

January 08, 2020 Regular Board Meeting

MINUTES OF THE REGULAR TOWN BOARD MEETING OF THE TOWN OF THURMAN, NEW YORK HELD JANUARY 08, 2020 AT THE THURMAN TOWN HALL, 311 ATHOL ROAD, ATHOL, NEW YORK COMMENCING AT 6:30 PM.....

PRESENT: Mr. Ed Brown, Councilman

Mr. Randy Galusha, Councilman

Mrs. Joan Harris, Councilwoman

Mr. Douglas Needham, Councilman

Mrs. Susan Shepler, Supervisor

ALSO PRESENT: Mr. Tom Grabowski, Stored Tech

RECORDING SECRETARY: Susan E. Staples

PLEDGE OF ALLEGIANCE TO THE FLAG:

ROLL CALL:

The meeting started at **6:30pm** with the review of claims. The meeting was called to order at **7:00 pm**.

Discussion: Supervisor Shepler noted she would like to welcome everybody to our first Thurman Board Meeting. This evening we have a presentation that is going to be made by **Mr. Tom Grabowski** from **Stored Tech**. So if you would **Mr. Grabowski** we would like to hear from you.

PRESENTATION: Mr. Tom Grabowski noted on the left hand side of that folder you will see what is basically a seven slide power point presentation that would bore you to death. It is 50 slides about IT. I am going to tell you a little bit about what we do. What we do for municipalities, and how we feel we can help the Town of Thurman. Just a little background. **Stored Tech** is a nine year old company. About 55 people. Our headquarters are in Queensbury. We are also in Plattsburgh, Albany, as well as North Carolina. So we have a wide varieties of sites in case we lose a site. Which is what IT is about disaster recovery, and things of that nature. In the public sector we work with many municipalities at the end of this presentation there is a list of municipalities. Not all of them, but a lot of the ones we work with. We probably work with 2 dozen across New York State and the North Country specifically. In the public sector our key offerings are as follows: information technology governance. NY state has a variety of different guidelines and practices issued by the Comptroller's Office. There is a copy of the Comptroller's guidelines in the back on the right hand side of your folder for your reference. It is about 50 pages of information. The Comptroller's Office at this point has guidelines for municipalities to follow as far as protecting personal information of the Taxpayers. That is what is outlined in that guideline. The Comptroller's Office is also doing audits at this point. Information technology audits in addition to their financial audits. (Inaudible) you might be able to see some of those audits that have been out there. They are going to towns and villages regardless of size. So it is something that could affect the town at some point. We help our clients prepare for those audits, and guide them through that process. We do security and risk assessment. We look holistically at your whole IT environment so that we can look at what potential risk there are, and give advise to the Council and you can determine what actions you do or don't want to take or able or not able based on budget. We do network IT, and IT strategy road mapping. We understand that all IT expenses can't all happen at once. That over a five year period we

work out plans with organizations where we can say these are things you should address sooner rather than later, and we map that out over a five year period for our clients there is no surprises either. So when it comes time for budget time you know hey it is 2022. This is what we are planning for 2022. See if that aligns with what your budget situation is at that time. We have customized managed service offerings. So what is managed services? It is where we can be your outsourced CIL. Basically we will be able to manage your computers, your network, your network infrastructure all the way from where the internet comes into the building to actually help you avoid any security lapses, but also to make sure your network is running efficiently, and that you are getting the best value you can for the system for the investment that you made. And the last thing I want to mention is compliance management which I think I covered earlier. On security, protecting tax payer information. I mentioned the Comptroller's Office. The information technology governs municipalities to guide their back. There is a link there to the technology audits. The Comptroller's Office every week, Sunday night because I look Sunday night, issues new audits that they have done across the State. Some of them are financial some are technology. If you look at this site right now the most recent IT one was for the city of Middletown. There have been villages and towns. If you go back in the archives and look. Just to see what the Comptroller's Office is looking for. And most of what they are looking for are preparedness, and documentation. So that you have a plan. Things can happen, but you need to have a plan to make sure to try and minimize that risk to make sure that they don't happen. So what the State is really looking for is three areas from a security standpoint, and these are just good practices whether it is the state or a business. An annual risk assessment so that every year you go through and look and see what are our risk. What are the areas we need to be concerned about. Behind that Comptroller's document that I mentioned is a sample of the self assessment that NY State offers. So you can look through it right now. If you look through it, and know your IT in this town you will know that there is many areas that you wouldn't necessarily come out favorably under an audit. And it is all about planning and procedure, and we can answer those things. And they are not real heavy lifts from a dollar stand point. I am not coming in and saying you have to spend all kinds of money on technology right away, but we need to do the assessment first, and have a plan so we can say this is what we need to do, and this is how we approach it as a town. The other area is employee training. The greatest risk for a breach into an environment, business or government, are the institutions employees. There is social engineering. There are people reaching out via the social media sites trying to gain information about people. Trying to gain information about them. They might be able to guess their passwords. So that is one area where we would train all the Town employees. We would be able to do that with the program we are offering. Train all employees on proper internet usage. Good hygiene basically for computer usage, and making sure you avoid those areas, and what to look for. I will tell you a little more about that in detail in a minute. That and the documentation. Those are the high priority from the Comptroller's Office. Have your documentation. If you have had training, and done a risk assessment the first part of the audit is real easy, and that is the one thing that most organizations that haven't looked at this don't do. So by doing that you are half way there. We have a product that helps municipalities reach that compliance level, and stay there. Second part of it is managed IT services. So what is that. And the statement that we use a lot is you don't know what you don't know. And getting into an organization seeing what is there as far as a network sampling. What is on the computers. There is a whole variety of things that we can look at, and help you manage. So is there a proper antivirus across the organizations PCs. Are there proper backups. These are the things we can look at and then we can help you manage. So is there a proper antivirus across the PCs. Is there proper back ups. These are the things we can look at, and help

you make sure are there. If they are not we can suggest remedies. And that is where sometimes additional expenses do come in place. There is no centralized back up here right now. And things are being backed up. The server is being backed up. The server is being backed up to the server which is actually what is happening right now. The **Supervisor** called us in, and we looked at a few things internally. If the server goes down, and the backup in on the server you still don't have a server. You have to have a separate target as a backup. That is just one example of the things that we find are not best practices. So we help the Town (inaudible) the latest technology and lay the foundation for implementing best practices. So in an engagement with Stored Tech we look at your email systems making sure that they are compliant across the system making sure those are cohesive across the organization because the requirements from NY State as far as retrieving emails from the past, and going forward we can help with that. IT inventory maintenance. Making sure your systems are up to date. For example software expires from time to time. Windows 7 is one that is going end of life this.....Actually next week, and they didn't want to issue security patches for it anymore so it is like when XP went away several years ago. (Inaudible) remember that. So if a security patch, and somebody finds a breach into windows7 Microsoft sort of shirks there shoulder come January 19th. We offer on site support as part of our company. Unlimited onsite support which I think would be really critical to the Town here. So they can note that we can come onsite at a moments notice it is all covered for what you pay for Store Tech should you choose to work with us as well as remote support. So if user is on the computer, and has an issue they call our help desk. They get an answer. I've got 15-18 people on the help desk at any one time during most business hours; usually we are open till 8 so we are there for you. We also as part of this plan would offer antivirus, spam filtering and web security for all the Town's equipment. So in the end we are really are that outsource CIL. An organization of your size, and many organizations your size public and nonpublic sector, they can't afford what we call CIO Chief Information Officer. We can be that for you. I think so at a reasonable cost. So the cost standpoint. I have two separate areas of cost for you. The first we are talking is managed services. That is the managing of technology. Then we are going to talk about managed security services. That is the security point I mentioned first. So managed services we are proposing a flat rate plan, and this is basically what we call the all you can eat plan. Call us as much as you want. Call us for onsite support as much as you want, and it is based on your server, the number of servers, number of storage units, and back up appliances you have, the number of networking elements there are so that like a fire wall, and a switch and a router things like that add up. The number of work stations that the Town has. We have estimated right now that number at 4. There could be more. The thing about this is if you add a computer we just add that on to the plan down the line. If a computer comes off we can take that off so the cost is variable. This is a monthly expense with us, and I should also mention from contractual standpoint we work without contracts basically. We have chosen to do that as a business. We fell we have to earn your business every day, and every month and if for some reason you wanted to leave us, we hope that you never would if you decide to go with us, we just ask that you give us 30 days notice to cancel that. So you are not into some sort of long term commitment with us for this plan. So all those expenses for the server, there are two servers so nobody is confused. There is a physical box, but inside it is software that breaks it up into two separate servers so that counts as two because each one has an operating system. We have to maintain each one. Storage and backup appliances, there is one or there will be one hopefully. Networking management, there are five different networking elements in that chain, and four work stations. That cost comes out to \$825.00 a month is what we would be looking to invoice the Town on a monthly basis. What is included with that, managed virus protection so there is antivirus on every

machine. Web security, so that is content security watching out for intrusions coming in. We monitor that on a regular basis. Web content filtering, and that can be implemented to whatever degree the Town decides. We have had customers ask us to block social media shopping sites things like that. It is just basic good content filtering. Crypto prevent. What does crypto prevent mean it is the attacks that come in where somebody is trying to maliciously take your info data and lock down your system for ransom. That is what crypto prevent is we see those attacks coming we block them. If for some reason they have gone through the system we can isolate it into a single unit, and with good back up you have back up so we know that if somebody did get a hold of the information with encryption they wouldn't be able to use it, but we have a back up to restore. And again unlimited remote and onsite support. Managed security services that is everything I really talked about with the Comptroller's Office. The product that we have is called PII Protect, and what that gives you is it covers those three areas that we talked about. It gives you templated documentation. The State is going to ask you do you have a written information security plan. There is a templated written information security plan with this. There is an expectable use policy so if employees are using their personal cell phone on the Town network there is supposed to be a policy for that. We have a template for that. There is an onboarding and off boarding template so when new Town employees or Board Members come on they have access to Town systems as far as the network and systems go. There is a list of what they get when they come onboard. When they are off boarded there is a list of removed access from so that the right people have access who are supposed to have access based on your policies. There is a security awareness training. There is a one hour video that every employee would receive every year that is a requirement from the State. There is also what we call phishing campaigns. So what is that? That is one of those test emails that you get that says alert payroll question. There is an issueThere has been an error on your payroll please click here to see the information. No, not really not. We send those out as test just to see if everybody is following proper protocol and procedure. If they were to right click on something they get a friendly reminder they need to take additional training. There are 400 micro trainings available as part of this as well. So if somebody still.....It tends to be the same people over and over again just in general practice they take the micro training it gives them a little bit more education on what to avoid. It also does an annual risk assessment. That is the first thing we do if you were to go with this. Get the training and we want to do a risk assessment right away. When that risk assessment is done it goes to a neutral third party after you fill out information. We fill out information as your outsourced CIO. They come back with a list of these areas to look at, and we work out a work plan with you with the (inaudible) template that I mentioned. We also do a dark web trace. Everybody wonders what is the dark web. There is advertisement out there. The dark web is a nasty place. I was in another town today, and they said how do you get there. Well you don't want to go there. There are certain browsers and ways to get there, but what that is, is information that is out there for sale on the web. So what we would do we would do is a scan of your email addresses, and see if those email addresses have been compromised out there. A lot have been. Mine has been compromised because LinkedIn had a compromise in 2016. So I changed password since then. All that does is point to good IT practices change your passwords on a regular basis so people can't get the information. So we do that dark web scan as well. That is \$200.00 a month. So the total spent you would be looking at is \$1,050.00 a month. Again that is cancellable in 30 days anytime that you should choose to do it. The last page has municipalities that we work with. They range from small to large. We have the Town of Queensbury, Glens Falls, Town of Fort Edward, the Town of Milton, Town of Horicon, Town of Hadley, Town of Day, Town of Galloway, Town of Ticonderoga, and Plattsburg. So again there is another (inaudible) on that. So that is all I have prepared. There is a lot of background

documentation that you can read at your leisure, but I will be glad to take any questions that you have. **Councilwoman Harris** asked have you worked with the Town of Thurman before. **Mr. Grabowski** noted we worked with the Town of Thurman before I got to Stored Tech. I have been with Stored Tech for two years. They were here maybe four years ago I think, and did some work, and then they had hired somebody else in the interim after our tenure here. I don't know what happened beyond that. (Inaudible) look at things, and we can give you this proposal. **Councilwoman Harris** asked do you know why they hired somebody else. **Mr. Grabowski** replied I do not. **Supervisor Shepler** noted I can answer that. Would you like to know? **Councilwoman Harris** replied OK. **Supervisor Shepler** stated basically it was the cost. At that point in time it was real (inaudible), and the Town didn't think they could handle it. The flat rate wasn't available to us at that point in time. I am very impressed with the flat rate offer, and I think that because we are such a small community that that would entice me more. **Mr. Grabowski** noted I think at that time we were prob.....In seeing what I see with your records you were on what we call a hybrid payment plan where you pay less per month, but then you buy blocks of hours in advance, and that can get pretty unweildng because people are worried if I call I am getting charged for this call to Stored Tech. That is why we thought the flat rate plan would make sense to you. Nobody is afraid to call. So that way nobody is afraid to call. Call as much as you want, and get us on site as much as you want. Under the hybrid plan you pay for travel in one direction. You are paying for a half hour of travel just right off the bat if we were to come up on site. This makes more sense based on where the IT structure sits here at this time. **Councilwoman Harris** asked what is the flat rate again. **Mr. Grabowski** noted the flat rate again for all the programs that I mentioned is \$1,050.00 per month. **Supervisor Shepler** noted and you think we have to add computer systems to that. **Mr. Grabowski** noted again it is variable. So this is based on the number of issues you have on site at any one time. We have estimated 4 computers. The line items that.....**Councilwoman Harris** interrupted noting so this is estimated for four computers. **Mr. Grabowski** replied estimated four computers. There is individual cost there if you look on the innersevices program. **Councilwoman Harris** asked what page. **Mr. Grabowski** noted I am sorry the pages are not numbered. The third to last. It says Managed Services program topped with a flat rate underneath it. One more page I think. **Supervisor Shepler** stated I have a question for you while **Joan** is doing this. We have a computer in the building that is not utilized 12 months out of the year for the Tax Collector. Can we turn it on, and turn it off. **Mr. Grabowski** replied you can, but I don't always advise that. Reason being is every week from Microsoft comes patches that need to go.....And security patches that need to go on these devices. We do that on a weekly basis so machines that are used less frequently once they come back online it could take quite some time to get them back up in order. So if somebody needed something fast I wouldn't advise against it, but that is their choice. If you say take it off for this period. You let us know a month in advance, and we put it back on the plan absolutely. **Supervisor Shepler** noted she is only in (inaudible) months (inaudible). **Mr. Grabowski** noted it is \$75.00 a month for every work station. So every work station that we add to the plan would be an additional \$75.00 a month. **Supervisor Shaper** noted and that was when we were (inaudible) to make it 6. **Councilwoman Harris** stated the **Historian** is on that computer too. **Supervisor Shepler** asked on what computer. **Councilwoman Harris** noted the one in the Tax Collector. **Supervisor Shepler** noted well then it is utilized more frequently. I didn't realize it. Thank you. **Mr. Grabowski** noted OK, and part of this is we would come in and right side things too. If we see things and say hey you have a computer here this isn't used. Or this isn't being used as efficiently as we would see we would made recommendations. We are always looking for ways that we can save towns money. That is the world we live in. **Councilman Galusha** asked if we need onsite service what is your response time. **Mr. Grabowski** noted we can be

here in 30 minutes. As far as how long it takes it really depends on scheduling at that point. There is a whole additional list that the Supervisor has of what our standard response times are as far as if there is a critical outage. All, everything is out. You are down. We look to have that answer within 2 hours for you. If it is something where somebody says hey my computer is running slow do you think you can clean it up we go OK, do you need us right away. No, if you come tomorrow during lunch that will be fine. Well that is a lower level support item. We work it out with you depending upon the situation. I will give you an example the Town of Moreau, not a current client of ours, they had an issue where they had a breach over Christmas Eve. We worked over Christmas for them. So we think that that is.....We were able to help them out. It all depends on the seriousness of the breach. Or the issue or the outage (inaudible). Thank you my card is in there. If you have any other questions feel free to reach out to me. It has my email and phone, and everything else. Susan however you want to communicate we have opened the dialog, and we welcome the opportunity to work with you possibly. **Supervisor Shepler** noted thank you so very much. I appreciate you coming out and presenting this to us. **Mr. Grabowski** stated thank you it was a pleasure.

Supervisor Shepler noted at this time I would like to have the Board go into an Executive Session. Do I have a motion?

Executive Session:

On a motion from **Councilman Needham** and seconded by **Councilman Brown**

The Town Board entered into Executive Session at **7:23 pm** to discuss a possible employee. The Board returned from Executive Session at **7:34 pm** with no action taken.

RESOLUTIONS:

On a motion introduced by **Councilman Needham** and seconded by **Councilman Brown**

Resolution

Resolution to Appoint Landfill Attendant

Whereas, it is necessary to have a second person at the landfill to assist with the public and in case of an emergency

Be it Resolved that the Town Board agrees to appoint Charles Bills, as landfill attendant effective immediately at a rate of pay to be determined.

Discussion: **Councilman Needham** asked do we have to number this and introduce it. **Supervisor Shepler** replied we have to introduce it. We don't number it. **Susan** numbers it. At this point on I numbered the first set because (inaudible), but she numbers them. **Councilman Needham** noted yes, alright. I will introduce it. **Supervisor Shepler** asked discussion. **Councilwoman Harris** stated I think you should change that name to attendant. **Councilman Needham** and **Councilman Brown** both noted laborer. **Supervisor Shepler** asked did we want to discuss the rate of pay. **Councilman Needham** noted start him at \$12.00 an hour. **Supervisor Shepler** asked if there was any further discussion. **Councilman Galusha** noted the hours. **Councilman Needham** noted 17. **Councilman Brown** noted minimum. **Supervisor Shepler** suggested he work the hours that the Landfill is open. So he will work the hours that

the Landfill is open which is right now.....**Councilman Brown** replied Wednesday at 11-2. Saturday, Sunday 8-3 providing they are not major holidays. **Supervisor Shepler** noted I am going to.....The **Town Clerk** asked are you making an amendment to this Resolution. **Supervisor Shepler** stated I am amending it. The **Town Clerk** stated you have to have a motion to amend then you have to vote on it. **Supervisor Shepler** asked can I please have a vote to amend the verbiage in this Resolution to read be it resolved that the Town Board agrees to hire Charles Bills as Landfill laborer effective immediately at a rate of \$12.00 per hour. Hours to commence with the landfill hours. You want it worded.....That is OK. **Councilman Brown** replied yeah, that is fine. The **Town Clerk** asked so what was it after \$12.00 an hour. **Supervisor Shepler** replied the hours that he will work the hours that the landfill is open. The **Town Clerk** stated alright you have to have like a whole....Make a motion, second it, and then take a vote on the amendment. **Supervisor Shepler** asked do I have a motion to.....The **Town Clerk** stated amend. **Supervisor Shepler** continued amend the Resolution. The **Town Clerk** noted I have **Ed** as making it, and **Doug** I will give you the second. **Ed** said it first. **Supervisor Shepler** asked oh **Ed** said it first. Thank you. I should have asked this before we started into this, but I am going to ask that everything have a Roll Call Vote so that we don't have the opportunity to miss somebodies vote. The **Town Clerk** responded it wasn't that anything was missed last time. It was not said. You just that you neglected to vote completely. **Supervisor Shepler** noted well this way we will be assured that everybody's vote is being heard. So now do we just. The **Town Clerk** noted you have to ask for the Roll Call Vote. **Supervisor Shepler** replied no, no I am asking you do we now vote this since we have agreed to the amendment. The **Town Clerk** responded if you are ready to vote on it then you call the Roll Call Vote. **Supervisor Shepler** replied OK. Do you have any further discussions? Do you have any further discussion? We would like to have a Roll Call Vote please.

Resolution #7

On a motion introduced by **Councilman Needham** and seconded by **Councilman Brown**

Resolution to Appoint Landfill Attendant

Be it Resolved that the Town Board agrees to hire Charles Bills as landfill laborer effective immediately at a rate \$12.00 per hour. He will work the hours that the landfill is open.

A Roll Call Vote was called.

Motion Carried: Ayes~5 Brown, Galusha, Harris, Needham, Shepler, Nays~0

Discussion: Supervisor Shepler noted the Resolution that is being brought up was voted on at the last meeting we had, but my vote apparently was not heard or recorded for whatever reason, and so we are bringing it up again. Do I have a motion to bring the Resolution selecting an accounting software for the Town.

Resolution # 8

On a motion introduced by **Councilman Needham** and seconded by **Councilman Brown**

Resolution Selecting Accounting Software for the Town

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WHEREAS, it is vital for the town to close out its finances monthly to avoid errors and give an accurate accounting of the financial picture to the Town Board so that they can confidently manage the finances and,

WHEREAS, Williamson Law is currently the software used in the Town Clerks office,

BE IT RESOLVED that the Town Board agrees that Williamson Law Book software be purchased, reinstalled and used exclusively for the Towns accounting and payroll systems and that the 2020 budget be loaded into the system. The cost to include software, installation, setup and training is \$7,135.00.

Discussion: Supervisor Shepler asked is there discussion. **Councilwoman Harris** replied yes, explain again why we want to change it. **Supervisor Shepler** responded because it is a software that you cannot leave open ended. You have to close every month, and there is no room for error. And it is extremely accurate in its reports. I have used this system before, and have been quite pleased with it.

Councilwoman Harris noted so you are used to it, and.....**Supervisor Shepler** interrupted noting I am. Thank you. Yes. Yup. Do we have any further discussion? **Councilman Needham** responded nope.

Supervisor Shepler stated can we please have a Roll Call Vote.

A Roll Call Vote was called.

Motion Carried: Ayes~3 Brown, Needham, Shepler, Nays~2 Harris, Galusha

Resolution # 9

On a motion introduced by **Councilman Galusha** and seconded by **Councilman Needham**

Resolution to Accept the Contract with Miller, Mannix, Schachner and Haffner

Whereas, it is recommended that the Town of Thurman has Legal Council, and has in the past retained the services off Miller, Mannix, Schachner and Haffner

Be it Resolved that the Town of Thurman agrees to accept the contract with Miller, Mannix, Shachner and Haffner for the years 2020 and 2021.

Discussion: Supervisor Shepler asked do we have any discussion. **Councilman Galusha** asked do we know if there is any changes from the previous agreement that we had with them. **Supervisor Shepler** answered there is a slight increase which goes up (inaudible) every year. It is about a 15 to \$20.00 increase every year. Any additional discussion? **Councilman Galusha** noted that was the only change I take it. **Supervisor Shepler** responded yes, yes. They.....I looked at the 18 contract, and it is down about \$20.00. OK other than that subject agreement, scope of services, terms of renewal compensation, well except for compensation, remain the same. **Councilman Galusha** replied OK. **Supervisor Shepler** asked if there was any other discussion. Can I please have a Roll Call Vote?

A Roll Call Vote was called.

Motion Carried: Ayes~5 Brown, Galusha, Harris, Needham, Shepler

Resolution #10

On a motion introduced by **Councilwoman Harris** and seconded by **Councilman Needham**

Resolution to hire a Cleaner and Maintenance Person for the Town Hall

Whereas, it is necessary to maintain the Town Hall, in a clean and safe matter

Be it Resolved that The Town Board of Thurman agrees to place a help wanted notice in the Post Star newspaper to hire a Cleaning Person and a Maintenance Person. Two Days a week each totaling eight(8) hours a week, starting rate #11.80per hour.

Discussion: Supervisor Shepler asked do I have any discussion. **Councilman Galusha** replied yes, could we also put this on the Town's Website. **Supervisor Shepler** replied certainly. **Councilman Galusha** continued noting and so where the last sentence says two days a week each totaling each the second each is supposed to be struck. **Supervisor Shepler** replied yes please. **Councilman Galusha** noted and so it is going to be a total of eight hours a week not two eight hours. **Supervisor Shepler** noted a cleaner, a cleaner would work eight hours a week, and a maintenance man would work a total of eight hours a week. Customarily in the past it would be four hours on Tuesday and four hours on Thursday for the cleaner, and the two days a week or however we deem necessary to break up eight hours for a maintenance person we can do that. **Councilman Galusha** asked do we have a job description for the maintenance person. What their duties would be. **Supervisor Shepler** noted there has been a job description. Years ago, Red Pitken I think it was, had put it out there. Did you (Councilman Needham) have one when you were working for the Town? **Councilman Needham** noted yeah. **Supervisor Shepler** noted yeah there is one I just have to get it. **Councilman Needham** noted basic maintenance. Hauling and painting whatever. There is a lot to be done. **Supervisor Shepler** stated it would also include set up and break down of the Town Hall. Do we have any further discussion? Can I please have a Roll Call Vote.

A Roll Call Vote was called.

Motion Carried: Ayes~5 Brown, Galusha, Harris, Needham, Shepler, Nays~0

Resolution # 11

On a motion introduced by **Councilwoman Harris** and seconded by **Councilman Brown**

Resolution to Accept the Contract with Cedarwood Engineering Services, PLLC

Whereas, the Town of Thurman is in need of engineering services at its various sites, and assistance with various reports and has in the past used the services of Cedarwood Engineering Services, PLLC

Be it Resolved that the Town of Thurman Town Board agrees to renew the contract with Cedarwood Engineering Services, PLLC

A Roll Call Vote was called.

Motion Carried: Ayes~5 Brown, Galusha, Harris, Needham, Shepler, Nays~0

Resolution #12

On a motion introduced by **Councilman Needham** and seconded by **Councilman Galusha**

Resolution to accept the Agreement with Stored Tech Solutions, Inc.

Whereas, The Town of Thurman currently does not have a contract or agreement with an IT company and it is vital that we are able to maintain our systems on a regular basis, as well as protect our system from unwanted invasions, we are also in need of keeping our systems in compliance with the New York State Comptroller's Office

Be it Resolved that the Thurman Town Board agrees to enter into an Agreement with Stored Tech Solutions, Inc.

Discussion: **Councilwoman Harris** asked has any other business been asked to give us a bid. **Supervisor Shepler** replied not at this time. I can tell you four years ago I interviewed a lot of them, but that doesn't pertain to today. I can also tell you that we've had a couple of issues here at the Town Hall with our server, and our system and Stored Tech was scheduled to come in my office on Tuesday to sit down and talk with me as I had planned on hopefully bringing others in to talk too, but the urgency became greater, and I felt that it was an emergency at this point in time to make sure that we were up and running smoothly and that there was.....We didn't have any malware or anything else coming in, and that we were in compliance with the New York State Comptroller's Office. I did four years ago with John Youngblood interview quite a few computer companies and we were very impressed with Stored Tech. They were higher, but we are looking at them again, and the reason we chose not to go with them as I told **Mr. Grabowski** we felt that they were a little dear, a little pricey, and it was too much for the Town of Thurman so they found somebody else. Since then, and since we had interviewed them four years ago they have come up with a flat rate which is very, very enticing in my opinion. It also does not allow them to charge for a tech to come out so it is a flat rate it is just for the system. It is not for any travel what so ever. \$75.00 a computer I think if you break it down in the scheme of things it is pretty reasonable with what they are looking to give us. Is there any further discussion? **Councilwoman Harris** asked have they been up here in the recent? **Supervisor Shepler** replied yes they have. They came up as an emergency. **Councilwoman Harris** asked so what are they charging us for that we don't have a contract. **Supervisor Shepler** stated I, I've asked him, and he said oh are we charging you. **Councilwoman Harris** stated oh so there is no charge. **Supervisor Shepler** responded well **Tom** is the head of the sales company. I have spoken with Allen. Been.....His last name now, excuse me his first name is Allen, and he I believe he is the head of the company. And there was no discussion of a charge. It doesn't mean that there won't be something coming forth, but if we go into contract with them that would have been one of their onsite visits. Alright. **Councilwoman Harris** asked so you don't want to check out other ones. **Supervisor Shepler** responded honestly I have got to tell you **Joan** I am quite concerned with the status of the system here. We do not have anything backed up, and have not backed up anything someplace else in quite a few years. Currently as **Tom** has stated the system is backing up to the server which is just backing up to the hard drive so if that crashes you are going to loose everything. We need to have an onsite as well as an offsite location for service. For service, for storage, and again we need to get the system up and running. **Councilman Galusha** noted so he said that we actually have 6 work stations. **Supervisor Shepler** noted I said 6. He. Because. Help me out here because I could be wrong. The **Town Clerk** noted we have 9. **Supervisor Shepler** noted my office, we have Gail's office, we have.....The **Town Clerk** noted one in my office. Two in the Court Clerk's office. There are.....**Supervisor**

Shepler noted no, the court clerk office doesn't.....They are notThey are done by NY State. That system. The **Town Clerk** continued noting alright, we have the two upstairs. The one in my office. Two in the Assessor's office. One in Jamiee's office. One in Pat's office. **Supervisor Shepler and Councilman Galusha** noted that is seven. **Supervisor Shepler** noted I missed by one. The **Town Clerk** noted if you are sure the Court Clerk's computers are not covered. And then there is laptops. Tuck has a laptop. **Supervisor Shepler** stated I don't know how the laptops are effected, but we can certainly find out. That is an excellent question. I wish that we could have asked that earlier when he was here. **Councilman Galusha** stated so we are talking about spending \$15,000 a year for this in addition to the 7,000 you dropped on software so we are talking about \$22,000.00 we are spending all together on these two items. **Supervisor Shepler** replied I think you have to look at the overall picture, and the overall view. **Councilman Galusha** replied I do. **Supervisor Shepler** continued and what you are protecting. **Councilwoman Harris** asked (Councilman Galusha) what was your first figure? **Councilman Galusha** replied \$15,000 for Stored Tech. **Supervisor Shepler** note for a year. **Councilman Galusha** noted for one year, and I guess that I would ask that we look at some other companies. Because this is pretty pricey. **Supervisor Shepler** noted the only thing that I am going to say is that it is going to be anther that is going to go by, and we have got issues that need to be taken care of. **Councilman Needham** stated we have issues now. **Councilman Galusha** noted I understand I just.....**Councilman Needham** noted this is something we have to have. **Councilman Galusha** noted we got to have, but it can be done at a cheaper price if possible. **Supervisor Shepler** noted but again he had stated....But the thing of it is we can drop them if we are not happy. **Councilman Needham** noted just to get us rolling. **Councilman Galusha** replied so if we agree to do this will you investigate other companies. **Supervisor Shepler** responded I certainly will. Yup, I will. But I am concerned about going forward, and I am concerned about bringing the new software into the system with what we already have. **Councilman Galusha** asked so can we expect that by the next Board Meeting you will have some proposals from some other companies. **Supervisor Shepler** stated I will be in contact with them yes, and I will bring some forward to you at that point in time. I will do that. **Councilman Needham** noted buy us a little time. (Inaudible) recover. Buy us some time. **Supervisor Shepler** asked do we have any further discussion. **Ed. Joan. Doug. Randy.**

A Roll Call vote was called.

Motion Carried: Ayes~3 Brown, Needham, Shepler, Nays~2 Galusha, Harris

Resolution #13

On a motion introduced by **Councilman Needham** and seconded by **Councilman Brown**

Resolution to Reimburse Funds to the Highway Department From the General Fund

From the General Fund to the Highway Fund \$57878.77

Funds that were transferred from the Highway Fund to the General Fund on 07/31/2018, without Board knowledge or Approval. No Resolution was done.

Discussion: Supervisor Shepler asked do I have any discussion. **Councilwoman Harris** noted I thought this was all settled, and we had **Debbie** explaining how it was done. **Supervisor Shepler** responded no, it was never settled. **Councilman Brown** noted it was never paid back. **Councilwoman Harris** stated so the

Bookkeeper told you something. You didn't believe the Bookkeeper. **Supervisor Shepler** stated there is nothing on the records to show that this money has been transferred from the General Fund to the Highway fund. There was no trail. There is no proof. **Councilwoman Harris** stated I disagree with you, but that is alright. **Councilman Galusha** asked so this Resolution was not part of the meeting packet that we picked up today. We got this at the meeting tonight. We got this at the meeting when we arrived tonight. I would like to have some time to go back, and research the information that I have, and I would have looked at had I known this was going to be in this meeting. **Supervisor Shepler** replied would you like to pick out what bills we will not pay then. For the Highway Department. **Councilwoman Harris** noted this is just one. **Councilman Galusha** noted this is an accounting procedure. I don't think that we are not going to pay our bills. **Supervisor Shepler** responded we have to have money in the Highway Department in order to support what we are sending out for checks. **Councilman Galusha** noted you can transfer money it doesn't have to be this specific amount to rectify previous accounting issue. **Supervisor Shepler** stated there is a trail, and this is a trail. **Councilman Galusha** replied OK, I just would like to have had time to review this before I am asked to pass judgement on it that is all. I am not saying that I wouldn't do it, but I know that we at past Board Meetings there was information presented by the Bookkeeper, and I know that we have some of that information available to us, and I would like to have a chance to review it right. **Councilwoman Harris** noted and I agree with him. **Supervisor Shepler** stated that was two separate funds though may I add. That wasn't for this fund. **Councilman Galusha** continued I would still like to look at it before I pass judgement on it. **Supervisor Shepler** asked any further discussion. Can I please ask for a roll. .Roll.....Roll call vote please.

A Roll Call Vote Was Called.

Motion Carried: Ayes~3 Brown, Needham Shepler, Nays~1 Harris, Abstain~1 Galusha

Discussion: **Supervisor Shepler** stated the pre audits for 2019 total \$4,592.43. The General Fund for 2019 totals \$9,329.78. The General Fund for the year 2020 was \$19,201.97. The Highway for 2019 was \$37,331.87. For the Highway Department for the year 2020 it is \$135.00. We are going to open it up for privilege of the floor. What we would like to do is something a little bit different then what has been done in the past.....**Councilman Needham** interrupted asking don't we have to vote on this. **Supervisor Shepler** responded we don't have to vote on it. I don't know why I did that, but I did that. That was my error. Sorry it was just information. **Councilman Needham** asked just information. **Supervisor Shepler** continued noting right. Because everybody signed, and everybody reviewed them. What I would like to do with the privilege of the floor is something a little bit different than what has been done in the past, and it is according to Mr. Geraghty, the Supervisor in Warrensburg, he says why don't you suggest that they get one bite of the apple. I said OK fine. He said one bite of the apple means you get one time to speak. You are going to speak for two minutes, and then it will go on to the next person. We are not going to go back and forth, and banter back and forth. I would like to maintain some civility in this. And the other thing is we should be discussing what was at hand this evening. Nothing from the past necessarily, and we can't project to the future so if you could all please advise by that I would appreciate it. Oh and all the comments need to be direct to the Board, OK. Oh let's see I will set this for 2 minutes.

PRIVILEGE OF THE FLOOR: The following people spoke during privilege of the floor on the following topics. John Mayburn asked how long it would take to get a handle on the operating expenses for the year. Mary Eddy asked what budget line is being used to pay for Stored Tech and Williamson Law, and what the price of salt was for this year. Also that the last procurement policy would be in place since a

January 08, 2020 Regular Board Meeting

new one wasn't voted on. (Clerk's note: there was a procurement policy voted on and passed on January 03, 2019 and January 04, 2018. **Supervisor Shepler** has stated that there was no procurement policy done in several years.) Kathy Templeton asked where do we look for meeting packets. Also if you could get an opinion on the conflict of interest regarding a Board Member also working at the landfill. Brian Hall asked about how do you plan on paying for Whitespace going forward. Privilege of the floor close at **8:11pm**.

Motion to Adjourn: On a motion made by **Councilwoman Harris** and seconded by **Councilman Needham** the meeting was adjourned at **8:12pm**.

Respectfully Submitted,

Susan E. Staples, Town Clerk

January 29 2020

Attachments:

Susan Staples

From: Kathy Templeton [kathy.templeton37@gmail.com]
Sent: Tuesday, November 19, 2019 10:45 PM
To: thurmantownclerk@verizon.net
Subject: Letter to 2020 Board - to not be distributed until new board is sworn in

The following is a letter sent to the Warrensburg Central School District, Senator Elizabeth Little, Assemblyman Dan Stec, Governor Andrew Cuomo and the NYS Board of Education:

Today, 19 November, 2019, my son, Nolan Templeton was absent from school due to a "Legal Absence". No other marked absence will be accepted. Please see the following:

We received rain, sleet and then snow from the period of 4 p.m. Monday, 18 November, 2019 to nearly 10 a.m. Tuesday, 19 November, 2019.

The town of Thurman Highway Superintendent consistently gives little regard for the proper maintenance of Dippikill Road, which seriously impacts the ability for my child to attend school due to dangerous and non-traversable road conditions.

Kindly,

Kathy Templeton

Sent from my iPad=

THE NORTH COUNTRY GAZETTE

Box 408

Chester town, NY 12817

news@northcountrygazette.org

Susan Staples, Town Clerk
Town of Thurman
Thurman Town Hall
311 Athol Road
PO Box 29
Athol, NY 12810

RE: Town of Thurman, Warren County
Two Town Board Members Ineligible to Serve

TO WHOM IT MAY CONCERN:

No municipal officer may be appointed or elected to an office over which he has the power of appointment.

You can't be an employee and a boss at the same time.

The town board members at issue are Edward Brown and Douglas Needham. According to statutes, case law precedent and opinions of the Attorney General's office, these individuals are in violation of not only state law but also Thurman's Code of Ethics, in particular minimally Paragraph 5 which states

SECTION 5. 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

The courts held that when the members of a board are given the appointing power, it is necessarily implied in that power that they cannot appoint themselves.

There is also a statutory incompatibility.

The leading case on compatibility of office is People ex rel. Ryan v Green, 58 NY 295(1874). In that case the Court held that two offices are incompatible if one is subordinate to the other or if there is an inherent inconsistency between the two offices.

Edward Brown was appointed to the position of landfill attendant by the Thurman Town Board on Dec. 12, 2018 at the rate of pay of \$14.81 per hour and he still holds that position. He was elected to the position of councilman in November 2019 and now serves in the incompatible, unethical and unlawful position of Thurman Town Board member and employee of the board.

The town board appoints landfill employees and thus the town board is Brown's employer.

As a member of the town board, Brown would have a direct interest in the budget of the landfill as well as staffing at the landfill, salaries and benefits. Employees and officers of the town are under the direct supervision and control of the council.

<https://ag.ny.gov/sites/default/files/opinion/I%2096-12%20pw.pdf>

Incompatibility has been said to exist when there is a built-in right of the holder of one position to interfere with that of the other, as when the one is subordinate to, or subject to audit or review by, the second. Obviously, in such circumstances where both posts held by the same person, the design that one act as a check on the other would be frustrated.

In the second situation, the brother of Douglas Needham, Darren Needham, is an employee of the Town of Thurman Highway Department who lives with the town board member. As such, Douglas Needham is his brother's employer. As a town board member, Needham votes on the budget of the highway department and the CSEA contract between the town and the highway department employees, thus setting his brother's salary, income which directly affects his household.

The law prohibits the use of municipal position for personal or private gain.

The courts have consistently held that no municipal officer may be appointed to an office over which he has the power of appointment. The town board appoints landfill employers and thus the town board would be Brown's employer.

<https://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?article=1639&context=flr>

A deciding case on the issue, Wood v. Town of Whitehall 120 Misc. 124, 197 was upheld by the state Appellate Division of state Supreme Court. <https://casetext.com/case/wood-v-town-of-whitehall>

I believe the law and circumstances mandate the removal of both Edward Brown and Douglas Needham from the office of town board member and request that action be taken to do so immediately.

Very truly yours,

June Maxam, Publisher

CC: Town attorney Mark Schachner