

**THE TOWN OF MAMAKATING TOWN BOARD MEETING HELD ON TUESDAY, OCTOBER 18, 2016
AT 6:00 P.M. IN THE TOWN HALL, WURTSBORO, NEW YORK.**

Present: William E. Herrmann- Supervisor
Matt Taylor - Councilman
Brenda Giraldi- Councilwoman
Janet Lybolt - Councilwoman
Christine Saward – Councilwoman
J. Benjamin Gailey- Attorney for the Town
Jean M. Dougherty- Town Clerk

Also present: Robert Fiore – Deputy Supervisor
Catherine Owens-Herrmann – Confidential Secretary to the Supervisor/Legislator
Riley Platt III – Highway Superintendent
Kerron Barnes – Interagency Coordinator

Absent: JoAnn Salamone – Deputy Highway Superintendent

Worksession Items for Discussion

1. Budget Modification
2. Linda Mackey – Certified Local Government Land Marking with NYS Parks
3. Health Care
4. Set 2017 Budget Hearing
5. Court Officers Appointments
6. Roosa Gap Rd abandoned building

CALL TO ORDER/PLEDGE OF ALLEGIANCE

- The October 18, 2016 meeting was called to order with the pledge to the flag.

HIGHWAY SUPERINTENDENT’S REPORT

- Cold Mix Paving – Mountain Road
- Blacktop repair – Lakeview East and West and Fayer Court
- Looking to surface Ferguson Road in Summitville

COUNTY LEGISLATIVE REPORT – Catherine Owens-Herrmann

- The Legislature agreed to include the sheriff's office building in the jail bid because it would cost more to wait. Pike Company of Rochester was the lowest responsible bid at \$72,240,000 but the Legislature is still doing its due diligence.
- The Legislature passed the Constitutional Convention resolution to end permanently all unfunded state mandates among other items and to present them as item by item rather than a block.
- The Department of Motor Vehicles will now give 5 points on a license for holding and using portable electronics while driving.
- There was a spike in Sales Tax revenue, which is now \$2.5 million higher than last year at \$29 million to date.
- Sullivan County received \$2,550,000 from the state as its share of Montreign. The Legislature set up the Casino Resort Mitigation Assigned Fund Balance, ensuring that the money can't be spent without a clear plan and directive from the Legislature.

ABSTRACTS

A motion was made by C. Seward, seconded by M. Taylor to approve the following abstract as presented. All in favor.

Abstract #19 Approval 2016 \$196,846.69 (Voucher #1552-1569 & 1571-1646) (voucher #1570 voided)

- a. AO FUND \$83,821.62
- b. BO FUND \$15,576.22
- c. DA FUND \$3,861.57
- d. DB FUND \$92,587.28
- e. SL FUND \$1,000.00

MINUTES

A motion was made by J. Lybolt, seconded by B. Giraldi to accept the Minutes of October 4, 2016. All in favor.

RESOLUTIONS

- A motion to accept Budget Modifications as presented was made by C. Seward, seconded by M. Taylor. All in favor.
- A motion to schedule the 2017 Budget Hearing for November 1, 2016 at 6:00 p.m. was made by J. Lybolt, seconded by C. Seward. All in favor.

- A motion was made by C. Saward, seconded by J. Lybolt to schedule a Public Hearing on “Regulation of Solar Energy Systems” for November 1, 2016 at 6:00 p.m. All in favor.
- A motion was made by J. Lybolt, seconded by B. Giraldi to appoint the following Court Officers. John Stangenberg, Merritt C. Simpson and Crystal Gadson. All in favor.
- A motion was made by J. Lybolt, seconded by C. Saward to set Due Process Hearings for November 1, 2016 at 6:00 p.m. for a Property Maintenance violation at 619 Roosa Gap Road, Bloomingburg, Trail 1 & Longview, Wurtsboro Hills and 58-60 Cedar Road, Wurtsboro Hills. All in favor.

EXECUTIVE SESSION

- A motion was made by J. Lybolt, seconded by B. Giraldi to go into Executive Session at 7:30 p.m. to get legal counsel, discuss an employee benefit package, negotiations with the highway contract, an update on the Federal Lawsuit and 2 employee issues. All in favor.
- A motion was made at 9:10 p.m. by C. Saward, seconded by J. Lybolt to come out of Executive Session. All in favor.

RESOLUTION

TOWN OF MAMAKATING TOWN BOARD RETIREE HEALTH INSURANCE

- WHEREAS: The Town of Mamakating has provided health insurance to non-union retirees, and has paid for all or part of the health insurance premiums for such retirees, pursuant to a variety of Town Board resolutions presumed to have been in effect at the time of an employee’s retirement. The economic impact of providing health insurance benefits is a subject of great financial concern to the Town Board and to other New York municipalities. The Board notes that health insurance premiums are significantly higher now than in the past. The Town Board believes that it is in the best interests of the Town to adopt a retiree health insurance policy which is economically justifiable. The prior resolutions of the Town Board are unilateral actions that are temporary and do not create a contractual right or any employee right or entitlement, thereby allowing the Town Board to reconsider the health insurance benefits previously bestowed on retirees in light of current economic conditions and in consideration of the taxpayers of the Town of Mamakating.

NOW, THEREFORE, IT IS RESOLVED that all prior resolutions, policies and enactments applying to retiree health insurance benefits for employees and officers not covered by a collective bargaining agreement at the time of the employee’s or officer’s retirement are

rescinded.

IT IS FURTHER RESOLVED that the following policy shall apply to current and future retirees not covered by a collective bargaining agreement at the time of the employee's or officer's retirement:

Unless otherwise specified, the term "employee" shall include the term "officer". The term "retirement" shall mean that a retiree from employment with the Town of Mamakating does not have or obtain employment with another employer that offers health insurance coverage to employees under any terms or conditions. If a retiree has or obtains such employment, the Town shall cease providing and paying for health insurance coverage for that retiree and his/her spouse and family.

Current Retirees

For current retirees who are currently receiving health insurance coverage provided by the Town and paid for, in whole or part, by the Town, the Town will offer to continue to provide health insurance coverage and pay the same percentage of the premium payment currently paid on behalf of the particular retiree, provided that the retiree was employed by the Town for twenty (20) or more years of continuous full-time employment. The Town shall cease providing health insurance coverage and shall cease all payment related to health insurance coverage for any current retiree receiving health insurance coverage provided by the Town who was not employed by the Town for twenty (20) or more years of continuous full-time employment. For current retirees whose health insurance coverage and payment by the Town shall cease, payment by the Town shall cease for all coverage in effect on or after January 1, 2017. Such retirees (and covered dependent(s)) may continue coverage by the Town health insurance group plan, but at the retiree's sole cost and expense, until December 31, 2018.

Current Employees

A current full-time employee or officer who retires from employment with the Town of Mamakating at or after the age of 55 will receive health insurance benefits in retirement in accordance with the following schedule, conditions and requirements.

Current employees who have been full-time employees of the Town for eighteen (18) years or more on the date of this resolution are eligible, upon retirement, to receive health insurance coverage provided by the Town in accordance with and subject to the following schedule and conditions:

After twenty (20) years of continuous full-time employment with the Town and upon the surrender of all accumulated sick leave hours at the date of

retirement, the Town will provide health insurance coverage and pay 75% of the cost of the health insurance premium for the retiree's individual, individual and spouse, or family health insurance plan.

After twenty (25) years of continuous full-time employment with the Town and upon the surrender of all accumulated sick leave hours at the date of retirement, the Town will provide health insurance coverage and pay 100% of the cost of the health insurance premium for the retiree's individual, individual and spouse, or family health insurance plan.

Current employees who have been full-time employees of the Town for fifteen (15) or more years but less than eighteen (18) years on the date of this resolution are eligible, upon retirement, to receive the health insurance coverage provided by the Town in accordance with and subject to the following schedule and conditions:

After twenty (20) years of continuous full-time employment with the Town and upon the surrender of all accumulated sick leave hours at the date of retirement, the Town will provide health insurance coverage and pay 75% of the cost of the health insurance premium for the retiree's individual, individual and spouse, or family health insurance plan for a period of two (2) years following the date of retirement or until the annual renewal date of the health insurance coverage in effect upon the expiration of such two-year period.

Current employees who have been full-time employees of the Town for ten (10) or more years but less than fifteen (15) years on the date of this resolution are eligible, upon retirement, to receive health insurance coverage provided by the Town in accordance with and subject to the following schedule and conditions:

After twenty (20) years of continuous full-time employment with the Town and upon the surrender of all accumulated sick leave hours at the date of retirement, the Town will provide health insurance coverage and pay 75% of the cost of the health insurance premium for the retiree's individual, individual and spouse, or family health insurance plan for a period of one (1) year following the date of retirement or until the annual renewal date of the health insurance coverage in effect upon the expiration of such one-year period.

The following conditions and requirements apply to all retirees, whether currently active or currently retired, who are eligible to receive health insurance coverage provided and paid for, in whole or part, by the Town:

The retiree and his/her spouse, if covered by the Town's health insurance plan, must apply for Medicare coverage at the earliest age of eligibility, at which time the

Town's provision of and payment for retiree health insurance benefits will be limited to providing Medicare supplemental insurance coverage. The Town will pay that percentage (100% or 75%) of the supplemental insurance premium as provided above. If the retiree decides to opt out of the supplemental health insurance coverage offered by the Town, the retiree must do so in writing delivered to the Town, after which the Town will not provide any health insurance benefits to the retiree, spouse or family. Notwithstanding the above, the Town's payment for Medicare supplemental insurance coverage shall cease on December 31, 2018. After that date, the retiree and spouse may continue coverage by the Town supplemental insurance plan, but at the retiree's sole cost and expense.

Health insurance coverage by the Town is available to the retiree's spouse or family dependent(s) only if the spouse or family dependent(s), as the case may be, was covered by the Town's health insurance plan on the retiree's last date of employment with the Town. In the event of legal separation or divorce, the retiree's spouse shall not be eligible for coverage under the Town's health insurance plan, except as required State or Federal law. If the retiree pre-deceases his/her spouse, the spouse (but not the family) may continue to receive the health insurance coverage received by the retiree at the time of death, but only (i) for five (5) years after the retiree's death; (ii) if the surviving spouse pays the full cost of the health insurance premium and all other costs related to the health insurance coverage; and (iii) if such continued health insurance coverage is permitted by law and by the Town's health insurance plan.

All other current employees, upon retirement, shall not receive health insurance coverage provided or paid for by the Town.

Part-time employees, whether the person is an appointed or elected officer or employee, upon retirement, shall not receive health insurance benefits provided or paid for by the Town.

IT IS FURTHER RESOLVED:

Notwithstanding any of the above, an employee who separates from employment with the Town for cause or due to disciplinary action, whether or not such disciplinary action results in the employer's determination to dismiss the employee from employment with the Town, shall not be eligible for any health insurance coverage provided or paid for by the Town.

The Town Board possesses authority to select and change the health insurance plan or plans that the Town makes available to active employees and retirees. Therefore, the level of benefits provided by the plan or plans made available by the

Town may change from time to time. The Town will offer to eligible retirees the same health insurance plan or plans offered to active employees.

This resolution, and the health insurance coverage benefits, terms and conditions set forth in this resolution, do not create a contract or any right or entitlement for a retiree to receive or continue to receive the health insurance coverage benefits provided in this resolution. The health insurance coverage benefits provided in this resolution may be modified or eliminated, and the terms and conditions of receiving those benefits, may be modified by subsequent resolution of the Town Board at the sole discretion of the Town Board.

On a motion by Councilperson Seward, seconded by Councilperson Lybolt, the foregoing resolution was adopted on a vote of 5 Ayes, 0 Nays.

ADJOURNMENT

- A motion to adjourn the meeting was made by J. Lybolt, seconded by C. Seward. All in favor.

Respectfully Submitted;

Jean M. Dougherty, Town Clerk