



YATES COUNTY LEGISLATURE
417 Liberty Street
Penn Yan, New York 14527
Phone 315-536-5150
Fax 315-536-5166

Douglas Paddock
Chairman
Connie C. Hayes
Clerk

**YATES COUNTY LEGISLATIVE AGENDA
JULY 12, 2021 at 1:00 pm**

Join from a PC, Mac, iPad, iPhone or Android device:

Please click this URL to join.

<https://us02web.zoom.us/j/86966291527?pwd=SVNtM2V1WDNFTjFxa0hZSWtSa2Y5QT09>

Webinar ID: 869 6629 1527

Passcode: 892418

Or One tap mobile:

+16465588656,,86966291527# US (New York)

+13126266799,,86966291527# US (Chicago)

Or join by phone:

Dial(for higher quality, dial a number based on your current location):

US: +1 646 558 8656 or +1 312 626 6799

- Annmarie Flanagan, COVID-19 update
- Approve Audit
- Approve the minutes of the June meeting
- Committee Reports
- Public Comment

RESOLUTION

Cutler	251-21	Authorize District Attorney to Sign an MOU with the New York Prosecutors Training Institute (NYPTI)
	252-21	Rescind Resolution No. 32-21 (Security Fence)
	253-21	Authorize Chairman to Sign NYS Homeland and Security Mutualink 2021 Communications Extension Agreement
Bronson	254-21	Authorize District Attorney to Create and Fill Assistant District Attorney Position
	255-21	Authorize the County Clerk to Create and Fill Recording Clerk Position
	256-21	Authorize Sheriff to Create and Fill Two Correction Officer/Court Security Positions
	257-21	Authorize the Consent to Purdue Pharma Bankruptcy Plan (Opioid Litigation)
	258-21	Adopt Retiree Insurance Policy
Church	259-21	Amend Resolution No. 194-21 (Sign Agreements with ARC of Yates DBA Keuka Lake School)
	260-21	Authorize Chairman to Sign Agreement with Theresa Lehman, Teacher of the Visually Impaired
	261-21	Sign Amendment #2 with the Trustees of Columbia University in the City of New York
	262-21	Amend Resolution No. 491-20

	263-21	Amend Resolution No. 232-21 (Authorize Workforce Development Budget Allocations)
	264-21	Reappointment to the Finger Lakes Workforce Investment Board
Holgate	265-21	2021 Budget Transfers
	266-21	Accept and Appropriate Additional Federal Aid (Office of the Sheriff)
	267-21	Accept and Appropriate Additional State Aid (Department of Social Services)
	268-21	Rescind Resolution Nos. 191-03, 169-17 and 207-19
	269-21	Authorize Chairman to Sign Contract with New York Engineering Services for a Feasibility Study in Support of the County Broadband Access Effort
	270-21	Approve the Capital Improvement Plan for Fiscal Years 2022-2026

Executive Session if needed

Resolution No. 251-21
Motioned By: Cutler

Date: July 12, 2021
Seconded by:

**AUTHORIZE DISTRICT ATTORNEY TO SIGN AN MOU WITH THE NEW YORK
PROSECUTORS TRAINING INSTITUTE (NYPTI)**

WHEREAS, the District Attorney utilizes the Digital Evidence Management System (DEMS), which is integrated in the Prosecutors Case Managements System (PCMS), for storage of digital files and digital evidence and for electronic discovery; and

WHEREAS, the District Attorney wishes to continue using these services as they represent the most efficient and practical method of maintaining a paperless filing system and complying with discovery reform; and

WHEREAS, the District Attorney wishes to execute an MOU with NYPTI memorializing the cost of the DEMS system at:

\$50 per Terabyte of active data per month;
\$10 per Terabyte of archived data per month;
\$1,200 minimum annual storage costs;

NOW, THEREFORE, BE IT RESOLVED, that upon the approval of the County Attorney the Chairman of the Legislature and the District Attorney are hereby authorized to sign the MOU; and be it further

RESOLVED, that copies of this Resolution be given to the District Attorney, County Administrator, and County Treasurer.

Resolution No. 252-21
Motioned By: Cutler

Date: July 12, 2021
Seconded by:

RESCIND RESOLUTION NO. 32-21 (SECURITY FENCE)

WHEREAS, Resolution 32-21 accepted from four proposals the low proposal from Reale Fence Company, Geneva, NY at \$5,666 for the RFP on the Alternate Public Safety Answering Point security fence at the Sherman Tower site; and

WHEREAS, the Sheriff reports that Reale has been nonresponsive after multiple attempts to implement the work; and

WHEREAS, as agreed by the County Attorney and Sheriff, the county should proceed with the next lower proposed bid;

NOW, THEREFORE, BE IT RESOLVED, that Resolution No. 32-21 is hereby rescinded, and the Sheriff is authorized to go forward with the purchase accordingly with the second lowest after rebid being New York Fence Co. of Hilton, NY in the amount of \$8,780 for the security fence extension and its addition at the Sherman Tower site; and be it further

RESOLVED, that a copy of this resolution be provided the Treasurer, the Building Maintenance Supervisor, the County Attorney and the Sheriff.

Resolution No. 253-21
Motioned By: Cutler

Date: July 12, 2021
Seconded by:

**AUTHORIZE CHAIRMAN TO SIGN NYS HOMELAND SECURITY MUTUALINK
2021 COMMUNICATIONS EXTENSION AGREEMENT**

WHEREAS, NYS Homeland Security and Emergency Services operates an interoperability and collaboration program for counties called “Mutualink,” for sharing critical communications radio as well as other loaned hardware and other data capable resources via the county 911 PSAP and EOC, with licenses for communications, especially regionally with adjoining counties that Yates County Sheriffs PSAP is a part of since the 2015 original agreement; and

WHEREAS, NYS Homeland Security (NYS DHSES) desires to extend the agreement previously approved per Resolution No. 127-15 until the year 2024;

NOW, THEREFORE, BE IT RESOLVED, that the Chairman, upon the review of the Sheriff and approval of the County Attorney, is hereby authorized to execute the memorandum of understanding agreement with NYS DHSES extending said agreement; and be it further

RESOLVED, that copies of this resolution be provided the Sheriff and the Director of OEM.

Resolution No. 254-21
Motioned By: Bronson

Date: July 12, 2021
Seconded by:

**AUTHORIZE DISTRICT ATTORNEY TO CREATE AND FILL ASSISTANT
DISTRICT ATTORNEY POSITION**

WHEREAS, the District Attorney has requested to create and fill a full-time Assistant District Attorney position due to an anticipated vacancy that will occur on or before December 31, 2021 as the result of a retirement; and

WHEREAS, the District Attorney through the vacancy review process has identified the need to create and fill a full-time Assistant District Attorney position to allow for a seamless transition for personnel and to ensure public safety enforcement is upheld; and

WHEREAS, as a result of the 2020 Criminal Justice Reform, local governments were forced to hire additional legal personnel to sustain the increase in workload, which additionally is now causing a ripple effect that plagues New York State local governments as we are all struggling to recruit and retain attorneys; and

WHEREAS, due to the increase in demand for attorneys, to compete as a contender with other local governments, the District Attorney is requesting the salary for the position be commensurate with experience; and

WHEREAS, the estimated annual cost to fill the position, including fringe, is \$89,800 to \$115,068, depending on health insurance;

NOW, THEREFORE, BE IT RESOLVED, effective July 12, 2021 the District Attorney is hereby authorized to create and fill a full-time Assistant District Attorney position; and be it further

RESOLVED, that copies of this resolution be given to the District Attorney, Personnel Officer, County Administrator and County Treasurer.

Resolution No. 255-21
Motioned By: Bronson

Date: July 12, 2021
Seconded by:

AUTHORIZE THE COUNTY CLERK TO CREATE AND FILL RECORDING CLERK POSITION

WHEREAS, the County Clerk has requested to create and fill a full-time Recording Clerk position due to an anticipated vacancy that will occur on October 29, 2021 as the result of a retirement; and

WHEREAS, the County Clerk has identified the need to create the Recording Clerk position for efficient and effective succession planning and is requesting that the position be filled; and

WHEREAS, the estimated annual cost to fill the position, including fringe, is \$44,295 to \$64,608, depending on health insurance;

NOW, THEREFORE, BE IT RESOLVED, that effective July 12, 2021, the County Clerk is hereby authorized to create and fill a full-time Recording Clerk position; and be it further

RESOLVED, that copies of this Resolution be given to the County Clerk, Personnel Officer, County Administrator and County Treasurer.

Resolution No. 256-21
Motioned By: Bronson

Date: July 12, 2021
Seconded by:

AUTHORIZE SHERIFF TO CREATE AND FILL TWO CORRECTION OFFICER/COURT SECURITY POSITIONS

WHEREAS, the County Legislature recognizes the need to create and fill two Correction Officer/Court Security positions; and

WHEREAS, the estimated annual cost to fill one position, including fringe is \$63,918 to \$84,232, depending on health insurance; and

WHEREAS, the estimated annual cost to fill two positions, including fringe is \$127,836 to \$168,464, depending on health insurance;

NOW, THEREFORE, BE IT RESOLVED, that effective July 12, 2021 the Sheriff is hereby approved to create and fill two Correction Officer/Court Security positions; and be it further

RESOLVED, that the Sheriff is also authorized to fill any subsequent vacancies that occur through promotion of employees into the newly created positions; and be it further

RESOLVED, that copies of this Resolution be given to the Sheriff, Personnel Officer, County Administrator and County Treasurer.

Resolution No. 257-21
Motioned By: Bronson

Date: July 12, 2021
Seconded by:

**AUTHORIZE THE CONSENT TO PURDUE PHARMA BANKRUPTCY PLAN
(OPIOID LITIGATION)**

WHEREAS, the County of Yates (hereinafter referred to as “County”) has commenced a civil action against various manufacturers and distributors of prescription opiates for damages to the County arising out of the fraudulent and negligent marketing and distribution of opiates in and to the County (hereinafter referred to as the “Litigation”); and

WHEREAS, the County’s attorney in the Litigation is the law firm of Napoli Shkolnik PLLC (hereinafter referred to as “Napoli Shkolnik”); and

WHEREAS, one such defendant, Purdue Pharma, has filed for bankruptcy; and

WHEREAS, the Plaintiff’s Executive Committee in the multi-district litigation, on behalf of all litigating plaintiffs, has negotiated a settlement with Purdue Pharma as part of its bankruptcy plan; and

WHEREAS, the applicable municipalities have the right to vote on the bankruptcy plan, which would incorporate the above referenced settlement; and

WHEREAS, the County’s claim in the bankruptcy proceeding was filed on the County’s behalf by Napoli Shkolnik, and Napoli Shkolnik would also be completing the master ballot on the County’s behalf regarding the issue of whether or not to confirm the bankruptcy plan; and

WHEREAS, the County wishes to vote to confirm said bankruptcy plan;

NOW, THEREFORE, BE IT RESOLVED, that Napoli Shkolnik is hereby authorized on behalf of the County, to take all actions deemed necessary to cast a vote indicating the County’s consent to the above recited bankruptcy plan; and be it further

RESOLVED, that copies of this resolution be given to the County Administrator, County Attorney, Napoli Shkolnik PLLC and any other person/entity deemed necessary.

Resolution No. 258-21
Motioned By: Bronson

Date: July 12, 2021
Seconded by:

ADOPT RETIREE INSURANCE POLICY

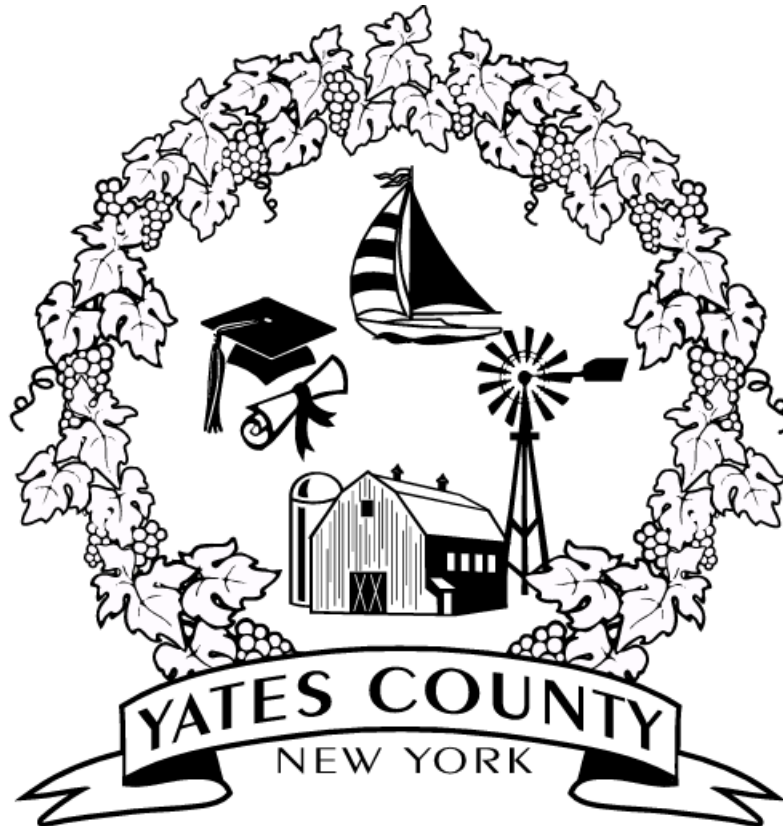
WHEREAS, the Personnel Officer has recommended for adoption and implementation the included Retiree Insurance Policy;

NOW, THEREFORE, BE IT RESOLVED, that the Retiree Insurance Policy is hereby adopted and shall be added to the Yates County Employee Handbook; and be it further

RESOLVED, that a copy of this resolution be forwarded to the County Administrator and all Department Heads.

YATES COUNTY

RETIREE INSURANCE POLICY



Yates County Retiree Insurance Policy

Revision Record

Revision	Date	Paragraph(s)	Description
0	TBD	All	Original issue.

Yates County Retiree Insurance Policy

Table of Contents

<u>100</u>	<u>INTRODUCTION</u>	10
<u>101</u>	<u>Definitions</u>	10
<u>200</u>	<u>RETIREE MEDICAL AND DENTAL INSURANCE</u>	12
<u>201</u>	<u>Medical and Dental Insurance Eligibility</u>	12
<u>203</u>	<u>Retiree Insurance Enrollment</u>	12
<u>204</u>	<u>County-Sponsored Medical and Dental Insurance Available to Retirees</u>	13
<u>205</u>	<u>Retiree Insurance Plan Premium Contributions</u>	14
<u>300</u>	<u>ACCUMULATED SICK LEAVE CREDIT ADMINISTRATION</u>	14
<u>301</u>	<u>Accumulated Sick Leave Credit</u>	14
<u>302</u>	<u>Termination of Insurance Coverage</u>	17
<u>400</u>	<u>HEALTH REIMBURSEMENT ARRANGEMENT (HRA) AND FLEXIBLE SPENDING ARRANGEMENT (FSA)</u>	17
<u>401</u>	<u>HRA/FSA Accounts</u>	17
<u>500</u>	<u>CONTINUATION OF INSURANCE BENEFITS (COBRA)</u>	18
<u>501</u>	<u>COBRA Continuation Coverage</u>	18

100 INTRODUCTION

101 Definitions

For purposes of this policy, the following terms shall be defined as indicated. The definition provided for each of these terms applies only within the context of this policy.

1. **Accumulated Sick Leave Credit** – The dollar value of an employee’s remaining accrued but unused sick leave hours at the end of his/her last day of full-time employment with the County as a result of his/her retirement from the County’s employment directly into the New York State and Local Employees Retirement System, multiplied by his/her hourly rate of pay.
2. **Flexible Spending Arrangement** – An arrangement through an employer that lets an employee pay for qualified out-of-pocket medical expenses with tax-free dollars. Flexible Spending Arrangement may also be referred to as “Flexible Spending Account” or “FSA”.
3. **Group Health Plan** – A group health plan means an employee welfare benefit plan to the extent that the plan provides medical care (including items and services paid for as medical care) to employees (including both current and former employees) or their dependents (as defined under the terms of the plan) directly or through insurance, reimbursement, or otherwise. Group Health Plan may also be referred to as the “County-sponsored Medical and/or Dental Insurance Plan”, the “County Plan” and/or “County Medical/Dental Insurance Coverage”.
4. **Health Insurance Marketplace** – A service that helps individuals, families and small businesses shop for, compare and enroll in health insurance. The Health Insurance Marketplace may also be referred to as “Marketplace”, “exchange”.
5. **Health Reimbursement Arrangement** – An employer-funded group health plans from which employees are reimbursed tax-free for qualified medical expenses up to a fixed dollar amount per year. Unused amounts may be rolled over to be used in subsequent years. The employer funds and owns the arrangement. Health Reimbursement Arrangements may also be referred to as “Health Reimbursement Accounts” or “HRA Account”.
6. **Medicare Eligible Retiree and/or Dependent** – Qualified retirees and their dependents who are age sixty-five (65) or older.
7. **Medicare Advantage Plan (MAP)** – Medicare Advantage Plans, sometimes referred to as “MAPs”, “Part C”, and/or “MA Plans,” are an “all in one” alternative to original Medicare. MAPs are offered by private companies approved by Medicare. A MAP is in addition to Medicare and is considered as a “bundled” plan that includes Medicare Part A (Hospital Insurance), Medicare Part B (Medical Insurance) and Medicare drug coverage (Part D).
8. **Non-County Sponsored Insurance Plan** – Comprehensive health insurance benefits and coverage offered through the Marketplace and/or any insurance plan from a source other than County.
9. **Non-Medicare Eligible Retiree and/or Dependent** – Qualified retirees and their dependents who are under the age of sixty-five (65).

10. **Qualified Beneficiary** – Someone who will lose coverage under the Plan because of a qualifying event. Depending on the type of qualifying event, employees, spouses of employees, and dependent children of employees may be qualified beneficiaries.
11. **Qualifying Event** – A life event an employee may experience which may qualify him/her to buy or change his/her health insurance coverage outside of the annual open enrollment period. These events include, but are not limited to, having a baby, death of a dependent, marriage, divorce, retirement, moving from one service area to another or losing coverage from an employer. A retiree and/or his/her dependent turning age sixty-five (65) shall constitute a qualifying event.
12. **Retiree** – A retired full-time employee and/or retired elected official of Yates County on the County plan at the time of his/her retirement and, if applicable, any of his/her dependents.
13. **Termination of Employment** – The end of full-time employment with the County. The end of full-time employment occurs when an employee retires directly into or under the rules of the New York State and Local Employees Retirement System. “Termination of employment” shall also refer to an employee who retires as stated above, but continues to work for the County as a part-time employee during retirement.

102 Retiree Insurance Policy

1. **Statement of Purpose** – The purpose of this policy is to establish guidelines for providing retirees of Yates County with medical and dental insurance beyond their employment with Yates County by using the dollar value of his/her sick leave accrual at the time of retirement to procure the insurance.
2. **Policy Statement** –
 - a. Employees that retire from Yates County may use the value of accumulated sick leave to pay the cost of County-sponsored or Non-County sponsored health and dental insurance premiums.
 - b. Medical and dental insurance coverage continuation is available to a retiring employee and his/her eligible dependents who are on the County-sponsored medical and/or dental insurance at the time of the employee’s retirement.
3. **Collective Bargaining Agreements** – In the event an expressed and explicit provision set forth in a collective bargaining agreement between Yates County, the Yates County Sheriff and an employee organization as defined by the Public Employees’ Fair Employment Act (Taylor Law) should conflict with this Retiree Insurance Policy, the expressed and explicit provision of the collective bargaining agreement will dictate what is practiced. However, in certain instances where this policy covers an issue that is not the subject of bargaining, this policy will govern ([refer to Section 102.1](#)).
4. **Terms and Conditions** – The procedures and practices described in this policy are not intended to create any vested conditions of employment. Furthermore, this policy does not create any express or implied contract between the County of Yates and any of its employees. Lastly, the information in this policy represents guidelines only.

5. **Superseding Agreements** – Should any provision of this policy conflict with any official benefit plan document, the terms of the official plan document shall control.
6. **Questions** – Any questions regarding any topic covered in this policy should be directed to the appropriate Department Head/Supervising Authority or the Yates County Personnel Officer.
7. **Related Document** – [Public Employees' Fair Employment Act \(Taylor Law\)](#).

103 Changes or Modifications

Rights of the County Legislature – The Yates County Legislature reserves the right to modify, amend, supplement, or terminate this policy, in whole or in part, at any time, and with or without any notice to the affected retirees or employees of the County.

200 RETIREE MEDICAL AND DENTAL INSURANCE

201 Medical and Dental Insurance Eligibility

1. **Eligibility** – This policy applies to:
 - A. A regular full-time employee or Elected Official who retires from the County and who was an active participant in the County-sponsored medical and/or dental insurance plan at the time of his/her retirement and has an accumulated sick leave credit ([refer to Section 300](#)).
 - B. A spouse of a retiree who was on the County-sponsored medical and/or dental plan at the time of the eligible employee's retirement.
 - C. Dependent child(ren) of a retiree who was/were on the County-sponsored medical and/or dental plan at the time of the eligible employee's retirement.
2. The age of the retiree will determine whether the employee is eligible for the County-sponsored Retiree Medical Plan or MAP.
3. An employee who leaves employment due to disciplinary action is not eligible for medical and/or dental insurance for retirees.
4. An employee who was *not* on the County-sponsored medical insurance plan at the time of retirement is ineligible to enroll in the County-sponsored medical and/or dental insurance for retirees.

203 Retiree Insurance Enrollment

1. **Initial Enrollment** –
 - A. Initial enrollment in the County-sponsored Retiree Medical Plan and/or MAP is available only upon retirement from the County's employment directly into or under the rules of the New York State and Local Employees Retirement System ([refer to Section 101.11](#)).
 - B. A retiree who chooses not to elect the County-sponsored Retiree Medical Plan and/or MAP at the time of retirement is ineligible to elect enrollment at a later date.
2. **Qualifying Event** – When a retiree who initially enrolled in the County-sponsored Retiree Medical Plan and/or MAP experiences a qualifying event, he/she may make

a change to his/her medical plan election in accordance with plan documents, and COBRA requirements (if applicable).

3. **Open Enrollment** – Annually during the month of November, the County Personnel Officer and/or his/her designee shall endeavor to send correspondence to retirees who are actively enrolled in the County-sponsored Retiree Medical Plan and/or MAP regarding the open enrollment period and its options. A retiree is eligible to make changes to his/her plan during open enrollment just as he/she could when employed as an active employee, but only in accordance with the rules of the applicable health or dental plan.
4. **Insurance Plan Reinstatement** – Eligible employees who enroll in the County-sponsored Retiree Medical Plan, MAP and/or continue their dental coverage at the time of retirement and subsequently terminate coverage on a future date, will not be permitted reinstatement in a County-sponsored insurance plan.
5. **Death of Retiree** – In the event a retiree predeceases his/her qualified dependents, the dependents are eligible and may continue medical and dental insurance coverage provided they pay the full cost of the premium payment ([refer to Section 205](#)).

204 County-Sponsored Medical and Dental Insurance Available to Retirees

1. **Summary** – There are two (2) medical insurance plans currently available to a retiree and his/her dependents. Which plan the retiree/dependents will be eligible for is determined by the age of the participating individual(s) as related to Medicare coverage.
2. **Non-Medicare Eligible Retiree (County-sponsored Retiree Medical Plan)** – A retiree and/or his/her dependents who are under the age of sixty-five (65), or who are not otherwise eligible for Medicare coverage, are eligible to enroll in the County-sponsored Retiree Medical Plan.
 - A. The medical and drug benefits in the County-sponsored Retiree Medical Plan shall be the same as the medical and drug benefits in the Active Employee Medical Plans.
 - B. The premium rates shall be the same as the rates for the Active Employee Health Plans and shall be determined by the Yates County Legislature ([refer to Section 205](#)).
 - C. Unlike an active employee, the retiree is responsible for one hundred percent (100%) of the cost of the insurance premium. The premium payments shall be deducted from the retiree's accumulated sick leave credit or billed directly to the retiree or his/her qualified dependents as appropriate ([refer to Section 300](#)).
3. **Medicare Eligible Retiree [Medicare Advantage Plan (MAP)]** – A retiree and/or his/her dependents who are age sixty-five (65) or older, or who are not otherwise eligible for Medicare coverage, are eligible to enroll in the MAP.
 - A. The MAP made available through the County provides benefit coverage for items that may not otherwise be covered under Medicare Part A or B, that may include but are not limited to:
 - a. Dental
 - b. Emergency room care
 - c. Fitness programs

- d. Hearing
 - e. Inpatient hospital benefits
 - f. Lifestyle and wellness benefits
 - g. Physician office services
 - h. Preventative health care services
 - i. Vision
- B. The MAP premium rates will be determined by the insurance carrier and premium payments shall be deducted from the retiree's accumulated sick leave credit or billed directly to the retiree or his/her qualified dependents, as appropriate ([refer to Section 300](#)).
4. **Dental Insurance** – At the time of retirement, an employee and his/her dependents may choose to continue coverage under the County-sponsored dental plan. The covered benefits shall remain the same as though the individual were still an active employee.
5. **Plan Changes** – The County Legislature may, at its discretion, and with or without notice to the employees or retirees, change the medical or dental insurance plan at any time, including, but not limited to, type of coverage, retiree contributions or carrier or self-insure for any benefits described in this policy ([refer to Section 102.1](#)).
6. **Related Documents** –
- A. [Annual Retiree Benefits Overview](#)
 - B. [Dental Insurance Summary Plan Document](#)
 - C. [Employee Handbook § 709 Medical and Dental Insurance for Retirees](#)
 - D. [Medicare Advantage Summary Plan Document \(Sixty-five \(65\) or older\)](#)
 - E. [Medical Health Insurance Summary Plan Document \(Non-Medicare Eligible\)](#)

205 Retiree Insurance Plan Premium Contributions

1. **Policy Statement** – To ensure compliance with IRS Code Section 105(h), the insurance premium that a retiree is required to contribute is established by resolution of the County Legislature. Factors such as date of hire and type of coverage are considered when determining the required contribution.
2. **Related Documents** –
- A. Employee Handbook
 - a. [§ 703 Sick Leave](#)
 - b. [§ 709 Medical and Dental Insurance for Retirees](#)

300 ACCUMULATED SICK LEAVE CREDIT ADMINISTRATION

301 Accumulated Sick Leave Credit

1. **Policy Statement** – It is the policy of the County to provide a retiring employee the opportunity to utilize any remaining accumulated sick leave credits toward premium

contributions for County-sponsored or non-County sponsored medical and/or dental insurance plans in accordance with the terms of this policy.

2. **Forfeiture of Accumulated Sick Leave Credit** – A retiring employee not enrolled in the County-sponsored medical and/or dental insurance plan preceding his/her date of retirement will forfeit his/her accumulated sick leave credit at the time of retirement. Furthermore, an employee shall not be directly compensated in cash for his/her accrued but unused sick leave at the time of any separation from the County's employment.
3. **Untimely Death Impact on Accumulated Sick Leave Credit** – In the event a retiree predeceases his/her dependents, the dependents may continue paying the medical insurance premium by using the deceased retiree's remaining accumulated sick leave credit.
4. **Accumulated Sick Leave Credit Usage Set-up Procedure** – At the time of retirement, regardless of whether an employee is under age sixty-five (65) or sixty-five (65) and older, he/she is eligible to purchase County-sponsored or non-County-sponsored medical insurance by application of the dollar value of his/her accumulated sick leave credit at the time of retirement.
 - A. **Step one (1)** –
 - a. A retiring employee is required to notify his/her Department Head of his/her intent to retire in writing at least two (2) weeks prior to his/her retirement effective date. An eligible employee shall include in the notification a statement identical or similar to one of the following:
 - i. **County-Sponsored Medical and/or Dental Plan Election Notification** – “I am requesting to remain on the County-sponsored medical and/or dental insurance plan and have the Treasurer's Office take my premium deductions directly from my accumulated sick leave credit until the value is exhausted.”
 - ii. **County-Sponsored Medicare Advantage Plan (MAP) Election Notification** – “Since I am sixty-five (65) years old or older, I will be electing the County-sponsored MAP. I have completed the Medicare Application Form and provided it to the Personnel Officer. I wish to have the Treasurer's Office take the deduction for the insurance premium out of my accumulated sick leave credit until the value is exhausted.”
 - iii. **Non-County-Sponsored Plan Election Notification** – “I am requesting to cancel my County-sponsored medical and/or dental insurance as I have secured insurance from a non-County-sponsored medical and/or dental plan. I will work with the Payroll Specialist in the Treasurer's Office to establish the billing procedure so I can use my accumulated sick leave credit toward my insurance premium until the value is exhausted.”
 - b. Once received, the Department Head shall promptly forward the retirement notification to the Personnel Officer although it is ultimately the responsibility of the retiring employee to make sure that the Personnel Officer receives the notification.
 - B. **Step two (2)** –
 - a. Once the Personnel Officer receives the notification, depending on the employee's election, the Personnel Officer shall endeavor to either:
 - i. Enroll the employee in the County-sponsored Retiree Medical Plan with an effective date for the first of the month following his/her retirement date.

- ii. Enroll the employee in the County-sponsored MAP with an effective date for the first of the month following his/her retirement date.
 - iii. Terminate the employee's medical and/or dental insurance with the applicable insurance carrier(s), or third-party administrator, to be effective the last day of the month following the employee's retirement date.
- b. The Personnel Officer will endeavor to generate a Benefit Summary to be sent to the employee and the Payroll Specialist, expressing the employee's intent.
 - c. As a result of the retirement, which shall also be considered a COBRA qualifying event, the Personnel Officer shall endeavor to send COBRA enrollment paperwork to the employee ([refer to Section 501](#)).
 - i. The County accepts no liability for any failure of the Personnel Officer to complete any above Step two (2) action.
 - ii. It is ultimately the responsibility of the retiring employee to ensure that proper action has been taken in accordance with the employee's notification.

C. Step three (3) –

- a. For County-sponsored medical and/or dental plans, the Payroll Specialist will deduct the insurance premium from the retiree's accumulated sick leave credit.
- b. For non-County-sponsored medical and/or dental plans, the Payroll Specialist and the employee will make arrangements on how the accumulated sick leave credit will be applied toward his/her medical and/or dental insurance premium contributions. The retiree's options are as follows:
 - i. The retiree may submit his/her medical and/or dental insurance premium to the Treasurer's Office and the Payroll Specialist shall pay the premium directly to the insurance carrier(s).
 - ii. The retiree may pay the medical and/or dental insurance premium(s) and then submit proof of payment (i.e., canceled check, receipt of payment, etc.) to the Payroll Specialist and he/she will cause a reimbursement check to be mailed to the retiree.

5. Accumulated Sick Leave Credit Termination Procedure –

- A. **Step one (1)** – The Payroll Specialist will endeavor to notify the retiree and the Personnel Officer in writing, at least two (2) months prior to the retiree's accumulated sick leave credit being exhausted.
- B. **Step two (2)** – If the retiree's sick leave credit is expected to be exhausted partway into a month, the retiree will be given the option to select one (1) of the following:
 - a. The retiree can submit payment for the remaining cost of the premium so he/she can remain on the medical and/or dental insurance for the remainder of the month.
 - b. The retiree can elect to forfeit the remaining dollar value of his/her accumulated sick leave credit at the end of the month preceding the month the credit would be exhausted. No cash payouts will be made for any remaining accumulated sick leave credits.

- C. **Step three (3)** – The Payroll Specialist will endeavor to notify the Personnel Officer of the retiree’s medical and/or dental termination date based on his/her election.
- D. **Step four (4)** – The Personnel Officer will endeavor to terminate the retiree’s medical and/or dental insurance accordingly.

6. **Related Document** – [Employee Handbook § 703 Sick Leave](#)

302 Termination of Insurance Coverage

- 1. **Termination of Coverage** – A retiree and/or his/her dependents’ participation in the County-sponsored Retiree Medical Plan, MAP or Dental Insurance Plan shall terminate due to one (1) or more of the following reasons:
 - A. The retiree’s accumulated sick leave credit is exhausted ([refer to Section 301](#)).
 - B. The retiree dies prior to exhausting his/her accumulated sick leave credit and there are no surviving dependents remaining on the County’s insurance at the time of death.
 - C. A dependent turns age twenty-six (26).
 - D. A retiree requests to have his/her dependent removed from his/her insurance.

400 HEALTH REIMBURSEMENT ARRANGEMENT (HRA) AND FLEXIBLE SPENDING ARRANGEMENT (FSA)

401 HRA/FSA Accounts

- 1. **HRA/FSA Account Upon Retirement** – Retiring employees who have unused benefits in their HRA and/or FSA at the time of retirement will be able to submit claims for reimbursement of eligible expenses after their date of retirement until the unused benefits are depleted.
- 2. **HRA/FSA Account Upon Death** – In accordance with Plan Documents, in the case of the death of the retired employee, any remaining funds may only be paid out as reimbursements for Qualifying Medical Expenses and shall not constitute a death benefit to the retiree’s estate and/or the retired employee’s beneficiaries.
- 3. **HRA Funding** – Retirees are not eligible to receive any additional HRA funding from the County.
- 4. **Annual Open Enrollment** –
 - A. **HRA** – Retirees who have funds remaining in their HRA accounts at the time of the annual open enrollment must complete the HRA Enrollment Form and submit it to the Personnel Officer in order to carry any remaining funds over to the next year.
 - B. **FSA** – Retirees who have funds remaining in their FSA accounts at the time of the annual open enrollment must complete the FSA Enrollment Form and submit it to the Personnel Officer in order to carry any remaining funds that do not exceed five-hundred-fifty-dollars (\$550) over to the next year.

5. **Related Documents** –

- A. [HRA/FSA Plan Summary Documents](#)
- B. [Flexible Spending Arrangement Account Enrollment Form](#)
- C. [Health Reimbursement Arrangement Account Enrollment Form](#)
- D. [IRS Publication 502, Medical and Dental Expenses \(Qualifying Medical Expenses\)](#)

500 CONTINUATION OF INSURANCE BENEFITS (COBRA)

501 COBRA Continuation Coverage

1. **Policy Statement** – The County complies with the guidelines set forth by the federal Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) which offers “qualified beneficiaries” the right to continue existing health insurance coverage, completely at their own expense, under certain qualifying conditions. Retirement is considered a qualifying condition.
2. **Participation** –
 - A. A qualified beneficiary who elects COBRA in lieu of the County-sponsored medical and/or dental insurance or MAP during the election period, will not be eligible to participate in the County-sponsored medical and/or dental insurance or the MAP at a later date.
 - B. A qualified beneficiary who elects to participate in a County-sponsored medical and/or dental insurance plan at the time of retirement will be ineligible to elect COBRA after the initial election period following the qualifying event date.
3. **Related Documents** – [Employee Handbook § 710 Continuation of Health Insurance Benefits](#)

Resolution No. 259-21
Motioned By: Church

Date: July 12, 2021
Seconded by:

AMEND RESOLUTION NO. 194-21

Sign Agreements with ARC of Yates DBA Keuka Lake School

WHEREAS, Resolution No. 194-21 authorized Yates County Public Health to sign agreements with the ARC of Yates; and

WHEREAS, the ARC of Yates is now known as Mozaic Chapter NYSARC, Inc. dba Keuka Lake School;

NOW, THEREFORE, BE IT RESOLVED that Resolution No. 194-21 be corrected to read Mozaic Chapter NYSARC, Inc. dba Keuka Lake School; and be it further

RESOLVED, that a copy of this resolution be sent to the Public Health office, Mozaic, and the Treasurer.

Resolution No. 260-21
Motioned By: Church

Date: July 12, 2021
Seconded by:

**AUTHORIZE CHAIRMAN TO SIGN AGREEMENT WITH THERESA LEHMAN,
TEACHER OF THE VISUALLY IMPAIRED**

WHEREAS, Yates County Public Health seeks to sign an agreement with Theresa Lehman, Teacher of the Visually Impaired, to provide services to children with developmental delays and disabilities in the Preschool Program;

NOW, THEREFORE, BE IT RESOLVED, that upon approval of the County Attorney, the Chairman of the Legislature is hereby authorized to sign an agreement with Theresa Lehman, Teacher of the Visually Impaired, at the following all-inclusive rates for the period 6/1/2021 to 5/31/2026:

Visual Therapy - \$60.00 in 2021, \$61.00 in 2022, \$62.00 in 2023, \$63.00 in 2024, \$64.00 in 2025, and \$65.00 in 2026;

Assistive Technology - \$35.00 in 2021, \$36.00 in 2022, \$37.00 in 2023, \$38.00 in 2024, \$39.00 in 2025, and \$40.00 in 2026; and be it further

RESOLVED, that a copy of this resolution be sent to the Public Health office and the Treasurer.

Resolution No. 261-21
Motioned By: Church

Date: July 12, 2021
Seconded by:

**SIGN AMENDMENT #2 WITH THE TRUSTEES OF COLUMBIA UNIVERSITY IN
THE CITY OF NEW YORK**

WHEREAS, Yates County Public Health has received notice of the grant award for Year 3 with Columbia University in the amount of \$202,950.17; and

WHEREAS, said grant award will be for the period of April 1, 2021 – March 31, 2022;

NOW, THEREFORE, BE IT RESOLVED, that upon the approval of the County Attorney the Chairman is hereby authorized to sign an agreement with The Trustees of Columbia University in the City of New York for the period April 1, 2021 through March 31, 2022 for Amendment #2; and be it further

RESOLVED, that a copy of this resolution be sent to the Public Health office and the Treasurer.

Resolution No. 262-21
Motioned By: Church

Date: July 12, 2021
Seconded by:

AMEND RESOLUTION NO. 491-20

WHEREAS, Resolution No. 491-20 authorized signature on an agreement for Sexual Behaviors Outreach Consultants and other persons; and

WHEREAS, revised fees have been provided;

NOW, THEREFORE, BE IT RESOLVED, that Resolution No. 491-20 be amended as follows:

Sexual Behaviors Outreach Consultants	Individual and Group Treatment	\$200/Group as needed and \$200/assessment Not to exceed \$5,000.00
---------------------------------------	--------------------------------	--

And be it further

RESOLVED, that copies of this resolution be provided to the Public Health office, Community Services and Yates County Treasurer.

Resolution No. 263-21
Motioned By: Church

Date: July 12, 2021
Seconded by:

AMEND RESOLUTION NO. 232-21
AUTHORIZE WORKFORCE DEVELOPMENT BUDGET ALLOCATIONS

WHEREAS, Yates County received funding from the Office of Temporary and Disability Assistance for the Summer Youth Employment Program;

NOW, THEREFORE BE IT RESOLVED, that the following amounts be allocated to the 2021-2022 Workforce Budget;

CD6294 1A	Staff Wages	\$6,900
CD69294 8A	Staff Fringe	\$1,807
CD6294 11A	Participant Wages	\$40,774
CD6294 81A	Participant Fringe	\$5,550
CD6294 4A	Operating	\$14,640
CD6294.42802	Revenue	\$69,671

And be it further

RESOLVED, that copies of this resolution be provided to the Yates County Commissioner of Social Services and the Yates County Treasurer.

Resolution No. 264-21
Motioned By: Church

Date: July 12, 2021
Seconded by:

REAPPOINTMENT TO THE FINGER LAKES WORKFORCE INVESTMENT BOARD

WHEREAS, this legislature, by resolution, has authorized the creation of the Finger Lakes Workforce Investment Board for the Counties of Yates, Ontario, Seneca and Wayne in compliance with the Workforce Investment and Opportunity Act (WIOA) of 2014; and

WHEREAS, the Workforce Investment Board members must be appointed by the respective legislative boards; and

WHEREAS, the Executive Director has solicited nominations in accordance with the Law; and

WHEREAS, the Finger Lakes Workforce Investment Board Bylaws state voting members shall be appointed for terms of three (3) years, and that the terms shall be staggered;

NOW, THEREFORE, BE IT RESOLVED, that this Legislature does hereby re-appoint the following representatives to the Finger Lakes Workforce Investment Board to fill a three-year term from July 1, 2021 to June 30, 2024.

Mike Davis
IBEW 840

Bob Doeblin
Geneva Housing Authority

Richard House
Wayne County Administrator

Michelle Jungermann
Ontario County ARC

Mike Mankowski
Ontario County Economic Development

Julia Murphy
Department of Labor

Bonnie Percy
Yates County Legislator

Vicki Ramos
Wayne-Fingerlakes BOCES

Eileen Tiberio
Ontario County Social Services

Kathy Baker
Reliant Community Bank

Tom Facer
Farm Fresh First

Joseph Pellorite
O'Connell Electric

Sarah Eighmey
Anthony Road Winery

And be it further

RESOLVED, that certified copies of this resolution be sent to Wayne, Ontario and Seneca Counties, The Yates County Department of Social Services, the Finger Lakes Workforce Investment Board and to the aforementioned appointees.

Resolution No. 265-21
Motioned By: Holgate

Date: July 12, 2021
Seconded by:

2021 BUDGET TRANSFERS

BE IT RESOLVED, that the following transfers be made in the 2021 budget:

From:	To:	Amount:
A6010.41810 Repay-Admin	A6010.44689 Other Social Services	\$ 45,000.00

And be it further

RESOLVED, that copies of this resolution be provided to the Commissioner of Social Services and the County Treasurer/Budget Officer.

Resolution No. 266-21
Motioned By: Holgate

Date: July 12, 2021
Seconded by:

**ACCEPT AND APPROPRIATE ADDITIONAL FEDERAL AID
(OFFICE OF THE SHERIFF)**

WHEREAS, the Office of the Sheriff has been awarded a grant in the amount of \$209,266 from the Department of Homeland Security for the Public Safety Answering Point program; and

WHEREAS, these funds are not part of the 2021 budget;

NOW, THEREFORE, BE IT RESOLVED, that the following accounts be increased;

Revenue	
A3021.43332 PSAP FY20	\$ 209,266.00

Appropriation	
A3021.51965 PSAP FY20 Personnel	\$ 147,500.00
A3021.58103 PSAP FY20 Fringe	61,766.00

And be it further

RESOLVED, that copies of this resolution be provided to the Sheriff and the County Treasurer/Budget Officer.

Resolution No. 267-21
Motioned By: Holgate

Date: July 12, 2021
Seconded by:

**ACCEPT AND APPROPRIATE ADDITIONAL STATE AID
(DEPARTMENT OF SOCIAL SERVICES)**

WHEREAS, the Department of Social Services has been awarded additional revenue from TANF SYEP in the amount of \$17,671 for summer youth employment and other miscellaneous uses; and

WHEREAS, these funds are not part of the 2021 budget;

NOW, THEREFORE, BE IT RESOLVED, that the following accounts be increased;

Revenue	
A6010.44610 Social Services Admin	\$ 17,671.00

Appropriation	
A6010.54381 TANF Summer Youth Employment	\$ 7,671.00
A6010.54027 Miscellaneous	10,000.00

And be it further

RESOLVED, that copies of this resolution be provided to the Commissioner of Social Services and the County Treasurer/Budget Officer.

Resolution No. 268-21
Motioned By: Holgate

Date: July 12, 2021
Seconded by:

RESCIND RESOLUTION NOS. 191-03, 169-17 AND 207-19

WHEREAS, Resolution No. 245-21 adopted the Yates County General Fund Balance Objective;

NOW, THEREFORE, BE IT RESOLVED that resolution nos. 191-03, 169-17 and 207-19 are hereby rescinded; and be it further

RESOLVED, that a copy of this resolution be forwarded to the County Treasurer.

Resolution No. 269-21
Motioned By: Holgate

Date: July 12, 2021
Seconded by:

AUTHORIZE CHAIRMAN TO SIGN CONTRACT WITH NEW YORK ENGINEERING SERVICES FOR A FEASIBILITY STUDY IN SUPPORT OF THE COUNTY BROADBAND ACCESS EFFORT

WHEREAS, Yates County recognizes the need to continue to expand access to reliable, affordable high-speed broadband internet to all residents in the County; and

WHEREAS, there are grant opportunities for funding the effort to address this need that are announced from time to time; and

WHEREAS, New York Engineering Services of 100 Main Street, Penn Yan, NY 14527, has provided a proposal to complete a feasibility study and potential application services in support of such grants the County may see fit to pursue and is qualified to provide these professional services;

NOW, THEREFORE, BE IT RESOLVED, that upon the approval of the County Attorney, the Chairman of the Legislature is authorized to enter into a contract with New York Engineering Services for an amount not to exceed \$19,256 (nineteen-thousand, two-hundred and fifty-six dollars); and be it further

RESOLVED, that copies of this resolution be provided to New York Engineering Services, the County Administrator, Treasurer, Budget Officer, Grant Specialist and Planner.

Resolution No. 270-21
Motioned By: Holgate

Date: July 12, 2021
Seconded by:

APPROVE THE CAPITAL IMPROVEMENT PLAN FOR FISCAL YEARS 2022-2026

WHEREAS, the Yates County Legislature initiated a Capital Improvement Planning Program in December 1999 in order to more effectively identify, prioritize, plan for and finance capital projects and equipment expenditures;

NOW, THEREFORE, BE IT RESOLVED, that the Yates County Legislature hereby approves the proposed Fiscal Year 2022-2026 Capital Improvement Plan; and be it further

RESOLVED, that copies of this resolution be given to the Legislative Chairman, the County Treasurer and the County Planner.

Yates County Capital Improvement Plan

Fiscal Years: 2022 - 2026

Office / Department	Project Description	2022			2023			2024			2025			2026			Comment
		Total Project Cost	Federal, State, Sale, Reserve	Net Tax Levy	Total Project Cost	Federal, State, Sale, Reserve	Net Tax Levy	Total Project Cost	Federal, State, Sale, Reserve	Net Tax Levy	Total Project Cost	Federal, State, Sale, Reserve	Net Tax Levy	Total Project Cost	Federal, State, Sale, Reserve	Net Tax Levy	
Administration	Debt Service - Horizon Park	\$24,689		\$24,689													
Airport	Parallel Taxiway B Extension - Design	\$180,000	\$180,000	\$0												Airport Reserve	
Airport	Acquire Easements for Obstruction Removal (01-19 & 10-28)	\$125,000	\$125,000	\$0												Airport Reserve	
Airport	Runway 10-28 Rehabilitation - Design				\$110,000	\$110,000	\$0									Airport Reserve	
Airport	Terminal Apron Rehabilitation - Construction				\$400,000	\$400,000	\$0									Airport Reserve	
Airport	Obstruction Removal - Design & Construction (01-19 & 10-28)				\$150,000	\$150,000	\$0									Airport Reserve	
Airport	Parallel Taxiway B Extension - Construction							\$1,600,000	\$1,600,000	\$0						Airport Reserve	
Airport	Acquire Snow Removal Equipment							\$400,000	\$400,000	\$0						Airport Reserve	
Airport	Runway 10-28 Rehabilitation - Construction										\$600,000	\$600,000	\$0			Airport Reserve	
Airport	Parallel Taxiway A Rehabilitation - Design										\$120,000	\$120,000	\$0			Airport Reserve	
Airport	Runway 1-19 Rehabilitation - Design													\$200,000	\$200,000	\$0	
Airport	Taxiway A Rehabilitation - Construction													\$1,000,000	\$1,000,000	\$0	
B & G	Siemens Software and Equipment	\$155,000	\$13,000	\$142,000													
B & G	Trane Chiller Controls	\$90,000	\$5,400	\$84,600													
B & G	Security System Cameras, DVRs, Door Controls - CH & COB				\$190,000	\$27,000	\$163,000										
B & G	B & G Skid Steer Replacement				\$72,000	\$13,600	\$58,400										
B & G	Refurbish Chiller Mechanicals on CH				\$110,000	\$6,600	\$103,400										
B & G	Annex Brick Restoration Consultant Work				\$20,000	\$0	\$20,000										
B & G	Annex Brick Restoration							\$400,000	\$0	\$400,000							
B & G	Vehicle Replacement							\$37,000	\$33,000	\$4,000							
B & G	Parking Lot Resurfacing - CH, COB & Church										\$150,000	\$11,000	\$139,000				
B & G	Refurbish Two Chiller Mechanicals on COB										\$220,000	\$0	\$220,000				
B & G	Replace 20 Variable Frequency Drives													\$160,000	\$4,800	\$155,200	
Central Garage	Vehicle Replacement	\$44,600	\$28,000	\$16,600	\$73,300	\$46,000	\$27,300	\$44,400	\$28,000	\$16,400	\$50,300	\$30,000	\$20,300	\$83,200	\$39,000	\$44,200	
Elections	Voting Machines				\$221,500	\$0	\$221,500										
Highway - Roads	Road Rehabilitation/Construction	\$2,300,000	\$1,430,430	\$869,570	\$2,000,000	\$1,430,430	\$569,570	\$2,100,000	\$1,430,430	\$669,570	\$2,300,000	\$1,430,430	\$869,570	\$2,300,000	\$1,430,430	\$869,570	
Highway - Machinery	Trucks and Heavy Equipment	\$790,000	\$72,000	\$718,000	\$762,300	\$102,000	\$660,300	\$588,300	\$87,000	\$501,300	\$402,000	\$79,800	\$322,200	\$691,500	\$135,000	\$556,500	
Highway - Facilities	Highway Facilities Project	\$10,925,000	\$10,925,000	\$0	\$2,785,000	\$2,785,000	\$0										
IT	Computer Capital Equipment	\$175,384	\$12,450	\$162,934	\$177,600	\$16,050	\$161,550	\$170,450	\$8,400	\$162,050	\$171,800	\$5,000	\$166,800	\$179,350	\$11,550	\$167,800	
OEM	Vehicle Replacement	\$35,000	\$0	\$35,000	\$36,000	\$0	\$36,000										
Sheriff	Vehicle Replacement	\$172,000		\$172,000	\$200,000	\$17,500	\$182,500	\$200,000	\$0	\$200,000	\$175,000	\$0	\$175,000	\$200,000	\$0	\$200,000	
Sheriff	AED Upgrade	\$26,000		\$26,000													
Sheriff	Communications Upgrade Project	\$5,340,000	\$3,900,000	\$1,440,000													
Sheriff	Public Safety Building Refurbishment				\$3,236,000	\$1,600,000	\$1,636,000										
Totals:		\$20,382,673	\$16,691,280	\$3,691,393	\$10,543,700	\$6,704,180	\$3,839,520	\$5,540,150	\$3,586,830	\$1,953,320	\$4,189,100	\$2,276,230	\$1,912,870	\$4,814,050	\$2,820,780	\$1,993,270	

Total Capital Project Costs 2022 - 2026: \$45,469,673
Revenues from Federal, State, Sales and Reserves: \$32,079,300
Net Tax Levy 2022 - 2026: \$13,390,373

Total 2021 - 2025 Spending by Office/Department:

Office/Department	Total Projects	Revenue	Tax Levy
Administration		\$24,689	\$0
Airport		\$4,885,000	\$4,885,000
B & G		\$1,604,000	\$114,400
Central Garage		\$295,800	\$171,000
Elections		\$221,500	\$0
Highway - Roads		\$11,000,000	\$7,152,150
Highway - Machinery		\$3,234,100	\$475,800
Highway - Facilities		\$13,710,000	\$13,710,000
IT		\$874,584	\$53,450
OEM		\$71,000	\$0
Sheriff		\$9,549,000	\$5,517,500