Legal/Safety Committee Meeting Agenda

January 11, 2022 10:30am

MINUTES

• Approval of minutes from December 14, 2021 meeting

YTD Budgets

• Safety & County Attorney budgets were on budget for the year and 2022 budget is tracking well

NEW BUSINES

- NYSDOH masking guidance extended through February 1. Our current masking expectations and signage seem to be working well in county buildings. We've had ongoing discussions with Public Health regarding all of the at home test kits being distributed, validation of the results and their appropriate use in letting people know their status.
- Ethics Board Meeting Joan Case is the new Board Chairwoman with Charles Davis as Vice Chair. Financial Disclosure form follow up being completed.
- Resolutions:
 - Resolutions appointing Cliff Balliet Jr., and Jenny Ceccherelli to the Ethics Board. This leaves two positions to be filled in coming months:
 (i) Barbara Crannell has resigned leaving her term through March 31, 2023 vacant. (ii) Reverend James Stevens will leave at the end of his term March 31, 2022 with new vacant term running through March 31, 2025.
 - (2) Legislative Redistricting local law is moving forward as is the telephone surcharge. Thanks to all involved and in particular Bill Ostrander in pulling all of the information together so quickly.
 - County Insurance Renewal
 - Renewal for basic coverage for 2022 through NYMIR was \$460,735.46. This is an 8.1% change which was not unexpected from the 2021 rate of \$426,526.15. 2022 Cyber insurance was secured through Cowbell for \$7,037. Coverage is better than what was offered through NYMIR which had a lower deductible but a \$1 million aggregate limit. Cowbell has a higher deductible but better

policy limits which will work better for what we would need if there were a cyber-event. We will resubmit cyber coverage when the project for multifactor authentication is completed. Flood Insurance for 2021-2022 was \$53,149.00.

- Claims and Litigation:
 - No new claims to report. NY Opioid case has gone to jury with a finding of liability for those who left in the case although many defendants had already settled.
- Meeting/Trainings
 - Youth Assessment Team, Executive Policy, Child Advocacy Center, Leaders, Public Health, DSS/Probation, Radio Project, Redistricting

SAFETY

- Full time safety officer allowing better management of events and projects
- No new Workplace Violence complaints which is a welcome change
- Held regular safety meetings with public works
- Starting some revamping of existing policies and tracking including driver safety and ADA access

LEGAL/SAFETY COMMITTEE MEETING MINUTES

December 14, 2021

PRESENT: Legislators Chair Sauerbrey, Monell, Balliet, Standinger, Hollenbeck, Mullen, Sullivan, Roberts, and Weston, Legislative Clerk Haskell, County Attorney DeWind, Public Health Director McCafferty, County Planning Director Jardine, GIS Manager Ostrander (and County Attorney Secretary Freyvogel - minutes)

Meeting was convened by Legislator Monell at 10:45 A.M.

Minutes: On motion of Legislator Monell, seconded by Legislator Mullen and unanimously carried the minutes from November 9, 2021 were approved.

YTD Budget: Law and Safety are on track with their respective budgets for the fiscal year. The budget does not reflect recent purchases. Outside legal counsel is tracking on course and will not require a budget transfer.

New Business:

Masking: County Attorney DeWind discussed the latest statement by Governor Hochul regarding the newest mask mandates. What is referred to as being the Governor's mandate is actually under the direction of the Commissioner of Public Health. On December 10, 2021 the Commissioner of Health issued "Determinations on Indoor Masking Pursuant to 10 NYCRR 2.60'. This requires full vaccination for entry or the use of face coverings in any indoor space that isn't a personal residence. County Attorney DeWind clarified that as a public health violation it would be the Health Department and not generally law enforcement which would be enforcing this directives in the same manner as any other public health law violation. Some counties have already publically stated they are overworked and unable to spare the public health manpower to enforce the newest policy. Legislator Weston asked if counties could opt out of the mandate. Chair Saurbrey stated seventeen (17) counties are not actively participating in enforcing the mask mandate and asked Public Health Director McCafferty for input. Public Health Director McCafferty stated there is no way to "control" the pandemic. Her department can give the public tools to keep themselves safe however it is up to the public to do what is best for them. Public Health Director McCafferty stated they learned of the directive with everyone else and would have preferred more input into how this would affect their already overtaxed staff. Legislators discussed if the COVID-19 Tip Line was reinstituted who would be investigating and enforcing those calls. Legislator Mullen stated he did not want law enforcement going to residences especially at the holidays and referenced his district borders Pennsylvania which does not have a mask mandate. Public Health Director McCafferty stated her department had only received one incident that required a violation when the tip line was in use however it was most often used in a retaliatory manner for personal disputes however New York State is "bright red" on the Center for Disease Control's COVID Data Tracker which is why the mask mandate was put back in place. Legislator Monell asked the legislature what the masking policy for the County was going to be. Legislator Sullivan stated she would like to hear Public Health Director McCafferty's opinion on the mandate. Public Health Director McCafferty stated she feels her team has done a tremendous job in educating the public however there's RSV, the Flu and other illnesses and the fact that travelers enter and pass through New York State all the time making the spread of illness very hard to stop. County Attorney DeWind presented options and asked how the County would like to handle the mask mandate for our buildings as well as enforcement through the Health Department in general. Legislator Monell stated he is not in favor of enforcing masking and feels the Governor is going to extend the mandate past January 15, 2022. Legislator Sullivan asked if the County would allow Departments to decide if they would enforce the masking mandate. Chair Sauerbrey stated Departments would not be allowed to decide as it's a Legislative decision. Chair Sauerbrey stated she feels the County's masking policy should be that it is strongly recommended to which Public Health Director McCafferty concurred this was a good plan. Legislator Monell asked for a straw poll to which all legislators voted to strongly recommend face masks in public spaces however it would be left to the discretion of the public.

Resolutions: Resolution for Twin Tier Drug & Alcohol Contract for 2022 CDL was discussed. The pricing is the same as last year's contract. Twin Tiers is a local company and has been receptive to the needs of the county.

The Law Department's resolution to increase the Safety Officer hours to full time has been previously discussed. This will be an increase of nineteen thousand five hundred and seven dollars (\$19,507).

The last resolution pertains to the withdrawal of the auction bid and sale for the property at 6125 State Route 17C, Campville, NY to the Town of Owego. Town of Owego Attorney Graven has completed a private agreement with the bidder making him whole for his costs. Legislator Monell approved the resolution.

Vacancies: County Attorney DeWind discussed the current and upcoming vacancies on the Ethic Board and referenced the requirements for appointment new board members. County Attorney DeWind stated ideally the Ethics Board should be comprised of no more than 2 members of each political party however in this area that would be impossible. Chair Sauerbrey confirmed a resume was needed for nomination and suggested retiring Legislator Balliet and Industrial Development Agency Chair Jenny Ceccherelli.

Insurance: The County's Insurance Renewal Policy for 2022 was submitted. As expected Cyber insurance is an issue. In order for the County to qualify for cyber insurance a two (2) factor policy is required. The County may be able to extend a limited version of their current policy for one month or purchase a limited cyber policy through NYMIR. Both options have limited coverage leaving the county self-insured for much of

the risk. Legislator Sullivan asked what the County's options were. County Attorney DeWind explained the County would have to upgrade to a two (2) factor verification however he has been working with Chief Information Officer Loveland and they do not feel Information Technologies and Communication Services can have complete the upgrade in a timely fashion. It is anticipated that the best option will be to purchase limited cyber insurance through NYMIR with expectation of the two (2) factor verification in place for the 2023 renewal.

Foreclosure: The tax foreclosure auction for 2018 has largely been completed with the exception being the property located at 6125 State Route 17C in Campville, however this property should be finalized this week. The tax foreclosure properties for 2019 consist of thirty one (31) properties with seven (7) currently inhabited. County Attorney DeWind is unsure if court would allow for these seven (7) properties to be broken off from the inhabited properties. If not, this would make the County landlords and liable as such. With the release of new funds for the payment of taxes and the possibility of the eviction moratorium being pushed back County Attorney DeWind suggested possibly filing in March.

Claims: There are no new claims or litigation to report. The opioid trial is progressing and has gone to jury. Depending on the verdict this should give counties an indication of how the other cases may be proceeding or if they will likely settle.

Contracts: County Attorney DeWind has processed thirteen (13) new contracts since last month. Many of these contracts are yearly contracts from the Department of Social Services and Mental Health.

Redistricting: County Attorney DeWind presented on the decennial redistricting which is required to preserve the weight of each citizen's vote. In areas where there are too many voters per legislator those people's votes carry less weight than in less populated districts. This process is designed to correct those imbalances. County Attorney DeWind presented the two (2) viable solutions for Census redistricting and stated scenario one (1) is the current recommendation due to the reduced impact upon voter access to polling sites and asked County Planning Director Jardine and GIS Manager Ostrander to present the scenarios. County Planning Director Jardine stated if the scenario one (1) is approved they will be introducing the local law January 6, 2022 at the First Legislative Work Session, discussing it a the First Regular Legislative Meeting January 11, 2022 and adopting it into law at the Second Legislative Work Session January 20, 2022. County Planning Director Jardine stated the Census findings are usually released in early 2021 however this year they were not released until September 2021 and then had election referendums to institute. County Planning Director Jardine explained inmates are no longer allowed to be counted at penal institutions but instead must be counted at their residences and the change in population for redistricting went from ten percent (10%) to five percent (5%). County Planning Director Jardine stated they formed a committee this fall consisting of herself, County Attorney DeWind, GSI employees, and Election commissioners to ensure the

redistricting was bipartisan. County Attorney DeWind spoke about the recent growth in the Waverly area pushing them over the one hundred and five percent (105%) and the rules only allowing for Barton and Owego to be subdivided to in order to rebalance the districts. Legislator Mullen asked if this meant moving people from one district to another. County Attorney DeWind stated census blocks can be moved around from one area to another to correct the number of voters per legislator and they worked to minimize disruption to where people vote. County Planning Director Jardine clarified redistricting and reapportioning are the same in response to a question asked by Legislator Weston, GSI Manager Ostrander explained the requirements of populations per Town per legislator is five thousand three hundred ninety three (5393). Currently, Tioga County has a population of forty eight thousand four hundred and fifty five (48,455) and has two super districts with two legislators per district. Scenario one does not affect legislators and will not require new polling places. Legislator Sullivan asked about Scenario two, GSI Manager Ostrander explained scenario two would take a block from Waverly and move it to Spencer requiring a new polling place. The map will be presented to Elections after today to start working on setting up election districts based on this map. Legislator Monell asked for a vote and scenario one was passed unanimously. Legislative Clerk Haskell asked to speak to the process of enhanced nineone-one (911) service. The meeting would need to be advertised by the end of December with the local law written by January 6, 2022. Legislator Monell stressed it was County Attorney DeWind and County Planning Director Jardine responsibility to adhere to these time frames. Legislator Sullivan acknowledged County Planning Director Jardine and GSI Manager Ostrander's departments for the tremendous job they did and expressed her gratitude.

County Attorney DeWind has attended the following meetings: Family First, Youth Assessment Team (YAT), Executive Policy, Child Advocacy Center (CAC), Shared Services, DSS and Probation AO's after hour procedures, and DSS and law enforcement source disputes.

Safety: There are five (5) new workplace violence claims. One from Probation and four from Department of Social Services (DSS). Safety Officer Thorpe has conducted required DOT drug testing, held regular safety meetings with Public Works and distributed annual safety training, sexual harassment and Title VI materials.

The meeting was adjourned at 11:40am.

TIOGA COUNTY, NEW YORK

Tioga County END OF YEAR BUDGET REPORT

		FOR 2021 12
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BUDGET	REVISED	
YTD ACTUAL		
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CI8042 504 Coordinator/Safety

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Tioga County END OF YEAR BUDGET REPORT

A General Fund

FOR 2021 12

ORIGINAL APPROP

TRANFRS/ ADJSTMTS

REVISED BUDGET

YTD ACTUAL

ENCUMBRANCES

AVAILABLE BUDGET

PCT USE/COL

Page H **REFERRED TO:**

LEGISLATIVE WORKSESSION LEGAL/FINANCE COMMITTEE

RESOLUTION NO. -22 APPOINT MEMBER TO BOARD OF ETHICS

WHEREAS: Tioga County Ethics Policy, Section II, Subsection VI (B) – Ethics Board Membership states members who have served two full three-year terms may not be reappointed for at least one year after the expiration of their last term; and

WHEREAS: A vacancy exists on the Board of Ethics due to the prior term of Craig Jochum having expired on March 31, 2021; and

WHEREAS: Clifford Balliet Jr., a resident of Tioga County, NY has agreed to serve on the Board of Ethics for the currently vacant three-year term with an additional term being available thereafter subject to Legislative reappointment; therefore be it

RESOLVED: That Clifford Balliet Jr. be and hereby is appointed to the Board of Ethics for a retroactive term beginning April 1, 2021 through March 31, 2024.

REFERRED TO:

LEGISLATIVE WORKSESSION LEGAL/FINANCE COMMITTEE

RESOLUTION NO. -22

APPOINT MEMBER TO BOARD OF ETHICS

WHEREAS: Tioga County Ethics Policy, Section II, Subsection VI (A) excludes elected County Officials from serving on the Tioga County Board of Ethics and Section II, Subsection VI (B) allows members to serve for two full three-year terms; and

WHEREAS: The recent election of Ron Ciotoli to the position of County Legislator has created a vacancy on the Tioga Board of Ethics effective December 31, 2021; and

WHEREAS: Ron Ciotoli was appointed to continue an unexpired term which was set to expire on March 31, 2022; and

WHEREAS: Jenny Ceccherelli, a resident of Owego, NY has agreed to serve on the Board of Ethics and fill the unexpired term created by the resignation of Ron Ciotoli and continue with a new three-year term effective April 1, 2022 through March 31, 2025 with an additional term being available thereafter subject to Legislative reappointment; therefore be it

RESOLVED: That Jenny Ceccherelli be and hereby is appointed to the Board of Ethics to serve the remainder of an unexpired term retroactive to January 1, 2022 through March 31, 2022 and thereafter commence a new three-year term commencing April 1, 2022 through March 31, 2025. December 22, 2021

County of Tioga 56 Main Street Owego, NY 13827

Dear Peter,

We are pleased to present the renewal proposal for the County's insurance for another term, 1/1/2022 to 1/1/2023. Below is an outline of the renewal premiums compared to last year.

Policy Coverage Part	2021	2022
Property	\$ 59,863.10	\$ 63,738.40
Boiler & Machinery	\$ 6,684.70	\$ 7,067.50
General Liability	\$ 42,443.50	\$ 43,686.50
Crime	\$ 3,952.30	\$ 4,071.10
Inland Marine	\$ 23,458.60	\$ 23,245.20
Auto	\$ 72,779.50	\$ 76,739.30
OCP	\$ 275.00	\$ 275.00
Public Official	\$ 38,585.80	\$ 42,013.40
Law Enforcement	\$ 74,779.10	\$ 84,280.90
Healthcare General Liability	\$ 2,001.97	\$ 2,307.99
Healthcare Professional	\$ 37,125.79	\$ 41,213.19
Umbrella	\$ 63,213.70	\$ 70,720.10
Premium Subtotal	\$425,163.06	\$ 459,358.58
NYS Fees	\$ 1,363.09	\$ 1,376.88
NYMIR TOTAL COST	\$426,526.15	\$ 460,735.46

The County's total cost from NYMIR is \$34,209.31 more than last year (a net change of 8.1%). We had originally budgeted an 8% increase, so this is in line with our expectations.

NYMIR is the leader in municipal insurance in New York State and now insures over 900 municipalities. Earning an "A, Excellent" rating from A. M. Best & Co., NYMIR is the most sound, stable and secure insurance program for municipalities.

Smith Brothers Insurance is looking forward to managing your insurance and risk management program again this year. As always, we appreciate your continued fine business!

Sincerely,

Michael Constantine

Michael Constantine, AAI, CLCS Regional Leader, Principal mconstantine@smithbrothersusa.com

Nicholas Spencer

Nicholas Spencer, CPCU, CLCS Account Manager nspencer@smithbrothersusa.com (607) 754-9876

Insurance | Surety | Risk Management | Benefits | Financial 300 Plaza Drive, Vestal, New York 13850 PHONE 607-754-1411 FAX 607-754-6463 www.SmithBrothersUSA.com Offices throughout Connecticut, Massachusetts, New Jersey, and New York

NYMIR Coverage Summary					
Policies and Coverage	Limit Per Occurrence	Aggregate Limit	Deductible		
Municipal Property					
Building & Contents (TIV) **	\$60,865,970		\$25,000		
Coinsurance Percentage	90%				
Loss of Income - Actual Loss You Sustain	ALS	())			
Extra Expense	\$250,000				
Ordinance or Law	\$1,000,000				
Valuable Papers	\$500,000		[
Accounts Receivable	\$75,000				
Earthquake/Flood Coverage*	\$1,000,000	\$1,000,000	\$25,000		
Municipal Boiler & Machinery	, , , , , , , , , , , , , , , , , , ,				
Equipment Breakdown	\$35,000,000		\$25,000		
Loss of Income/Extra Expense (Incl. in TIV)	\$5,000,000	e :	\$25,000		
Expediting Expense	Included				
Hazardous Substance	\$2,500,000				
Ordinance or Law	\$10,000,000		· · · · · · · · · · · · · · · · · · ·		
Spoilage	\$2,500,000		\$25,000		
Newly Acquired Locations	\$5,000,000				
Error in Description	Included				
Service Interruption Waiting Period	24 Hours				
Demolition	\$10,000,000				
Data Restoration	\$2,500,000		1		
Municipal General Liability	,				
Bodily Injury/Property Damage	\$1,000,000	\$2,000,000	\$50,000		
Products Completed Operations	\$1,000,000	\$1,000,000	+		
Personal Injury & Advertising Injury	\$1,000,000	\$1,000,000			
Fire Damage Legal Liability	\$50,000	\$0			
Medical Expense - Per Person	\$5,000	\$10,000			
Employee Benefits Liability (Claims Made)	\$1,000,000	\$1,000,000	\$1,000		
Limited Pollution Liability	Included				
Network Security Loss Annual Aggregate					
Forensic Expense Sublimit					
Extortion Expense Sublimit	1		<u> </u>		
Network & Information Security Liability Annual Agg		· .	1		
Breach Mitigation Expense Annual Aggregate			1		
Breach Mitigation Expense Sublimit			<u> </u>		
Maximum Policy Annual Aggregate			<u> </u>		
Municipal Crime Coverage			<u> </u>		
Employee Theft - Per Loss Coverage	\$1,000,000	\$0	\$25,000		
Forgery or Alteration	\$50,000	\$0 \$0	\$1,000		
Inside the Premises - Theft of Money and Securities	\$50,000	\$0 \$0	\$1,000		

NYMIR Coverage Summary						
Policies and Coverage	Limit Per Occurrence	Aggregate Limit	Deductible			
Outside the Premises	\$50,000	\$0	\$1,000			
Computer Fraud	\$1,000,000	\$0	\$25,000			
Funds Transfer Fraud	\$1,000,000	\$0	\$25,000			
Money Orders and Counterfeit Money	\$50,000	\$0	\$1,000			
Excess Positions:						
Municipal Automobile Policy						
Combined Bodily Injury/ Property Damage Liability	\$1,000,000		\$50,000			
Personal Injury Protection	\$50,000		\$0			
OBEL						
Medical Payments	5					
Supplementary Uninsured Motorists	\$300,000		\$0			
Non-ownership Liability	\$1,000,000		\$0			
Hired Auto Liability	\$1,000,000		\$0			
Mutual Aid	\$1,000,000		\$0			
Comprehensive Coverage			Per Schedule			
Collision Coverage			Per Schedule			
Full Glass Coverage			Per Schedule			
Rental Reimbursement (per day)	Per Schedule					
Towing (Per Disablement)	Per Schedule	5	Per Schedule			
Hired Autos Physical Damage						
Deductible Reimbursement for Officers & Directors	\$1,000					
Municipal Public Officials Policy	\$1,000,000	\$2,000,000	\$50,000			
Employment Related Practices	Included	Included	Included			
Land Use Liability	\$1,000,000	\$1,000,000				
Back Wages	Included	Included				
Municipal Law Enforcement	\$1,000,000	\$2,000,000	\$50,000			
Municipal Inland Marine ***						
Auto Physical Damage	\$3,080,168		\$25,000			
Contractor's Equipment	\$2,165,259		\$25,000			
Voting Machines	\$100,000		\$250			
Radios	\$83,133		\$1,000			
Other	\$283,947		\$25,000			
Fire Department Vehicles	\$19,000		\$2,500			
Watercraft	\$6,000		\$1,000			
Police Equipment	\$61,102		\$250			
Municipal Owners & Contractors Protective Liability	\$1,000,000	\$2,000,000	\$0			
Municipal Excess Catastrophe Liability Policy	\$10,000,000	\$20,000,000				
Public Officials	Included	· · · ·				
Law Enforcement	Included					

NYMIR Coverage Summary					
Policies and Coverage	Limit Per Occurrence	Aggregate Limit	Deductible		
Health Care General Liability					
Bodily Injury/Property Damage	\$1,000,000	\$2,000,000	\$0		
Products Completed Operations	\$1,000,000	\$1,000,000			
Personal Injury & Advertising Injury	\$1,000,000	\$1,000,000			
Fire Damage Legal Liability	\$50,000	\$50,000	İ		
Medical Expense - Per Person	\$5,000				
Health Care Professional - Claims-made	\$1,000,000	\$3,000,000	\$0		

* Over any available NFIP if applicable

*** NYMIR will perform an appraisal on all buildings we determine are in excess of \$50,000 replacement cost. The appraisal is a free service for NYMIR subscribers. Please note:

Appraisal figures can lead to adjustments in your property premium.

NYMIR Covera	ge Summ	ary	
Policies and Coverage	Limit Per Occurrence	Aggregate Limit	Deductible

Policy Notes

For Inland Marine, we will not make payment for "Agreed Value" unless the insured has provided us with, upon each renewal, a covered property schedule, showing each item of property and its corresponding dollar value. If the insured has not provided an "Agreed value" schedule, and coverage otherwise exists under this policy, the most the insured will receive is the cost of replacing the damaged property with other property of similar age, quality and function.

For SIR (if any), Retention amount is listed in the deductible column.

NYMIR Premium Summary				
Policies and Coverage	Effective Date	Expiration Date	Premium	
Municipal Property and Liability Policy	01/01/2022	01/01/2023		
Municipal Property			\$63,738.40	
Boiler & Machinery			\$7,067.50	
Municipal General Liability			\$43,686.50	
Municipal Crime	01/01/2022	01/01/2023	\$4,071.10	
Municipal Network Security Loss and Liability			\$0.00	
Municipal Inland Marine	01/01/2022	01/01/2023	\$23,245.20	
Municipal Automobile	01/01/2022	01/01/2023	\$76,739.30	
Municipal Owners/Contractors Protective Liability	01/01/2022	01/01/2023	\$275.00	
Municipal Public Official			\$42,013.40	
Municipal Law Enforcement Liability	01/01/2022	01/01/2023	\$84,280.90	
Healthcare General Liability	01/01/2022	01/01/2023	<u>\$2,307.99</u>	
Healthcare Professional Liability - Occurrence			\$0.00	
Healthcare Professional Liability - Claims Made	01/01/2022	01/01/2023	\$41,213.19	
Municipal Excess Catastrophe Liability	01/01/2022	01/01/2023	\$70,720.10	
TO	FAL NYMIR P	REMIUM	\$459,358.58	
Policy Fees	37			
Fire Fee			\$336.88	
NYS Boiler Inspection Fee			\$0.00	
MV Enforcement Fee			\$1,040.00	
TO	TAL SUBSCRI	BER FEES	\$1,376.88	

TOTAL SUBSCRIBER PREMIUM	\$459,358.58
TOTAL SUBSCRIBER PREMIUM + FEES	\$460,735.46

THIS IS NOT AN INVOICE