

**ONTARIO COUNTY
INSURANCE COMMITTEE MINUTES
August 6, 2013**

MEMBERS

JEFFERY GALLAHAN
JOHN COWLEY
MARGARET HILTON
FREDRICK LIGHTFOOTE
DONALD NINESTINE
RICHARD RUSSELL

PRESENT: Jeff Gallahan, John Cowley, Margaret Hilton, Richard Russell, Fred Lightfoote, Donald Ninestine, John Garvey, Mary Krause, John Parrott, Mike Reinhardt, Irene Coveny, Julie Hoffman, Sherman Manchester and Zach Davis–HR Intern.

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

After Committee discussion, Supervisor Ninestine made a motion to appoint Supervisor Russell as Temporary Chairman. Supervisor Lightfoote seconded the motion.

Supervisor Russell called the meeting to order at 10:00 A.M. In the absence of Chairman Gallahan, Supervisor Russell announced him as necessarily absent.

Chairman Gallahan joined the meeting at 10:01 A.M. and took over as Chairman.

Supervisor Hilton made a motion to approve the minutes of the July 2, 2013 meeting. Supervisor Lightfoote seconded the motion. All ayes; motion carried.

SAFETY REPORT

Mr. Manchester reviewed new claims. There were no new claims with Ontario County.

Mr. Manchester requested the Committee's approval to contract with Empire Safety for work-related training as part of the Hazard Abatement Grant.

Supervisor Russell made a motion to move the resolution to contract with Empire Safety. Supervisor Cowley seconded the motion. All ayes; motion carried.

WORKERS' COMPENSATION

Ms. Hoffman reviewed the monthly report and noted expenses for medical and compensation are running very well. Reimbursements are also doing well.

Ms. Hoffman requested the Committee's approval to renew the contract with First Niagara Risk Management for 2014 TPA Services – Workers Compensation and the Ontario County Self-Insured Disability Program.

Ms. Hoffman also requested the Committee's approval to renew the contract with First Niagara Risk Management for 214 TPA Services – Disability Program (FLCC).

Supervisor Hilton made a motion to approve both contract renewals with First Niagara Risk Management. Supervisor Russell seconded the motion. All ayes; motion carried.

Ms. Hoffman also reviewed the 2007 – 2012 Workers' Compensation Large Claims in excess of \$25,000, for Committee information.

EXPERIENCE WORKS CONTRACT

The Office for the Aging wants to subcontract with Experience Works to manage their Senior Community Service Employment Program (SCSEP). John Parrott requested the Committee agree to waive the insurance requirement set forth in Schedule B, items 2c and 2f for Experience Works.

Supervisor Lightfoote made a motion to approve the insurance waiver for Experience Works. Supervisor Cowley seconded the motion. All ayes; motion carried.

John Garvey advised the Committee to amend the motion as "Subject to notification of CSEA".

Supervisor Ninestine made a motion to approve the amendment of the motion. Supervisor Russell seconded the motion. All ayes; motion carried.

LIABILITY WAIVER FOR FOSTER PARENT TRAINER

On behalf of Eileen Tiberio, Mr. Parrott requested a waiver of the liability insurance requirement for a contract with a foster parent trainer for the Social Services Department. The annual training is co-led by Social Services personnel. Mr. Parrott confirmed that the county's exposure would be minimal, and the cost of insurance would be prohibitive.

Supervisor Ninestine made a motion to approve a waiver of liability insurance for the contract with a foster parent trainer in 2013. Supervisor Russell seconded the motion. All ayes; motion carried.

LIABILITY SELF-INSURANCE

Supervisor Ninestine made a request to enter into executive session to discuss pending litigation.

At 10:15 A.M. a motion was made by Supervisor Ninestine, seconded by Supervisor Cowley, 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 Ninestine made a motion to leave executive session and reconvene in regular session at 10:43 A.M. Supervisor Lightfoote seconded the motion. All ayes; motion carried.

REQUEST FOR CHANGE IN INDEMNITY CLAUSE

Mr. Parrott spoke on behalf of the County Attorney's Office request for change in the indemnity clause. The Ontario County Sheriff's Office is attempting to purchase tasers from the only company who sells them and the company is insisting on a revision to our indemnity clause. The company believes our language may expose them to liability for incorrect use of the tasers. Mr. Parrott prefers not to limit indemnification. The Committee agreed to explore options of other taser vendors before agreeing on changes in the indemnity clause. John Garvey agreed to check with the Purchasing Department.

OTHER BUSINESS

With no further business to come before the committee,

Supervisor Lightfoote made a motion to adjourn, seconded by Supervisor Cowley. All ayes; motion carried.

The meeting adjourned at 10:55 P.M.

Respectfully submitted,

Handwritten signature of Cindy Abusyer in cursive script.