

**MINUTES OF THE REGULAR BOARD MEETING OF THE TOWN BOARD OF THE TOWN OF THURMAN, NEW YORK HELD JULY 10, 2019 AT THE THURMAN TOWN HALL, 311 ATHOL ROAD, AHTOL, NEW YORK, COMMENCING AT 6:30 PM.....**

**PRESENT:** Mrs. Joan Harris, Councilwoman

Mrs. Gail Seaman, Councilwoman

Mrs. Cynthia Hyde, Supervisor

**ABSENT:** Mrs. Brenda Ackley, Councilwoman

Mr. Douglas Needham, Councilman

**ALSO PRESENT:** Investigator Mootz, New York State Police

**RECORDING SECRETARY:** Susan E. Staples

**PLEDGE OF ALLEGIAANCE TO THE FLAG:**

**ROLL CALL:**

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

**Discussion:** Supervisor Hyde noted I would like to start off the meeting. I have invited **Investigator Mootz** to join us. I have some information to share with the public and with the Town Board. Several months ago.....I'll kind of get started here then I will invite **Investigator Mootz** up so he doesn't have to stand while I talk about the first part. Several months ago, actually I am not sure what month off the top of my head, but we got our bank statements. And **Susan Baker** was going through the **Town Clerk's** bank statement, and she found an issue. So I ran upstairs, and went through the other bank statements. And I will tell you what we found in my bank account, not mine but the General Fund, and I will tell you what was found in **Susan's**. We found that a check had been cashed in.....Apparently what it looked like an Ohio bank called Huntington Bank.....The check, the check appeared on our statements, and it showed **Huntington Bank** and it was for 900 and 80 something dollars. And it had the Town account number, and it had the **Glens Falls National** routing number. And so obviously it stuck out like a sore thumb so um **Susan** tell what happened to you. The **Town Clerk** stated I also had a check on my account for 700 and something dollars, and we only write three checks generally a month out of my account so it stuck right out. I write one to you, I write on to Ag and Markets, and sometimes one to the Department of Health. **Supervisor Hyde** note yeah and so we.....This particular check was out of the General Fund. So we called the Police, and **Susan** and I went down and spoke to **Investigator Mootz**, and sat down with him. I will let **Investigator Mootz**.....I would like to introduce **Investigator Mootz** to the public. This is **Councilwoman Gail Seaman**. **Councilwoman Joan Harris**, and I am sorry that the other two people are not here. **Councilwoman Seaman** asked how long ago was it. **Supervisor Hyde** noted just a couple of months. **Councilwoman Seaman** asked how many couple of months please. Be specific. You have to know. How many months ago? **Supervisor Hyde** noted excuse me. **Investigator Mootz** stated March. **Councilwoman Seaman** responded March? And you didn't tell the Board. This has been going on.....**Supervisor Hyde** interrupted noting excuse me **Mrs. Seaman**, excuse me **Mrs. Seaman** there was an investigation going on. **Councilwoman Seaman** interrupted noting no, no, no. **Investigator Mootz** stated I am **Investigator Mootz** with the **New York State Police**. So in March of this year.....Actually in

April of this year **Mrs. Hyde** brought to my attention a compromised bank account. What I mean by compromised there were funds that appeared to be missing out of the account via the vehicle of a check. From her.....From this bank account what we did was I opened an investigation. I was able to.....I spoke with numerous people. I was able to follow the check via numerous resources. Follow the check. The check was actually cashed in Ohio. Moonship, Ohio. Coraopolis, Ohio to a Giant Eagle Supermarket. At this point I believe we have located a suspect. There were fraudulent checks involved in this. However, the one the bank was able to reimburse the fund. And this is the Town of Thurman Consolidated Fund I believe. The Glens Falls bank was actually able to stop the transaction reimburse the Town of Thurman's Consolidated Fund. The other one was still outstanding. They had cashed the (inaudible) the transaction had been completed, but again it was done in Coraopolis, Pa., and it was..... What it was was very simple. We see this often as an agency. It was a check. A fabricated check with imposed routing numbers, and account numbers. And unfortunately this time it happened to be the Town of Thurman Consolidated Funds. So I then in conjunction with the **U.S. Secret Service and the Moonship Town Police Department** out in Pennsylvania, we were able to identify a suspect. It is actually they steal mail. We believe, we believe. They steal mail, and superimpose routing numbers and account numbers, and write as many checks as they can, and hopefully receive the proceeds from those checks. So with this we believe we have identified a suspect. I don't believe there to be any fraudulent behavior involving anyone in the Town of Thurman. I don't believe any crime originated in the Town of Thurman. Furthermore I don't believe any crime originated in Warren County or in the State of New York. So again this is a type of fraud that we see frequently. We are trying to nip it in the bud. If you have any questions that is where we stand as of right now. **Councilwoman Seaman** noted yes I do have questions. **Supervisor Hyde** interrupted noting before.....Wait **Mrs. Seaman** I have to add something to this. **Councilwoman Seaman** interrupted noting nope no, no, no. **Supervisor Hyde** continued **Mrs. Seaman** I need to tell more of the story. **Councilwoman Seaman** remarked no. **Supervisor Hyde** continued the bank advised us to close the account immediately which we did. **Councilwoman Seaman** interrupted noting which you have to have a Board Resolution for. **Supervisor Hyde** replied excuse me, and we reopened a new account. One for her, one for the Town Clerk, and one for the Consolidated Fund. So because we couldn't afford to risk that there were other checks out there, and that these account numbers had been compromised. Since then we have had another.....We had one more.....We found out about one more check that is out there that somebody has contacted the bank on trying to take money out of the closed account. So they didn't get it. And then we also found out about another check that is out there somehow, and that one was from yet different account that was already closed because it was the Capital Fund when we did the Alternative Water Project. So they weren't able to get any money, and but somehow these.....Well any time we pay anything we send a check, and so everybody that gets a check has access to our.....The routing number and the account number. So that is where we are, and we had the bank (inaudible) and what we do is we constantly check the activity in the bank account so if something happens we will spot it right away. Unfortunately that takes time with everything, you know we have to keep looking, and looking, an looking, but we want to make sure that this doesn't happen again. We were made whole. So the bank gave us back the 900 that came out of the Consolidated, and the 700, correct **Susan** that came out of yours. The **Town Clerk** replied yup. **Councilwoman Seaman** noted OK now do I get to ask my questions please ? **Supervisor Hyde** replied yes. **Councilwoman Seaman** noted good. Officer at point in time did you or anyone from your office tell the **Town Supervisor** not to inform the Board that is the legally governing body of the **Town of Thurman**, and financial body that makes the decisions. **Investigator Mootz** responded I don't think I did Mam.

**Councilwoman Seaman** noted I didn't believe you did. OK I didn't think you did. **Investigator Mootz** noted OK. **Councilwoman Seaman** continued this is concerning that the **Town Board** is just hearing about this 3 and 4 months after the fact. When no bank account can be closed or no bank account can be opened without a Town Board Resolution, and that is the law. As a matter of fact you have it posted on the Town website. The Town Board acts as a group is the Executive head of the Town and must function as a body. Thus an individual Board Member or Supervisor may not unilaterally act on behalf of the Town Board, and each Town Board Member has the same authority as any other Board Member. In most instances a simple majority of three votes is necessary for a Board to take action. You have pulled us in here for every other thing under the sun.....**Supervisor Hyde** interrupted noting excuse me **Mrs. Seaman** I would appreciate it if you would stop talking to me like that. I am the Fiscal Officer, and I am the Treasurer. **Councilwoman Seaman** spoke over the Supervisor noting for Special Meetings. You didn't (inaudible). You.....I.....And you did a bad job. **Councilwoman Harris** asked can I ask the Investigator a question? **Councilwoman Seaman** continued noting the Town of Thurman should have..... The Supervisor should have called an emergency meeting of the Town Board so that we as a Board could have functioned closing that account, and opening a new one. You have done that without Board approval. **Investigator Mootz** asked if we could we please take a time out here for a minute. **Councilwoman Seaman** responded sure. **Investigator Mootz** noted this lady (Councilwoman Harris) would like to ask a question. **Councilwoman Seaman** replied absolutely. **Councilwoman Harris** noted would noticing.....Having that put out in public would that jeopardize the investigation? **Investigator Mootz** replied not really, but ...Not really to answer your question. But I needed full cooperation on all ends to complete this so .....Initially we did leave the account open, and that was kind of.....That was between myself and the bank. We closed it, but we put some parameters on that to see if we could determine if, where things were going to be cashed, but it was closed shortly thereafter. **Councilwoman Harris** noted so your office was closing up our accounts.....**Councilwoman Seaman** replied no. **Investigator Mootz** noted I did not touch your..... I can't.....But based on the fraud I said if it is going to stay open we need to put.....I can't tell you to close it. I can't tell you to open it or leave it open. But what I will say is based on what we had it is up to the discretion of the Town, and the bank to do what they are going to do. But I say if it is going to stay open until you close it or keep it open there after, let's put parameters on it so no money goes out and no money comes in. And maybe we can determine at what point where someone is trying to commit another crime, and possibly catch somebody in the act that is utilizing that bank account. **Supervisor Hyde** noted one of the main reasons that we wanted to get those accounts closed immediately is because in talking.....Well actually I had been talking to another Investigator, and there could be hundreds of those checks out there online. So the smart thing to do, and the best way to protect our residents was to immediately close that account,.....**Councilwoman Seaman** spoke over the **Supervisor** noting oh. Emergency meeting. So that you could function as a Town only as a (inaudible). **Supervisor Hyde** continued and reopen another account so that we could function as a Town. So that is what we did. I am sorry, but I am speaking and you are speaking over me. The **Town Clerk** stated it is also what the Bank requested us to do. **Councilwoman Seaman** stated the bank does not have the authority. **Supervisor Hyde** noted **Mrs. Seaman** you are out of order. **Councilwoman Seaman** responded no I am not. You are. You conducted business without the Town Boards knowledge. **Councilwoman Harris** noted I think the Fiscal.....The Chief Fiscal Officer has the right to (inaudible). **Supervisor Hyde** replied absolutely. **Councilwoman Seaman** interrupted noting no she does not. **Supervisor Hyde** continued absolutely. To leave that Bank account....**Councilwoman Seaman** spoke over the **Supervisor** noting you..... I can't believe this. She

didn't call the governing body in the Town of Thurman. **Councilwoman Harris** stated you are just mad because you are not in the middle of it **Gail**. **Councilwoman Seaman** replied no. You put in jeopardy the Town finances because (inaudible). **Supervisor Hyde** stated I made sure they weren't in jeopardy. **Investigator Mootz** asked am I all set? **Councilwoman Seaman** replied yup thank you. **Investigator Mootz** asked no further questions for me. **Councilwoman Seaman** stated nope, you have answered what we need. Now since we are on to this. The basic premise is that the **Supervisor** hid from the Town Board Town business that was the first real emergency. Gee what can we say? She was the Town Clerk in 6,000 and now we have (inaudible) checks, and she is the Town Supervisor. Amazing. **Supervisor Hyde** stated it was an emergency. Plus **Mrs. Seaman** has a real problem with accusing me of things that I don't do. **Councilwoman Seaman** replied obviously you did. You opened a bank account without Town Board approval. You didn't call a Emergency. **Supervisor Hyde** noted I am the Fiscal Officer, and the Treasurer. I did what I felt was the safest thing for the Town of Thurman, and I did what I had to do. **Councilwoman Seaman** stated I want this entered into the minutes. A picture of **Cynthia's** post on the Town that she cannot act without Board approval. **Supervisor Hyde** noted OK now let's get back to the agenda. Are there any reports from the Board. **Councilwoman Seaman** noted oh yes we have reports.

**REPORTS FORM THE BOARD:** **Supervisor Hyde** asked reports on your committee? Your committee....What was your committee? The **Town Clerk** noted she has Landfill. The **Supervisor** asked what was that? The **Town Clerk** replied she has Landfill. **Supervisor Hyde** asked oh you have a Landfill Committee report. I am asking for reports from the Board. **Councilwoman Seaman** stated there has been an issue that we have been going through. Back and forth, and back and forth. And I decided....I got a phone call from one of the Towns people, and in getting that I got a lot of information. And I thought you know what the person is right. I'll go right to the County and ask the County. County. Warren County Treasurer Mike Swan. See there is a nasty rumor going around that we can't use Occupancy Tax to take care of our playground. We had a discussion about this **Randy**, and you told me that I was totally wrong. **Supervisor Hyde** interrupted noting excuse me, but I do not want you to bring in anybody from the floor. **Councilwoman Seaman** continued stating I didn't ask you. I didn't ask you anything. We had a discussion. **Supervisor Hyde** noted your.....This is supposed to be a report. I don't need you to name names out in the audience. **Councilwoman Seaman** noted **Cynthia** as soon as you are done I will continue. Alright in that we had a heated discussion because you weren't going to supply playground equipment like was promised. OK this is an email from **Mike Swan** Warren County Treasurer. **Gail**, In response from your question Friday afternoon I have the following answers regarding Occupancy Tax. Several of the towns in the County have used Occupancy Tax to improve their recreational facilities. Queensbury has used the funds to improve their Jenkinsville project. The Occupancy Tax Law has nothing that states in it that this is not an appropriate use of money. Now just to make sure everybody know what the Jenkinsville project is. It is Ridge Jenkinsville Park in Queensbury. It is an 80 acre Ridge Jenkinsville Park in Queensbury is home to a variety of local sports leagues who utilize the parks athletic fields and facilities. The park also features playgrounds, picnic tables and more. **Mike Swan** also told me that Chestertown has spent money on playgrounds and recreational facilities. Stoney Creek has spent money. Johnstown has spent money. Several municipal.....Lake George has spent. **Councilwoman Harris** asked Occupancy money. **Councilwoman Seaman** noted Occupancy tax, and I do have a copy for you, and I have a copy of this that is to go into the record both please. While I was also on the phone to the County Treasurer I decided I better ask him about the Snowmobile Club payments because the **Supervisor** has led people to believe that these changes just happened this year, and we need this great big contract. We already approved a contract last meeting, and just because the

**Town Clerk** refused to type it up even after she gave me a hassle last time, and said that she would definitely take it from the audio I typed it up in full for you so that we don't have a problem. And um, **Mike Swan** regarding that. Regarding the payment to the Snowmobile Club our auditor requested that the contract allowing payments be followed. It is not.....**Councilwoman Harris** interrupted asking an inaudible question. **Councilwoman Seaman** continued noting are you going to let me finish **Joan** because you are making fun of this. They have always had an auditor. **Councilwoman Harris** noted oh I thought they didn't have to be audited. **Councilwoman Seaman** continued regarding the payment the Snowmobile Club the Auditor for the County **Joan**. **Councilwoman Harris** noted it doesn't matter. **Councilwoman Seaman** replied yes it does because you are splitting hairs. The County Auditor requested that the contract allowing payments be followed. This means the Town must show that it has spent the money. Then the County will reimburse the Town the contract amount. This change started two years ago. One and a half years ago in February **Cynthia** wrote a check to the Snowmobile Club without any agreement, and just handed it to them. So I am going to say that the contract that we wrote, and that we changed so that it was applicable now be followed as the Resolution was passed. Here is your copy. Here is a copy for you **Joan**. **Councilwoman Harris** noted thank you sweetie. **Councilwoman Seaman** continued here is a copy for you because you didn't take it off the recording like you promised you would. To the **Town Clerk** let the record show. Also here is a copy from **Mike Swan** and these go in the record. Included in the minutes, and attached to them. **Councilwoman Harris** asked may I have a copy of that please. **Councilwoman Seaman** noted yup. **Councilwoman Harris** replied thank you. **Councilwoman Seaman** noted of course it is online like I am always told, but I have a copy for you. Here you go. **Supervisor Hyde** stated it is really unfortunate that **Mrs. Seaman** doesn't tell us what she is going to talk about before the meeting so we could all be more prepared. **Councilwoman Seaman** responded that is OK. **Councilwoman Harris** noted well I want to know why didn't you spend the \$500.00 for the equipment. **Supervisor Hyde** noted it is not a proper use of Occupancy Tax money. **Councilwoman Seaman** noted now that being said I have a question. Yes it is. Obviously **Mike Swan** just said it. **Supervisor Hyde** noted if it only incidentally helps the Town.....**Councilwoman Seaman** replied nope. **Mike Swan** just said it. Are you going to call the County Treasurer a liar? **Supervisor Hyde** noted I went to the **Tourism Department**, and I spoke to them. **Councilwoman Seaman** repeated are you going to call the County Treasurer a liar. **Councilwoman Harris** noted you called the Lawyer a liar. **Supervisor Hyde** continued I explained what was going on. I said we have a Board Member that is insisting that playground equipment.....To buy new playground equipment would be a proper use of Occupancy Tax money, and they immediately said to me no, it is not. **Councilwoman Seaman** interrupted stating yes it is. **Supervisor Hyde** continued if it was.....The Tourism Department are the people that handle Occupancy money. Not.....The rules....It is not the Treasurer. The Treasurer was the wrong person to go to. **Councilwoman Seaman** interrupted noting the County Treasurer. No the County Treasurer is responsible. **Supervisor Hyde** continued I also spoke with the Assistant County Attorney, and if um if you were to.....If you had a playground that was in a spot like **Shepard's Park** where there is a lot of tourism that maybe could be considered a proper use. **Councilwoman Seaman** stated nope. **Supervisor Hyde** continued however in the Town of Thurman we have a playground that cannot be seen from the road. **Councilwoman Seaman** interrupted stating Jenkinsville's can't either. Jenkinsville can't either. **Supervisor Hyde** continued that nobody plays on. It absolutely does not promote tourism. **Councilwoman Seaman** interrupted stating it absolutely does. **Supervisor Hyde** continued that is why it is not a proper use. **Councilwoman Seaman** responded of course you are then calling **Mike Swan** a liar. Because Jenkinsville facility is stated right there. Black and white. It's for.....The Jenkinsville facility states

right there that it is strictly for the.....There was some conversation among the Board. **Councilwoman Seaman** continued so we go through with the fact that dealing with the Occupancy Tax I just found out tonight when I asked because the numbers aren't adding up here. Um because there was a \$15,000.00 check written to the TSA. All of a sudden. The 18<sup>th</sup> five days after the June Board Meeting that we had an altercation. We had a discussion on. You ran and got a check for \$15,000.00. Well you know what that leaves only \$19,412.00 left on the line. That means that **Cynthia** has over paid \$7,587.00 to the TSA, TCA whichever, and the other.....**Supervisor Hyde** interrupted noting that contract was for \$45,000.00 to the town, the Thurman Station Association. 45. **Councilwoman Seaman** noted you already paid them fourteen seven thousand five hundred and eighty seven dollars. **Supervisor Hyde** responded we agreed to give them the 15,000 that we usually.....Used to keep for the concerts, and then the 30,000. That is what we agreed, and that is what I gave them. End of story. **Councilwoman Seaman** responded **Cynthia**, **Cynthia** 27,000 of this goes to the Snowmobile Club. You didn't budget. **Supervisor Hyde** asked \$27,000.00 of Occupancy Tax money goes to the Snowmobile Club? **Councilwoman Seaman** responded that is in the same line as the Occupancy Tax and you know it. Unless you are playing stupid. **Supervisor Hyde** noted well **Mrs. Seaman** you are the one who changed the budget if you recall. **Councilwoman Seaman** stated I didn't change that. **Supervisor Hyde** continued so I am sorry if you made a mistake. **Councilwoman Seaman** noted didn't.....No you.....Didn't change that. There was 67,000 budgeted on that line like there is always budgeted. **Supervisor Hyde** replied well then there is plenty of money. **Councilwoman Seaman** remarked obviously there isn't according to this line so I suggest that you get some money back. **Supervisor Hyde** noted excuse me **Mrs. Seaman**. **Councilwoman Seaman** noted because you wrote a check without Board approval again. **Councilwoman Harris** asked get it back from who? **Councilwoman Seaman** replied well she wrote a check to the TSA to give to **Mr.** .....**Councilwoman Harris** noted **Galusha**. **Councilwoman Seaman** continued **Galusha** just five days after we had a discussion maybe not getting it. **Councilwoman Harris** asked don't you know what you are doing after all these years? **Councilwoman Seaman** stated please **Randy** think carefully because if you lie we got this stuff on tape. I love it. **Supervisor Hyde** remarked **Mrs. Seaman** you are harassing people. **Councilwoman Seaman** nope that is a promise. **Supervisor Hyde** noted you are harassing people, and you are out of order. **Councilwoman Seaman** noted nope that is a promise. **Councilwoman Harris** stated **Randy** can handle it. **Councilwoman Seaman** stated maybe not. **Supervisor Hyde** stated I am sure that he can. **Mrs. Seaman** has a problem with harassing and belittling people. **Councilwoman Seaman** stated I simply like the fact that I have been vindicated for the....For the Warren County Treasurer who is in charge of all the monies in Warren County, and he stated it plainly. It is an expectable use. Anything is. As a matter of fact he told me if we wanted to use it to pave the roads we could because towns have used it for that. So I have got it in writing **Keith**. And that is remember what you want so it is in writing. **Supervisor Hyde** noted it is really too bad that **Mrs. Seaman** doesn't share with us what she plans on bringing up. I do so you can be prepared. I can never be prepared. **Councilwoman Harris** noted all she is doing is campaigning. **Councilwoman Seaman** interrupted noting just like you never do. So while we are also doing this....While we are also doing this I was wondering how come I sent an email to the Town Attorney because I had sent an email to the **Town Clerk** who I hadn't heard from because we passed a Resolution two weeks ago that said that all correspondence between the Town Attorney and the Town of Thurman were to go in email copies to every Board Member. **Councilwoman Harris** asked didn't you get a copy? **Councilwoman Seaman** noted I got a response from the Town Attorney not because he didn't bother to return it. And then just a couple of days ago I got an email from the **Town Clerk** that stated there have been several cases of Resolutions being brought to the floor without any notice to me,

the Town Clerk, the public or the rest of the Board. These Resolutions are often not in written form, and when they are they are not given to the rest of the Board or me. That is not true. **Councilwoman Harris** stated oh yes it is. **Supervisor Hyde** stated boy is it ever. **Councilwoman Harris** noted that one is true. **Councilwoman Seaman** continued when I am supplied with the Resolution prior the start of the meeting this enables me follow along with what is being said. I can make minor edits or corrections on the Resolution as it is being read and discussed. By refusing to supply me with these Resolutions it can make my job of accurately recording what is happening impossible. There has also been several instances of Board Members making motions while there is still an active motion on the floor. They do not table the motion or make a motion to amend. Therefore if I do not have a written copy of a Resolution prior to the start of a meeting, and if it is not officially introduced it will not be considered as part of the official record. Respectfully **Susan Staples**. Now last Board Meeting that she is referring to five times I asked her to copy the agreement with the Snowmobile Club. I asked **Cynthia** twice she refused. I asked **Susan Staples** on the record on video five times to please copy this for the Board so that she would have a copy to make it easier to make corrections that we want to make that were passed. She refused utterly stating she would take it from the audio. Then she writes this. OK. So first thing I did was think of well maybe it's the Open Meeting Law, and I should contact them. It is not the Open Meeting people who take care of this. **Councilwoman Harris** asked why are we here? **Supervisor Hyde** interrupted noting are we here so **Mrs. Seaman** can vent her anger at everybody? **Councilwoman Seaman** stated we are just getting things absolutely on the record. **Supervisor Hyde** noted I think (inaudible) Town Clerk job. **Councilwoman Harris** asked are you doing it because you want her job? **Supervisor Hyde** stated you are campaigning. You are putting the **Town Clerk** down because you want to win the election. **Councilwoman Seaman** continued I called the Association of Towns attorneys, and to my surprise I was talking with **Katie Hodgdon** Associate Council for the Association of Towns in the State of New York, and she told me while I can't comment on that email that I forwarded to her because the Town Attorney by somebody's word called the Association of Towns and told them that we can't speak to the Town Board Members. Now the Town of Thurman pays between 5 and \$800.00 to the Association of Towns. **Supervisor Hyde** interrupted noting that is an untrue statement. That is an untrue statement. **Councilwoman Seaman** continued noting oh no it is a totally true statement. **Councilwoman Harris** stated we are not in control of them. **Councilwoman Seaman** stated the Town Attorney called and told them this. **Councilwoman Harris** noted we are not in control of the Association. **Councilwoman Seaman** stated OK they don't want this read, but we will read it anyway. **Councilwoman Harris** stated read it I don't care it is a bunch of junk. **Councilwoman Seaman** responded no this is from another attorney. Good afternoon. While I can't comment on the email below I can provide a summary of our conversation that occurred on July 09, 2019 regarding the **Town Clerk** determining which Resolutions are incorporated into the minutes. The **Town Clerk** does not have the authority to determine what becomes an official record or part of the minutes. If the Town Board takes action it must be reflected in the minutes. The Town Board not the Clerk sets the meeting procedures pursuant to Town Law section 63. Please let me know if you have any additional questions. Best Katie Hodgdon Associate Council Association of Towns. Now.....**Supervisor Hyde** interrupted noting now wait a minute I have a comment I want to make. **Councilwoman Seaman** replied no, no I am not finished. **Supervisor Hyde** continued the rules say that any Resolution brought to the floor must be brought to the Town Supervisor the Thursday before the following Board Meeting. Therefore **Mrs. Seaman** does not do that. **Councilwoman Seaman** spoke over the **Supervisor** noting this is to be added to.....This.....I guess we are going to have to read this because we (inaudible) town rule. This is to be entered into the minutes, and attached to them.

Both sheets. **Supervisor Hyde** continued and I also believe if the Attorney from the Association of Towns actually saw what is actually happening at the Board Meetings her answer would probably be very different. **Councilwoman Seaman** replied no. **Supervisor Hyde** continued and I also know that it is very important when you are talking to an attorney to ask the question properly. Because it is very possible to ask a question of an attorney and frame it so that you get the answer that you want. **Councilwoman Seaman** responded no I sent her the email that she sent. If anybody would like a copy I have copies. **Councilwoman Harris** asked you paid an attorney for his service? **Supervisor Hyde** noted she has every right..... **Councilwoman Seaman** stated I don't have to pay the Associations of Towns. We already pay the Association of Towns. However if the ....If the Association of Towns tell me that **Mark Schachner** called, and told them that they are not to speak to the Board Members without a Board Resolution asking him to do that, don't ask me why he would, it had better be corrected in writing that **Mr. Schachner** is far exceeding. Or I want to know who asked him to do it. **Councilwoman Harris** stated I want to see the letter that says that he did it. **Councilwoman Seaman** noted I want to see the letter.....**Councilwoman Harris** noted not your voice. I want to see the letter from the Association that (inaudible). **Councilwoman Seaman** noted while I can't comment on the email below. **Councilwoman Harris** stated I know it didn't happen. Otherwise she can prove it. **Councilwoman Seaman** noted no I did prove it, and I want it fixed. **Supervisor Hyde** remarked the problem is the **Town Clerk** is not here to try and figure out what **Mrs. Seaman** says when she verbally spews out her Resolution. What happens is she puts a motion on the floor. **Mr. Needham** seconds it. Then they say all these things in between.....**Councilwoman Seaman** spoke over her noting we went line by line. **Supervisor Hyde** continued noting the Resolution they say a bunch of other things, and so by the time they are done you don't know what they said. **Councilwoman Seaman** stated that is what the recordings is for. **Supervisor Hyde** continued what is going on, and the **Town Clerk's** job isn't to listen to the recording, and figure out what exactly did **Mrs. Seaman's** Resolution say. **Councilwoman Seaman** interrupted replying you know what the **Town Clerk** is the one who insisted on that. I asked her five times. I asked her 5 times. **Supervisor Hyde** continued and she is not.....That is not her job, and don't expect her.....If you want your Resolutions included in the minutes write them and give them to everybody ahead of time. Just the way I do. **Councilwoman Seaman** replied don't have too. Oh you don't. You actually sent one at 4 o'clock today. I don't even know if it is in the minutes or not. **Supervisor Hyde** stated I didn't send a Resolution at 4 o'clock today. **Councilwoman Seaman** stated you sent a contract that was due.....**Supervisor Hyde** noted I sent you a contract at 4 o'clock today. **Councilwoman Seaman** continued noting in April. You sent a contract that was due in April. **Supervisor Hyde** responded I am sorry **Mrs. Seaman** that is an untrue statement. **Councilwoman Seaman** noted no it isn't. **Supervisor Hyde** asked are you done with your report yet? **Councilwoman Seaman** responded OK. Overview article.....Chapter 6 page 123 of the Town Law Book states of the three types of action taken by the Town Board in its legislative and administrative capacities Resolutions involve the least amount of formality and routine. Resolutions can be introduced and passed at the same meeting, and typically cover the day to day business of the Town. That is the law. (Inaudible) the Law Book. Now my action my response is going to be are you going to adhere to Resolutions that have been passed by the Board, and you have ignored? We have passed Resolutions, and you have ignored every one of them. Are you going to abide by the Resolutions passed by the duly elected Board of this Town? **Councilwoman Harris** replied all the right ones. **Supervisor Hyde** noted **Mrs., Mrs., Mrs. Staples**.....**Councilwoman Seaman** noted aught ah you don't get a choice. **Councilwoman Harris** stated let's go on to the agenda. **Councilwoman Seaman** continued because that makes (inaudible) in the community. Because then depending on who is in office you can decide well



maybe I am going to pick on this person, and nobody is going to be able to stop it. **Supervisor Hyde** asked are you done with your report? Are you done with your report now? **Councilwoman Seaman** continued I am asking you if are going to follow the duly passed Resolutions. **Councilwoman Harris** noted we don't have to answer a report. All we got to do is listen to it. **Supervisor Hyde** noted I am sorry **Mrs. Seaman**. **Mrs. Seaman** is going to talk about (inaudible). **Councilwoman Harris** stated lets' get on with the agenda. **Councilwoman Seaman** noted that means no because they are refusing to answer. **Supervisor Hyde** stated I apologize to everybody.....**Councilwoman Seaman** interrupted noting do you want to go ahead and pass the.....**Supervisor Hyde** continued there is no way I can stop.....She is a Town Board member. **Councilwoman Seaman** stated (inaudible). Don't forget to put this (inaudible). You are right. **Supervisor Hyde** continued she has, she has a vote just like the rest of us. I just want you to know that it isn't in my authority or power to stop a Board Member from saying the things they say. **Councilwoman Seaman** spoke over the **Supervisor** stating and an individual Board Member or a Supervisor may not unilaterally act on behalf of the Town. And each Town Board Member has the same authority as the other (inaudible). **Supervisor Hyde** stated that is why I put that in there. I want everybody to understand that. **Councilwoman Seaman** stated so you unilaterally acted, and decided not to follow Town Resolutions. I want that added in the minutes, an attached to too please. **Supervisor Hyde** stated you are not the **Town Clerks** boss just so you know. You are not..... You have no right to make demands on (inaudible). **Councilwoman Seaman** spoke over her noting yes actually you are. Did you .....Did you not listen to this. **Supervisor Hyde** noted **Mrs. Seaman** you are really being.....You are not in charge. (Inaudible). **Councilwoman Seaman** continued if the.....The **Town Clerk** does not have the authority to determine what becomes part of the official record or part of the minutes. If the Town Board takes action it must be reflected in the minutes. **Supervisor Hyde** commented the Town, the action or the Resolution has to be within the limits of the law. **Councilwoman Seaman** replied no dear. **Supervisor Hyde** continued that is the problem they aren't. **Councilwoman Seaman** continued really. Then you go ahead and contact them, and have it written a different way. She wrote it very plainly. Any normal person could understand. **Supervisor Hyde** noted alright let's get on with our agenda. Next thing, next thing. Next thing we have on.....Do you have a report? You probably don't. **Councilwoman Harris** replied I don't have a report except (inaudible). **Councilwoman Seaman** remarked good. **Supervisor Hyde** noted lets have privilege of the floor.

**PRIVILEGE OF THE FLOOR:** Privilege of the floor was granted and the following people spoke. Mr. Peter La Grasse, Chairman Board of Assessors Town of Stony Creek. As Mr. La Grasse was speaking **Councilwoman Seaman** interrupted and asked him for a copy of his letter. He replied that he would prefer to not be interrupted, and that he would give the Board copies when he was finished. **Councilwoman Seaman** continued to interrupt and speak over him as he read his letter. **Councilwoman Harris** and **Supervisor Hyde** both tried to get her to let Mr. La Grasse proceed. See attached letter. The following other people spoke: Keith Parent, Joyce Eddy, Paula Hubert, Randy Galusha, Wesley Ramsey, and Brian Hall.

Privilege of the floor was closed at 8:03 pm.

#### **RESOLUTIONS:**

**Discussion:** **Councilwoman Seaman** stated you might as well go right ahead to paying the bills. **Supervisor Hyde** asked what, what do you mean by that? **Councilwoman Seaman** stated we are going to pay the bills. You haven't acted on one Resolution that we have passed so I'm not.....I am going to pay

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the bills and that is it. **Supervisor Hyde** stated in other words you are telling me that you are going to vote no on every single.....What about.....**Councilwoman Seaman** interrupted stating until you decide to act on Resolutions duly passed by this Board I will pay the bills that is it. **Supervisor Hyde** state that is a threat. **Councilwoman Seaman** replied no that is a promise. **Supervisor Hyde** continued OK I would like to get a motion to get a Resolution on the floor approve an agreement with the County of Warren and the Town of Thurman for Transportation of the Elderly.

#### Resolution # 50

On a motion introduced by **Councilwoman Harris** and seconded by **Supervisor Hyde**

#### RESOLUTION TO APPROVE AGREEMENT

The town board of Town of Thurman approves the agreement between County of Warren, Warren-Hamilton Counties Office for the aging and the Town of Thurman for transportation of the elderly and authorizes the supervisor to sign the necessary documents.

Motion Failed: Ayes~2 Harris, Hyde, Nays~0, Abstain~1 Seaman

**Discussion:** **Councilwoman Seaman** noted oh no, no, no. I am going to state that this Resolution should have been brought in April so I am going to abstain until we get full Board that we can actually.....It is written in what you sent us in April.....The **Town Clerk** asked OK **Cynthia and Joan** what is your vote? **Supervisor Hyde** noted here is a letter from the Warren County Attorney's office. Agreement with Warren County. **Councilwoman Seaman** stated I am abstaining. I am abstaining so it doesn't matter. **Supervisor Hyde** continued June, June 20, 2019 enclosed please find two partially executed agreements for signature. **Councilwoman Seaman** interrupted noting partially executed. Partially executed. **Supervisor Hyde** continued please execute both agreements, and return one to the original office. This came in with the agreement that I just read the Resolution on. What's that date? **Councilwoman Harris** noted June 20<sup>th</sup>. **Councilwoman Seaman** noted well it states that it is from April to next April. **Supervisor Hyde** continued asking so what is the first Board Meeting I could possibly bring this to the floor. **Councilwoman Seaman** replied well then you should have given us more time because I haven't had time to read it. **Councilwoman Harris** noted (inaudible). **Supervisor Hyde** stated this was after our June Board Meeting. So I am sorry, but I did not hold on to it. **Councilwoman Seaman** replied actually you did until today. **Supervisor Hyde** continued because I didn't get it until June 20<sup>th</sup>. **Councilwoman Harris** stated call for a vote. You abstained right. The **Town Clerk** stated she abstained. What is your vote **Joan**, yes? **Councilwoman Harris** replied yes. **Cynthia** you were a yes? **Supervisor Hyde** replied yes. This is the senior bus. The bus that picks the seniors up and takes them to Glens Falls and Queensbury. Takes them around shopping and to the Drs. **Councilwoman Seaman** noting yup and you are going to pay for it anyway. We already (inaudible). **Supervisor Hyde** asked did she vote? The **Town Clerk** replied yes, she abstained. You both voted yes. **Councilwoman Harris** stated that's OK read the next one. **Supervisor Hyde** noted and there is a contract. **Councilwoman Seaman** noted oh no. The one that I wrote before **Susan** because she refused to write it down like she said she would.

#### Resolution # 51

On a motion made by **Councilwoman Harris** and seconded by **Supervisor Hyde**

**RESOLUTION TO APPROVE CONTRACT WITH THURMAN CONNECTION SNOWMOBILE CLUB**

The town board of the Town of Thurman approves the contract with the Thurman Connection Snowmobile club and authorizes the supervisor to sign the necessary paperwork

**Discussion:** **Councilwoman Seaman** noted great we already approved a contract. It has already been approved. **Supervisor Hyde** stated this agreement was written up by the Town Attorney. The Snowmobile Club asked to see this agreement so that they could share it with their attorney. So I sent it to the Board. I sent it the Snowmobile club. The Snowmobile Club Attorney requested that paragraph 5 be taken out. **Councilwoman Seaman** spoke over the **Supervisor** noting you know what it doesn't matter **Cynthia**. It has already been passed. (Inaudible). **Supervisor Hyde** continued not the whole paragraph, but the first sentence which stated.....Do you see where I highlighted, but the rest of the.....**Councilwoman Harris** stated **Gail** I am trying to listen. **Supervisor Hyde** stated you are out of order. The rest of the Resolution or the rest of the contract was fine with the Thurman Station Association. And they need....We have to.....They need to see the Resolution. Any Resolution that happened at the last meeting that **Gail and Doug** changed, and then they didn't show it to us. They didn't share it with the snowmobile club. **Councilwoman Seaman** interrupted noting and **Brenda**. We didn't we changed this at the meeting. **Supervisor Hyde** continued the so Snowmobile Club couldn't share it with their attorney to find out if they were comfortable with theirs. I know that they are comfortable with this one because I have shared it with them. I have shared it with the Board, and so I am proposing this contract, this Resolution. **Councilwoman Seaman** stated well the problem being we already passed an agreement. **Supervisor Hyde** asked all those in favor. **Councilwoman Harris** noted wait a minute. Wait a minute. **Councilwoman Seaman** noted no we already passed one. **Supervisor Hyde** stated no you didn't. **Councilwoman Harris** asked what is highlighted here? Why was it taken out? (Inaudible). **Supervisor Hyde** noted the Snowmobile Club requested that it got taken out. I tried to bring this up at the last meeting. **Councilwoman Seaman** replied no. **Supervisor Hyde** noted I asked....She had the contract. I asked for it back. I wanted to read that paragraph. **Councilwoman Seaman** interrupted noting we did it. **Supervisor Hyde** continued let the Board know that the Snowmobile Club wanted to take that out. She would not give me the contract back. **Councilwoman Seaman** interrupted stating well the Board.....**Supervisor Hyde** continued so I wasn't able to read it. They plowed over me, and went ahead and changed it and I don't even know what it says. **Councilwoman Seaman** interrupted stated the **Town Clerk** said that she was going to print it. **Supervisor Hyde** continued and so the Snowmobile Club is really getting antsy to get their money. They are fine with this contract without that. **Councilwoman Seaman** remarked no, sorry. **Supervisor Hyde** continued as long as the Board is fine with that contract without that then we can pass it. **Councilwoman Harris** asked does that mean we give them money without a contract? **Supervisor Hyde** responded no. This is the contract. **Councilwoman Seaman** noted no a contract has already been approved. **Councilwoman Harris** noted (inaudible) we give them money, and they don't have to pay it back if they don't use it. **Supervisor Hyde** noted well that is what, that is what they.....**Councilwoman Seaman** stated **Joan** there is already an approved contract. **Supervisor Hyde** noted that is what they want taken out. I am just telling you what.....I am just telling you what they are (inaudible). **Councilwoman Seaman** stated sorry this is the approved contract. **Councilwoman Harris** asked so this is what the Snowmobile Club approved. **Supervisor Hyde** noted this

is what they would like. **Councilwoman Seaman** spoke over the **Supervisor** noting this is what the Board approved. **Supervisor Hyde** continued just so....Just to let you know I believe that this whole thing between the Town and the Snowmobile Club.....Luckily the County and the Snowmobile Club I think are going to deal with it themselves so that we don't have to be part of it anymore. And wouldn't that be nice? **Councilwoman Harris** asked why don't we just delete this and not have it. **Councilwoman Seaman** replied because it (inaudible). **Supervisor Hyde** noted we need a con..... I need to be able to give them their check they have been waiting for months. **Councilwoman Seaman** noted you did it last year without a contract. **Councilwoman Harris** noted (inaudible). We don't even know how much (inaudible) they got. **Supervisor Hyde** replied no, no, no. That is right you were gone for a couple of months. **Councilwoman Seaman** remarked yeah she was gone for three months. **Supervisor Hyde** continued it used to be that the County automatically sent us \$27,000.00. **Councilwoman Harris** stated I know that, and we passed it to them. And I never heard (inaudible). **Supervisor Hyde** continued now they don't. Now we have to give them \$27,000.00 out of our operating money. Give it to the Snowmobile Club. They cash the check. Then that check goes to the bank, the bank sends it back in our statement. We get a picture then we send it to the auditor at Warren County. Then they cut us a check then. **Councilwoman Harris** asked it is all guaranteed that we are getting it? **Supervisor Hyde** stated that is why we need a contract because we are giving them our money. **Councilwoman Seaman** interrupted noting we have a contract. **Councilwoman Harris** asked so we are guaranteed to get the money back. **Supervisor Hyde** replied yeah. **Councilwoman Seaman** stated this is the contract that was passed by the Board. **Supervisor Hyde** asked all those in favor. **Councilwoman Seaman** stated I am not voting. **Councilwoman Harris** stated call for the vote please. The **Town Clerk** asked do you want a Roll Call Vote? **Councilwoman Seaman** stated it doesn't matter I am abstaining. It is already (inaudible). The **Town Clerk** called the vote.

A Roll Call Vote Was Called.

Motion Failed: Ayes~2 Harris, Hyde, Nays~0, Abstain~1 Seaman

Resolution # 52

On a motion introduced by **Councilwoman Harris** and seconded by **Supervisor Hyde**

**RESOLUTION TO APPROVE REINSTATING TRANSFER STATION ATTENDENT**

WHEREAS Ernie Smith had served as a Thurman transfer station attendant until his position was defunded and

WHEREAS he did a good job and

WHEREAS there is a need for a second transfer station attendant because the highway department requested that their laborer, who they have been lending to the transfer station, could no longer work at the transfer station because she was need elsewhere. And

Whereas the budget contains funds for this position now

BE IT RESOLVED that the board rehires Ernie Smith to work part time at the transfer station as transfer station attendant at a rate of \$11.10 per hour no benefits.

**Discussion:** Supervisor Hyde started to read the Resolution when Councilwoman Seaman interrupted noting you can't. (Inaudible). You have to advertise. Councilwoman Harris stated Gail. Supervisor Hyde noted excuse me, but I am speaking. Excuse me but I am speaking. You are out of order. Excuse me. Councilwoman Harris noted she is running for election. Remember this. Councilwoman Seaman continued interrupting to note you can't. You can't advertise something. You can't advertise something that is being posted on the job wanted boards. Supervisor Hyde stated excuse me we are doing Resolutions. She finished reading the Resolution. Councilwoman Seaman stated I am going to say that you can't do this because we have a Resolution that was passed to post the position because it has been vacant for one year or more, and it was supposed to be posted on the Town website and advertised in the papers. And to date apparently you have not done that because we have set a meeting next week to go over those applications. You just can't appoint somebody without the Board. Councilwoman Harris noted let me make a statement. Ernie Smith was put out of this job illegally. Councilwoman Seaman stated no he wasn't. Councilwoman Harris replied yes he was. Councilwoman Seaman noted it was (inaudible). If you don't like it that is too bad. Councilwoman Harris stated he had....You had no reason to do anything. I am just making a comment. Councilwoman Seaman stated good. Councilwoman Harris continued the only reason for you to let him go because you didn't tell him what he did wrong on the job. Councilwoman Seaman stated he didn't do anything wrong. Cynthia didn't tell us that she defaulted on a \$320,000.00 loan. Councilwoman Harris agreed he didn't do anything wrong. Oh go (inaudible). Why do you keep changing the subject. Can't you stay on one subject. Alright just vote Gail. Councilwoman Seaman stated no, I am abstaining. Supervisor Hyde noted all those in favor say aye. You better do a Roll Call on that loud and clear what is going on here.

**A Roll Call Vote Was Called.**

**Motion Failed: Ayes~2 Harris, Hyde, Nays~0, Abstain~1 Seaman**

**Discussion:** Councilwoman Harris stated we have a record now of failure. Councilwoman Seaman stated well now you also.....Councilwoman Harris stated let's go to the next one. Supervisor Hyde stated a motion to get a Resolution to approve additional duties. Councilwoman Seaman spoke over them noting Susan Staples I am also reminding you.....Supervisor Hyde interrupted stating you are out of order Mrs. Seaman. Councilwoman Seaman continued Susan I would also remind you that the Town Clerk does not have the authority to determine what becomes an official record or part of the minutes. If the Town Board takes action, which it did at the last Board Meeting to post this position, it must be reflected in the minutes. Councilwoman Harris and Supervisor Hyde noted we are on something new. We are on Resolutions. We are following the agenda. Councilwoman Seaman continued noting the Town Board not the Clerk sets the meeting procedures. Supervisor Hyde stated stick to the agenda please. Resolution to approve additional duties.

**Resolution # 53**

On a motion introduced by Councilwoman Harris and seconded by Supervisor Hyde

**RESOLUTION TO APPROVE ADDITIONAL DUTIES**

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Whereas the town buildings and grounds are in need of light maintenance and

Whereas the cemeteries need to be mowed and weed whacked and

Whereas Brett Moulton, Thurman Dog Control Officer, is willing to take on these part time duties and

WHEREAS the budget contains funds for these needs now

Be it Resolved that the town board of the Town of Thurman hires Brett Mouton to be an as needed part time maintenance helper at \$11.10 per hour with no benefits.

**Discussion:** Councilwoman Seaman stated while the Associate Counsel for the Associations of Towns says she cannot comment on the email below she can provide a summary of the conversation. The Town Clerk does not have the authority to determine what becomes a part of the record. Councilwoman Harris interrupted noting Gail vote. We have to vote. Inaudible as Councilwomen Harris and Seaman spoke over each other. Supervisor Hyde stated you are out of order again. You are out of order. We are.....Councilwoman Harris noted I don't want to hear that. I don't want to hear that because (inaudible). Councilwoman Seaman continued if the Town Board takes action.....Supervisor Hyde interrupted stating we are trying to follow an agenda Mrs. Seaman. Councilwoman Harris stated call the vote. Call the vote. Councilwoman Seaman continued to speak over them. The Town Clerk stated I need to have who introduced it and seconded it first. Supervisor Hyde noted Joan introduced it, and I seconded it.

A Roll Call Vote Was Called

Motion Failed: Ayes~2 Harris, Hyde, Nays~0, No Vote~1 Seaman

**Discussion:** Councilwoman Seaman stated I cannot vote on a Resolution that is not legal to bring. Councilwoman Harris noted so you aren't even going to abstain? Councilwoman Seaman stated I cannot vote on a Resolution that is not legal to bring. Councilwoman Harris noted OK no vote. That is all we needed. Just no vote we don't need a lecture.

Supervisor Hyde noted this is a Resolution to adopt the Town of Thurman Sexual Harassment Policy. This is going to be the second time I have brought this to the Board. It was voted down before. This is required by New York State. Councilwoman Seaman interrupted stating no it isn't. It is already against the law. Supervisor Hyde continued this is required by New York State. This is required by New York State. Everybody has to adopt a Sexual Harassment Policy. Councilwoman Seaman stated no. Supervisor Hyde continued stating our Board voted it down the last time I brought it to the floor. Councilwoman Harris noted OK it is the same thing. Supervisor Hyde noted so do I have a motion to bring this to the floor?

Resolution # 54

On a motion introduced by Councilwoman Harris and seconded by Supervisor Hyde

**Discussion:** Supervisor Hyde noted I am not going to read the whole policy. However, it is um.....Councilwoman Harris noted it is the same one that everybody else has to take. Councilwoman

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Seaman noted no they don't. Supervisor Hyde noted well it is a package. I'll post it online, but I don't think that it will pass.

## RESOLUTION TO ADOPT THE TOWN OF THURMAN SEXUAL HARRASSMENT POLICY

The town board of the Town of Thurman adopts the Town of Thurman Sexual Harassment policy.

### Introduction

Town of Thurman is committed to maintaining a workplace free from sexual harassment. Sexual harassment is a form of workplace discrimination. All employees are required to work in a manner that prevents sexual harassment in the workplace. This Policy is one component of Town of Thurman commitment to a discrimination-free work environment. Sexual harassment is against the law<sup>1</sup> and all employees have a legal right to a workplace free from sexual harassment and employees are urged to report sexual harassment by filing a complaint internally with Town of Thurman. Employees can also file a complaint with a government agency or in court under federal, state or local antidiscrimination laws.

<sup>1</sup> While this policy specifically addresses sexual harassment, harassment because of and discrimination against persons of all protected classes is prohibited. In New York State, such classes include age, race, creed, color, national origin, sexual orientation, military status, sex, disability, marital status, domestic violence victim status, gender identity and criminal history.

Sexual Harassment Policy for All Employers in New York State

### Policy:

1. Town of Thurman policy applies to all employees, applicants for employment, interns, whether paid or unpaid, contractors and persons conducting business, regardless of immigration status, with Town of Thurman. In the remainder of this document, the term "employees" refers to this collective group.

2. Sexual harassment will not be tolerated. Any employee or individual covered by this policy who engages in sexual harassment or retaliation will be subject to remedial and/or disciplinary action (e.g., counseling, suspension, termination).
3. Retaliation Prohibition: No person covered by this Policy shall be subject to adverse action because the employee reports an incident of sexual harassment, provides information, or otherwise assists in any investigation of a sexual harassment complaint. Town of Thurman will not tolerate such retaliation against anyone who, in good faith, reports or provides information about suspected sexual harassment. Any employee of Town of Thurman who retaliates against anyone involved in a sexual harassment investigation will be subjected to disciplinary action, up to and including termination. All employees, paid or unpaid interns, or non-employees<sup>2</sup> working in the workplace who believe they have been subject to such retaliation should inform a supervisor, manager, or Town of Thurman. All employees, paid or unpaid interns or non-employees who believe they have been a target of such retaliation may also seek relief in other available forums, as explained below in the section on Legal Protections.
4. Sexual harassment is offensive, is a violation of our policies, is unlawful, and may subject Town of Thurman to liability for harm to targets of sexual harassment. Harassers may also be individually subject to liability. Employees of every level who engage in sexual harassment, including managers and supervisors who engage in sexual harassment or who allow such behavior to continue, will be penalized for such misconduct.
5. Town of Thurman will conduct a prompt and thorough investigation that ensures due process for all parties, whenever management receives a complaint about sexual harassment, or otherwise knows of possible sexual harassment occurring. Town of Thurman will keep the investigation confidential to the extent possible. Effective corrective action will be taken whenever sexual harassment is found to have occurred. All employees, including managers and supervisors, are required to cooperate with any internal investigation of sexual harassment.

<sup>2</sup> A non-employee is someone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or anyone providing services in the workplace. Protected non-employees include persons commonly referred to as independent contractors, "gig" workers and temporary workers. Also included are persons providing equipment repair, cleaning services or any other services provided pursuant to a contract with the employer.



6. All employees are encouraged to report any harassment or behaviors that violate this policy. Town of Thurman will provide all employees a complaint form for employees to report harassment and file complaints.

7. Managers and supervisors are required to report any complaint that they receive, or any harassment that they observe or become aware of, to Town Supervisor and Town Clerk.

8. This policy applies to all employees, paid or unpaid interns, and non-employees and all must follow and uphold this policy. This policy must be provided to all employees and should be posted prominently in all work locations to the extent practicable (for example, in a main office, not an offsite work location) and be provided to employees upon hiring.

#### What Is "Sexual Harassment"?

Sexual harassment is a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender.

Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual's sex when:

☐ Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment, even if the reporting individual is not the intended target of the sexual harassment;

☐ Such conduct is made either explicitly or implicitly a term or condition of employment; or

☐ Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual's employment.

A sexually harassing hostile work environment includes, but is not limited to, words, signs, jokes, pranks, intimidation or physical violence which are of a sexual nature, or which are directed at an

individual because of that individual's sex. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, which interfere with the recipient's job performance.

Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions or privileges of employment. This is also called "quid pro quo" harassment.

Any employee who feels harassed should report so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be addressed under this policy.

#### Examples of sexual harassment

The following describes some of the types of acts that may be unlawful sexual harassment and that are strictly prohibited:

- ☐ Physical acts of a sexual nature, such as: o Touching, pinching, patting, kissing, hugging, grabbing, brushing against another employee's body or poking another employee's body; o Rape, sexual battery, molestation or attempts to commit these assaults.
  
- ☐ Unwanted sexual advances or propositions, such as: o Requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion or other job benefits or detriments; o Subtle or obvious pressure for unwelcome sexual activities.
  
- ☐ Sexually oriented gestures, noises, remarks or jokes, or comments about a person's sexuality or sexual experience, which create a hostile work environment.
  
- ☐ Sex stereotyping occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look.

☐ Sexual or discriminatory displays or publications anywhere in the workplace, such as: o Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace.

☐ Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity and the status of being transgender, such as: o Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job; o Sabotaging an individual's work; o Bullying, yelling, name-calling.

Who can be a target of sexual harassment?

Sexual harassment can occur between any individuals, regardless of their sex or gender. New York Law protects employees, paid or unpaid interns, and non-employees, including independent contractors, and those employed by companies contracting to provide services in the workplace. Harassers can be a superior, a subordinate, a coworker or anyone in the workplace including an independent contractor, contract worker, vendor, client, customer or visitor.

Where can sexual harassment occur?

Unlawful sexual harassment is not limited to the physical workplace itself. It can occur while employees are traveling for business or at employer sponsored events or parties. Calls, texts, emails, and social media usage by employees can constitute unlawful workplace harassment, even if they occur away from the workplace premises, on personal devices or during non-work hours.

Retaliation

Unlawful retaliation can be any action that could discourage a worker from coming forward to make or support a sexual harassment claim. Adverse action need not be job related or occur in the workplace to constitute unlawful retaliation (e.g., threats of physical violence outside of work hours).

Such retaliation is unlawful under federal, state, and (where applicable) local law. The New York State Human Rights Law protects any individual who has engaged in "protected activity." Protected activity occurs when a person has:

☐ made a complaint of sexual harassment, either internally or with any antidiscrimination agency;

- ☐ testified or assisted in a proceeding involving sexual harassment under the Human Rights Law or other anti-discrimination law;
- ☐ opposed sexual harassment by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of harassment;
- ☐ reported that another employee has been sexually harassed; or
- ☐ encouraged a fellow employee to report harassment.

Even if the alleged harassment does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if the person had a good faith belief that the practices were unlawful. However, the retaliation provision is not intended to protect persons making intentionally false charges of harassment.

#### Reporting Sexual Harassment

Preventing sexual harassment is everyone's responsibility. Town of Thurman cannot prevent or remedy sexual harassment unless it knows about it. Any employee, paid or unpaid intern or non-employee who has been subjected to behavior that may constitute sexual harassment is encouraged to report such behavior to a supervisor, manager or Town of Thurman. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to a supervisor, manager or Town of Thurman.

Reports of sexual harassment may be made verbally or in writing. A form for submission of a written complaint is attached to this Policy, and all employees are encouraged to use this complaint form. Employees who are reporting sexual harassment on behalf of other employees should use the complaint form and note that it is on another employee's behalf.

Employees, paid or unpaid interns or non-employees who believe they have been a target of sexual harassment may also seek assistance in other available forums, as explained below in the section on Legal Protections.

#### Supervisory Responsibilities

All supervisors and managers who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing behavior or for any reason suspect that sexual harassment is occurring, are required to report such suspected sexual harassment to town supervisor and town clerk.

In addition to being subject to discipline if they engaged in sexually harassing conduct themselves, supervisors and managers will be subject to discipline for failing to report suspected sexual harassment or otherwise knowingly allowing sexual harassment to continue.

Supervisors and managers will also be subject to discipline for engaging in any retaliation.

#### Complaint and Investigation of Sexual Harassment

All complaints or information about sexual harassment will be investigated, whether that information was reported in verbal or written form. Investigations will be conducted in a timely manner, and will be confidential to the extent possible.

An investigation of any complaint, information or knowledge of suspected sexual harassment will be prompt and thorough, commenced immediately and completed as soon as possible. The investigation will be kept confidential to the extent possible. All persons involved, including complainants, witnesses and alleged harassers will be accorded due process, as outlined below, to protect their rights to a fair and impartial investigation.

Any employee may be required to cooperate as needed in an investigation of suspected sexual harassment. Town of Thurman will not tolerate retaliation against employees who file complaints, support another's complaint or participate in an investigation regarding a violation of this policy.

While the process may vary from case to case, investigations should be done in accordance with the following steps: ☐ Upon receipt of complaint, town supervisor and town clerk will conduct an immediate review of the allegations, and take any interim actions (e.g., instructing the respondent to refrain from communications with the complainant), as appropriate. If complaint is verbal, encourage

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the individual to complete the "Complaint Form" in writing. If he or she refuses, prepare a Complaint Form based on the verbal reporting.

- ☐ If documents, emails or phone records are relevant to the investigation, take steps to obtain and preserve them.
- ☐ Request and review all relevant documents, including all electronic communications.
- ☐ Interview all parties involved, including any relevant witnesses;
- ☐ Create a written documentation of the investigation (such as a letter, memo or email), which contains the following:
  - o A list of all documents reviewed, along with a detailed summary of relevant documents;
  - o A list of names of those interviewed, along with a detailed summary of their statements;
  - o A timeline of events;
  - o A summary of prior relevant incidents, reported or unreported;and
- o The basis for the decision and final resolution of the complaint, together with any corrective action(s).
- ☐ Keep the written documentation and associated documents in a secure and confidential location.
- ☐ Promptly notify the individual who reported and the individual(s) about whom the complaint was made of the final determination and implement any corrective actions identified in the written document.
- ☐ Inform the individual who reported of the right to file a complaint or charge externally as outlined in the next section.

#### Legal Protections And External Remedies

Sexual harassment is not only prohibited by Town of Thurman but is also prohibited by state, federal, and, where applicable, local law. Aside from the internal process at Town of Thurman, employees

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may also choose to pursue legal remedies with the following governmental entities. While a private attorney is not required to file a complaint with a governmental agency, you may seek the legal advice of an attorney.

In addition to those outlined below, employees in certain industries may have additional legal protections.

#### State Human Rights Law (HRL)

The Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., applies to all employers in New York State with regard to sexual harassment, and protects employees, paid or unpaid interns and non-employees, regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the Division of Human Rights (DHR) or in New York State Supreme Court.

Complaints with DHR may be filed any time within one year of the harassment. If an individual did not file at DHR, they can sue directly in state court under the HRL, within three years of the alleged sexual harassment. An individual may not file with DHR if they have already filed a HRL complaint in state court.

Complaining internally to Town of Thurman does not extend your time to file with DHR or in court. The one year or three years is counted from date of the most recent incident of harassment.

You do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR.

DHR will investigate your complaint and determine whether there is probable cause to believe that sexual harassment has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If sexual harassment is found after a hearing, DHR has the power to award relief, which varies but may include requiring your employer to take action to stop the harassment, or redress the damage caused, including paying of monetary damages, attorney's fees and civil fines.

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458. You may call (718) 741-8400 or visit: [www.dhr.ny.gov](http://www.dhr.ny.gov).

Contact DHR at (888) 392-3644 or visit [dhr.ny.gov/complaint](http://dhr.ny.gov/complaint) for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to DHR. The website also contains contact information for DHR's regional offices across New York State.

#### Civil Rights Act of 1964

The United States Equal Employment Opportunity Commission (EEOC) enforces federal antidiscrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint, and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.

The EEOC does not hold hearings or award relief, but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

An employee alleging discrimination at work can file a "Charge of Discrimination." The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (TTY: 1-800-669-6820), visiting their website at [www.eeoc.gov](http://www.eeoc.gov) or via email at [info@eeoc.gov](mailto:info@eeoc.gov).

If an individual filed an administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

#### Local Protections

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live to find out if such a law exists. For example, employees who work in New York City may file complaints of sexual harassment with the



**New York City Commission on Human Rights. Contact their main office at Law Enforcement Bureau of the NYC Commission on Human Rights, 40 Rector Street, 10th Floor, New York, New York; call 311 or (212) 306-7450; or visit [www.nyc.gov/html/cchr/html/home/home.shtml](http://www.nyc.gov/html/cchr/html/home/home.shtml).**

#### **Contact the Local Police Department**

**If the harassment involves unwanted physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact the local police department.**

**Discussion: Supervisor Hyde** asked please call a roll call vote. **Councilwoman Seaman** stated while we are doing this I remind you that until you start acting on the Resolutions that are been duly passed by the Town Board by the majority I am not going to vote on Resolutions like this. **Councilwoman Harris** interrupted stating call it. The **Town Clerk** asked **Councilwoman Seaman** your vote? **Councilwoman Harris** asked what do you vote? **Supervisor Hyde** noted suit yourself. **Councilwoman Seaman** stated I am not voting. The **Town Clerk** stated you are not voting. No vote. OK, no vote.

**A Roll Call Vote Was Called.**

**Motion Failed: Ayes~2 Harris, Hyde, Nays~0, No Vote~1 Seaman**

**Discussion: Councilwoman Harris** stated got a record, got a record. All we need is a record of who did what. **Supervisor Hyde** stated I will let you know **Joan** that.....Did you do the training yet? **Councilwoman Harris** replied yes I did do it. **Councilwoman Seaman** interrupted stating and please make sure that it is known that **Joan** is just interested in making sure that it is down on record that I won't break the law, and vote on something that we shouldn't supposed to be voting on. **Supervisor Hyde** stated actually everybody, everybody that....Everybody has done the training, but three of our Board Members I believe. **Councilwoman Seaman** stated Board Members don't have to take the training. **Supervisor Hyde** stated I did it, you did it. It is just the rest of the Board, and I believe.....I think I got.....We did it right away because we didn't want to forget about it, and I am just double check later, but I believe everybody except for **Mrs. Seaman, Mr. Needham and Mrs. Ackley**. So you will need to do that because it is required. **Councilwoman Seaman** interrupted noting Town Board Members are not required to do that. She continued not by an Elected Official it is not. **Supervisor Hyde** noted OK so the next one. **Councilwoman Seaman** stated unless you want to show me that in writing by the State of New York. **Councilwoman Harris** stated OK we don't care. We don't care if you have sexual harassment or you do (inaudible). **Councilwoman Seaman** replied you know what **Joan** like you said we can trust each other. We know each other. Why would we need something like that? That was your excuse last time when you wanted to pass (inaudible). The **Town Clerk** interrupted noting that is what you said. That is what you said. **Councilwoman Harris** noted the more and more I know you I'm glad that I did take it. OK let's start. **Supervisor Hyde** noted OK, but we can't forget we are supposed to open some letters tonight. **Councilwoman Seaman** stated oh we do have some. **Councilwoman Harris** noted can we finish the Resolutions? **Supervisor Hyde** noted let me get the.....The **Town Clerk** noted Resolution to

approve claims. We are still doing that. **Supervisor Hyde** noted yeah we are doing that. **Councilwoman Seaman** stated if you are doing claims you are going to have to take that one out. **Councilwoman Harris** replied you do what you want. **Councilwoman Seaman** replied I am just telling you. **Councilwoman Harris** noted there is a fire place outside. **Councilwoman Seaman** replied just telling you. That is up to you. I'll approve the rest of them. **Supervisor Hyde** note well **Mrs. Seaman** if you were going to change something .....You need to say.....I can't change it for you. You need to say why. **Councilwoman Harris** noted (inaudible) this one. **Supervisor Hyde** continued you need to say why you don't want to approve those. **Councilwoman Seaman** replied because this is supposed to be paid by the Occupancy Tax money, and you have already given it all out. **Councilwoman Harris** replied OK. **Councilwoman Seaman** noted so you will have to you know find people that you have to give that to the Occupancy Tax. **Councilwoman Harris** stated I introduced the Resolution to pay the.....Who seconded it? You second it **Gail?** **Supervisor Hyde** noted I will second it.

**Resolution #55**

On a motion introduced by **Councilwoman Harris** and seconded by **Supervisor Hyde**

RESOLUTION TO APPROVE CLAIMS

General Fund \$ 8,423.16

Enterprise Fund \$50.00

Highway Fund \$8,074.22

Pre Audit \$3,614.02

**Councilwoman Harris** asked you don't want to second it. **Councilwoman Seaman** asked so are you going to take this out? Cause I'll pay the bills as long as we take this one out. **Councilwoman Harris** asked take what out. **Councilwoman Seaman** replied take this voucher out. **Supervisor Hyde** noted it is revenge against the people. It is a playground thing. **Councilwoman Seaman** interrupted stating no. She continued noting it was simply.....It simply was stated that they are going to pay it so they have to pay it. **Supervisor Hyde** stated ASCAP, it is the music license. **Councilwoman Seaman** noted the ASCAP fees. It has to be paid. You put it right in the.....**Supervisor Hyde** agreed it has to be paid, and there is money to pay it. Why **Mrs. Seaman** is refusing to pay it is beyond me. **Councilwoman Seaman** continued paid yeah. You have to have it paid out of the Occupancy Tax. You have already used it all up. **Councilwoman Harris** noted then why don't we just hand this to the Occupancy People? Are you on Board? **Councilwoman Seaman** replied good question. **Councilwoman Harris** asked are you still on the board? **Councilwoman Seaman** asked for what? **Councilwoman Harris** responded for the Occupancy Committee. **Councilwoman Seaman** stated I was never on the Occupancy Tax Committee. **Supervisor Hyde** stated she is a beneficiary of that money. **Councilwoman Seaman** replied no not really. **Councilwoman Harris** noted oh OK she can't vote anyway. Man it was nice for 3 months. **Councilwoman Seaman** noted yes it was. **Supervisor Hyde** noted OK so the General Fund \$8,423.16. Enterprise Fund is \$50.00. Highway Fund \$8,074.22. Pre Audit.....**Councilwoman Seaman** noted I want it to go on record when she is figuring out the pre audit as contesting the fact that she wrote a check in the pre audit for

\$15,000.00 that was not greater than one year contract, and all contracts one year or less have to be approved by the Board first. The **Supervisor** then did not get Board approval to write a check. For \$15,000.00. **Supervisor Hyde** responded it was a contract. I paid on a contract. **Councilwoman Seaman** noted all contracts one year or less have to be approved by the Board. **Supervisor Hyde** stated it was approved by the Board. **Councilwoman Seaman** noted less have to be approved before written. **Supervisor Hyde** replied it was approved by the Board earlier in the year. **Councilwoman Harris** noted it was approved (inaudible). **Supervisor Hyde** stated it was approved. I am sorry **Mrs. Seaman** your information is incorrect, and I think it is really important for you to stop giving out incorrect information. **Councilwoman Seaman** spoke over the **Supervisor** noting no. It is very correct. She continued would you like me to read law to you. **Councilwoman Harris** responded no. **Councilwoman Seaman** responded oh heavens let's get this right. **Councilwoman Harris** noted I am going to bring a bible if you are going to start reading that stuff. **Councilwoman Seaman** responded well dear somebody obviously can't read very well. **Councilwoman Harris** stated I can read. I can read very well. **Councilwoman Seaman** stated because pre audit is only for certain things. Let me see pre audits It's just not that difficult really. **Councilwoman Harris** noted I've got that book. I can read if I want. **Councilwoman Seaman** replied well obviously you don't. **Councilwoman Harris** noted oh I read it. I just understand it different than you. **Councilwoman Seaman** replied then you don't read. **Councilwoman Harris** replied oh I can read. I have been reading since I was probably 5 years old. **Councilwoman Seaman** responded there is a difference between reading and comprehending. **Supervisor Hyde** noted and then I can't remember if I (inaudible). Usually I should be able to run a report that just show me my paid. Unfortunately because we had another incident were the Board didn't approve the bills until a later date then they show up on the pre audit and.....**Councilwoman Seaman** noted no **Cynthia** you haven't closed out any of the books for any of the months. That is why the (inaudible) didn't show up on the pre audit. **Councilwoman Harris** asked **Gail** have you had a good summer? **Councilwoman Seaman** responded without you yes. The best. **Councilwoman Harris** replied hey you give me the money I will take another 3 months. **Councilwoman Seaman** replied no I think (inaudible) quite busy for 3 months. **Councilwoman Harris** noted do you know that America is awesome? The scenery. Do you know that America is very beautiful? **Councilwoman Seaman** replied yes I have seen a lot of it. **Councilwoman Harris** asked what part of it do you like? **Councilwoman Seaman** replied you know there isn't much of the United States that I don't like. **Councilwoman Harris** asked there is not very much that you like you said? **Councilwoman Seaman** responded that would be what you heard. **Councilwoman Harris** noted well I couldn't hear it all. **Councilwoman Seaman** noted you are clicking your pen too much. **Councilwoman Harris** noted oh and my hearing is going. **Councilwoman Seaman** replied that too. **Councilwoman Harris** noted I have a good reason why it is going. **Supervisor Hyde** noted \$3,614.02. Alright so there we have it. \$8,423.16 from the General Fund. \$50.00 in the Enterprise Fund. \$8,074.22 for the Highway Fund, and \$3,614.02 for the pre audit. All those in favor. **Councilwoman Harris** state no you are going to have to do it the other way. **Supervisor Hyde** stated Roll Call. **Councilwoman Seaman** stated well first I am going to read the law that states what you can pay pre audit. **Councilwoman Harris** remarked call a Roll Call I don't need to hear that book. **Councilwoman Seaman** replied oh yeah you do. The **Town Clerk** started asking for the vote. She called **Councilwoman Harris** for her vote who responded yes. We pay the bills because we have to. The **Town Clerk** asked **Councilwoman Seaman** for her vote. **Councilwoman Seaman** noted the um payment of claims.....**Councilwoman Harris** interrupted asking or no are you going to pay the bills? **Councilwoman Seaman** replied only (inaudible). The **Town Clerk** noted **Supervisor Hyde**. **Councilwoman Harris** asked are you going to pay the bills. Yes or no. It is an easy question. **Councilwoman Seaman**

noted **Town Clerk** you were not given an answer. You simply need to take the minutes please.

**Councilwoman Harris** noted you need to give an answer. (Inaudible) yes or no. **Councilwoman Seaman** noted the payment of claims by the Town Board.....**Councilwoman Harris** noted that is a yes or no. I don't need the bible. **Councilwoman Seaman** noted when you are finished. When you are finished.

**Councilwoman Harris** stated yes or no. **Councilwoman Seaman** replied when you are finished.

**Supervisor Hyde** asked are you going to approve the claims or not? **Councilwoman Seaman** replied I said the payment of claims when you are paying pre audit there are very specific things to be paid with pre audit. They have to be contracts greater than one year. Only greater than one year. Not one year or less. **Supervisor Hyde** noted we are trying.....We are on Resolutions I don't know where you are.

**Councilwoman Seaman** replied well you are having a real hard time with the fact that.....**Supervisor Hyde** stated we are trying to stick to an agenda. Will you please vote on the Resolution? **Councilwoman Harris** asked did you call for me. The **Town Clerk** replied I did call you, and you voted yes.

**Councilwoman Harris** replied OK. And **Gail** is not going to vote. So there is no vote for **Gail**.

**Councilwoman Seaman** stated I would like it in the minutes.....**Councilwoman Harris** noted we don't need (inaudible). **Councilwoman Seaman** noted I would like it in the minutes how you pay the claims and pre audits. **Supervisor Hyde** noted **Mrs. Seaman, Mrs. Seaman** you have no authority to demand that the Town Clerk put something in the minutes. You are one person. **Councilwoman Seaman** interrupted stating actually yes I do. **Supervisor Hyde** continued you are not her boss, and you have no authority to demand anything of her. **Councilwoman Seaman** stated oh actually yes we do.

**Councilwoman Harris** noted you are trying to (inaudible). **Supervisor Hyde** continued so quit wasting our time, and vote please. **Councilwoman Seaman** noted yeah we do because the Town Board sets those regulations and what goes into the minutes. **Supervisor Hyde** replied no **Mrs. Seaman** you are not the Town Board. **Councilwoman Harris** stated just because you are running for the job, and you are trying to learn it don't put (inaudible). **Supervisor Hyde** stated **Mrs. Seaman** you are one person. You have no authority to demand anything be put in that minutes. You are one person. Let me remind you. One vote. Three votes, you are not three votes. You are not five votes. You are one vote. Please stop wasting our time. **Councilwoman Seaman** stated the Town Board not the Clerk sets the meeting procedures pursuant to Town Law section 63. And if a Board Member asks that something be put in the minutes it is to be put in the minutes. The clerk is the clerk to the Board. She is not a member of the Board. Ah is that too difficult for you to understand **Cynthia**? I understand that it is hard. **Councilwoman Harris** noted I am not even listening so you are wasting your time. **Councilwoman Seaman** stated the role of the Town Clerk. The Town Clerk must attend every meeting and keep a written record of all the proceedings of the Board even though he or she may not a member of the Board and does not have a vote on matters coming before the Board. If for some reason the Clerk or Deputy Town Clerk is not present the Town Board may designate someone other than a Town Board Member to act as Deputy Town Clerk. Town Law section 3010. And this is on page 38. And let's see the Town Clerk.....**Supervisor Hyde** interrupted noting **Mrs. Seaman** we are on Resolutions. **Councilwoman Seaman** continued has a number of statutory among other things the Town Clerk issues licenses. Additionally the Town Clerk acts as the recording secretary and takes minutes at Town Board Meetings. Is that a difficult concept? Now the meeting minutes that I would like to put in is to make sure it is on the record that there is the **Town Supervisor** paid a claim for \$15,000.00 outside of the Town Board. I will not approve that \$15,000.00 claim even though she has probably paid it as a pre audit so my vote to pay the bills is for everything except the one that they took out and the \$15,000.00 pre audit check. **Councilwoman Harris** stated OK that is her vote. The **Town Clerk** asked is it, is it.....I need a yes or no or an abstain. **Councilwoman**

**Seaman** stated that is just what I said. You take it however you want. The **Town Clerk** stated alright I am going to put that as a no vote. **Councilwoman Seaman** replied that is up to you. I didn't say no. I said I voted for it except for that being taken out. The Clerk asked the Supervisor for her vote. **Supervisor Hyde** noted yes a Board Member.....**Councilwoman Seaman** stated a Board Member can take something out. **Supervisor Hyde** noted I think it has to be a majority of the Board. **Councilwoman Seaman** stated yes, no it has to be three. The Clerk noted three would be the majority of the Board. **Councilwoman Seaman** replied no it has to be a majority of a five member sitting Board which is three votes. The **Town Clerk** stated that would be three would be the majority. **Councilwoman Harris** noted yeah so it failed. **Councilwoman Seaman** noted well she was hoping that it would be three. **Supervisor Hyde** noted the problem is I don't agree with.....**Councilwoman Seaman** interrupted stating I just said I approve it as long as you take that one out. Because you paid it without approval of the Board. **Supervisor Hyde** continued we, we.... I am not going to agree with her statements. **Councilwoman Harris** stated that is alright. **Councilwoman Seaman** asked you don't want to pay the bills? **Supervisor Hyde** stated I vote to pay the bills. **Councilwoman Harris** stated so two voted yes, and one voted nothing. **Councilwoman Seaman** replied no, I said I would pay them as long as you take that bill out because paid it without authorization. **Supervisor Hyde** asked what is your vote **Mrs. Seaman**? The **Town Clerk** asked so that would be a no vote to pay the full claims. **Councilwoman Seaman** stated I voted yes as long as that bill was taken out I vote yes.

**Motion Failed: Ayes~2 Harris, Hyde, Nays~0, No Vote~1 Seaman**

**Councilwoman Harris** responded OK so it failed. The **Town Clerk** stated it failed. Everything failed tonight. **Councilwoman Seaman** interrupted stating that is up to you I voted yes. So **Cynthia** didn't want to pay the bills and **Joan** didn't want to pay the bills. This is not a proposal, and not a um.....**Councilwoman Harris** noted so that failed so we don't pay the bills. **Councilwoman Seaman** noted this is not..... You don't read these. **Supervisor Hyde** stated alright I have two letters of interest. To Supervisor Hyde and the Thurman Town Board. **Councilwoman Seaman** stated you don't read those. **Supervisor Hyde** continued reading I would like to express my interest in the position of Sole Appointed Assessor for the Town of Thurman with the term beginning October 1, 2019. I would be very happy to meet with you either individually or together at a time convenient to you to discuss any questions you may have. I have been an Assessor for Thurman from July 1978 through 1983, and continually since 2000. Certified by New York State on 4-30-2003 after completing courses mandated for basic certification, and certified Advanced on 3 March 3, 2006 following advanced class work. Most of the time I was a Member of the Three Elected Board of Assessors. Sometimes serving as its Chairman, and most recently as Sole Appointed Assessor since January 2014. That is **Tuck's**.....**Councilwoman Seaman** interrupted asking 2014? **Supervisor Hyde** continued noting 2017. Respectfully Thomas Birdsall. **Councilwoman Seaman** asked where is his pro.....Where is his resume? **Supervisor Hyde** noted and I guess I could add to that.....**Councilwoman Seaman** interrupted stating no, no, no. Where is his resume? **Supervisor Hyde** stated excuse me **Mrs. Seaman**. **Councilwoman Seaman** stated it was supposed to.....**Supervisor Hyde** replied you asked for letters of interest. **Councilwoman Seaman** responded and resumes. **Supervisor Hyde** noted here is the Town Board.....Here is another letter.....Another letter from **Christian Holt**. Dear Town Board, I would like to submit this letter of interest in response to your posting for applicants for the position of Sole Assessor for the Town of Thurman. I have attached the following current resume with list of local references, summary of accomplishments, qualifications, proposals for the Thurman Assessor's Office, printout of my Town of Johnsburg Assessor webpage. There is an

ongoing debate in the Assessment Community about being the Assessor in the Town where you are a resident. I have never lived in Thurman, but I would like to point out I have a strong knowledge of the Thurman -Johnsburg area. While I grew up in Saratoga County I spent my summers up here as a child youth with my grandparents at their camp on Goodman Road. In 2008 I relocated here from Boston and transformed that camp into my now home of almost 12 years. I have been the Johnsburg Assessment Officer since 2012. From the Assessment prospective there are many similarities in makeup of both of John Thurman's town. Large amounts of State owned land, and the ratio of residents to second home owners tax rate in the breakdown of property taxes and exemptions that need to be administered. I hope to get the opportunity to further discuss this position and my qualifications in person. Thank you for your consideration. I look forward.....**Councilwoman Seaman** noted you missed a page. **Supervisor Hyde** replied that is the letter. **Councilwoman Seaman** noted no you have a page that you are not getting. **Supervisor Hyde** stated that is the letter. I am not going to read all that. **Councilwoman Harris** can we all get one. **Councilwoman Seaman** asked can I see? **Supervisor Hyde** responded yes you may see. **Councilwoman Seaman** noted good because I am hoping to get a copy. **Supervisor Hyde** noted I am going to read credentials for office. Let's see. **Councilwoman Harris** noted I have one, one situation. Why would anybody that gets \$40,000.00 a year take a job for 11,000. **Councilwoman Seaman** interrupted noting this is experience. This is all of his experience. **Supervisor Hyde** noted I am.....Credential for office. This is Christian Holt's. I am fair, honest and hardworking with over 30 years of well rounded private sector and government experience as Assessor. I provide an understanding of Real Property valuation and exemption management, local property sales processing and analysis, and the ability to interface with wide range of departments in the Town, County and State level. During my tenure as a Management Consultant I acquired knowledge of operations, duties and responsibilities in optimal application of technology solutions. I have obtained my New York State Certified Assessor Accreditation in under two years, and have exceeded my continuing education requirements by attending annual Summer training at Cornell University and NYSAA Fall conferences. His proposal is to the Thurman Assessment Office. **Councilwoman Seaman** interrupted stating now hold on, hold on. You haven't....You haven't finished reading his experience yet. You read everything else so. **Supervisor Hyde** replied excuse me. I am only reading the letter. Excuse me. **Councilwoman Seaman** started reading and **Supervisor Hyde** stated Mrs. Seaman I was speaking. I was in the middle of speaking Mrs. Seaman. **Councilwoman Harris** asked are you running for election for him? **Councilwoman Seaman** continued to read. **Councilwoman Harris** asked the Supervisor an inaudible question. **Supervisor Hyde** responded yes, we need to.....I need to read what his proposal to Thurman is. That is rather important. You are totally out of order Mrs. Seaman. **Councilwoman Harris** noted (inaudible) they want to listen to this. They want to listen. **Councilwoman Seaman** continued to read. **Councilwoman Harris** stated tell me why he would go from a \$40,000.00 job to an \$11,000.00 job. **Councilwoman Seaman** replied why would you take this job for \$3,000 a year. **Councilwoman Harris** replied because I have been working in the Town of Thurman for over forty years. **Supervisor Hyde** noted alright so the question is.....**Councilwoman Seaman** interrupted asking so your question is (inaudible). **Supervisor Hyde** continued I shared with the Board Mr. Birdsall's training. I am trying to pull it up here. **Councilwoman Seaman** interrupted noting Mr. Birdsall should have put it in his letter, and he is going to need to submit a resume. This is a resume. **Supervisor Hyde** noted oh here it is. **Councilwoman Harris** remarked OK read it. She asked **Councilwoman Seaman** to see Mr. Holt's proposal. **Councilwoman Seaman** stated I would like.....Would you please make copies so each of the Board Members can have copies of this. **Supervisor Hyde** asked can you be quiet now so that I can read the.....**Councilwoman Seaman** replied I

need to ask the **Town Clerk** to make copies because we don't want a mistake. The **Town Clerk** stated I will make them after the meeting. **Councilwoman Seaman** continued like we did last time. **Supervisor Hyde** noted OK **Mr. Birdsall's** training is and she read his training. **Councilwoman Seaman** made comments as the **Supervisor** read his training prompting the **Supervisor** to note that she would appreciate it if you would be quiet while I am reading. **Councilwoman Seaman** responded well I want to make sure that the people you know get the full picture because they are not. **Supervisor Hyde** noted I think you might want to hear....Before these people leave I would like them to know that Mr. ....I am not done with this, but **Mr. Holt** is proposing one day a week for 8 hours. Additional hours if needed. Saturdays during exemptions, but for the most part one day a week. For \$20,000.00 a year. **Mr. Birdsall** as you all know keeps office hours 3 days a week, and does **Mrs. Baker** and he only makes \$11,000.00 a year. Additional hours as needed. Requested salary 20,000. Review Assessment Office equipment, and set up and make immediate necessary improvements. This is one day a week. I have worked here for 11 years there is a lot of people coming (inaudible). **Councilwoman Seaman** noted and more are coming in so (inaudible). **Supervisor Hyde** stated OK so I am done with this. She continued to read, and asked **Councilwoman Seaman** to stop interrupting her again. When she finished she stated in order to appoint an Assessor they have to be approved by the State. **Tuck Birdsall** is very well qualified so and Mr.....**Councilwoman Seaman** interrupted with an inaudible statement. **Supervisor Hyde** continued and I think most of us know here what types of office hours **Mr. Birdsall** keeps. **Councilwoman Harris** noted the one thing I checked up on is that there is over a thous.....I had it written down anyway. There is over a thousand tax properties not counting the State. Only two came in and complained. Four more came in and talked to **Mr. Birdsall** and they settled it they didn't have to go to grievance. Two, two grievances out of all of that so what is the percentage of people who did his job well. **Councilwoman Seaman** stated **Joan** people have stopped complaining and coming in because their taxes get raised the very next year. **Councilwoman Harris** remarked no, that is not true. **Supervisor Hyde** noted I would like to.....**Councilwoman Seaman** noted more than they what they (inaudible). **Councilwoman Harris** stated you can't prove that. **Councilwoman Seaman** stated I have proof. **Supervisor Hyde** noted I would like to add that I think that the **Johnsburg Assessor**.....They haven't made their decision yet, but he is probably going to be working in **Johnsburg** also. ....**Councilwoman Seaman** interrupted stating you want to be real careful **Cynthia**. You want to be real careful **Cynthia** because I know that you have been trying to influence the **Johnsburg Supervisor**. You want to be very careful of what you are doing. **Councilwoman Harris** noted they can be influenced? **Councilwoman Seaman** replied yeah. **Councilwoman Harris** noted maybe we can get you up there. **Councilwoman Seaman** continued and you if you say anything derogative about an applicant it can be held against you. **Supervisor Hyde** noted well another thing, another thing would like to share with people. I was kind of upset when I found out the Board was going to seek letters of interest. They, they blindsided me. I didn't know this was going to be brought up, and I had wanted to do....**Councilwoman Seaman** spoke over her noting I know. We talk to her every month. Every month. **Supervisor Hyde** continued I wanted to do some homework on how this is handled because I didn't know. And so but they went and they.....The three of them voted to ask for letters of interest so I did homework after. And what I did was I called around to different towns. Called around to different towns, talked to several different Assessors and I found out that the protocol usually is if an Assessor is.....If a **Town Assessor** is going to retire or if they are not happy with their Assessor they may ask for letters of interest. I found out that most towns who have a qualified good Assessor so not ask for letters of interest. What happens is their Assessor seeks reappointment, and the Board reappoints them. And I think that is just showing good faith in their excellent work that they have performed. And

**Mr. Birdsall** has worked for us for 20 years, and as we know from what **Mr. LaGrasse** just read to us they have done a very good job.....**Councilwoman Seaman** interrupted stating (inaudible) it doesn't matter. **Supervisor Hyde** continued and he has even managed to keep things going, and do a good job even in light of the fact that in 2018 **Mrs. Baker** his Assessor Clerk was, was, was del....The position was deleted, and for a year and 3 months **Mr. Birdsall** worked in that Assessor's Office by himself for a salary of \$11,000.00,.....**Councilwoman Seaman** interrupted stating **Cynthia** do you want to get that straight. **Supervisor Hyde** continued and still managed to get the Assessment Roll out, and still managed to not have a whole bunch of people complaining at grievance. **Councilwoman Seaman** spoke over her noting oh my god. She cannot get her facts straight if her life depended on it. **Supervisor Hyde** continued **Mr. Birdsall** has done an excellent job for our town. **Councilwoman Seaman** stated **Mr. Birdsall** has worked in the Assessor's office from January until August of last year all alone. It must have been terrible. And that is the only amount of time not a year and a half dear. **Supervisor Hyde** replied **Mr., Mr. Holt** makes \$40,000.00 a year for doing the same thing. **Councilwoman Seaman** interrupted stating I don't care. **Councilwoman Harris** noted let me make another comment with **Mr. Holt**. He went into a contract, a handshake, with a previous.....**Councilwoman Seaman** interrupted noting I....I didn't.....**Councilwoman Harris** replied wait a minute. He gave you a handshake with the previous **Supervisor**, and not even a legal one. That is why he did not come on with the Board agreement. **Councilwoman Seaman** continued speaking noting why are you.....Why are you.....Why are you.....What.....Why are.....No you fired him. **Councilwoman Harris** replied no we didn't fire him. There was never a contract. **Johnsburg** didn't know that he was here talking to **Evie**. They only shook hands. There was no shared services. **Councilwoman Seaman** replied it doesn't matter. **Johnsburg** didn't have too. Yes. Didn't have too. **Supervisor Hyde** noted there was no shared services, and **Mrs., Mrs. Seaman** and that Board were willing to pay **Mr. Holt** \$22,000.00 a year to work one day, but the next year when it came.....In 2018 when the same Board member came on board she demanded that **Mr. Birdsall** only make 11. Now why would you pay one Assessor 22,000 and another one 11. **Councilwoman Seaman** replied nope. Because that is what you gave him. Not me. I had nothing to do with it. That was your Resolution **Cynthia**. **Supervisor Hyde** stated alright let's call a motion to adjourn. **Councilwoman Harris** noted I make a motion to adjourn. **Supervisor Hyde** replied I am sorry but I think people need to know. **Councilwoman Seaman** continued that was your Resolution **Cynthia**. Because you passed the Resolution that **Tuck** got 11,000 and .....**Councilwoman Harris** stated I say yes, do you say yes. **Supervisor Hyde** replied yes. **Councilwoman Harris** repeated yes, alright.

**Adjournment:** On a motion introduced by **Councilwoman Harris** and seconded by **Supervisor Hyde** the meeting was adjourned at 8:47pm.

Respectfully Submitted,

Susan E. Staples, Town Clerk

July 31, 2019

Attachments



***Town of Stony Creek***  
***Board of Assessors***  
***Town Hall, 52 Hadley Rd., P.O. Box 96***  
***Stony Creek, N.Y. 12878***

***Peter La Grasse, Chairman***  
***Board of Assessors***  
***911 Facilitator***  
July 10, 2019

Susan Staples, Town Clerk  
Town of Thurman  
P.O. Box 29, 311 Athol road  
Athol, New York 12810-0029

Dear Supervisor and Town Board Members:

I saw with the legal notices that you were advertising for a new Appointed Assessor. This letter is a commentary on the assessment in the Town of Thurman that I hope you will use as a guide in your deliberations on appointing a new or current assessor to fill this vital office.

This letter, really a study of assessment quality in the Town of Thurman, and the whole of Warren County, dwelling on objective measurements of assessment. That is, what is the quality of assessment in the Town of Thurman. Quality in assessment is the measure of uniformity within the assessing unit. "The chief measure of uniformity is the coefficient of dispersion (COD), which, depending on the nature of the properties involved, should not exceed 10.0-15.0 for residential properties, 15.0-20.0 for commercial properties, and 20.0 for vacant land." (p. 547, Property Appraisal and Assessment Administration, Joseph K. Eckert, Ph.D. IAAO 1990) A second measure of assessment uniformity is called the "price-related differential (PRD). I will get into the PRD a little later in this letter.

In 2018 New York State made a study of assessment quality, available on line. Appendix B-2018 Market Value Survey: Coefficient of Dispersion and Price Related Differential Report lists the results of this study for every town in the state. The COD for Thurman, 2014 All Property Sales / Appraisals was 10.83, and for 2017 Residential Sales Only was 10.01. This figure is within the IAAO standard listed above, and it is better than most of the rest of Warren County. To get a feel for this number, lets compare other towns and see how they measure up. To make this easier to understand, I am including the actual chart. For now, please just look at the COD column. At the extreme, Johnsbury has a COD of 28.50, the highest in Warren County. At the low end of the range the Town of Bolton has a lower COD of 8.36 and 8.34. Chester has a COD of 15.18 and 9.64. Just look at these numbers, the entire column, and you have to be proud of the accomplishments of the assessor in your Town of Thurman.

The next thing to study is the price-related differential (PRD). "The price-related differential is a statistic for measuring assessment regressivity or progressivity....A PRD greater than 1.00 suggests that the high-value parcels are under-appraised. On the other hand, if the PRD is less than 1.00, high-valued parcels are relatively over-appraised... As a general rule.... PRDs should range between 0.98 and 1.03." (p. 539-540 IAAO) For residential sales only, Thurman has a PRD of 1.02, matching three other towns with this figure, Glens Falls, Horicon, and Warre3nsburg. Only one town, Bolton, has a 1.00. The worst town is Stony Creek at 1.06 and

Johnsburg at 1.05. To get a better feel for this concept, I looked at the towns in Washington County and Saratoga County. Corinth has a real low PRD of 0.760n 2016 All Properties Sales Appraisals. The Town of Day has a 1.13 PRD in the same category and year as Corinth. Moreau has a PRD of 0.85 in the year 2013. Whitehall has a PRD of 1.13 for 2017 Sales Only, and 1.12 for All Property Sales/Appraisals in 2015. Whitehall also has a COD of 27.09 in 2017 Residential Sales Only.

I hope this gives you a perspective on what an assessor struggles with all the time, equality and fairness. The examples of PRDs above show problems elsewhere. Warren County PRDs as a whole is good, Thurman is exceptional. Warren County's CODs range from excellent with Bolton and Thurman, to somewhat troubling for the rest of the county, the extreme being the Town of Johnsburg.

Enc: NYS Board of Real Property Tax Services, Assessment equity in New York: Results from the 2018 market value survey. Appendix B-2018 Market Value Survey: Coefficient of Dispersion and Price Related Differential Report Municipal Code 52 for Warren County

Yours truly,

Peter La Grasse

Welcome to the Town of Thurman's website!

### Contact Info

Thurman Town Hall

311 Athol Road

Athol, MA 01833

Athol, New York 12813

Phone 518-623-2642

Fax 518-623-4050

**FOOD PANTRY**

**TUESDAYS 11AM THRU 1pm**

Regular Meeting

July 10, 2019 at 6:30 pm

Meeting Packet



State Tax Collector, Tax Manager

Section 2-16 Town Board

**B. Responsibilities.** The town board is the executive and legislative branch of town government.

**1. Majority of board acts as body.** The town board, as a group, is the executive head of the town and must function as a body. Thus, an individual board member or supervisor may not unilaterally act on behalf of the town board and each town board member has the same authority as any other board member. In most instances, a simple majority (3 votes) is necessary for the board to take action.

### LINKS

[Meeting Minutes](#)

[2018 Adopted Budget](#)

[2017 Adopted Budget](#)

[2016 Adopted Budget](#)

[2017 Tentative Assessment Roll](#)

[2016 Final Assessment Roll](#)

[2015 Final Alpha Index](#)

[Property Report](#)

[2016 Annual Update Document](#)

[2018 Town Meeting Agenda](#)

[2018 News and Budget Summary](#)

[Reports, Abstracts, Bank Statements](#)

[Board of M. S. A. M.](#)

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### Help Wanted Ad

Written and promoted by

Councilperson Gail Seaman

Town of Thurman seeking to fill position of  
Site Assessor for term beginning 10/1/2019

All applicants must meet NYS requirements

for the position. Please submit letters of

interest, qualifications and proposals to the

Thurman Town Board for consideration.

Letters will be reviewed at the July and

August Regular meetings and should be

addressed to: Thurman Town Board, 311

Athol Road, Athol, N.Y. 12810

## AGREEMENT

THIS AGREEMENT, made by the Town of Thurman, a municipal corporation of the State of New York having its principal offices and place of business located at the Town Hall, PO Box 29, 311 Athol Road, Athol, NY 12810 (the "Town") and The Thurman Connection Snowmobile Club, Inc., a New York not-for-profit corporation with its principal office and place of business at 133 Bear Pond Road, Athol, New York 12810.

WHEREAS, pursuant to the agreement with Warren County Board of Supervisors regarding snowmobile trail development, maintenance and/promotion of trail systems similar to that which existed in previous years or using the funds for subcontractors with third parties for said purposes; and

WHEREAS, the Town has sponsored and is willing to continue to sponsor on its own and through contracts with The Thurman Connection Snowmobile Club, Inc. for the development, maintenance and/or promotion of snowmobile trails within the Town for use by all Warren County residents and others; and

WHEREAS, the County of Warren has agreed to pay to the Town during the fiscal year 2019 a sum not to exceed twenty seven thousand dollars (\$27,000) and the Town shall in turn use said funds for maintenance and/or promotion of trail systems by The Thurman Connection Snowmobile Club, Inc. for snowmobile trail development, maintenance and/or promotion; and

WHEREAS, the Town Board of the Town of Thurman approved this Agreement between the Town of Thurman and The Thurman Connection Snowmobile Club, Inc. on the 24th day of June 2019.

NOW, THEREFORE, it is mutually agreed upon by and between the parties as follows:

1. The Town hereby agrees to sponsor or cause and encourage the continuation of development, maintenance and/or promotion of the snowmobile trails within the Town.
2. Any resident residing in Warren County shall be permitted access to Town sponsored or controlled snowmobile trails at the same charges which apply to residents of the Town.
3. The Town of Thurman agrees to pay The Thurman Connection Snowmobile Club, Inc. during the fiscal year 2019 a sum not to exceed twenty-seven thousand dollars (\$27,000) and The Thurman Connection Snowmobile Club, Inc. shall in turn use said funds for the purposes of equipment, trail development, maintenance and/or promotion of the trail systems similar to that which existed in previous years.
4. The Thurman Connection Snowmobile Club shall indemnify and hold the Town of Thurman and its officers, agents and employees harmless from any claims, notices of claim, demands, causes of action and judgments arising out of injuries to persons (including death) or property, whatever kind or nature, as well as a result of the furnishing of the services provided in this agreement in connection with the development, maintenance and/or promotion of the said snowmobile trails referred to in this agreement and/or purchase and use of equipment as provided for herein and shall name Warren County and the Town of Thurman as an additional named insured on any insurance policy to provide coverage of the liability assumed hereunder with the exception of worker's compensation.
5. This Agreement shall be for a term of one (1) year commencing January 1, 2019 and terminating December 31, 2019.

6. This Agreement shall be deemed executory only to the extent of monies made available to the Town through its annual appropriation for this Agreement and no liability on account thereof shall be incurred by the Town beyond monies appropriated therefor.
7. As this Agreement is signed the Town of Thurman shall within five (5) days pay to The Thurman Connection Snowmobile Club a check in the sum of twenty-seven thousand dollars (\$27,000).

IN WITNESS WHEREOF, this Agreement has been executed by the duly authorized officers of the respective parties pursuant to a resolution adopted by their respective governing boards.

The Thurman Connection Snowmobile Club, Inc.

BY: \_\_\_\_\_  
President

Town of Thurman

BY: \_\_\_\_\_  
Cynthia R. Hyde, Supervisor

**From:** Katie Hodgdon <khodgdon@nytowns.org>  
**To:** Gail Seaman <seamangg@aol.com>  
**Subject:** RE: Resolutoiins  
**Date:** Tue, Jul 9, 2019 12:14 pm

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Good afternoon,

While I can't comment on the below email, I can provide a summary of our conversation that occurred on July 9, 2019 regarding the town clerk determining which resolutions are incorporated into the minutes. The town clerk does not have the authority to determine what becomes an official record or part of the minutes. If the town board takes action, it must be reflected in the minutes. The town board -- not the clerk -- sets the meeting procedures pursuant to Town Law section 63.

Please let me know if you have any additional questions.

Best,  
Katie Hodgdon  
Associate Counsel  
Association of Towns of the State of New York  
150 State Street  
Albany, NY 12207  
(518) 465-7933  
(518) 465-0724 (f)  
khodgdon@nytowns.org

Please be advised that the information in this e-mail is provided for informational purposes only. Neither this communication, nor any other communication with the Association of Towns of the State of New York (AOTSNY), creates an attorney-client relationship between AOTSNY or its attorneys and you or your town or any third party. Once received by a town official, this communication may be considered a record for purposes of the State MUI record retention schedule and the Freedom of Information Law. We recommend that local counsel be consulted to address the particular needs of your town.

**From:** Gail Seaman <seamangg@aol.com>  
**Sent:** Tuesday, July 9, 2019 12:00 PM  
**To:** Katie Hodgdon <khodgdon@nytowns.org>  
**Subject:** Fwd: Resolutoiins

I would please like your opinion on this email.  
Thank you.  
Gail Seaman  
Thurman Town Board Member

Begin forwarded message:

**From:** "Susan Staples" <ThurmanTownClerk@verizon.net>  
**Date:** July 9, 2019 at 10:36:16 AM EDT  
**To:** "Brenda Ackley" <ackleyb36@gmail.com>, "Doug Needham" <dougneedham248@gmail.com>.

<sakolady@verizon.net>, "Gail Seaman" <seamangg@aol.com>, <thurmansupervisor@gmail.com>  
**Subject: Resolutoiins**

July 09, 2019

Dear Board Members,

There have been several cases of Resolutions being brought to the floor without any notice to me, the public or the rest of the Board. These Resolutions are often not in written form, and when they are, they are not given to the rest of the Board or me. When I am supplied with the Resolution prior to the start of the meeting this enables me to follow along with what is being said. I can make minor edits or corrections on the Resolution as it is being read and discussed. By refusing to supply me with these Resolutions it can make my job of accurately recording what is happening impossible. There have also been several instances of Board Members making motions when there is still an active motion on the floor. They do not table the motion or make a motion to amend. Therefore if I do not have a written copy of a Resolution prior to the meeting, and or if it is not officially introduced it will not be considered as part of the official record.

Respectfully,

Susan E. Staples, Town Clerk

Susan E Staples  
Town Clerk  
POBox 29  
311 Athol Road  
Athol NY 12810  
518-623-4588  
thrumantownclerk@verizon.net  
www.thurmanny.com