

**ONTARIO COUNTY
INSURANCE COMMITTEE MINUTES
July 3, 2012**

MEMBERS

JEFFERY GALLAHAN
JOHN COWLEY
ROBERT LAROCCA
FREDRICK LIGHTFOOTE
DONALD NINESTINE
RICHARD RUSSELL

PRESENT: Jeffrey Gallahan, John Cowley, Robert LaRocca, Frederick Lightfoote, Donald Ninestine, Richard Russell, John Garvey, Michael Reinhardt, John Parrott, Sheriff Povero, Mary Krause, Julie Hoffman, Sherman Manchester and Karen Valesko

DISTRIBUTION: Committee Members, Board Chairman Ted Fafinski, John Parrott, John Park, Michael Reinhardt, Julie Hoffman, John Garvey, Sheriff Philip Povero, Karen DeMay, Sherman Manchester, Don Havens and Stephen Healy.

CALL TO ORDER

Chairman Gallahan called the meeting to order at 10:00 A.M.

Supervisor Cowley made a motion to approve the minutes of the June 5, 2012 meeting.
Supervisor LaRocca seconded the motion. All ayes; motion carried.

SAFETY REPORT

Mr. Manchester reviewed the new recordable incidents within the municipalities and the county.

WORKERS' COMPENSATION

Ms. Hoffman reported continued positive balances in the medical and compensation budget lines. She provided detail on a few payments that exceeded \$5000 in June.

For new members, Ms. Hoffman gave an overview of how the budget equates to the apportionment of payments from participants in the Workers' Compensation self-insurance plan. She explained the protective caps built into the formula for apportionment to the participants. She discussed administrative changes and mandated cost changes that affected the budget for the 2013 apportionment. She said that \$200,000 will be appropriated from the operating fund balance to reduce participant assessments this year, but that it may not be needed if Special Funds reimbursements continue and our claims decline.

Ms. Hoffman asked for the Insurance Committee's approval to file her proposed 2013 participant assessment resolution for the Ontario County Mutual Self-Insurance Plan with the Board of Supervisors.

Supervisor LaRocca made a motion to approve the participant assessment resolution for the Ontario County Mutual Self-Insurance Plan. Supervisor Lightfoote seconded the motion. All ayes; motion carried.

WORKERS' COMPENSATION ANNUAL REVIEW

Ms. Krause discussed a productive stewardship meeting attended by Paul Nowak and Anne Simon of First Niagara Risk Management, Inc., Julie Hoffman, Karen Valesko and herself. Among other points of interest, she noted that shoulder injuries account for the most injuries, followed by knee and back injuries. Manual lifting and slips/falls were the cause of most of the injuries. First Niagara has been successful in collecting an average of 18% on apportionment cases as compared to the state average of 10%.

Ms. Krause also reported on a recent decision by the Workers Compensation Board discussed at the meeting. A City of Geneva Police Officer filed a claim with the Cities of Hornell, Corning and Geneva, for post-traumatic stress caused by his experiences while participating in the World Trade Center Rescue, Recovery and/or Clean-up Operations. He was working for the city of Hornell at the time, but filed the claim to include trauma experienced while working in the other cities, as well. Mr. Nowak reported that the WCB ruled unanimously in a 12 page decision that the officer's employer at the time of his exposure at ground zero, Hornell, was wholly responsible for his benefits. Hornell has appealed the ruling, but Mr. Nowak is fairly confident that the original ruling will stand. So far the claim has resulted in over \$60,000 in expenses plus an ongoing \$600 per week in compensation benefits. Ms. Krause commended both First Niagara and attorneys, Buckner and Kourofsky, for their work to this end.

LIABILITY SELF-INSURANCE

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

At 10:30 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 10:52 A.M. Supervisor LaRocca seconded the motion. All ayes; motion carried.

Mr. Reinhardt asked for approval of a \$150,000 settlement agreement in a lawsuit brought by the spouse of an inmate who committed suicide.

Supervisor Russell made a motion to approve a \$150,000 settlement agreement, with the funds to come from the Risk Retention fund. Supervisor LaRocca seconded the motion. All ayes; motion carried.

Mr. Reinhardt asked for approval from the committee to accept a \$12,000 recovery from Workers' Compensation claim involving an inmate who injured a Correction Officer. The money, if received, will be put into the Risk Retention fund.

Supervisor LaRocca made a motion to accept the \$12,000 recovery. Supervisor Cowley seconded the motion. All ayes; motion carried.

OTHER BUSINESS

With no further business to come before the committee,

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

The meeting adjourned at 11:00 A.M.

Respectfully submitted,

Karen Vallesko