

**Approved Minutes of the May 6, 2014
INSURANCE COMMITTEE**

MEMBERS

JEFFERY GALLAHAN (N/A)
JOHN COWLEY
BARBARA WELCH
FREDRICK LIGHTFOOTE
MARK VENUTI
TODD CAMPBELL

PRESENT: John Cowley, Barbara Welch, Mark Venuti, Todd Campbell, Fred Lightfoote, John Parrott, Mike Reinhardt, Julie Hoffman, Sherman Manchester, Mary Krause, John Garvey, Board Chairman Jack Marren, Steve Vanderbrook, Ed Nicosia, BS&K.

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

In the absence of Chairman Gallahan and Vice-Chairman Lightfoote, Supervisor Cowley called the meeting to order at 10:00 A.M. Supervisor Cowley declared Chairman Gallahan necessarily absent.

Supervisor Welch made a motion to approve the minutes of the April 1, 2014 meeting. Supervisor Campbell seconded the motion. All ayes; motion carried.

SAFETY REPORT

Mr. Manchester reviewed the Safety Report with the Committee. Mr. Manchester asked the Committee Supervisors to talk to their highway crews about summer safety to help keep the incident rate down.

Supervisor Lightfoote entered the meeting.

VOLUNTEER ASSISTANCE AT GANNETT HILL PARK

Mr. Vanderbrook, Supervisor of Buildings & Grounds, requested the Committee to approve a liability waiver and to accept a Memorandum of Understanding (MOU) from the Genesee Regional Off-Road Cyclists who volunteer to maintain the trail system at the County Park at Gannett Hill.

Supervisor Venuti made a motion to approve the liability waiver and the Memorandum of Understanding as amended with an expiration date of 12/31/14. Supervisor Lightfoote seconded the motion. All ayes; motion carried.

SETTLEMENT DISCUSSION

At 10:20 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 settlement discussions with Mr. Nicosia. All ayes; motion carried.

Supervisor Welch made a motion to leave executive session and reconvene in regular session at 10:45 A.M. Supervisor Campbell seconded the motion. All ayes; motion carried.

Supervisor Venuti made a motion authorizing Mr. Nicosia to negotiate a settlement not to exceed the maximum amount discussed. Supervisor Welch seconded the motion. All ayes; motion carried.

MECC BENCHMARKING RESULTS

Mr. Parrott reviewed the benchmarking report from Midwest Employers Casualty Company (MECC) with the Committee. Mr. Garvey thanked Mr. Manchester, Ms. Hoffman and Ms. Krause for their leadership in the safety program. MECC commented to Mr. Parrott that Mr. Manchester does an excellent job. Mr. Manchester thanked everyone for their comments.

LAWSUIT REFORM ALLIANCE

The Board of Supervisors received a request from the Lawsuit Reform Alliance of New York asking the County to support repeal of New York State's Scaffold Law. The request was forwarded to the Insurance Committee for consideration. Mr. Parrott advised they are looking for reform of section 240 & 241 of the New York Labor Law which outlines liability for injuries caused by an employee's fall from a height. Erie and Clinton County have passed resolutions in support. Mr. Parrott and Mr. Reinhardt spoke in favor of the resolution to repeal.

Supervisor Welch made a motion to present the resolution to the Board of Supervisors. Supervisor Lightfoote seconded the motion. All ayes; motion carried.

WORKERS' COMPENSATION

Ms. Hoffman reviewed the monthly report with the Committee noting two April payments exceeding \$5,000.

Ms. Hoffman advised she received everyone's NYS 45 forms to calculate the quarterly assessment. Payment has been made. Overall the process went well.

LIABILITY SELF-INSURANCE

Mr. Reinhardt made a request to enter into executive session to discuss pending litigation.

At 11:05 A.M. a motion was made by Supervisor Welch, seconded by Supervisor Lightfoote, 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 Cowley made a motion to leave executive session and reconvene in regular session at 11:14 A.M. Supervisor Welch seconded the motion. All ayes; motion carried.

Supervisor Welch made a motion to approve the settlement of the Green case for \$2500. Supervisor Cowley seconded the motion. All ayes; motion carried.

Supervisor Cowley made a motion to approve the settlement of the Sullivan case for \$18,000. Supervisor Welch seconded the motion. All ayes; motion carried.

OTHER BUSINESS

The next Insurance Committee Meeting will be held June 3, 2014.

Supervisor Cowley commented on the high number of deer/motor vehicle accidents listed on April's monthly report of County highway motor vehicle accidents.

With no further business to come before the Committee,

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

The meeting adjourned at 11:15 P.M.

Respectfully submitted,

Cindy Abraszek