, that the Insurance Committee adjourn and reconvene in executive session for the purpose of discussing information regarding proposed, pending or current litigation. All ayes; motion carried.

Supervisor Welch made a motion to leave executive session and reconvene in regular session at 12:37 P.M. Supervisor Lightfoote seconded the motion. All ayes; motion carried.

**OTHER BUSINESS**

The Insurance Committee approved Assistant County Attorney Mr. Reinhardt's execution of the settlement agreement and general release regarding Baylard v County of Ontario, New England Waste Services of NY, and Casella Waste Services which was discussed during executive session.

Supervisor Lightfoote made a motion to approve the execution of the agreement and general release. Supervisor Cowley seconded the motion. All ayes; motion carried.

The Insurance Committee authorized Assistant County Attorney Mr. Reinhardt to negotiate an offer of settlement not to exceed \$10,000 regarding the Years case (Pending Sheriff Povero's approval) discussed during executive session.

Supervisor Welch made a motion to approve negotiating an offer, not exceeding \$10,000, to settle the Years litigation case. Supervisor Cowley seconded the motion. All ayes; motion carried.

With no further business to come before the Committee,

Supervisor Welch made a motion to adjourn. Supervisor Lightfoote seconded the motion. All ayes; motion carried.

The meeting adjourned at 12:40 P.M.

Respectfully submitted,

