

March 28, 2012

The Town Board of the Town of Lyons met for a regular monthly meeting on Wed. March 28, 2012 at 7:00 p.m. in the Town Board meeting room.

Present: Brian Manktelow, Supervisor
Ralph D'Amato, Councilman
Phil DeSain, Councilman
Sal Colatarci, Town Clerk

Also Present: Bruce Lubitow, Ruth Marshall, Carol Bailey, Michele Villani, Town Atty., Tim Moore

Absent: Dan LaGasse, Councilman
John Paliotti, Councilman
Jake Emmel, Supt. Highways

This meeting was duly noticed by contacting the Times of Wayne newspaper, as well as posting a notice on the Town bulletin board

All stand for Pledge of Allegiance.

Councilman D'Amato moved to accept the minutes from the Feb. 29, 2012 meeting. Motion seconded by Councilman DeSain. Vote:

Councilman D'Amato voting aye
Councilman DeSain voting aye
Supervisor Manktelow voting aye

Carol Bailey then gave her annual Town Historian report. She highlighted some of her accomplishments during the year and told of some of the conferences she attended. The Board thanked her for the wonderful job she does as Historian.

The Board heard Department reports. Deputy Highway Supt., Tim Moore said repair work continues to be done on various pieces of highway equipment. He also said it's his understanding that the Town should receive the same amount of CHIPS money as was received last year.

Councilman D'Amato moved that an old shoulder machine, no longer used by the highway dept. be declared surplus. Motion seconded by Councilman DeSain. Vote:

Councilman D'Amato voting aye
Councilman DeSain voting aye
Supervisor Manktelow voting aye

It will be determined whether the piece of equipment will go to county municipal auction or just cashed in for scrap metal value.

Councilman DeSain then moved that the Town purchase a used tow motor from Ruspak at a Town cost of \$500.00. Motion seconded by Councilman D'Amato. Vote:

Councilman DeSain voting aye
Councilman D'Amato voting aye
Supervisor Manktelow voting aye

The Town will jointing purchase the tow motor with the Village and School District, with each paying \$500.00.

Councilman DeSain moved to approve payment of General Fund vouchers # 105 through #151 totaling \$55,748.64

And to approve Highway Fund vouchers # 42 through #56 totaling \$19,028.74

Motion seconded by Councilman D'Amato. Vote:

Councilman DeSain voting aye
Councilman D'Amato voting aye
Supervisor Manktelow voting aye

The Lyons gateway website was once again tabled as Councilman LaGasse had updated information about the site but was unable to attend tonight's meeting.

Supervisor Manktelow explained that the County is ready to have all local municipalities approve the Municipal Shared Services Agreement and mutual aid agreement. After discussion, Councilman D'Amato moved to approve both resolutions. Motion seconded by Councilman DeSain. Vote:

Councilman D'Amato voting aye
Councilman DeSain voting aye
Supervisor Manktelow voting aye

Both full copies are as follows:

Resolution Authorizing Participation in the Wayne County Multi-Jurisdictional Municipal Shared Services Agreement

WHEREAS, the Town of Lyons may from time to time desire to share services, equipment, facilities, or supplies with other villages and towns within the county of Wayne, as well as with the County of Wayne itself; and

WHEREAS, the Wayne County Emergency Management Office has created a Multi-Jurisdictional Municipal Shared Services Agreement for the benefit of all the municipalities with Wayne County, whose form and content have been approved by the Wayne County Attorney; and

WHEREAS, Article 2-B of the State of New York Executive Law authorizes units of local government to contract or otherwise associate among themselves in any manner not prohibited by law or ordinance; and

WHEREAS, the Town of Lyons recognizes the potential for cost savings by maximizing the effective utilization of all parties' resources through shared services; and

WHEREAS, the signing of this agreement will allow all parties to share services with one another as needed or requested;

WHEREAS, Town of Lyons desires to participate in the Wayne County Multi-Jurisdictional Municipal Shared Services Agreement; now therefore, be it

RESOLVED, that the Town Supervisor is authorized to sign the Wayne County Multi-Jurisdictional Municipal Shared Services Agreement; and be it further

RESOLVED, that this agreement supersedes any previous agreements currently in place.

Resolution Authorizing Participation in the Wayne County Multi-Jurisdictional Municipal Mutual Aid Agreement

WHEREAS, the Town of Lyons may during a time of crisis, emergency, or disaster, desire to receive assistance in the form of services, equipment, facilities, or supplies from other villages and towns within the county of Wayne, as well as with the County of Wayne itself; and

WHEREAS, the Wayne County Emergency Management Office has created a Multi-Jurisdictional Municipal Mutual Aid Agreement for the benefit of all the municipalities with Wayne County, whose form and content have been approved by the Wayne County Attorney; and

WHEREAS, §25 of Article 2-B of the New York State Executive Law provides that upon the receipt of a request for assistance made pursuant to Executive Law §25 (2) or (3), the chief executive of any political subdivision may give, lend or lease on such terms and conditions as he may deem necessary to promote the public welfare and protect the interests of such political subdivision, any services, equipment, facilities, supplies or

other resources of his political subdivision for the purpose of assisting a political subdivision in emergency relief, reconstruction, or rehabilitation made necessary by a disaster; and

WHEREAS, the Town of Lyons recognizes the potential need for mutual aid during a time of crisis, emergency, or disaster; and

WHEREAS, the signing of this agreement will allow all parties to quickly provide mutual aid assistance when requested;

WHEREAS, Town of Lyons desires to participate in the Wayne County Multi-Jurisdictional Municipal Mutual Aid Agreement; now therefore, be it

RESOLVED, that the Town Supervisor is authorized to sign the Wayne County Multi-Jurisdictional Municipal Mutual Aid Agreement; and be it further

RESOLVED, that this agreement supersedes any previous agreements currently in place.

Town Clerk Colatarci explained that it was time for the Town to adopt the newly amended State Deferred Compensation model plan. This is done every several years as the State Board updates plan information. After discussion, Councilman DeSain moved to adoption of the amended plan. Motion seconded by Councilman D'Amato. Vote:

Councilman DeSain voting aye
Councilman D'Amato voting aye
Supervisor Manktelow voting aye

The full resolution follows:

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 Town of Lyons (the "*Model Plan*") and offers the Model Plan for adoption by local employers;

WHEREAS, the Town of Lyons, 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 Town of Lyons.

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 Town of Lyons has concluded that it is prudent and appropriate to amend the Deferred Compensation Plan for Employees of the Town of Lyons by adopting the amended Model Plan.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lyons hereby amends the Deferred Compensation Plan for Employees of the Town of Lyons 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.

IN WITNESS WHEREOF, the undersigned have executed this Resolution in Lyons New York this 28th day of March 2012 and directed that it be filed as appropriate.

Supervisor Manktelow reminded everyone that the D.A.R.E. Graduation ceremony will be held at the Elementary School on April 4th at 6 p.m.

At 7:50 p.m., Councilman D'Amato moved to go into executive session. Motion seconded by Councilman DeSain. Vote:

Councilman D'Amato voting aye

Councilman DeSain voting aye

Supervisor Manktelow voting aye

At 8:30 p.m., Councilman DeSain moved to come out of executive session. Motion seconded by Councilman D'Amato. Vote:

Councilman DeSain voting aye

Councilman D'Amato voting aye

Supervisor Manktelow voting aye

As there was no further business, the meeting was adjourned at 8:30 p.m.

Sal J. Colatarci

Lyons Town Clerk