

**MINUTES OF THE ORGANIZATIONAL MEETING OF THE TOWN BOARD OF THE TOWN OF THURMAN HELD JANUARY 06, 2014 AT THE TOWN HALL, 311 ATHOL ROAD, ATHOL NEW YORK, COMMENCING AT 6:30 P.M...**

**PRESENT:     MRS. EVELYN WOOD, SUPERVISOR**  
**MR. MICHAEL EDDY, COUNCILMAN**  
**MR. LEON GALUSHA, COUNCILMAN**  
**MR. DANIEL SMITH, COUNCILMAN**  
**MRS. GAIL SEAMAN, COUNCILWOMAN**

Recording secretary: **Cynthia R. Hyde**, Town Clerk

**SWEARING IN CEREMONY**

**Supervisor Evelyn Wood** was sworn in by **Ted Wilson**

**Councilman Michael Eddy** and **Councilman Daniel Smith** were sworn in by **Town Clerk Cynthia Hyde**

**BOARD MEETING:** The town board meeting was called to order by **Evelyn Wood**, Supervisor.

**PLEDGE ALLEGIANCE TO THE FLAG**

**ROLL CALL**

**APPOINTMENTS:**

**Supervisor Evelyn Wood** appointed **Sally Feihel** as bookkeeper/confidential secretary.

**COMMITTEES:**

**Supervisor Evelyn Wood** appointed **Councilman Galusha** as liaison to the EMS and the DEC.

**Supervisor Evelyn Wood** appointed **Councilwoman Seaman** as liaison to the Fire Department, the Highway department, the Thurman Youth Commission and the food pantry

**RESOLUTION # 1:**

*Resolution to Make Appointments, List Salaries, Establish Petty Cash, Authorize Yearly Contracts, Set Mileage Rate, Set Official Holidays, Establish Returned Check Fee, Establish Meeting Dates, Designate Official Newspapers, and Designate Opener of Sealed Bids.*

*WHEREAS it is necessary to establish certain offices, make various appointments, and authorize the Supervisor to sign certain yearly contracts as well as make various other appointments, establishments, and designations at the Town Board's Organizational meeting, be it*

*RESOLVED, that the Town Board of the Town of Thurman adopts the following for the year 2014, and be it further*

*RESOLVED, that the Town Board authorizes the Supervisor to enter into the contracts listed below for the year 2014 and conduct the day to day operation of the Town.*

<i>Town Attorney</i>	<i>Miller, Mannix, Schachner, &amp; Hafner</i>	<i>Per Diem by Contract</i>
<i>Town Engineer</i>	<i>Cedarwood Engineering</i>	<i>Per Diem By Contract</i>
<i>Health Officer</i>	<i>Dr. Bryan Smead</i>	<i>\$1550.00 paid by Con. Board of Health</i>
<i>Historian</i>	<i>Joan Harris</i>	<i>\$500 per year</i>
<i>Registrar of Vital Statistics</i>	<i>Cynthia Hyde</i>	<i>\$1,040 per year</i>
<i>Deputy Town Clerk</i>	<i>Paula Hubert &amp; Susan Baker</i>	<i>\$8.50 per hour</i>
<i>Deputy Highway Superintendent</i>	<i>Jeff Ackley</i>	<i>.80 cents per hour</i>
<i>Justice Clerk</i>	<i>Joanna Cummings</i>	<i>\$12.50 per hour</i>
<i>Animal Control Officer</i>	<i>Dexter Baker</i>	<i>\$2,675 per year</i>
<i>Cleaner</i>	<i>Bambi Castro</i>	<i>\$8.00 per hour</i>

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<i>Supervisor's Clerk/Account Clerk</i>	<i>Sally Feihel</i>	<i>\$12.50 per hour</i>
<i>Cemetery Superintendent</i>	<i>Marc Kenyon</i>	<i>\$300 per year</i>
<i>Meals on Wheels Driver</i>	<i>Sare Hall</i>	<i>\$8.00 per hour</i>
<i>Cemetery Maintenance</i>	<i>Ernie Smith</i>	<i>\$9.01 per hour</i>

*Elected Officials*

<i>Supervisor</i>	<i>Evelyn Wood</i>	<i>\$10,800 per year</i>
<i>Town Justice</i>	<i>Sheila Flanagan</i>	<i>\$5,500 per year</i>
<i>Town Clerk</i>	<i>Cynthia Hyde</i>	<i>\$18,384 per year</i>
<i>Tax Collector</i>	<i>Jamie Ross</i>	<i>\$3,184 per year</i>
<i>Superintendent of Highways</i>	<i>Patrick Wood</i>	<i>\$40,485 per year</i>
<i>Assessor Chairman</i>	<i>Thomas Birdsall</i>	<i>\$9,010 per year</i>
<i>Assessor</i>	<i>Susan Baker</i>	<i>\$6,876 per year</i>
<i>Assessor</i>	<i>Edward Binder</i>	<i>\$6,876 per year</i>
<i>Town Councilperson</i>	<i>Leon Galusha</i>	<i>\$3,196 per year</i>
<i>Town Councilperson</i>	<i>Gail Seaman</i>	<i>\$3,196 per year</i>
<i>Town Councilperson</i>	<i>Daniel Smith</i>	<i>\$3,196 per year</i>
<i>Town Councilperson</i>	<i>Michael Eddy</i>	<i>\$3,196 per year</i>

*Contracts*

<i>Foresight Electronics</i>	<i>Fire Alarm Services</i>	<i>\$20.00 per month</i>
<i>Jaeger &amp; Flynn</i>	<i>Business Agreement</i>	<i>Compliance with Protected Health Insurance Information</i>

*Petty Cash*

<i>Town Clerk</i>	<i>\$25.00</i>
<i>Tax Collector</i>	<i>\$150.00</i>
<i>Town Justice</i>	<i>\$100.00</i>
<i>Supervisor's Clerk</i>	<i>\$50.00</i>
<i>Mileage Allowance</i>	<i>\$0.41 per mile</i>
<i>Official Newspapers</i>	<i>The Post Star The Adirondack Journal</i>

*Official Holidays*

*New Year's Day  
Martin Luther King Day  
Washington's Birthday  
Memorial Day  
Independence Day  
Labor Day  
Columbus Day  
Veteran's Day  
Thanksgiving Day  
Christmas Day*

*Town Board Meetings will be held on the second Tuesday of the month beginning immediately following the Audit of Claims which will start at 6:30pm.*

*A returned check fee of \$25.00 shall be charged on all returned checks.*

*The opening of Competitive bids shall be done by the Town Clerk.*

On a motion by **Councilwoman Seaman**, seconded by **Councilman Smith**, Resolution # 1 was approved.

**MOTION CARRIED: 5 AYES ~ WOOD, GALUSHA, EDDY, SMITH, SEAMAN**

**RESOLUTION #2:**

**Resolution to Designate a Polling Place in the Town of Thurman**

***WHEREAS***, pursuant to Article 4-104 of the New York State Election Law, the Town Board of the Town of Thurman must submit to the Warren County Board of Elections, a listing of the polling places in the Town of Thurman in the Election District in which elections may be held. Therefore be it

***RESOLVED***, that the following locations are hereby designated as the respective polling place in the district as enumerated:

***SOLE ELECTION DISTRICT***: Thurman Town Hall and that such location is accessible to the physically handicapped voter, pursuant to Article 4-104A of the Election Law (unless otherwise noted) and be it further,

***RESOLVED***, that a copy of this resolution be forwarded to the Warren County Board of Elections.

On a motion by **Councilman Galusha**, seconded by **Councilwoman Seaman**, Resolution # 2 was approved.

**MOTION CARRIED: 5 AYES ~ WOOD, GALUSHA, EDDY, SMITH, SEAMAN**

**RESOLUTION #3:**

**Resolution to Establish Bonds for the Year 2014**

*WHEREAS, under Sec. 25 Town Law it requires the Town Board to set the amount of the Town Employees', Town Supervisor's, and Town Tax Collector's Bonds by resolution, be it*

*RESOLVED, that the amount of the Bond for Town Employees be set at \$10,000.00 for the year 2014, and be it further*

*RESOLVED, that the amount of the Bond for the Town Supervisor be set at \$60,000 for the year 2014, and be it further*

*RESOLVED, that the amount of the Bond for the Town Tax Collector's be set at \$60,000 for the year 2014, and be it further*

*RESOLVED, that the Town Clerk for the Town of Thurman be hereby instructed to file a copy of this resolution with the Warren County Clerk before January 15, 2014.*

On a motion by **Councilwoman Seaman**, seconded by **Councilman Smith**, Resolution # 3 was approved.

**MOTION CARRIED: 5 AYES ~ WOOD, GALUSHA, EDDY, SMITH, SEAMAN**

**RESOLUTION #4:**

**Resolution Concerning Agreement for Expenditure of Highway Moneys**

*WHEREAS as section 284 of Highway Law requires the Town Board and the Superintendent of Highways to execute and agreement with regards to the expenditure of funds and*

*WHEREAS this agreement must be in place each year prior to any expenditures being made from repairs or improvements appropriations, be it*

*RESOLVED that the attached Agreement be signed by a majority of the Town Board and the Highway Superintendent with one copy filed with each of the following upon execution: the Highway Superintendent, the Town Supervisor the Town Clerk, and the County Superintendent of Highways.*

On a motion by **Councilwoman Seaman**, seconded by **Councilman Galusha**, Resolution # 4 was approved.

**MOTION CARRIED: 5 AYES ~ WOOD, GALUSHA, EDDY, SMITH, SEAMAN**

**RESOLUTION #5:**

**Resolution of Investment Policy for the Town of Thurman**

*In accordance with this policy, the Supervisor, as Chief Financial Officer, is hereby authorized to invest all funds, including proceeds of obligations and reserve funds, in:*

- *Certificates of Deposits issued by a bank or trust company authorized to do business in New York State;*
- *Obligations of New York State;*
- *Obligations of the United States Government;*

*All funds except revenue funds may be invested in:*

- *Obligations of agencies of the Federal Government if principal and interest is guaranteed by the United States.*
- *With the approval of the State Comptroller, in Revenue Anticipation Notes or Tax Anticipation Notes of other local governments.*

*Only reserve funds may be invested in:*

- *Obligations of the Town of Thurman*

*All other Town Officials receiving money in their official capacity must deposit funds in negotiable order of withdrawal accounts.*

*All investments made pursuant to this investment policy shall comply with the following conditions:*

*Certificates of Deposit shall be fully secured by insurance of Federal Deposit Insurance Corporation or by obligations on New York State or obligations of the United States or obligations of federal agencies the principal and interest of which are guaranteed by the United States, or obligations of New York State local governments. Collateral shall be delivered to the Town of Thurman or a Custodial Bank with which the Town of Thurman has entered into a Custodial Agreement. The market value of collateral shall at all times equal or exceed the principal amount of the Certificate or Deposit. Collateral shall be monitored, and market value shall mean the bid or closing price as quoted in the Wall Street Journal or as quoted by any other recognized pricing service.*

*Collateral shall not be required with respect to the direct purchase of obligations of New York State, obligations of the United States and obligations of federal agencies the principal and interest of which are guaranteed by the United States Government.*

*Payment shall be made by or on behalf of the Town of Thurman for obligations of New York State, obligations the principle interest of which are guaranteed by the United States, United States obligations, Certificates of Deposit, and other purchased securities upon delivery therefore to the Custodial Bank, or in the case of a book-entry transaction when the purchased securities are credited to the Custodial Bank's Federal Reserve System account.*

*All transactions shall be confirmed in writing.*

*Written contracts are required for Certificates of Deposit, and custodial undertakings. With respect to the purchase of obligations of the United States, New York State, or any other government entities, ect., in which monies may be invested, the interests of the Town of Thurman will be adequately protected by conditioning payment on the physical delivery of purchased securities in the Town of Thurman or Custodian, or in the case of book-entry transactions, on crediting of purchased securities to the Custodian's Federal Reserve System account. All purchases will be confirmed in writing to the Town of Thurman.*

- *It is, therefore the policy of the Town of Thurman to require written contracts as follows:*
- *Written contracts shall be required for the purchase of all Certificates of Deposit.*
- *A written contract shall be required with the Custodial Bank.*
- *Glens Falls National Bank and Trust Company is designated to act as the Custodial Bank of the Town of Thurman investments.*

*The Supervisor, as Chief Financial Officer, shall authorize the purchase and sale of all securities and execute contracts for Certificates of Deposit on behalf of the Town of Thurman.*

*Within 90 (ninety) days of the end of the fiscal year, the Chief Financial Officer shall prepare and submit to the Town Board an annual investment report; recommendations for change in these investment guidelines; and other such matters as the Chief Fiscal Officer deems appropriate.*

*The Town Board of the Town of Thurman shall review and approve the annual investment report, if practicable, at its' February meeting.*

*At least annually, and if practicable, at the January meeting the Town Board shall review and amend, if necessary these investment guidelines.*

*The provisions of these investment guidelines and any amendments hereto shall take effect prospectively, and shall not invalidate the prior selection of any Custodial Bank or prior investment.*

On a motion by **Councilwoman Seaman**, seconded by **Councilman Galusha**, Resolution # 5 was approved.

**MOTION CARRIED: 5 AYES ~ WOOD, GALUSHA, EDDY, SMITH, SEAMAN**

**RESOLUTION # 6:**

**Resolution to Authorize Payment in Advance of Audit**

**WHEREAS**, the Town Board may by resolution authorize the payment in advance of utility services, and postage as described by Town Law Sec. 118(2),

**BE IT RESOLVED**, that the Town Board of the Town of Thurman does hereby authorize the prepayment of utility bills and postage. All claims for these payments will be presented at the next regular meeting for audit.

On a motion by **Councilwoman Seaman**, seconded by **Councilman Smith**, Resolution # 6 was approved.

**MOTION CARRIED: 5 AYES ~ WOOD, GALUSHA, EDDY, SMITH, SEAMAN**

**RESOLUTION # 7:**

**Resolution to Establish a Procurement Policy**

*WHEREAS, §104-b of the General Municipal Law (GML) requires every town to adopt internal policies and procedures governing all procurement of goods and services not subject to the bidding requirement of GML §103 or any other law; and*

*WHEREAS, comments have been solicited from those officers of the town involved with procurement;*

*NOW, THEREFORE, BE IT RESOLVED: That the Town of Thurman does hereby adopt the following procurement policies and procedures:*

***Guideline 1.** Every prospective purchase of goods or services shall be evaluated to determine the applicability of GML §103. Every town officer, board, department head or other personnel with the requisite purchasing authority (hereafter Purchaser) shall estimate the cumulative amount of the items of supply or equipment needed in a given fiscal year. That estimate shall include the canvass of other town departments and past history to determine the likely yearly value of the commodity to be acquired. The information gathered and conclusions reached shall be documented and kept with the file or other documentation supporting the purchase activity.*

***Guideline 2.** All purchases of a)supplies or equipment which will exceed \$10,000in the fiscal year or b)public works contracts over \$20,000 shall be formally bid pursuant to GML §103.*

***Guideline 3.***

*All estimated purchases of:*

- Less than \$10,000 but greater the \$3,000 requires a bid or written request for a proposal (RFP) and sealed bid/RFP.*
- Less than \$3,000 but greater than \$1,000 requires an oral request for the goods and written/fax quotes from 3 vendors.*
- Less than \$1,000 but greater than \$250 are left to discretion of the Purchaser.*

*All estimated public works contracts of:*

- Less than \$20,000 but greater the \$10,000 requires a bid or written RFP and sealed bid/RFP.*



- *Less than \$10,000 but greater than \$3,000 requires a written description of the desired work, and written/fax proposals from 3 contractors.*
- *Less than \$3,000 but greater than \$500 requires 3 written/fax quotes.*

*Any written bid/RFP shall describe the desired goods, quantity and the particulars of delivery, given a bid/RFP identifier, and shall be advertized in the official newspaper of the town. Sealed bids and/or RFPs received by the Town must be sealed and clearly marked with the bid/RFP number specified in the written bid/RFP. The Purchaser shall compile a list of all vendors from whom written/fax quotes have been requested and the written/fax quotes offered. All information gathered in complying with the procedures of this Guideline shall be preserved and filed*

*with the documentation supporting the subsequent purchase or public works contract.*

***Guideline 4.*** *The lowest responsible proposal or quote shall be awarded the purchase or public works contract unless the Purchaser prepares a written justification providing reasons why it is in the best interest of the town and its taxpayers to make an award to other than the low bid. If a bidder is not deemed responsible, facts supporting that judgment shall also be documented and filed with the record supporting the procurement. The Town shall retain the right to reject and all bids, any rejected bids shall be returned to the bidder via signed certified receipt mail.*

***Guideline 5.*** *A good faith effort shall be made to obtain the required number of proposals or quotes. If the Purchaser is unable to obtain the required number of proposals or quotes, the Purchaser will document the attempt made at obtaining the proposals. In no event shall the inability to obtain the proposals or quotes be a bar to the procurement.*

***Guideline 6.*** *Except when directed by the town board, no solicitation of written proposals or quotes shall be required under the following circumstances:*

- 1. Acquisition of professional services;*
- 2. Emergencies;*
- 3. Sole source situations;*
- 4. Goods purchased from agencies for the blind or severely handicapped;*
- 5. Goods purchased from correctional facilities;*
- 6. Goods purchased from another governmental agency;*
- 7. Goods purchased at auction;*
- 8. Goods purchased for less than \$250;*
- 9. Public works contracts for less than \$500.*

***Guideline 7.*** *This policy shall be reviewed annually by the town board at its organizational meeting or as soon thereafter as is reasonably practicable.*

On a motion by **Councilman Galusha**, seconded by **Councilwoman Seaman**, Resolution # 7 was approved.

**MOTION CARRIED: 5 AYES ~ WOOD, GALUSHA, EDDY, SMITH, SEAMAN**

**RESOLUTION # 8:**

*Resolution Adopting Code of Ethics*

*WHEREAS, article 18 of the General Municipal Law prohibits the officers and employees of a municipality from having certain conflicts of interest, and*

*WHEREAS section 806 of the General Municipal Law requires the governing body of each county, city (other than the City of New York), town, village, school district and fire district to adopt a code of ethics that sets forth for the guidance of its officers and employees standards of conduct reasonably expected of them, and*

*WHEREAS section 806 of the General Municipal Law also authorizes the governing body of any other municipality to adopt such a code of ethics, and*

*WHEREAS, a code of ethics adopted by the governing body of a municipality must set forth standards of conduct for the guidance of the officers and employees of the municipality with respect to disclosure of interests in legislation before the local governing body, holding of investments in conflict with official duties, private employment in conflict with official duties, future employment, and such other standards as may be deemed advisable.*

*NOW, THEREFORE, be it resolved that the Town Board of the Town of Thurman hereby adopts a code of ethics to read as follows:*

**Code of Ethics of the Town of Thurman**

*Section 1. Purpose.*

*Officers and employees of the Town of Thurman hold their positions to serve and benefit the public, and not for obtaining unwarranted personal or private gain in the exercise and performance of their official powers and duties. The Town Board recognizes that, in furtherance of this fundamental principle, there is a need for clear and reasonable standards of ethical conduct. This code of ethics establishes those standards.*

*Section 2. Definitions.*

*(a) "Board" means the governing board of a municipality and any municipal administrative board (e.g. planning board, zoning of board of appeals), commission, or other agency or body comprised of two or more municipal officers or employees.*

*(b) "Code" means this code of ethics.*

*(c) "Interest" means a direct or indirect financial or material benefit, but does not include any benefit arising from the provision or receipt of any services generally available to the residents or taxpayers of the municipality or an area of the municipality, or a lawful class of such residents or taxpayers. A municipal officer or employee is deemed to have an interest in any private organization when he or she, his or her spouse, or a member of his or her household, is an owner,*

*partner, member, director, officer, employee, or directly or indirectly owns or controls more than 5% of the organization's outstanding stock.*

*(d) "Municipality" means Town of Thurman. The word "municipal" refers to the municipality.*

*(e) "Municipal officer or employee" means a paid or unpaid officer or employee of the, including, but not limited to, the members of any municipal board.*

*(f) "Relative" means a spouse, parent, step-parent, sibling, step-sibling, sibling's spouse, child, step-child, uncle, aunt, nephew, niece, first cousin, or household member of a municipal officer or employee, and individuals having any of these relationships to the spouse of the officer or employee.*

### *Section 3. Applicability.*

*This code of ethics applies to the officers and employees of the Town of Thurman, and shall supersede any prior municipal code of ethics. The provisions of this code of ethics shall apply in addition to all applicable State and local laws relating to conflicts of interest and ethics including, but not limited to, article 18 of the General Municipal Law and all rules, regulations, policies and procedures of the Town of Thurman.*

### *Section 4. Prohibition on use of municipal position for personal or private gain.*

*No municipal officer or employee shall use his or her municipal position or official powers and duties to secure a financial or material benefit for himself or herself, a relative, or any private organization in which he or she is deemed to have an interest.*

### *Section 5. Disclosure of interest in legislation and other matters.*

*(a) Whenever a matter requiring the exercise of discretion comes before a municipal officer or employee, either individually or as a member of a board, and disposition of the matter could result in a direct or indirect financial or material benefit to himself or herself, a relative, or any private organization in which he or she is deemed to have an interest, the municipal officer or employee shall disclose in writing the nature of the interest.*

*(b) The disclosure shall be made when the matter requiring disclosure first comes before the municipal officer or employee, or when the municipal officer or employee first acquires knowledge of the interest requiring disclosure, whichever is earlier.*

*(c) In the case of a person serving in an elective office, the disclosure shall be filed with the governing board of the municipality. In all other cases, the disclosure shall be filed with the person's supervisor or, if the person does not have a supervisor, the disclosure shall be filed with the municipal officer, employee or board having the power to appoint to the person's position. In addition, in the case of a person serving on a municipal board, a copy of the disclosure shall be filed with the board. Any disclosure made to a board shall be made publicly at a meeting of the board and must be included in the minutes of the meeting.*

### *Section 6. Recusal and abstention.*

*(a) No municipal officer or employee may participate in any decision or take any official action*

*with respect to any matter requiring the exercise of discretion, including discussing the matter and voting on it, when he or she knows or has reason to know that the action could confer a direct or indirect financial or material benefit on himself or herself, a relative, or any private organization in which he or she is deemed to have an interest.*

*(b) In the event that this section prohibits a municipal officer or employee from exercising or performing a power or duty:*

*(1) if the power or duty is vested in a municipal officer as a member of a board, then the power or duty shall be exercised or performed by the other members of the board; or*

*(2) if the power or duty that is vested in a municipal officer individually, then the power or duty shall be exercised or performed by his or her deputy or, if the officer does not have a deputy, the power or duty shall be performed by another person to whom the officer may lawfully delegate the function.*

*(3) if the power or duty is vested in a municipal employee, he or she must refer the matter to his or her immediate supervisor, and the immediate supervisor shall designate another person to exercise or perform the power or duty.*

*Section 7. Prohibition inapplicable; disclosure, recusal and abstention not required.*

*(a) This code's prohibition on use of a municipal position (section 4), disclosure requirements (section 5), and requirements relating to recusal and abstention (section 6), shall not apply with respect to the following matters:*

*(1) adoption of the municipality's annual budget;*

*(2) any matter requiring the exercise of discretion that directly affects any of the following groups of people or a lawful class of such groups:*

*(i) all municipal officers or employees;*

*(i) all residents or taxpayers of the municipality or an area of the municipality; or*

*(ii) the general public; or*

*(iii) any matter that does not require the exercise of discretion.*

*(c) Recusal and abstention shall not be required with respect to any matter:*

*(1) which comes before a board when a majority of the board's total membership would otherwise be prohibited from acting by section 6 of this code;*

*(2) which comes before a municipal officer when the officer would be prohibited from acting by section 6 of this code and the matter cannot be lawfully delegated to another person.*

*Section 8. Investments in conflict with official duties.*

*(a) No municipal officer or employee may acquire the following investments:*

*(1) investments that can be reasonably expected to require more than sporadic recusal and abstention under section 6 of this code; or*

*(2) investments that would otherwise impair the person's independence of judgment in the exercise or performance of his or her official powers and duties.*

*(b) This section does not prohibit a municipal officer or employee from acquiring any other investments or the following assets:*

*(1) real property located within the municipality and used as his or her personal residence;*

*(2) less than five percent of the stock of a publicly traded corporation; or*

*(3) bonds or notes issued by the municipality and acquired more than one year after the date on which the bonds or notes were originally issued.*

*Section 9. Private employment in conflict with official duties.*

*No municipal officer or employee, during his or her tenure as a municipal officer or employee, may engage in any private employment, including the rendition of any business, commercial, professional or other types of services, when the employment:*

*(a) can be reasonably expected to require more than sporadic recusal and abstention pursuant to section 6 of this code;*

*(b) can be reasonably expected to require disclosure or use of confidential information gained by reason of serving as a municipal officer or employee;*

*(c) violates section 805-a(1)(c) or (d) of the General Municipal Law; or*

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*(d) requires representation of a person or organization other than the municipality in connection with litigation, negotiations or any other matter to which the municipality is a party.*

*Section 10. Future employment.*

*(a) No municipal officer or employee may ask for, pursue or accept a private post-government employment opportunity with any person or organization that has a matter requiring the exercise of discretion pending before the municipal officer or employee, either individually or as a member of a board, while the matter is pending or within the 30 days following final disposition of the matter.*

*(b) No municipal officer or employee, for the two-year period after serving as a municipal*

*officer or employee, may represent or render services to a private person or organization in connection with any matter involving the exercise of discretion before the municipal office, board, department or comparable organizational unit for which he or she serves.*

*(c) No municipal officer or employee, at any time after serving as a municipal officer or employee, may represent or render services to a private person or organization in connection with any particular transaction in which he or she personally and substantially participated while serving as a municipal officer or employee.*

*Section 11. Personal representations and claims permitted.*

*This code shall not be construed as prohibiting a municipal officer or employee from:*

*(a) representing himself or herself, or his or her spouse or minor children before the municipality; or*

*(b) asserting a claim against the municipality on his or her own behalf, or on behalf of his or her spouse or minor children.*

*Section 12. Use of municipal resources*

*(a) Municipal resources shall be used for lawful municipal purposes. Municipal resources include, but are not limited to, municipal personnel, and the municipality's money, vehicles, equipment, materials, supplies or other property.*

*(b) No municipal officer or employee may use or permit the use of municipal resources for personal or private purposes, but this provision shall not be construed as prohibiting:*

*(1) any use of municipal resources authorized by law or municipal policy;*

*(2) the use of municipal resources for personal or private purposes when provided to a municipal officer or employee as part of his or her compensation; or*

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*(3) the occasional and incidental use during the business day of municipal telephones and computers for necessary personal matters such as family care and changes in work schedule.*

*(c) No municipal officer or employee shall cause the municipality to spend more than is reasonably necessary for transportation, meals or lodging in connection with official travel.*

*Section 13. Interests in Contracts.*

*(a) No municipal officer or employee may have an interest in a contract that is prohibited by section 801 of the General Municipal Law.*

*(b) Every municipal officer and employee shall disclose interests in contracts with the municipality at the time and in the manner required by section 803 of the General Municipal Law.*

*Section 14. Nepotism.*

*Except as otherwise required by law:*

*(a) No municipal officer or employee, either individually or as a member of a board, may participate in any decision specifically to appoint, hire, promote, discipline or discharge a relative for any position at, for or within the municipality or a municipal board.*

*(b) No municipal officer or employee may supervise a relative in the performance of the relative's official powers or duties.*

*Section 15. Political Solicitations.*

*(a) No municipal officer or employee shall directly or indirectly to compel or induce a subordinate municipal officer or employee to make, or promise to make, any political contribution, whether by gift of money, service or other thing of value.*

*(b) No municipal officer or employee may act or decline to act in relation to appointing, hiring or promoting, discharging, disciplining, or in any manner changing the official rank, status or compensation of any municipal officer or employee, or an applicant for a position as a municipal officer or employee, on the basis of the giving or withholding or neglecting to make any contribution of money or service or any other valuable thing for any political purpose.*

*Section 16. Confidential Information.*

*No municipal officer or employee who acquires confidential information in the course of exercising or performing his or her official powers or duties may disclose or use such information unless the disclosure or use is required by law or in the course of exercising or performing his or her official powers and duties.*

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*Section 17. Gifts.*

*(a) No municipal officer or employee shall solicit, accept or receive a gift in violation of section 805-a(1)(a) of the General Municipal Law as interpreted in this section.*

*(b) No municipal officer or employee may directly or indirectly solicit any gift.*

*(c) No municipal officer or employee may accept or receive any gift, or multiple gifts from the same donor, having an annual aggregate value of seventy-five dollars or more when:*

*(1) the gift reasonably appears to be intended to influence the officer or employee in the exercise or performance of his or her official powers or duties;*

*(2) the gift could reasonably be expected to influence the officer or employee in the exercise or performance of his or her official powers or duties; or*

*(3) the gift is intended as a reward for any official action on the part of the officer or employee.*

*(d) For purposes of this section, a "gift" includes anything of value, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or in any other form. The value of a gift is the gift's fair market value, determined by the retail cost of the item or a comparable item. The fair market value of a ticket entitling the holder to food, refreshments, entertainment, or any other benefit is the face value of the ticket, or the actual cost to the donor, whichever is greater. Determination of whether multiple gifts from a single donor exceed seventy-five dollars must be made by adding together the value of all gifts received from the donor by an officer or employee during the twelve-month period preceding the receipt of the most recent gift.*

*(e) (1) A gift to a municipal officer or employee is presumed to be intended to influence the exercise or performance of his or her official powers or duties when the gift is from a private person or organization that seeks municipal action involving the exercise of discretion by or with the participation of the officer or employee.*

*(2) A gift to a municipal officer or employee is presumed to be intended as a reward for official action when the gift is from a private person or organization that has obtained municipal action involving the exercise of discretion by or with the participation of the officer or employee during the preceding twelve months.*

*(f) This section does not prohibit any other gift, including:*

*(1) gifts made to the municipality;*

*(2) gifts from a person with a family or personal relationship with the officer or employee when the circumstances make it clear that the personal relationship, rather than the recipient's status as a municipal officer or employee, is the primary motivating factor for the gift;*

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*(3) gifts given on special occasions, such as marriage, illness, or retirement, which are modest, reasonable and customary;*

*(4) unsolicited advertising or promotional material of little intrinsic value, such as pens, pencils, note pads, and calendars;*

*(5) awards and plaques having a value of seventy-five dollars or less which are publicly presented in recognition of service as a municipal officer or employee, or other service to the community; or*

*(6) meals and refreshments provided when a municipal officer or employee is a speaker or participant at a job-related professional or educational conference or program and the meals and refreshments are made available to all participants.*

*Section 18. Board of Ethics.*



*The Warren County Board of Ethics shall be the Town's Board of Ethics and shall render advisory opinions to the officers and employees of the Town of Thurman with respect to article 18 of the General Municipal Law and this code. Such advisory opinions must be rendered pursuant to the written request of any such officer or employee under such rules and regulations as the board of ethics may prescribe. The board of ethics shall have the advice of legal counsel employed by the board, or if none, the municipality's legal counsel. In addition, the board of ethics may make recommendations with respect to the drafting and adoption of a code of ethics, or amendments thereto, upon the request of the Town of Thurman.*

*Section 19. Posting and distribution.*

*(a) The Supervisor must promptly cause a copy of this code, and a copy of any amendment to this code, to be posted publicly and conspicuously in each building under the municipality's control. The code must be posted within ten days following the date on which the code takes effect. An amendment to the code must be posted within ten days following the date on which the amendment takes effect.*

*(b) The Supervisor must promptly cause a copy of this code, including any amendments to the code, to be distributed to every person who is or becomes an officer and employee of the Town of Thurman.*

*(c) Every municipal officer or employee who receives a copy of this code or an amendment to the code must acknowledge such receipt in writing. Such acknowledgments must be filed with the Town Clerk who must maintain such acknowledgments as a public record.*

*(d) The failure to post this code or an amendment to the code does not affect either the applicability or enforceability of the code or the amendment. The failure of a municipal officer or employee to receive a copy of this code of ethics or an amendment to the code, or to acknowledge receipt thereof in writing, does not affect either the applicability or enforceability of the code or amendment to the code.*

*Section 20. Enforcement.*

*Any municipal officer or employee who violates this code may be censured, fined, suspended or removed from office or employment in the manner provided by law.*

*Section 21. Effective date.*

*This code takes effect on January 6, 2014.*

On a motion by **Councilwoman Seaman**, seconded by **Councilman Galusha**, Resolution # 8 was approved.

**MOTION CARRIED: 5 AYES ~ WOOD, GALUSHA, EDDY, SMITH, SEAMAN**

**RESOLUTION #9:**

**Resolution Authorizing Intermunicipal Agreement**

*WHEREAS the Town of Thurman is among the Towns and Villages included in the Local Waterfront Revitalization Program, and*

*WHEREAS it is necessary for the Supervisor to sign the grant agreement and work program for the project with Warren County acting as the lead community, and*

*WHEREAS an intermunicipal agreement is necessary to coordinate community participation, provide for matching funds and allow Warren County to act on behalf of the municipalities named in this agreement for program administration and consultant management, now therefore be it*

*RESOLVED that the Town Board hereby authorizes the Supervisor to sign the intermunicipal agreement provided by Warren County for the Local Waterfront Revitalization Program.*

On a motion by **Councilwoman Seaman**, seconded by **Councilman Galusha**, Resolution # 9 was approved.

**MOTION CARRIED: 5 AYES ~ WOOD, GALUSHA, EDDY, SMITH, SEAMAN**

**RECESS:**

At 6:46 pm a recess from the town board meeting was taken.

**RESUME MEETING:**

At 7:00 pm the town board meeting resumed.

**BIDS:**

**TWINSTATE Technologies** -White Space Network Equipment Bid - \$10,022.83

KGP Logistics – White Space Network Equipment Bid - \$15,704.07

**Adirondack Internet/Public Access** – White Space System Operations Bid – No cost to the Town of Thurman for these services.

**ASA NETWORKS, LLC** – Proposed to engage in a joint and cooperative discovery and testing process. Recommends that the Town of Thurman not proceed with the build out of the network as currently planned. Attached to proposal – A technical analysis highlighting some of the shortcomings with the current configuration of the proposed network architecture.

**ADJOURNMENT:** On a motion by **Councilman Galusha**, seconded by **Councilwoman Seaman**, the meeting was adjourned at 7:10 pm.

**MOTION CARRIED:** 5 AYES ~ WOOD, GALUSHA, EDDY, SMITH, SEAMAN

**Respectfully Submitted:**

**Cynthia R. Hyde**  
**Town clerk**  
**01/21/2014**

**Attached:**