

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

- ☐ County
☐ City of MORIAH
☒ Town
☐ Village

STATE OF NEW YORK
DEPARTMENT OF STATE
FILED

MAY 21 2009

Local Law No. 1 of the year 20 09

MISCELLANEOUS
& STATE RECORDS

A local law for health insurance buy-out
 (Insert Title)

Be it enacted by the TOWN BOARD of the
 (Name of Legislative Body)

- ☐ County
☐ City of MORIAH as follows:
☒ Town
☐ Village

(Delete this line of text and enter text of local law here)

(If additional space is needed, attach pages the same size as this sheet, and number each.)

Resolution No. 1**RESOLUTION INTRODUCING PROPOSED
LOCAL LAW NO. 1 OF 2009**

The following resolution was offered by Councilperson Carpenter who moved its adoption.

Upon the passage of a motion to consider from the floor, and the same appearing proper and necessary.

BE IT RESOLVED that the Town of Moriah hereby introduces proposed Local Law No. 1 of 2009, providing cash payments in lieu of health insurance coverage for any eligible employee and elected official in the Town of Moriah who is eligible to receive health insurance benefits under Town of Moriah's Personnel Policy or under any Collective Bargaining Agreement of which the Town of Moriah is a party, as follows:

"TOWN OF MORIAH LOCAL LAW NO. 1 OF 2009"

A local law providing cash payments in lieu of health insurance coverage for any eligible employee and elected official in the Town of Moriah who is eligible to receive health insurance benefits under the Town of Moriah's Personnel Policy or under any Collective Bargaining Agreement of which the Town of Moriah is a party.

BE IT ENACTED by the Town Board of the Town of Moriah as follows:

§1. Title.

This local law shall be known as the "Local Law providing an alternative to health insurance benefits".

§2. Purpose.

The Town Board finds that some of its eligible employees and elected officials who could otherwise receive health insurance coverage through the Town's group health insurance provider for themselves and/or their families may already have health insurance coverage available to them from another source. In cases such as this, the Town Board finds that it is an unnecessary expense for the Town of Moriah to provide such an employee health insurance coverage for an otherwise eligible employee of the Town already has sufficient health insurance coverage available from another source. It is therefore the intent of this local law to authorize the Town of Moriah employees and elected officials who already have health insurance coverage available to them outside of the Town to elect cash payments for all medical bills incurred not covered by Town Health Insurance in lieu of the Town providing health insurance coverage for them and/or their families as set forth more fully below. Except the Town Board and Supervisor.

§3. Legislative Authority.

This chapter is inactive pursuant to §10, (1) (ii) a (1), of the Municipal Home Rule Law of the State of New York and is intended to be inconsistent therewith to supercede the provisions of General Municipal Law §92-a and 93, Civil Service Article XI and Town Law §27.

§4. Cash Payments for Non-participation of Plan.

- (a) Full-time Town employees, with benefits employees and appointed and elected officials of the Town of Moriah who are eligible for health insurance coverage paid for by the Town shall have the option of either receiving Town paid health insurance or money in lieu of health insurance coverage set forth below.
- (b) Employees who are so entitled to family, 2 person, or single health insurance coverage through the Town and opt to drop that coverage, said employee shall be entitled to 25% of the cost of the premium for the coverage that the employee was eligible for. If the employee does not opt out in January and opts out at another time of the year, it will be prorated.
- (c) Cash payments will be made the first non payroll Tuesday in December each year for medical bills up to the amount that you are entitled to.
- (d) In order to obtain the health insurance buy-out, the employee must document to the Town that other health insurance is available and the employee must sign a release to the Town waiving any rights to health insurance coverage and releasing the Town from any other health insurance related liability.
- (e) If an employee who has elected the buy-out option loses his/her health insurance coverage, he/she must immediately notify the Supervisors office and his/her coverage will be reinstated upon the employee making the appropriate payment of the premium, if such premium is due, and otherwise satisfies any eligibility requirements.

- (f) Any future changes to the hereinabove recited cash payments will be established from time to time by resolution of the Town of Moriah and/or by Collective Bargaining Unit Agreement. The amount of such cash payment will never exceed the Town of Moriah's actual cost of providing an eligible employee health insurance coverage through the Town of Moriah's health insurance programs and providers.

§5. Effect on Income Tax.

An employee receiving payments pursuant to this chapter shall be fully responsible for any income taxes that may be payable with respect to such payments, and the Town may withhold any amounts required by any applicable tax laws, federal or state, that relate to or require such withholding on payments of such nature.

§6. Definitions.

Employee. Includes all past, current and future employees of the Town of Moriah who are eligible under the Town's policy for payments of all or portion of their health insurance premiums, and any past, current and future officers of the Town that otherwise eligible for partial or complete health insurance coverage.

§7. This local law shall take effect immediately upon filing in the Office of the Secretary of State.

AND BE IT FURTHER RESOLVED that the Town of Moriah shall hold and conduct a public hearing on the foregoing proposed local law on February 10, 2009 at 5:30p.m. of that day, to hear any and all persons concerning the same.

Councilman

This resolution was duly seconded by Harvish, and adopted upon a roll-call vote as follows:

AYES: 5
NOES: 0
ABSENT: 0

votes Carpenter, Harvish, Scozzafava, Anderson, Salerno
votes
votes

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 20 09 of the ~~(County)(City)~~ (Town)(Village) of Moriah was duly passed by the Town Board on May 12, 20 09, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the _____ and was deemed duly adopted (Elective Chief Executive Officer*) on _____ 20 _____, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the _____ on _____ 20 _____ (Elective Chief Executive Officer*)

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general) (special)(annual) election held on _____ 20 _____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the _____ on _____ 20 _____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20 _____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

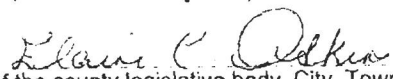
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20_____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20_____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____, above.

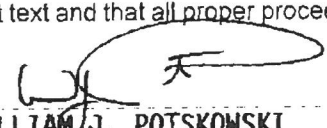

Clerk of the county legislative body, City, Town or Village Clerk or
officer designated by local legislative body
ELAINE ADKINS, Town Clerk
Date: May 19, 2009

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF ESSEX

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.


Signature **WILLIAM J. POTSKOWSKI**
ATTORNEY
Title _____

County _____
City of Moriah
Town _____
Village _____

Date: May 19, 2009