

## **REGULAR MEETING**

### **DELAWARE COUNTY BOARD OF SUPERVISORS JANUARY 25, 2012**

The regular meeting of the Delaware County Board of Supervisors was held Wednesday, January 25, 2012 at 1:00 p.m. in the Supervisors' Room of the Senator Charles D. Cook County Office Building, 111 Main Street, Delhi, New York, Chairman James E. Eisel, Sr. presiding.

The Clerk called the roll and all Supervisors were present.

Mr. Marshfield offered the invocation.

Mr. Donnelly led the Board in the Pledge of Allegiance to the Flag.

The minutes of the previous meeting were accepted as presented.

The Clerk reported all communications received have been referred to their respective committees for review.

Chairman Eisel noted a copy of an invitation from the Village of Sidney Mayor Andy Matviak has been placed on each Supervisor's desk. Supervisors are invited to attend an Executive Budget presentation by Commissioner Roann Destito on behalf of Governor Andrew Cuomo on Thursday, January 26, 2012 at 11:00 a.m. at the Sidney Civic Center.

Chairman Eisel granted privilege of the floor to Commissioner of Social Services William Moon who presented Wendi Porter as Employee of the Month.

Ms. Porter began her employment with the Department of Social Services in 2004 as a caseworker assigned to the Family and Children Service Program. In 2009, after training as a child protective services investigator she was promoted to the position of senior caseworker.

Commissioner Moon stated that it takes an individual passionate about what they do to handle the challenges presented to a caseworker when they must knock on a family's door to discuss a potential abuse situation. Ms. Porter possess the disposition and strength of character that keeps the family calm while she explains why she is there and what needs to be done to correct the situation. When school is in session Ms. Porter spends two days at the Masonville BOCES, Harrold Campus. While at the Masonville BOCES she assists with making connections between students, their families and the educational programming. Ms. Porter offers guidance, education and training to family members as needed to bring resolution to their situation. Ms. Porter is devoted to her work, she finds it challenging but rewarding and feels very good knowing she can help make a difference for children and their family. She is community minded and has been serving the Davenport Fire Department as a licensed Emergency Services Technician for more than ten years.

Commissioner Moon presented Ms. Porter with a \$50.00 check. Chairman Eisel presented her with the Certificate of Employee of the Month and thanked her for her dedicated service.

Chairman Eisel granted privilege of the floor to Mr. Hynes. Mr. Hynes introduced Director of Planning Nicole Franzese to provide an update on the floodplain maps and local law adoption.

Ms. Franzese stated that towns/villages should have received a mailing from both FEMA and NYSDEC regarding the review and adoption of the update of the Model Law for Floodplain Damage Prevention and accompanying maps.

If requested, County Planning will complete and update the law and submit it to the NYSDEC for their review by the deadline of March 19, 2012. After the review the town/village should proceed with a public hearing and adoption. When the draft is completed and approved by the NYSDEC it is recommended that the town/village attorney also review the law. Roxbury, Kortright, Delhi and Harpersfield have already referred their law to their town attorney. Towns/villages will have to schedule their public hearing and adopt the laws and maps before the May 17, 2012 deadline set by the NYSDEC. Towns/ villages should have been individually notified of the status of their appeal and if necessary new maps have been or will be issued.

Regarding the West of Hudson Watershed Mapping Project, FEMA, NYSDEC and NYCDEP are conducting the second meeting of the Floodplain Map Steering Committee. Towns/villages should have received an invitation from FEMA/NYSDEC to attend a meeting on Friday, January 27, 2012 at the Town of Middletown Town Hall at 10 a.m. This project is an update to the Flood Insurance Study and maps for this area. At the end of this process new maps will be issued and the community would have to adopt these maps and update their local law accordingly.

In conclusion, Ms. Franzese noted that County Planning will be submitting a grant application on behalf of the Board of Supervisors to FEMA's Hazard Mitigation Grant Program for a county-wide mitigation project/flood buyout and elevation of the structure above flood level. County Planning has worked with the most affected communities to set up public outreach meetings in their jurisdiction. Meetings are set for January 31, 2012 at 6:00 p.m. in the Village of Sidney Civic Center and February 2, 2012 at 6:00 p.m. in the Town of Middletown Town Hall. Since this is a county-wide project County Planning is attempting to set up a third meeting in a more central location.

Anyone interested in a buyout or elevation of their structure should contact County Planning prior to the deadline of February 29, 2012. The public meetings are being held to gauge interest county-wide in these programs. The deadline for the letter of intent for the hazard mitigation grant program that covers mitigation plans and other projects like stormwater, streambank stabilization and infrastructure improvement is January 31, 2012. These grants are being done on a community by community basis. County Planning is available to help town/villages with their submission, however, if a town/village submits on their own a copy of their submission should be provided to Ms. Franzese and Director of Emergency Services Richard Bell.

In answer to Mr. Marshfield, Ms. Franzese advised that the e-mail he and other Supervisors received and were unable to open was sent by the county's consultant firm, Tetra Tech. The e-mail referenced developing jurisdictional annexes under the All Hazard Mitigation Plan Update. The information in the e-mail can be obtained from County Planning Environmental Technician Kristin Janke Schneider who is coordinating the project.

Chairman Eisel granted privilege of the floor to Mr. Axtell. Mr. Axtell introduced Commissioner of Watershed Affairs Dean Frazier to provide an update of the flood relief funding available as a result of Hurricane Irene and Tropical Storm Lee.

Commissioner Frazier referenced his handout listing the flood relief funds to date and asked that it be viewed as a snapshot of what is available today. Additional rounds of funding may become available and the Supervisors were advised to contact the Department of Watershed Affairs for an update as needed.

Chairman of the County Insurance Committee Martin Donnelly advised that the committee met with representatives of the New York Municipal Insurance Reciprocal (NYMIR) to discuss flood coverage on various county buildings. The committee felt the premiums were excessive and asked NYMIR representatives to re-evaluate their premiums. For example, the premium for flood insurance for the replacement value on the Solid Waste Management Facility building alone was \$100,000.

In answer to Chairman Eisel, Commissioner of Public Works Wayne Reynolds advised that the majority of the compost facility is elevated above flood level. There are portions of the facility that cannot be elevated, such as, the receiving dock but those areas are protected by a series of stop logs that are dropped when needed to prevent water from coming into the building.

Mr. Marshfield commented that replacement value on the building may be excessive and suggested the committee review other coverage possibilities.

In response to Mr. Axtell, Commissioner Reynolds stated that in the past the compost facility lost a few pumps from water coming into the facility. Since then, the equipment has been elevated and the stop log coverage process refined. However, there does need to be some level of coverage to minimize the exposure to the building in the event of flooding.

Mr. Valente offered the following resolution and moved its adoption:

## **RESOLUTION NO. 16**

### **TITLE: 2011 BUDGET AMENDMENT NEW YORK STATE OFFICE OF COMMUNITY RENEWAL COMMUNITY DEVELOPMENT BLOCK GRANT FLOOD RELIEF GRANT FUNDS DEPARTMENT OF ECONOMIC DEVELOPMENT**

**WHEREAS**, per Delaware County Resolution No. 210 of 2011, Delaware County was awarded a Community Development Block Grant in the amount of \$126,250 from the New York State Office of Community Renewal for the purpose of providing local businesses with grant funds to aid in the ongoing recovery from the flooding events of 2011; and

**WHEREAS**, the amount awarded under this grant has been increased by \$22,725 for a total contracted grant award of \$148,975; and

**WHEREAS**, according to an existing agreement between Delaware County and the Delaware County Industrial Development Agency, this grant will be administered by the agency.

**NOW THEREFORE BE IT RESOLVED**, that the County of Delaware hereby authorizes and directs the County of Delaware Board of Supervisors' Chairman to formalize acceptance of the grant award by taking any and all steps necessary including, but not limited to, executing the New York State Community Development Block Grant Agreement and a subrecipient agreement with the Delaware County Local Development Corporation, and establishing a non-interest bearing account for the specific use of this grant.

**BE IT FURTHER RESOLVED**, that the following 2011 budget amendment be made:

**INCREASE REVENUE:**

10-16326-43388900/6326011/972	State Otr Culture & Recreation	\$22,725.00
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**INCREASE APPROPRIATION:**

10-16326-54327000/6326011/972	General Grant Related Expense	\$22,725.00
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The resolution was seconded by Mr. Triolo and adopted by the following vote: Ayes 4799, Noes 0, Absent 0.

Mr. Valente offered the following resolution and moved its adoption:

**RESOLUTION NO. 17**

**TITLE: 2011 BUDGET AMENDMENT  
NEW YORK STATE OFFICE OF COMMUNITY RENEWAL  
NEW YORK MAIN STREET FLOOD RELIEF GRANT FUNDS  
DEPARTMENT OF ECONOMIC DEVELOPMENT**

**WHEREAS**, per Delaware County Resolution No. 209 of 2011, Delaware County was awarded a New York Main Street Grant in the amount of \$373,750 from the New York State Office of Community Renewal for the purpose of providing local building owners with grant funds to aid in the ongoing recovery from the flooding events of 2011; and

**WHEREAS**, the amount awarded under this grant has been increased by \$28,031 for a total contracted grant award of \$401,781; and

**WHEREAS**, according to an existing agreement between Delaware County and the Delaware County Industrial Development Agency, this grant will be administered by the agency.

**NOW THEREFORE BE IT RESOLVED**, that the County of Delaware hereby authorizes and directs the County of Delaware Board of Supervisors' Chairman to formalize acceptance of the grant award by taking any and all steps necessary including, but not limited to, executing the NYS Community Development Block Grant Agreement and a subrecipient agreement with the Delaware County Local Development Corporation, and establishing a interest bearing account for the specific use of this grant.

**BE IT FURTHER RESOLVED**, that the following 2011 budget amendment be made:

**INCREASE REVENUE:**

10-16326-43388900/6326010/972	State Otr Culture & Recreation	\$28,031.00
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**INCREASE APPROPRIATION:**

10-16326-54327000/6326010/972 General Grant Related Expense \$28,031.00

The resolution was seconded by Mr. Triolo and adopted by the following vote: Ayes 4799, Noes 0, Absent 0.

Mr. Rowe offered the following resolution and moved its adoption:

**RESOLUTION NO. 18**

**TITLE: PAYMENT OF MACHINERY RENTALS  
DEPARTMENT OF PUBLIC WORKS**

**WHEREAS**, various authorized expenditures from the Machinery Fund are being made, especially for the purchase of new equipment; and

**WHEREAS**, anticipated rentals earned from the County Road Fund appear insufficient to meet those expenditures during the next several months.

**NOW, THEREFORE, BE IT RESOLVED**, that the County Treasurer is hereby authorized to pay in advance such highway equipment rentals as are necessary to cover the cash needs of the Machinery Fund; and to credit subsequent rental warrants against the amount so advanced, provided that the total advanced and credited shall not exceed the amounts authorized in the budget for 2012.

The resolution was seconded by Mr. Smith.

Mr. Rowe referenced Commissioner Reynolds' memo placed on each of the Supervisor's desk and called upon him to provide an explanation of the resolution.

Commissioner Reynolds explained that the machinery fund receives the majority of its revenue from the renting of equipment needed for county personnel to perform the work on roads and bridges. The revenue builds throughout the year however, in the early part of the year there are expenses that need to be paid out of the machinery fund. This resolution allows the department to spend money to replace/repair equipment from the machinery fund before it is earned.

The resolution was unanimously adopted.

Mr. Valente offered the following resolution and moved its adoption:

**RESOLUTION NO. 19**

**TITLE: NEW YORK STATE OFFICE OF COMMUNITY RENEWAL  
MICROENTERPRISE COMMUNITY DEVELOPMENT BLOCK GRANT  
DEPARTMENT OF ECONOMIC DEVELOPMENT**

**WHEREAS**, the County of Delaware has been awarded a Microenterprise Community

Development Block Grant in the amount of \$200,000 from the New York State Office of Community Renewal; and

**WHEREAS**, these funds will provide microenterprise businesses with working capital grants designed to offset expenses relating to flooding caused by Hurricane Irene and Tropical Storm Lee; and

**WHEREAS**, this program is for the purpose of flood recovery and is anticipated to result solely in the retention of jobs; and

**WHEREAS**, the County of Delaware has received a grant agreement to formalize acceptance of the funds; and

**WHEREAS**, the grant requires the establishment of a separate non-interest bearing checking account; and

**WHEREAS**, the County of Delaware may enter into a subrecipient agreement with the Delaware County Local Development Corporation (DCLDC), whereby the DCLDC will assume responsibility for the delivery and administration of the CDBG funds on behalf of the County.

**NOW THEREFORE BE IT RESOLVED**, that the County of Delaware hereby authorizes and directs the County of Delaware Board of Supervisors' Chairman to formalize acceptance of the grant award by taking any and all steps necessary including, but not limited to, executing the New York State Community Development Block Grant Agreement and a subrecipient agreement with the Delaware County Local Development Corporation, and establishing a non-interest bearing account for the specific use of this grant.

The resolution was seconded by Mr. Hynes and adopted by the following vote: Ayes 4799, Noes 0, Absent 0.

Mr. Donnelly offered the following resolution and moved its adoption:

**RESOLUTION NO. 20**

**TITLE: SALE OF ASSETS OF THE CERTIFIED HOME HEALTH AGENCY (CHHA)  
AND LONG TERM HOME HEALTH CARE PROGRAM (LTHHCP)  
OPERATING CERTIFICATES AND  
RESCINDING OF RESOLUTION NO. 85 OF 2011**

**WHEREAS**, the New York State Department of Health has changed its regulations relating to Certificate of Need and Certified Home Health Agencies and Long Term Care Programs.

**THEREFORE BE IT RESOLVED** that Resolution No. 85 of 2011 is hereby repealed and the following adopted in its place.

**WHEREAS**, the county has solicited for proposals relating to the sale of its Certified Home Health Agency and Long Term Health Care Program and the county has received a proposal from L. Woerner, Inc. d/b/a HCR offering to pay the sum of \$600,000 for such

operating certificates; and

**WHEREAS**, on December 8, 2011, the New York State Department of Health emergency regulations were approved that lifted the moratorium on new CHHAs and in effect decreased the value of the county owned CHHA and LTHHCP; and

**WHEREAS**, in response to the emergency regulations and subsequent evaluation of the county owned CHHA and LTHHCP, HCR has decreased the offer from \$600,000 to \$60,000

**NOW, THEREFORE BE IT RESOLVED**, subject to the approval of the New York State Department of Health for L. Woerner, Inc. d/b/a HCR to obtain operating certificates for a Certified Home Health Agency and Long Term Health Care Program that the county terminate its operating rights and allow L. Woerner, Inc. d/b/a HCR to acquire operating certificates from the New York State Department of Health and pay to the county the sum of \$60,000.

**BE IT FURTHER RESOLVED** that the Chairman of Board is hereby authorized to sign any and all documents necessary to effectuate this authority.

The resolution was seconded by Mr. Marshfield.

In answer to Mrs. Capouya, Chairman Eisel stated that HCR is under no obligation to pay the county any money based on the wording of the New York State Department of Health emergency regulation. HCR has agreed to the amount of \$60,000 which represents their deposit for the purchase.

Mr. Marshfield remarked he is thankful the previous Budget Officer did not consider the full amount of the original purchase price in the 2012 County Budget. He knew of other counties that had included the anticipated income in their budget and are having financial difficulties as a result.

Mr. Donnelly offered the following resolution and moved its adoption:

**RESOLUTION NO. 21**

**TITLE: STANDARD WORK DAY AND REPORTING RESOLUTION  
NEW YORK STATE AND LOCAL EMPLOYEES' RETIREMENT SYSTEM**

**BE IT RESOLVED**, that the County of Delaware hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the clerk of this body.

<u>Title</u>	<u>Name</u>	<u>Standard Work Day (hrs/day)</u>	<u>Term Begins/Ends</u>	<u>Employer Rec. Of Time Worked (Y/N)</u>	<u>Days Per Month Bases on Record of Activities</u>
<u>Appointed Officials:</u> County Attorney	Richard Spinney	6	1/01/2012-12/31/2013	Y	N/A

Clerk of the Board	Christa M. Schafer	7	1/01/2012-12/31/2012	Y	N/A
Commissioner, Watershed Affairs	Dean Frazier	7	1/01/2012-12/31/2013	Y	N/A
Director, Veterans Services	John W. Boecke	7	1/01/2012-12/31/2013	Y	N/A
Director, Economic Development	Glenn Nealis	7	1/01/2012-12/31/2013	Y	N/A
Director, Mental Health	Cynthia Heaney	7	6/27/2011-12/31/2013	Y	N/A
Director, Office For Aging	Wayne Shepard	7	8/17/2011-12/31/2012	Y	N/A

The resolution was seconded by Mr. Marshfield and unanimously adopted.

Mr. Rowe offered the following resolution and moved its adoption:

**RESOLUTION NO. 22**

**TITLE: AMEND AND REINSTATE  
THE DEFERRED COMPENSATION MODEL PLAN  
PERSONNEL OFFICE**

**WHEREAS**, the New York State Deferred Compensation Board (the "*Board*"), pursuant to Section 5 of the New York State Finance Law ("*Section 5*") and the Regulations of the New York State Deferred Compensation Board (the "*Regulations*"), has promulgated the Plan Document of the Deferred Compensation Plan for Employees of the County of Delaware (the "*Model Plan*") and offers the Model Plan for adoption by local employers; and

**WHEREAS**, the County of Delaware, pursuant to Section 5 and the Regulations, has adopted and currently administers the Model Plan known as the Deferred Compensation Plan for Employees of the County of Delaware; and

**WHEREAS**, effective August 26, 2011 the Board amended the Model Plan to adopt provisions:

- Reorganizing and updating sections to improve the overall readability and eliminate unnecessary numerical references (annual limits) from the Model Plan document.

- Including employer elections within the plan document including: suspension of deferrals following an unforeseeable emergency withdrawal, automatic distributions from small and inactive accounts, loan design parameters and Roth deferrals and in-plan conversions are permissive. The Model Plan document includes a Schedule A where the employer may indicate the election of one or more of these provisions.

- Clarifying the first date a participant may make deferrals in compliance with Code Section 457(b) and timing requirements for any subsequent changes to deferral rates or allocations between pre-tax and after-tax deferrals.

- Clarifying compensation available for deferral for purposes of calculating contributions and recognizes that employers use various methods in determining the order of deductions taken before a deferral percentage is applied.

- Including provisions related to HEART Act of 2008 regarding treatment of differential pay and qualifying distributions for active military service in compliance with the HEART Act,



including suspension of deferrals for six months following distribution.

- Making technical recognition of the waiver of RMDs for 2009.
- Clarifying that a beneficiary form must be received in good order to be considered valid.
- Clarifying that the Model Plan will only accept rollovers from Eligible Retirement Plans comprised of pre-tax amounts and amounts may be rolled in by participants, beneficiaries other than inherited accounts) and alternate payees. Model Plans may roll account balances out to Eligible Retirement Plans that include post-tax amounts if the receiving plan separately accounts for them.  
Clarifying that a beneficiary of a deceased participant may roll a distribution directly to a Roth IRA, in addition to plan participants.
- Including language allowing for future delivery of participant communications through electronic means, where appropriate.
- Codifying that periodic and lump sum payments must be a minimum of \$100 per payment, unless the Committee selects a different minimum, and sets a maximum annual number of partial distributions.
- Clarifying that the \$50,000 loan limit includes the highest loan value in the last twelve months from the Model Plan and other employer plans. Regarding participants who have defaulted on a Plan loan, subsequent loans would not be allowed until defaulted loan is repaid. Removes requirement that a participant must wait until the term of the original loan expires before applying for a new loan, assuming the defaulted loan is repaid.
- Providing guidance on the handling of the receipt of special proceeds such as SEC settlements payable to former participants.
- Allowing a surviving spouse beneficiary to name a beneficiary on their account. Including the 5 year option for non-spousal beneficiaries to receive distributions and makes distribution rules consistent for pre- and post-age 70½ deaths.
- Allowing earlier distributions due to severance of employment as long as a balance of \$500 remains in the account for 45 days after a severance from employment.
- Providing that outstanding loans from another New York state 457(b) plan may be allowed to be transferred or rolled in with a full account transfer.
- Removing the Power of Attorney Language since the acceptance of a power of attorney is governed by State law and not required in the Model Plan document.
- Clarifying the requirement that Committee actions must be taken at a public meeting in accordance with Article 7 of the Public Officers Law.
- Limiting indemnification to Committee Members only.

**WHEREAS**, the Board has offered for adoption the amended and restated Model Plan to each Model Plan sponsored by a local employer in accordance with the Regulations; and

**WHEREAS**, upon due deliberation, the County of Delaware has concluded that it is prudent and appropriate to amend the Deferred Compensation Plan for Employees of the County of Delaware by adopting the amended Model Plan.

**NOW, THEREFORE, BE IT RESOLVED**, that the County of Delaware hereby amends the Deferred Compensation Plan for Employees of the County of Delaware by adopting the amended Model Plan effective August 26, 2011, including the optional provisions in Schedule A, in the form attached hereto as Exhibit A.

### **General Description of Amendments to the Model Plan Document**

The following is a description of the changes to the Model Plan document, as amended and restated through August 26, 2011. Many of these changes are reorganizational in nature or changes required by law.

#### **Organizational and General Administrative Items**

**1. General Reorganization and Updating of Sections.** A primary objective of the amendments is to improve the overall readability and eliminate unnecessary numerical references (annual limits) from the Model Plan document. Footnotes (to be deleted in final printed version) provide helpful instructions to the employer. Sections dealing specifically with Qualified Domestic Relations Orders and Rollovers were created from existing sections.

**2. Employer Elections Within the Plan Document.** A number of plan provisions, such as suspension of deferrals following an unforeseeable emergency withdrawal, automatic distributions from small and inactive accounts, loan design parameters and Roth deferrals and in-plan conversions are permissive. The Model Plan document includes a Schedule A where the employer may indicate the election of one or more of these provisions and replaces the need for separate documents.

**3. Effective Date of Participation.** Clarifies the first date a participant may make deferrals in compliance with Code Section 457(b). No initial Enrollment Application or deferral change will be effective before the first payroll date in the calendar month following the month in which the Enrollment Application is filed or deferral change was requested. An exception is permitted for new employees who submit an Enrollment Application on or before their first date of employment.

**4. Compensation Available for Deferral.** Clarifies the definition of compensation for purposes of calculating contributions and recognizes that employers use various methods in determining the order of deductions taken before a deferral percentage is applied.

**5. HEART Act of 2008.** Includes provisions related to treatment of differential pay and qualifying distributions for active military service in compliance with the HEART Act, including suspension of deferrals for six months following distribution.

**6. 2009 Waiver of Required Minimum Distributions (“RMDs”).** Makes technical recognition

of the waiver of RMDs for 2009.

**7. Beneficiary Election Good Order Requirement.** Clarifies the requirement that a beneficiary form must be received in good order to be considered valid.

**8. Rollover Clarification.** Clarifies that the Model Plan will only accept rollovers from Eligible Retirement Plans comprised of pre-tax amounts. The Model Plan may also require documentation from the distributing plan that the incoming rollover is in compliance with federal law. Amounts may be rolled in by participants, beneficiaries (other than inherited accounts) and alternate payees. Model Plans may roll account balances out to Eligible Retirement Plans that include post-tax amounts if the receiving plan separately accounts for them.

**9. Beneficiary Rollover to Roth IRA Account.** Clarifies that a beneficiary of a deceased participant may roll a distribution directly to a Roth IRA, in addition to plan participants.

**10. Electronic Delivery.** Includes language allowing for future delivery of participant communications through electronic means, where appropriate.

**11. Periodic and Lump Sum Payments Minimum of \$100.** Codifies that periodic and lump sum payments must be a minimum of \$100 per payment. The Committee may choose a different threshold amount and set a maximum annual number of partial distributions.

**12. Plan Loans.** Clarifies that the \$50,000 loan limit includes the highest loan value in the last twelve months from the Model Plan and other employer plans. Regarding participants who have defaulted on a Plan loan, subsequent loans would not be allowed until defaulted loan is repaid. Removes requirement that a participant must wait until the term of the original loan expires before applying for a new loan, assuming the defaulted loan is repaid.

**13. Removal of Power of Attorney Language.** The acceptance of a power of attorney is governed by State law and not required in the Model Plan document.

**14. Special Proceeds Procedures.** Provides guidance on the handling of the receipt of special proceeds such as SEC settlements payable to former participants.

**15. Public Meeting Requirements.** Clarifies the requirement that Committee actions must be taken at a public meeting in accordance with Article 7 of the Public Officers Law.

## **Plan Design Items**

**1. Spousal Beneficiary Elections.** When the beneficiary of a Model Plan participant dies, any remaining account balance passes to his or her estate. The previous Model Plan document did not permit any beneficiary to select a subsequent beneficiary. The new Model Plan document allows a surviving spouse beneficiary to name a beneficiary on their account.

**2. Addition of 5 Year Rule for Beneficiaries.** The previous Model Plan document required a non-spouse beneficiary to elect payments based on his or her life expectancy starting the year after the date of death. If the participant dies before age 70½, the RMD rules also allow an alternative whereby the account is distributed by no later than December 31 of the fifth

anniversary of the participant's death. The new Model Plan document includes this option and makes distribution rules consistent for pre- and post-age 70½ deaths.

**3. Modification of the 45-Day Waiting Period for Distributions.** The previous Model Plan document required a 45-day waiting period before distributions could be made due to severance of employment or attainment of age 70½. The new Model Plan document removes the limitation for age 70½ distributions and allows earlier distributions due to severance of employment as long as a balance of \$500 remains in the account for 45 days after a severance from employment.

**4. Unforeseeable Emergency Withdrawals.** Suspension of deferrals following an Unforeseeable Emergency withdrawal is an optional provision. The new Model Plan document permits the plan sponsor to elect to suspend deferrals for six months by indicating that election on Schedule A. The participant will designate the amount of this distribution to be made from his or her pre-tax account and/or Roth contributions account.

**5. 457(b) Loan Transfers.** Provides that outstanding loans from another New York State 457(b) plan may be allowed to be transferred or rolled in with a full account transfer.

**6. Limit Indemnification to Committee Members Only.** The previous Model Plan document extended indemnification to service providers, which may not be appropriate and may be inconsistent with the Committee's contract with service providers. The new Model Plan document limits indemnification to the Committee members.

### **Newly Enacted Provisions**

**1. Roth Designated Contributions.** The Small Business Jobs Act of 2010 authorizes plan sponsors to permit plan participants to make Roth (post-tax) contributions to a public employer sponsored deferred compensation plan. Model Plan sponsors may elect to allow participants to make both pre-tax deferrals and Roth designated contributions within the plan. The initiation of Roth contributions or any subsequent change to a deferral rate will not be effective before the first payroll date in the calendar month following the month in which the deferral rate change is requested. The combined maximum of pre-tax deferrals and Roth designated contributions may not exceed the limits of the plan. The Model Plan provides that loans may only be made from pre-tax assets.

**2. Roth In-Plan Conversions.** The Small Business Jobs Act of 2010 also authorizes plan sponsors to permit plan participants to convert some or all of their pre-tax assets to a Roth designated account within the plan. The plan must permit participants to make Roth designated contributions for a plan sponsor to elect the in-plan conversion option.

The resolution was seconded by Mr. Smith and unanimously adopted.

Mr. Valente offered the following resolution and moved its adoption:

### **RESOLUTION NO. 23**

**TITLE: RESOLUTION IN SUPPORT OF THE CONTINUED  
FINANCIAL VIABILITY OF THE BELLEAYRE MOUNTAIN SKI CENTER  
DEPARTMENT OF ECONOMIC DEVELOPMENT**

**WHEREAS**, the Belleayre Mountain Ski Center is a significant economic driver for the Rt. 28 corridor, drawing ski visitors from throughout the northeast and creates both full time and part-time employment for nearly 400 Catskill Region residents; and

**WHEREAS**, visitors to the Belleayre Mountain Ski Center also patronize numerous local businesses in Delaware County and the region, allowing those businesses to prosper as well as creating significant tax revenue for the State of New York; and

**WHEREAS**, over the past two years the New York State Department of Environmental Conservation has made significant cuts to Belleayre's staff and operating budget, at the same time restricting Belleayre's promotional activities; and

**WHEREAS**, the funding cuts and restrictions imposed upon Belleayre have negatively impacted the ski center and businesses throughout the Rt. 28 corridor.

**NOW, THEREFORE BE IT RESOLVED** that the Delaware County Board of Supervisors hereby requests that Belleayre be re-allocated the financial resources and promotional abilities that are necessary to maintain the financial viability of the Belleayre Mountain Ski Center; and,

**BE IT FURTHER RESOLVED** that the Delaware County Board of Supervisors respectfully asserts that discussions regarding the future of the Belleayre Mountain Ski Center involve local elected officials from stakeholder communities and Delaware and Ulster counties.

The resolution was seconded by Mr. Triolo.

Chairman Eisel stated that many of our residents work at the Belleayre Mountain Ski Center and it is a vital part of our economy.

Mr. Rowe commented the Town of Hancock received its golf course back from a lease and is reading through an 88 page document of rules for alienation and conversion of lands dedicated as parklands from the State of New York. The state puts these rules in place for municipalities to follow and feel they are exempt from them. The Town of Hancock is now in the golfing business because once a land is dedicated to a certain recreation the town is responsible to keep that recreation available no matter what happens.

The resolution was unanimously adopted.

Chairman Eisel waived Board Rule 10 to permit the introduction without objection of the following not-prefiled resolutions.

Mr. Valente offered the following resolution and moved its adoption:

**RESOLUTION NO. 24**

**TITLE: 2011 BUDGET AMENDMENT  
NEW YORK STATE OFFICE OF COMMUNITY RENEWAL  
MICROENTERPRISE COMMUNITY DEVELOPMENT BLOCK GRANT  
DEPARTMENT OF ECONOMIC DEVELOPMENT**

**WHEREAS**, Delaware County has been awarded a Community Development Block Grant in the amount of \$200,000 from the NYS Office of Community Renewal for the purpose of providing local businesses with working capital grants designed to offset expenses relating to flooding caused by Hurricane Irene and Tropical Storm Lee; and

**WHEREAS**, according to an existing agreement between Delaware County and the Delaware County Local Development Corporation (LDC), this grant will be administered by the LDC.

**NOW, THEREFORE BE IT RESOLVED**, that the following 2011 budget amendment be made:

**INCREASE REVENUE:**

10-16326-44498900/6326012/972	NYS DEC	\$200,000.00
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**INCREASE APPROPRIATION:**

10-16326-54327000/6326012/972	General Grant Related Expense	\$200,000.00
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The resolution was seconded by Mr. Triolo.

Mr. Triolo called upon Economic Development Grant Manager Lori Paulson to provide an explanation of the resolution.

Ms. Paulson stated that Economic Development is offering a grant program focused on the rehabilitation of flood impacted buildings, and two other programs focusing on aiding businesses in recovering from the non-construction related financial burden of the flooding.

She explained that construction funds are available to owners of flood impacted commercial buildings and the non-construction program is limited to business owners. Eligible activities under the flood impacted building repair program include, but are not limited to, the rehabilitation of buildings for commercial use and the replacement of permanent fixtures and equipment, such as foundation repairs, heating system replacement/relocation, electrical system replacement/relocation, etc. The cost of other flood related expenses such as, cleanup costs, pump-out costs for basements and oil tanks, refueling/replacing impacted oil tanks, replacing inventory and supplies lost/spoiled in the flood, replacing shelving, furniture, fixtures and equipment, utilities during times the business was forced to remain closed due to repairs needed, and road closure/state of emergency declaration are considered eligible under the non-construction flood relief programs. Maximum award amounts for building repairs will be limited to \$50,000 per building, and non-construction related projects will allow a maximum award of \$20,000.

The resolution was adopted by the following vote: Ayes 4799, Noes 0, Absent 0.

Mr. DuMond offered the following resolution and moved its adoption:

**RESOLUTION NO. 25**

**TITLE: 2012 BUDGET AMENDMENT  
STATEWIDE INTEROPERABLE COMMUNICATION GRANT**

**DEPARTMENT OF EMERGENCY SERVICES**

**WHEREAS**, Delaware County applied for and has been awarded grant funding under the Statewide Interoperable Communication Grant (SICG) from the Division of Homeland Security and Emergency Services and the Office of Interoperable and Emergency Communications; and

**WHEREAS**, this grant was awarded in the amount of \$1,078,000 to Delaware County for the purposes of improving interoperable communications by ensuring capability for National Interoperability Channels and developing and implementing solutions to achieve spectrum efficiency.

**NOW, THEREFORE, BE IT RESOLVED** that the Department of Emergency Services be authorized to accept the grant funding as described above and that the 2012 budget be amended as follows:

**INCREASE REVENUE:**

38-13640-43338900/3640381/911 State Interoper Emergency Comm Grant \$1,078,000.00

**INCREASE APPROPRIATION:**

38-13640-54324001/3640381/911 General Grant Related Expenses \$1,078,000.00

The resolution was seconded by Mr. Axtell. The resolution was adopted by the following vote: Ayes 4799, Noes 0, Absent 0.

Mr. DuMond offered the following resolution and moved its adoption:

**RESOLUTION NO. 26**

**TITLE: 2011 BUDGET AMENDMENT  
TRANSFER OF FUNDS  
DEPARTMENT OF EMERGENCY SERVICES**

**WHEREAS**, Mid-State Communications provided services and material for construction of a 60 foot tower extension at the Public Safety Building in Delhi; and

**WHEREAS**, the original intention was to pay for this construction cost through the 2009 Statewide Law Enforcement Terrorism Prevention Program grant; and

**WHEREAS**, the Environmental and Historical Preservation documentation for the existing Public Safety Building was not sufficient to utilize this funding source; and

**WHEREAS**, the payment having already been made from the grant funding now needs to be charged to the 911 equipment account created by 911 surcharge funding.

**NOW, THEREFORE BE IT RESOLVED** that the following transfer be authorized:

**FROM:**

10-13110-52200001/3110032/907 Equipment Grant \$15,420.00

**TO:**

10-13020-52200000

Equipment

\$15,420.00

The resolution was seconded by Mr. Axtell and unanimously adopted.

Mr. Donnelly offered the following resolution and moved its adoption:

**RESOLUTION NO. 27**

**TITLE: SALE OF TAX ACQUIRED PROPERTY  
TREASURER’S OFFICE**

**RESOLVED** that the following described parcels of tax acquired property be sold to the parties indicated for the price herein stated and the County Treasurer is authorized to execute and deliver deed, therefor, and to cancel all Delaware County tax liens thereon.

MID09TX.008

**ASSESSED TO:**

**JOHN F CABALES AND MARILYN CABALES**

TOWN OF:	124689:MIDDLETOWN
TAX MAP NO:	243.-1-25.2
SCHOOL DISTRICT:	124802:ROXBURY
ACREAGE:	1.20A ACRES
CONVEYED TO:	ESTATE OF MARILYN CABALES C/O STACIE SERRANO 70A HEMLOCK DRIVE KINGS PARK NY 11754
CASH CONSIDERATION:	\$12,686.29
TAX DEFICIT:	\$10,078.16

ROX09TX.003

**ASSESSED TO:**

**ANEL LLC**

TOWN OF:	124800:ROXBURY
TAX MAP NO:	180.-2-27
SCHOOL DISTRICT:	124802:ROXBURY
ACREAGE:	7.34A ACRES
CONVEYED TO:	ANEL LLC C/O MITCH PERL 420 NANNY HAGEN RD THORNWOOD NY 10594-2215
CASH CONSIDERATION:	\$5,328.62
TAX DEFICIT:	\$4,146.33

The resolution was seconded by Mr. Marshfield and unanimously adopted.

Mr. Donnelly offered the following resolution and moved its adoption:



**RESOLUTION NO. 28**

**TITLE: SALE OF TAX ACQUIRED PROPERTY  
TREASURER'S OFFICE**

**WHEREAS**, the County of Delaware owns premises in the Town of Stamford referenced to as tax map number 54.14-3-1 formerly assessed as Delair Enterprises Inc.; and

**WHEREAS**, the Stamford Cemetery Association wishes to purchase 2.357 acres of said parcel.

**NOW, THEREFORE BE IT RESOLVED** that upon payment of \$69.81 to the County Treasurer, the County Treasurer is authorized to convey a deed conveying the county's interest in such 2.357 acres to the Stamford Cemetery Association.

The resolution was seconded by Mr. Marshfield and unanimously adopted.

Mr. Donnelly offered the following resolution and moved its adoption:

**RESOLUTION NO. 29**

**TITLE: STIPULATION WITH VILLAGES IN  
TAX FORECLOSURE PROCEEDING  
TREASURER'S OFFICE**

**WHEREAS**, the County of Delaware has commenced a tax foreclosure proceeding pursuant to Article 11 of the Real Property Tax Law of the State of New York and said proceeding is returnable before the New York State Supreme Court Delaware County, April 6, 2012; and

**WHEREAS**, said proceeding effects tax liens of both the county and several villages of Delaware County

**NOW, THEREFORE, BE IT RESOLVED** the County Attorney is authorized to stipulate with said villages that the County of Delaware will take title to such properties that upon sale of said properties the county will divide with the appropriate village the proceeds of said sale in proportion to the agreement upon "Notice of Stipulation."

The resolution was seconded by Mr. Marshfield and Mr. Triolo and unanimously adopted.

Mr. Donnelly offered the following resolution and moved its adoption:

**RESOLUTION NO. 30**

**TITLE: PAYMENT OF AUDIT**

**WHEREAS**, bills and claims submitted and duly audited by the Clerk of the Board's office in the amount of \$3,012,578.05 are hereby presented to the Board of Supervisors' for

approval of payment;

**NOW, THEREFORE, BE IT RESOLVED** that the County Treasurer be directed to pay said expenditures as listed below:

General Fund	\$2,241,523.37
Countryside	\$420.00
OET	\$11,675.50
Public Safety Communication System	\$11,900.26
Highway Audits, as Follows:	
Weights & Measurers	\$419.23
Landfill	\$147,358.10
Road	\$51,604.25
Machinery	\$ 89,659.63
Capital Road & Bridge	\$ 452,896.54
Capital Solid Waste	\$5,121.17

The resolution was seconded by Ms. Molé and adopted by the following vote: Ayes 4799, Noes 0, Absent 0.

Mr. Valente offered the following resolution and moved its adoption:

#### **RESOLUTION NO. 31**

##### **TITLE: DORMITORY AUTHORITY OF THE STATE OF NEW YORK ECONOMIC DEVELOPMENT ASSISTANCE PROGRAM GRANT DEPARTMENT OF ECONOMIC DEVELOPMENT**

**WHEREAS**, the County of Delaware has been awarded an Economic Development Assistance Program (EDAP) Grant in the amount of \$1,000,000 through the Dormitory Authority of the State of New York; and

**WHEREAS**, these funds will allow for improvements to be made at the corporate park site in the Village of Sidney, NY as well as to assist the Delaware County Industrial Development Agency with the acquisition of lands necessary for the relocation of one of Delaware County's largest manufacturing employers; and

**WHEREAS**, the County of Delaware will be in receipt of a grant agreement to formalize acceptance of the funds; and

**WHEREAS**, the grant requires the establishment of a separate checking account; and

**WHEREAS**, the County of Delaware may enter into a subrecipient agreement with the Delaware County Industrial Development Agency (DCIDA), whereby the DCIDA will assume responsibility for the delivery and administration of the EDAP funds on behalf of the County.

**NOW, THEREFORE BE IT RESOLVED**, that the County of Delaware hereby authorizes and directs the County of Delaware Board of Supervisors' Chairman to formalize

acceptance of the grant award by taking any and all steps necessary including, but not limited to, executing an Agreement with the Dormitory Authority of the State of New York and a subrecipient agreement with the Delaware County Industrial Development Agency, and establishing a separate account for the specific use of this grant.

The resolution was seconded by Mr. Triolo.

Ms. Paulson stated that the funding will be administered by the Delaware County Industrial Development Agency and will assist with the expenses arising from acquisition and improvement of the new site to be used in the relocation of Amphenol, one of Sidney, New York's largest employers.

The resolution was unanimously adopted.

Chairman Eisel appointed the Town of Walton Supervisor Bruce Dolph to the Soil & Water Conservation District Board of Directors.

Chairman Eisel stated that the oversight committee appointments have been made and distributed the directory cards to the Supervisors. Attached to the directory card was a sheet listing all the departments that fall under a committee. The number of oversight committees have been reduced from seventeen to nine. The point of this is to involve more of the Supervisors in the committee work so that there is a better handle on what is going on in the county. The committees are not cast in stone and constructive criticism is welcome as departments and Supervisors work through the transition.

Upon a motion, the meet adjourned at 2:08 p.m.