

November 15, 2016

**MINUTES OF THE REGULAR MEETING OF THE TOWN BOARD OF THE TOWN OF THURMAN HELD NOVEMBER 15, 2016 AT THE TOWN HALL, 311 ATHOL ROAD, ATHOL, NEW YORK, COMMENCING AT 6:30 P.M...**

**PRESENT:** Mrs. Evelyn Wood, Supervisor

Mrs. Gail Seaman, Councilwoman

Mr. John Youngblood, Councilman

Mrs. Susan Shepler, Councilwoman

Mr. Michael Eddy, Councilman

**RECORDING SECRETARY:** Jeanie Sprague, Town Clerk

**PAYMENT OF CLAIMS**

The Meeting was called to order by **Evelyn Wood, Supervisor**

**PLEDGE ALLEGIANCE TO THE FLAG**

**ROLL CALL**

**CORRESPONDENCES:** None

**Committee Reports:**

**Councilwoman Gail Seaman:** EMS Report ó attached ó They are looking for volunteers. Many local EMS are struggling for man power hours. They are in need for drivers and providers. Anyone interested please contact **Steve Emerson**. The EMS will be having an open house and recruitment drive on November 26<sup>th</sup> from 10 am to 3 pm. Lighting the Way campaign is going very well, there has been positive feedback about the program and anyone wishing to get the lights please contact Steve Emerson.

The Food Pantry and Gleaning were a little on the sparse side. A few people showed up. We want to make sure that we get it out that we have stuff in the food pantry. Please don't stand on principle please come and take advantage of what we have here, so that we can keep everyone fed.

**Councilman John Youngblood:** Highway Departemnt had received the truck from Bolton. Bolton has not received their replacement truck yet. They

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were nice enough to pass it along just in time for the work on top here. We still have not received the truck box for the other truck. People are still calling daily on that. Still have no idea when that will be coming. The River Road paving has been put off until next spring. Partly due to the paving up top and the change in weather. The crew has been getting back to sifting and hauling sand up top. A lot of the sand was used in preparations for the paving up top. The crew has been doing preparation for winter. They have also hooked the generator up at the town hall.

Concerts have nothing to report. I have delayed contacting the bands until I knew there would be concession stand because they go hand in hand.

**Councilwoman Susan Shepler:**

I am happy to report that the Youth Commission Halloween party was a huge success. We had a total of 58 people in attendance 25 of which were children. The costumes were fabulous this year. We are getting prepared for our Christmas party which will be the 10<sup>th</sup> of December and we hope everyone will be there. Santa will be there and Mrs. Santa also.

**Councilman Eddy:**

Asked do you want this report that **Supervisor Wood** requested at the last month now or on old business? **Supervisor Wood** stated that you did not send us anything for inclusion in the packet. We will put it on next month packet. **Councilman Eddy** stated that you had requested this for this month. Discussion ensued. **Supervisor Wood** said it would be added to the December agenda. (A copy of the report was given to the Supervisor and the Town Clerk. The report will be held and attached to the December minutes.)

**SUPERVISOR'S REPORT:**

The Tax Cap Mandatory Filing has been filed. The CMS Disclosures have all been filed. The mandatory notices have gone out to the retired and current employees. If we don't hear back in a couple of weeks we will do a signed certified return receipt. We have to keep these on file. Our new fuel tank is in. The information has been sent over to DEC. The generator guy was here and had a look at the generators for the fall inspection. We had the guys hook

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everything back up so we are live. It has been a lot of paving and a lot of meetings this month. Jey and I did meet for Union negotiations and we pretty much have that wrapped up.

**Supervisor Wood** said that we will start the public hearing and asked the Town Clerk to read the public notice.

## **READING OF THE PUBLIC NOTICE**

### **PUBLIC HEARING**

NOTICE is hereby given that the Thurman town Board will conduct a public hearing regarding the 2017 Preliminary Budget on Tuesday November 15, 2016 at 7:00 p.m. at the Town Hall, 311 Athol Road, Athol, NY. At that time, all interested parties will be given the opportunity to be heard. Pursuant to Sec 113 of Town Law, the proposed salaries of Town Officials are:

Supervisor \$10,800

Town Clerk \$18,384

Town Board (4 \$3,196 ea.) \$12,785

Town Justice \$5,500

Tax Collector \$3,184

Highway Superintendent \$40,485

By the order of the Thurman Town Board

Jeanie Sprague, Town Clerk

Town of Thurman

October 19, 2016

Published October 20, 2016

**Supervisor Wood** with that in mind we are going to open the public hearing. Everybody will have one opportunity to speak, you have three minutes and we ask that we keep your comments with regard to the budget.

The following people spoke on the budget: Mary Eddy and Keith Parent

**Supervisor Wood** closed the public hearing at 7:09 p.m.

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OLD BUSINESS:

We sent work plan to DEC. DEC did review and send back come comments that were exceptionally minor. We are incorporating the changes into the work plan. One of the things in the work plan was to take soil samples. Those samples were taken and we got the results back. The results were exceptionally low compared to what we thought we might find. The high could have been 500 milligrams. We had one reading that was 20 milligrams and everything was like 4. That is going to alleviate a little bit, one section of the work plan we would have to excavate any soil if it came back high. The cap has been completed. The guys have finished up some work to make sure we are set for any rain storms. We did do the twenty-four pump tests on the two wells and the results came back yesterday and they came back good. We used the standard testing that DOH had asked us to use. The tests came back very positive.

As far as the budget goes we had the public meeting and we closed the public meeting. Are there any last minute changes or adjustments. We could not change it until after the public hearing. **Councilwoman Seaman** said the only thing not in here is the card swipe. **Supervisor Wood** said no that was not in the budget because it would have put us over the tax cap. **Councilman Eddy** asked if we had received any money back from White Space yet? **Supervisor Wood** said we did receive all \$200,000 back on the White Space. **Councilman Eddy** asked if it was reflected in the budget. **Supervisor Wood** said yes it is on page 17 under the estimated fund balance.

I have been in contact with regard to moving to the sole assessor in January. We will have to submit a name probably this month because it undergoes a 30 day qualification review. You cannot appoint anyone until you have approval by the state office of real property. There is a form to be filled out, qualifications to be submitted and they can take up to 30 days to review. If you wait for January and it takes 30 days you wouldn't get anything back until February and exemptions are due March 1<sup>st</sup>. We have been advised to start now.

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**NEW BUSINESS:**

Cleaner position and Union Negotiations. We did receive 6 applications for the position. Jey and I did meet with the union and we believe we came to very reasonable negotiation completion. We will present it to the board. One of the difficulties we are facing is meeting all the requirements from the Board of Health.

**Councilwoman Shepler**

I have spent a great deal of time working with the Department of Health and they have been very congenial to work with. The question has been birthday parties, family reunions, public meetings, youth commission, etc. After speaking with them at length. For example birthday parties are not considered a public event, neither are family reunions, quilting group (if it is them only), Veteran's dinner, highway department luncheon, if you are going to a pot luck dinner you can do but it cannot be open to the public. Permits are required for public meetings with refreshments, Jack Wax Party, Holiday Bazaar, vendors of food and drinks. The Holiday Basket can continue to have the home baked goods (then only). Summer Concerts will have to have permits for the food vendors there. The Book Connection is required to have permit for any functions (other than meetings). Americade will require permit so will garage sales and food vendors. The permits are fairly simple and I can work with you to help. The Town is going to implement a hold harmless form to be signed by people that are having events here. It is to protect the town against anything going wrong. In other words if some people become ill from food that was served the town will not be held liable. Supervisor Wood said that the Town carries liability insurance as part as a part of our general insurance. If anyone has any questions please give me a call. The only other piece of information they require is the CE200 or workman's compensation form.

**Supervisor Wood**

I have been receiving a number of requests for contract renewals or extend. They would like us to exercise that option. The county needs to advanced the resolutions in December to have them set for January 1. Which is you work on the county's schedule we have to have all of our resolutions have to been done this month. The Warren ó

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Hamilton Community Action Senior Transport, Solid Waste Disposal, Highway Maintenance Agreement, Snowmobile Contract, TSA (This was an error on our part. We have it to end on the end of the year. They would like it to end September) and the other thing that has come to our attention. We are required by law to do fire. WE have been going from year to year. We would like to amend the fire company contract for 5 years with a set rate of increase 2% increase for every year for those 5 years. We did get a request from the local government review board it is budgeted and they usually send these out earlier in the year and we got missed. I did check and it is budgeted. It is \$300 and we have done it every year for years and years. Finally, we have had some discussion about Jim Fitzgerald and the animal control in the Town of Thurman. We checked into the number of calls we have had and it would cost us a lot more if we went with the agreement. I did reach out to them and Darlene Hayes did get back to us. They are willing to offer it to us at a flat rate of \$5,000 for the year. It is a little higher than what we have in the budget now. It is up to the board. Discussion among the board members.

**RESOLUTION #114:**

**Resolution Authorizing Contract**

WHEREAS the Town of Thurman wishes to contract with Warren County SPCA for Dog Control in the Town during the year of 2017, and

WHEREAS Warren County SPCA has offered to contract to serve as Dog Control and provide those services at a flat fee of \$5,000 for the year of 2017, be it

RESOLVED that the Town Board will contract with Warren County SPCA for dog control in 2017 and authorizes the Supervisor to sign any necessary documents.

On a motion by **Councilwoman Seaman**, seconded by **Councilman Youngblood**, Resolution #114 was passed.

**Motion Carried: 4 Ayes ~ Youngblood, Wood, Seaman, Shepler**

**1 Nay ~ Eddy**

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**Items of Interest:** The Christmas Bazaar is scheduled for November 26<sup>th</sup>. The Friday and Saturday following that is the Christmas Baskets for the Seniors.

**RESOLUTION #115:**

**Resolution to Authorize Snow & Ice Contract**

WHEREAS the Town of Thurman contracts with Warren County for the maintenance of county roads be it,

RESOLVED that the Town of Thurman agrees to contract with Warren County and authorizes the Supervisor to take any necessary steps to effectuate this resolution including making the appropriate budget adjustments.

On a motion by **Councilwoman Seaman**, seconded by **Councilwoman Shepler**, Resolution #115 was passed.

**Motion Carried: 5 Ayes ~ Youngblood, Wood, Seaman, Shepler, Eddy**

**RESOLUTION #116:**

**Resolution to Enter Contract**

WHEREAS, the Town of Thurman intends to utilize Warren County's arrangements for solid waste, electronics and recyclable transportation and disposal, be it,

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an intermunicipal agreement with Warren County for the transportation and disposal of solid waste, electronics, and recycling.

On a motion by **Councilman Youngblood**, seconded by **Councilwoman Seaman**, Resolution #116 was passed.

**Motion Carried: 5 Ayes ~ Youngblood, Wood, Seaman, Shepler, Eddy**

**RESOLUTION #117:**

**Resolution to Authorize Contract**

WHEREAS the Adirondack local Government Review Board provides services to the Town by attending meetings and participating in public hearings conducted by the Adirondack Park Agency regarding projects under review by the Adirondack Park Agency, and

WHEREAS the Town has budgeted three hundred dollars for these services, now therefore,

BE IT RESOLVED that the Town Board authorizes a contract between the Town and the Adirondack Local Government Review Board in the amount of three hundred dollars and authorizes the Supervisor to sign any necessary documents.

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On a motion by **Councilman Youngblood**, seconded by **Councilwoman Shepler**, Resolution #117 was passed.

**Motion Carried: 5 Ayes ~ Youngblood, Wood, Seaman, Shepler, Eddy**

**RESOLUTION #118:**

**Resolution to Authorize Attendance at the Association of Towns Annual Meeting**

**WHEREAS**, the New York State Association of Towns Annual Meeting is to be held in New York City, February 19-22, 2017, and

**WHEREAS**, this meeting is very educational and informative, and

**WHEREAS**, actual and necessary expenditures are a town charge, (General Municipal Law 77-B Section 77-B Chapter 413 L 1974) and the maximum rates as per the Town of Thurman's Travel Policy are waived for this training,

**BE IT RESOLVED**, that the Town Supervisor, Town Board Members, Town Clerk, and Justice are authorized to attend the Annual Meeting and should notify the Supervisor by December 1, 2016 if they plan to attend.

On a motion by **Councilwoman Seaman**, seconded by **Councilwoman Shepler**, Resolution #118 was passed.

**Motion Carried: 5 Ayes ~ Youngblood, Wood, Seaman, Shepler, Eddy**

**RESOLUTION #119:**

**Authorization to Attend the Adirondack Association of Towns and Villages Membership Meeting**

**WHEREAS** the Town of Thurman is a member of the Adirondack Association of Towns and Villages, and

**WHEREAS** the Membership Meeting of the Adirondack Association of Towns and Villages will be held in December 2016 in Lake George, NY,

**BE IT RESOLVED** that the Town Board approves attendance for Evelyn Wood at the Membership Meeting.

On a motion by **Councilwoman Seaman**, seconded by **Councilman Youngblood**, Resolution #119 was passed.

**Motion Carried: 5 Ayes ~ Youngblood, Wood, Seaman, Shepler, Eddy**

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**RESOLUTION #120:**

**Resolution Amending Hall Rental Policy**

WHEREAS earlier in the year the Town was contacted by the Department of Health regarding events and activities involving food on town property and with in the town, and

WHEREAS the Town has worked with the Department of Health to clarify the requirements and better understand what steps must be taken so that the Town will be compliant with the applicable regulations, and

WHEREAS the Town has been made aware that events and activities held on town property by various individuals and organizations would frequently require a Department of Health Temporary Food Service Permit, and

WHEREAS it has also been brought to the Town's attention that anyone who rents the Town property for functions should also complete a hold harmless agreement and obtain liability insurance if the event qualifies, and

WHEREAS the Town should maintain a copy of the liability insurance, hold harmless agreement and the Department of Health Permits for any event, now therefore be it

RESOLVED that the Town Board directs that all hall rentals should provide a copy of liability insurance, hold harmless agreement, Ag & Market License and Department of Health permit one week before the scheduled event, and be it further

RESOLVED that the Town Board amends our Hall Rental Policy to reflect these changes.

On a motion by **Councilwoman Shepler**, seconded by **Councilwoman Seaman**, Resolution #120 was passed.

**Motion Carried: 5 Ayes ~ Youngblood, Wood, Seaman, Shepler, Eddy**

**RESOLUTION #121:**

**Resolution Authorizing Contract**

WHEREAS the Town of Thurman contracts with Warren/Hamilton Office of the Aging for senior transport, and

WHEREAS the Tow would like to continue these services, be it

RESOLVED that the Town Board authorizes a contract with Warren/Hamilton Office of the Aging in the amount of \$1,797.00 for the year 2017 and authorizes the Supervisor to sign any of the necessary documents.

On a motion by **Councilwoman Seaman**, seconded by **Councilman Youngblood**, Resolution #121 was passed.

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**Motion Carried: 5 Ayes ~ Youngblood, Wood, Seaman, Shepler, Eddy**

**RESOLUTION #122:**

On a motion by **Councilwoman Shepler**, seconded by **Councilwoman Seaman**, the Board resolved to renew the snowmobile contract.

**Motion Carried: 4 Ayes ~ Youngblood, Wood, Seaman, Shepler**

**1 Nay ~ Eddy**

**RESOLUTION #123:**

On a motion by **Councilwoman Seaman**, seconded by **Councilman Youngblood**, the Board resolved to amend to TSA contract with a new ending date of September 30, 2017.

**Motion Carried: 4 Ayes ~ Youngblood, Wood, Seaman, Shepler**

**1 Nay ~ Eddy**

**RESOLUTION #124:**

On a motion by **Councilwoman Shepler**, seconded by **Councilwoman Seaman**, the Board resolved to amended to Fire Company contract to a five year contract with a lock in at a 2% increase per year.

**Motion Carried: 5 Ayes ~ Youngblood, Wood, Seaman, Shepler, Eddy**

**RESOLUTION #125:**

**APPROVAL OF CLAIMS:** 2016 Abstract 011 (General Fund - \$25,505.84; Highway Fund - \$59,903.66, Capital Fund - \$38,005.87, Enterprise Fund - \$1,127.58) for a total of \$124,542.95.

On a motion by **Councilwoman Seaman**, seconded by **Councilman Youngblood**, the Board approved the payment of the claims and the due to and due from, from the General Fund to the Capital Fund in the amount of \$38,005.87.

**Motion Carried: 4 Ayes ~ Youngblood, Wood, Seaman, Shepler**

**1 Nay ~ Eddy**

**RESOLUTION #126:**

On a motion by **Councilwoman Shepler**, seconded by **Councilwoman Seaman**, the Board resolved to move into Executive Session at 7:50 p.m. to discuss the union negotiations involving the Taylor Law and matters relating to the appointment of two particular individuals.

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**Motion Carried: 4 Ayes ~ Youngblood, Wood, Seaman, Shepler**

**Eddy no vote given**

**RESOLUTION #127:**

On a motion by **Councilwoman Shepler**, seconded by **Councilman Youngblood**, the Board resolved to come back from Executive Session at 8:30 p.m.

**Motion Carried: 5 Ayes ~ Youngblood, Wood, Seaman, Shepler, Eddy**

No action was taken.

**RESOLUTION #128:**

On a motion by **Councilman Youngblood**, seconded by **Councilwoman Shepler** the Board resolved to authorize a memorandum of agreement and new contract with the Highway Department this will be for a term of one year starting on January 1, 2017 and ending on December 31, 2017. WE will see an increase of 75 cents to all base rates and change the new hire date to January 1, 2017. Holidays: Currently they have by contract Washington's and Lincoln's Birthdays off. We are going to change that to President's Day and they will have one additional personal day. For protective clothing we are going to increase to \$250. For retirement we will delete the first sentence and paragraph that says "no later than April 1<sup>st</sup>, 1985" and for the health insurance there will be no increase to the Town's caps. It will remain as we do it now so there will be no health care increase to the town. It will be strictly borne by the employees. We are going to move the table of contents to the front of the agreement and adjust any and all dates to co-inside with the date of the contract.

**Motion Carried: 5 Ayes ~ Youngblood, Wood, Seaman, Shepler, Eddy**

**RESOLUTION #129:**

On a motion by **Councilwoman Seaman**, seconded by **Councilman Youngblood** the Board resolved to appoint Carol Baker as the new cleaner. She will work up to 9 hours a week.

**Motion Carried: 5 Ayes ~ Youngblood, Wood, Seaman, Shepler, Eddy**

**PREVILEGE OF THE FLOOR:** The following people spoke Keith Parent and Mary Eddy.

**ADJOURNMENT:** On a motion by **Councilwoman Shepler**, seconded by **Councilwoman Seaman** the meeting was adjourned at 8:34 p.m.

**MOTION CARRIED: 5 Ayes ~Youngblood, Wood, Seaman, Shepler, Eddy**

Supervisor Wood called the meeting back to order at 8:40 p.m.

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**RESOLUTION #130:**

On a motion by **Councilwoman Seaman**, seconded by **Councilwoman Shepler** the Board resolved to adopt the 2017 Budget.

**Motion Carried: 4 Ayes ~ Youngblood, Wood, Seaman, Shepler**

**1 Nay ~ Eddy**

The Meeting was re-adjourned at 8:41 p.m.

Respectfully Submitted:

Jeanie M. Sprague, Town Clerk

November 29, 2016

DRAFT