

**MINUTES OF THE SPECIAL BOARD MEETING OF THE TOWN BOARD OF THE TOWN OF THURMAN, NEW YORK
HELD JULY 20, 2021 AT THE THURMAN TOWN HALL, 311 AHTOL ROAD, ATHOL, NEW YORK,
COMMENICNG AT 6:30 PM**

PRESENT: Mr. Ed Brown, Councilman

Mr. Randy Galusha, Councilman

Mrs. Joan Harris, Councilwoman

Mr. Douglas Needham, Councilwoman Mrs.

Susan Shepler, Supervisor

Mrs. Susan Shepler, Supervisor

ALSO PRESENT: Carl from Viking Electric

RECORDING SECRETARY: Susan E Staples

PLEDGE OF ALLEGIANCE TO THE FLAG:

ROLL CALL:

The meeting was called to order at **6:30 pm**.

Discussion: Supervisor Shepler noted thank you everybody for coming out this evening. The main reason is we have before us 2 Resolutions that could not wait until the Board Meeting on the 11th of August, and also, we had a request from **Perky Granger** from the TSA in regard to the Resolution that passed at the last Board Meeting pertaining to their Occupancy Tax. She is requesting that we give it to her this week. In the Resolution it was that the Town of Thurman would grant those funds on or before August pt to TSA. So, I am just making the Board aware that I am going to be cutting that check this week for her. Is there any issues with that from the Board? **Councilman Galusha** replied you don't need our You already have the Resolution. **Supervisor Shepler** interrupted noting oh I'm notI know, but I'm saying originally it was going to be done on the I". **Councilman Galusha** responded it said on or before. **Supervisor Shepler** interrupted noting on or before, but we had discussed the 1st at the meeting. So, I'm just letting everybody know I am going to do it ahead of time. **Councilman Galusha** replied I don't even know why we have to discuss it because you have the authority to do it. **Supervisor Shepler** responded that's fine. I'm informing you as a Board that this is what I am doing OK. So, thank you. The next thing that I want to bring up is a Resolution to complete the electrical work. Whereas the electrician was The electrical work was started on the Bandstand. It was discovered that there was more damage than anticipated involving all the structures on the hill along with the Salt Shed. Be it resolved that the Town Board is authorizing the completion of work not to exceed Carl is here this evening. He is the electrician on record. He did send me The **Town Clerk** interrupted noting wait a minute. You cannot discuss this until you have it introduced. **Councilman Galusha** noted we haven't made a motion. **Supervisor Shepler** responded can I please have somebody introduce this. **Councilman Brown** noted I will. **Supervisor Shepler** responded **Ed** thank you. Can I have a second please? **Councilman Needham** replied I will. **Supervisor Shepler** replied **Doug**, thank you.

RESOLUTIONS:

Resolution # 58

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

Resolution to Complete the Electric Work

The electrical work was started on the Bandstand, and it was discovered that there was more damage than anticipated, involving all of the structures on the Hill along with the Salt Shed.

Be it Resolved, that the Town Board is authorizing the completion of work not to exceed \$3,98.54 from A6989.4.

Discussion: Supervisor Shepler noted alright, as I was stating the Resolution was written before I received the job estimate so that is why it says not to exceed with a line. I have asked **Carl** to come this evening. He is an electrician. I am not an electrician so I am not the one who should be giving you the information and asking questions and answering questions. **Carl**, would you like to come before the Board and give us a brief discussion as to what we have encountered up top please. **Carl** responded yeah. When we first looked at it she, **Sue** didn't realize the trough on the other side had completely rotted away, and the way this was done **was**

Councilwoman Harris interrupted noted excuse me with your mask on I can't (inaudible). **Carl** responded oh sorry I am used to wearing it everywhere I go so. The way it was done, whoever did it, put it too low, but the way that they did the bond is they basically rotted away because the bottom was totally rotted out. I can show you pictures on the laptop basically of what I am talking about if you want, but that is the first thing. Then when the panel was set up it was set up incorrectly. It is a sub panel off of the main that is down by the building, by the maintenance. So, the bonds in the ground are totally wrong, but the thing that really was, was 4 receptacles up underneath the Bandstand that are to be utilized, but whoever wired it ran 12 wire over to the corner of the unit, and put it on a 20 amp breaker. The breaker is actually seized shut, so it won't trip out. I tried to trip them out, but then they ran a 14 wire from that junction box to the receptacles and ran 14. Which in a commercial application isn't correct according to the AEC. So, you are actually over fused on the wires, but they also added a paddle fan onto it which is on 14 wire. So, that circuit holds too much, but all the receptacles are just rotted out because they left in indoor receptacles exposed to the weather. So, we removed those, but we are going to install GFI receptacles. Four of them, but the way that they wired it that is the easiest, fastest way to do it. And the intent is to replace the trough, raise it up, splice it over, run 2 pieces of PVC from the trough outside to the panel because the fill capacity on a 2 inch pipe is no more than 80%. And that is probably at 99%. I don't know how they got the wire in there, but somebody did. So between that, and what we found when we got into the panel. Again they put the neutrals over on the bottom so that has got to be separated back over and isolated. There is a strip inside the panel that goes from the left bar to the right bar. It has to be removed because you have to have an isolated insulated ground in a subpanel, and that is considered a subpanel because of the disconnect (inaudible). That is the means of disconnect. That is the service. So that is considered a subpanel, but when we were taking things apart, I'm surprised that I didn't burn things out because the lug was on the breakers. You could literally take your fingers and turn them, and that was like 80% of the breakers in there you could really (inaudible) to that so, and because of that it was creating arcs in the wiring. It was coating the wiring so again it was a timebomb, but we just happened to **Supervisor Shepler** noted just happened to have opened a Pandora's Box. **Carl** responded yeah especially with the troughs. I mean it is sitting up there on a 6x6. I went to touch it, it just fell apart in my hands so you will see the 6 pipes with just the wires hanging out. So that is basically it, and we are going to run The

intent is to run 4 individual 20 amp circuits. My question to you guys is it OK if we use EMT, Electrical Magnetic Tube? I like to bring it over and feed it. It is on the surface rather than try and sink everything into the wall. It is conduit basically. EMT, if we run that it is faster, it is easier, and it is up to code. **Councilman Galusha** responded are you asking because of the appearance of it. **Carl** replied some people don't like it, yeah because these guys recessed the receptacles in the wall like a house outside, but the fastest way to do the job if you are going to use pipe with weatherproof boxes on it. Make it watertight and damp proof because of the moisture in the air. That would be a better job. It would be (inaudible). **Councilman Galusha** noted has anyone talked to any of the electric To the musicians to see if the number of outlets that the thing holds. We have struggles with that in the past, I think. **Supervisor Shepler** responded a couple of them have used surge protectors, and I don't know if that

was because we weren't GFI or what They also brought there own lighting in a few of them so .

Councilman Brown noted he's got (inaudible). **Carl** noted the average Bandstand that I have done is 4 20 amp singles usually do it. **Councilman Galusha** replied OK. **Carl** noted but again if I run the pipe and I come under where I quoted you which I should with no other problems, I was going to run 6. Just so you have it, OK. Just you know I don't want to say what I can't. I can probably do that they ran 1 inch from the through to the outside of the thing so I am going to change that little T11 box to a 6x6x6 box I can pull all my junctions. So, I've got the means to do it. Just that there is a lot more labor than we originally looked at. **Councilman Galusha** asked are the GFI required by Code. **Carl** replied yes. **Councilman Galusha** replied OK. **Carl** noted and the GFI we are not putting normal GFIs it should hold up. I am going to put waterproof covers over them. They will be in waterproof boxes, but the GFIs themselves are designed for damp wet locations. Not like your normal, like when they first came out. **Councilman Galusha** noted I'm not an electrician, and I am not pretending to be one, but I've had experience with one of these that makes me ask these questions. **Carl** responded the original receptacles are going to be GFI, and they will be waterproof. **Councilman Galusha** replied OK. **Carl** continued noting fit is not a big circuit. You plug a couple of things in there and you probably will trip it out because it is 15 amp. I am downsizing it to 15 amp so the wire gauge is the same. The new ones that I am putting in I am putting in GFI breakers in the panel. They hold up better than the receptacles themselves. **Councilman Galusha** responded OK. So, the GFI breaker that is the one that has it's own pig tail. **Carl** responded a little white pig tail on it, yes. **Councilman Galusha** noted the reason that I am asking I had an experience where one was installed, it wasn't required by code, and it turned into a situation where it just kind of constantly tripping and it was a pain in the butt. I found out it wasn't required by code. Replaced it with a regular breaker, and it was fine. **Carl** asked what kind of application was it in. **Councilman Galusha** replied a swimming pool heat pump. **Carl** responded if the heat pump is a designated line 110 or 240. **Councilman Galusha** replied 240. **Carl** continued noting there is a play on that in the code. Realistically it should be as of code, as of right now, but years ago you could get away with 240 if you didn't have the GFIs. So you were allowed to do that. New York State didn't adapt that code. It still goes back to 2012 so, but when they didn't adapt that everybody got away with that, but if you read it today with the new ones coming out it is in there because too many people were getting hurt. **Councilman Galusha** replied OK. **Carl** responded and that is why they (inaudible) GFI groundbreakers. **Councilman Galusha** noted I just ask because I want to avoid the situation where the concert keeps tripping breakers. **Carl** responded you know what that is why I figure putting breakers in. The breakers seem to really hold up, but because you can reach that off, with a 6 foot cord, the receptacles. And you are outside. It is not an enclosed building. That is mandated by NEC to have that. **Councilman Galusha** replied OK. **Carl** continued noting yeah, they are a pain in the butt just like the arc fault are in the house today. **Supervisor Shepler** noted I

just want, just want to add something if you will allow me. The fan that was or I guess still there. **Carl** noted it is still there. I haven't taken it down. **Supervisor Shepler** continued noting is an indoor Hunter Douglas fan. I went out and replaced it with an outdoor fan that will be installed in its place. Besides the fact that it is an indoor fan it looks like a tulip, and I am so afraid it is going to take somebodies You know cut somebodies head or something. So, we are trying to make this I think safe as possible for anybody who is going to be utilizing it. It was only I think \$99.00 for the fan as well. **Carl** noted and that is basically it, and you should be in a lot better shape than you are. **Councilman Galusha** replied OK. **Carl** noted yeah, I agree with you on the trip. They are a pain. I will have this work inspected. That is the other reason why the (inaudible) bar is going to be replaced in the panel because there have been a lot of hands in there. You can see that. So what I want to do is I want to cover myself if there is a problem it is covered by an Underwriter. **Councilwoman Harris** noted so does this help all of the structures up there. The Youth Building **Carl** responded nope this is just the one with the I guess the band sits on. **Councilman Galusha** responded the pavilion. **Councilwoman Harris** noted cause it says involving all of the structures (inaudible). **Supervisor Shepler** responded well what you and I have discussed was, is there was a problem with the wiring, and you wanted to make sure that everything was unplugged in the Youth Building. **Carl** replied yes **Supervisor Shepler** interrupted noting the pavilion and then you mentioned the salt shed. **Carl** replied the, those 2 breakers are 2 poles are fed with #4 and #2 aluminum. Those are the ones that you can unscrew them. That is what I was saying. So, they will be reput back on, cut back in aluminum with Penatrax right back into the breakers. So, you should be OK. **Supervisor Shepler** noted so it is affecting the (inaudible). **Carl** interrupted noted yeah it will affect those because they are fed out of that panel, and every nut, bolt and screw in that panel will be retightened. **Councilwoman Harris and Supervisor Shepler** both inquired and the Salt Shed. **Carl** responded and the Salt Shed feeds from there too. Yeah, that will have clean connections on that. **Supervisor Shepler** replied OK does the Board have any questions for **Carl**. None were noted. She continued noting so attached is a general estimate, and **Carl** just stated it may or may not reach the 3,900. It won't go over. I think we are safe in saying in our Resolution not to exceed 3,988 and 54. Is that correct **Carl**. **Carl** responded yes. **Supervisor Shepler** replied thank you. **Councilman Galusha** noted we didn't identify where the money is coming from. **Supervisor Shepler** responded no I didn't because I'd like to have a portion of it come out of the Occupancy Tax Fund. That stage is used This year it is going to be used for 5 weeks. In previous years it has been used for I believe 9 or 10 weeks, and I would like to continue to see it being used in that manner for the future. The remainder of the balance I am willing to take out of Contingency Fund. **Councilman Galusha** responded when you say a portion. **Supervisor Shepler** responded well I think the Board needs to discuss how much we can take out of the Occupancy Tax. If we can take it all out of there, and then I can take the remaining balance out of the Contingency. I realistically believe that it should come out of the Occupancy Tax. As I have stated this is used and it does draw people from the outside. Do I have any further discussion? **Councilwoman Harris** asked how much is in the O. T. **Supervisor Shepler** replied the what. Theo. T.? Oh its 3,000. 30,000, sorry 30,000. **Councilman Galusha** responded I think what she is asking how much money is in the bank account in O. T. because we didn't budget anything for O. T. this year. **Supervisor Shepler** responded no, but I can transfer the money from the um, um (inaudible). **Councilman Galusha** noted Fund Balance. **Supervisor Shepler** responded thank you **Randy**. From the Fund Balance to the Budget Code. I do know in the other one here that 4,300 is planned. They are giving **Perky** 7,000. We are going to have the Porta Potties coming out of that. We are not going to hit anywhere near the \$30,000.00 for usage this year. Because this year ends on December 31st, so um **Councilman Galusha** noted I am going to abstain from voting

on any of this with Occupancy Tax involved. **Supervisor Shepler** spoke over him noting I appreciate that, thank you. **Councilman Galusha** continued noting however, I want to say that prior to doing any of these Resolutions, actually even prior to doing the Resolution for the TCA the money should have been put into the Budget Code because you can't actually It is not legal for us to draw funds on a code that has no money in it. (Inaudible). **Supervisor Shepler** interrupted noting I can transfer them tomorrow. I can transfer the money tomorrow. **Councilman Galusha** continued noting I realize, but we, we should Money should be there when we pass the Resolution because we are authorizing payment. **Councilwoman Harris** noted it should be on these papers right now. **Supervisor Shepler** responded it will be. Alright so the money I can transfer the funds. Does the Board want me to transfer the full \$30,000.00 into the Budget Code or should we like 20,000 in there? We are not going to use the full 30,000 this year because it is the end of the year basically. **Councilwoman Harris** noted I think it should be left in there for **Councilman Brown** noted it still should be (inaudible). It still should be there. **Supervisor Shepler** responded oh it will be in the Yeah it will be in the Contingency. **Councilman Brown** responded it should be, it should be in the Budget Code. **Supervisor Shepler** responded you want the whole 30 in the Budget Code. **Councilman Brown** responded that is up to the whole Board. **Councilwoman Harris** responded you want to transfer the whole 30 over into this. Is that what he is saying? **Supervisor Shepler** replied yeah. **Councilman Brown** responded no, no. The way I understood it this is supposed to be distributed in there, right. **Supervisor Shepler** responded it is going. **Councilman Brown** asked am I right or wrong. **Councilwoman Harris** responded yeah, we are playing backwards accounting again. **Councilman Brown** responded yeah, it should be where the money is, right. Do you agree with that? **Supervisor Shepler** spoke over them noting well we haven't written anything on anything **Joan**. It is not backwards yet. **Councilman Galusha** responded it should be. **Councilwoman Harris** responded to the **Supervisor** I know that it is not. **Councilman Brown** noted (inaudible) it should be. **Supervisor Shepler** noted and I can guarantee you the money will be in there before I write it, alright. So, the question is and to make sure I understand you, you want the whole full \$30,000.00 transferred into the account. **Councilman Brown** replied I think it should be. That is what it is for. **Councilwoman Harris** asked is that all the O. T. money there is. I mean there is nothing left. **Supervisor Shepler** replied yeah, and that is left from last year that we are moving into this year's Budget Code. We don't get anything for this year until October, November. **Councilman Brown** noted it should be better because taxes, sales taxes. **Supervisor Shepler** replied it doesn't matter we only get the 30,000. **Councilman Brown** responded I know. It will be in there. It will be in there. **Councilwoman Harris** responded what about **Perky's** group. They needed some money. **Supervisor Shepler** replied they have applied for and are going to be given the \$7,000.00. **Councilwoman Harris** responded OK so all they asked for 7,000. **Supervisor Shepler** interrupted noting that is correct. **Councilwoman Harris** continued noting we are spending \$7,000.00 and then we are going to spend \$30,000.00. **Supervisor Shepler** responded no, I'm not spending 30,000. **Councilman Galusha** noted to **Carl** sorry to take up your time. We just have to make sure we pay for it the right way. **Councilwoman Harris** noted no but you are going to transfer it from this to that, in and out. **Supervisor Shepler** replied yes, yup. **Councilwoman Harris** continued noting and the 7,000 has already been transferred. **Supervisor Shepler** responded no nothing has been transferred. **Councilman Galusha** noted the Board approved to give the TCA \$7,000.00, but the money is not there. The money is in the Fund Balance. **Supervisor Shepler** responded because Right... .. **Councilman Galusha** noted and it needs to be brought from the Fund Balance into the Books. **Supervisor Shepler** noted which it will be. **Councilwoman Harris** asked the 30,000 is from the Fund Balance. **Supervisor Shepler** responded yes. **Councilwoman Harris** responded there you go. That

will meet the needs of **Perky's** group. **Supervisor Shepler** made an inaudible comment. **Councilman Galusha** replied oh yeah. They just need to transfer the money to cover that and whatever we are going to use here. **Supervisor Shepler** responded alright so what, what.. So the Boards pleasure is for me to transfer \$30,000.00 from the con From the Fund Balance into the General Fund. Into the A6989.4. The **Town Clerk** noted you actually have to have a Resolution to do that. **Supervisor Shepler** responded well we will do one form the floor. The **Town Clerk** responded that is what I am saying. **Councilman Brown** noted what is the code (inaudible). **Supervisor Shepler** gave him the code. **Councilwoman Harris** noted this is going to transferred from the Fund Balance to which one. **Supervisor Shepler** responded to the Tourism Code A6989.4. So we will do a floor Resolution, and it is going to be:

Resolution # 57

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

Resolution to transfer funds from the Fund Balance to the Tourism Budget Code

Whereas the Town of Thurman Town Board has directed the Supervisor to transfer \$30,000.00 from the Town's Fund Balance into the Occupancy Tax Tourism Code A6989.4 to cover tourism related expenses for the 2021 year.

Discussion: **Supervisor Shepler** noted it is not all This is not part of the Resolution, but just so everybody understands we not even going to **Councilman Galusha** noted so that is a motion. Somebody needs to second it then the Board need to vote on it. **Supervisor Shepler** replied right, so do I have a **Councilman Brown** noted I will (inaudible). **Supervisor Shepler** responded Ed. And you need a second. **Councilman Needham** responded I'll second it. **Supervisor Shepler** noted **Doug** will second it. **Now** we are going to do a Board Vote.

A Roll Call Vote was Called.

Motion Carried: Ayes~4 Brown, Harris, Needham, Shepler, Nays~0, Abstained~1Galusha

Discussion: **Supervisor Shepler** noted motion carries. Alright so we are going to go backwards now to the Resolution to complete the electrical work. **Councilman Galusha** noted it has already been introduced and discussed. **Supervisor Shepler** replied yes. The **Town Clerk** replied um hm, all you have to do is vote on it. **Supervisor Shepler** interrupted noting yes, it has. We just need a vote. She continued noting, and because we are going to take it out of the A6989.4. **Councilman Galusha** asked are you going to split it or take the whole thing. **Supervisor Shepler** responded well what does the Board want. I don't.. ... **Councilman Brown** responded what could you take it out of. **Supervisor Shepler** responded well I could take some it out of Contingency Fund, but that just leaves that much less in the Contingency for the end of the year. **Councilman Brown** noted and we have got the (inaudible). **Supervisor Shepler** replied yeah I know and we are running heavy and hot with buildings and with garbage so that is something to be considered. **Councilman Brown** responded garbage should be maintaining itself (inaudible). I know we've had this discussion before. **Supervisor Shepler** replied yup. So is the Board in favor of \$3,988.54 not to exceed coming from the 6989.4. **Doug?** **Councilman Needham** replied yeah. **Ed?** **Councilman Brown** responded what is left in the Contingency Fund. **Supervisor Shepler** responded it is \$10,000.00, but that has got to go across the entire budget. Not just. **Councilman Galusha** noted I've got it here. **Supervisor Shepler** responded it is \$10,000.00. **Councilman Galusha** noted that is what was budgeted. Is it all still there? **Supervisor Shepler** responded it hasn't been touched. **Councilman Galusha**

replied OK. **Supervisor Shepler** continued noting I have not used any of it. I use it at the end of the year when we have to close out the accounts and balance everything. **Councilman Galusha** responded OK. **Councilman Brown** asked we haven't used it at all this year. **Supervisor Shepler** replied no, and I don't Honestly if I don't I mean if you want to take some of it from there that is fine, but just be aware that whatever we take out of there is not going to be available to us when we are closing the accounts at the end of the year. Usually when we close the books out at the end of year the Contingency Fund is there to help offset the negative balances. **Councilman Brown** responded I don't think that it is right to draw it all out of the Occupancy Tax. (Inaudible) need it. I feel we should split it up myself. **Supervisor Shepler** responded well there is \$30,000.00 and of which right now we are only taking \$7,000.00, and possibly 3,900. Then you've got Porta Potties. **Councilman Brown** noted at the moment, right. **Supervisor Shepler** continued noting you've got the Porta Potties, and that is pretty much it. So, if you are not even going to hit \$20,000.00, and I do not believe that expenses (inaudible) \$10,000.00 in there which was money that was given to us last year that wasn't utilized. And then in October we are going to get another \$30,000.00. So, it could be as much as 40 or \$50,000.00 left in that account next

year. **Councilman Brown** responded that is good. **Supervisor Shepler** continued noting so I would It is utilized predominantly for the bands. So, I don't know why we could take it out of there. So, **Doug** are you in favor of taking it out of there? **Ed?** **Councilman Brown** responded I guess yes. **Supervisor Shepler** noted I'm sorry. **Councilman Brown** replied yes. **Supervisor Shepler** responded OK, **Joan**. **Councilwoman Harris** responded tell me what he is talking about over there. Where are you taking it from is all (inaudible). **Supervisor Shepler** responded the Tourism. The 6989.4 because there is going to be approximately I would say (inaudible) from ! don't think we are going to utilize \$20,000.00 this year. I know we could, but the remaining balance is going to go forth for next years. Plus in October we get the \$30,000.00 for this year. So, it will be \$30,000.00 plus let's say either 10 or \$20,000.00 left over and that goes for next year. The 2022 year. So, there is going to be plenty of money in the Occupancy Tax Fund for next year. **Councilwoman Harris** noted the Occupancy Tax money is coming over to pay for the electrical. **Supervisor Shepler** replied yes, because that is predominantly utilized for the bands.

Councilwoman Harris noted and its 30 And how much is it that you want? **Supervisor Shepler** responded for the bands. It is not to **Councilwoman Harris** noted I am not talking about bands. I am talking about this first one here. Electric work. **Supervisor Shepler** responded oh for electric one. It is not to exceed 3,988 and 54, but it could be a little less. **Councilwoman Harris** responded OK. And you want to transfer it (inaudible). **Supervisor Shepler** responded I am transferring. The Board already voted to transfer the full \$30,000.00 from the Contingency Fund into the A6989.4. **Councilwoman Harris** replied OK. **Supervisor Shepler** continued noting so there is plenty of money there. I am voting to have it come from the 6989.4. So it will read that the Be it resolved that the Town Board is authorizing the completion of work not to exceed \$3,988.54 from A6989.4. Can we please have a Roll Call Vote?

A Roll Call vote was called for Resolution # 60.

Motion Carried: Aye~4 Brown, Harris, Needham, Shepler, Nays-0, Abstained~1 Galusha

Discussion: **Supervisor Shepler** noted thank you. **Councilman Galusha** noted no inflection on you. I have to abstain because of the use of Occupancy Tax Money. It is a long story. **Carl** responded I understand. **Supervisor Shepler** noted so now we are going to go into the Concert Series. We have a Resolution here requesting funds for the Monday Night Concerts. **Councilman Galusha** noted you are good. **Carl** responded good, I have a service call. Thanks. **Councilman Galusha** responded thank you. **Supervisor**

Shepler noted **Carl** thank you. I will talk to you tomorrow. Thank you very much. So now I have I need somebody to introduce the Resolution requesting funds for Monday Night Concerts please?

Resolution # 59

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

Resolution Requesting Funds for Monday Night Concerts

Whereas, the Town of Thurman has scheduled the Monday Night Concerts for the month of August 2021.

Therefore be it Resolved, that the Town of Thurman is requesting a Budget not to exceed \$4300.00, total for the Five Bands for 2021 to be taken from A6989.4.

Discussion: **Supervisor Shepler** noted and that is where it is always taken from. Do I have any discussion?

Councilwoman Harris responded who has chosen the Bands. **Supervisor Shepler** responded well... ..

Supervisor Shepler responded pretty much I made phone calls from the ones in order that we had gotten them last year. Cause they all said that they would come back. **Councilwoman Harris** responded did the Town Board tell you to go ahead and do this. **Supervisor Shepler** responded it was a discussion when you were not here, and the Board asked me had I done anything about this, and I said I can't. I didn't want to start booking bands until I had an electrician look at this. We've got the

electrician. Then it was getting late. I started calling bands to see if anyone was going to be available or not, and so when they said they were available I then asked if I could book them. And they agreed to that. **Councilwoman Harris** responded did you discuss any kind of financing with them. **Supervisor Shepler** responded yes; I did.

Councilwoman Harris responded so how much are you paying. **Supervisor Shepler** responded it is the same rate they were charging me last year. **Councilman Brown** asked what is that. **Supervisor Shepler** responded I've got 2 bands going for going for 1200 dollars. **Councilwoman Harris** responded which 2. **Supervisor Shepler** responded I have the **Luster Kings and the Stony Creek Band**. I have **Big Fez and the Surfatics** **Councilwoman Harris** noted so 6,000 here. **Supervisor Shepler** responded no, no, no, no, no, no. **Councilwoman Harris** responded what are the first 2. **Supervisor Shepler** responded 1,200 each. **Councilwoman Harris** replied OK, that is what I wanted. **Supervisor Shepler** continued noting and the next one is **Councilwoman Harris** interrupted noting 1,200. **Supervisor Shepler** noted 700. 1,200. The first 2 are 1,200. **Councilwoman Harris** responded that is right. **Supervisor Shepler** continued noting then the next one is 700. The next one is 500, and the next one is 600. It comes to \$4,200.00, but I am giving myself a little padding in case I erred in my math. I don't believe I have.

Councilman Galusha noted have you contracted with these bands. **Supervisor Shepler** responded they, they are all taking it as a verbal agreement. Nobody is taking a written agreement at this point in time, and they were all fine with it. **Councilwoman Harris** responded who gave you the permission to discuss money with them, and how can you tell the cost (inaudible) **Supervisor Shepler** interrupted noting well **Joan** I can't bring a Resolution to the Board unless I know how much they are going to cost. Alright, so **Councilwoman Harris** responded yes, you mention to the band how much is it going to charge. Is it viable to pay, but having to declare that you already have them booked is not because it hasn't been approved yet. That is all I am saying. You are spending the money because you already claim that they are going to come for a certain amount of money so that is an expense and you didn't get the permission from the Board. **Supervisor Shepler** responded I am before the Board now because I have the bands in order. **Councilwoman Harris** interrupted noting now

it too late. **Supervisor Shepler** responded no it is not too late. I have the bands in order, and I have their amounts that they are charging. So, I am bringing it before the Board now, and that is part of the reason for the Special Meeting tonight because it couldn't wait until the August meeting. I didn't have everything together for the July meeting. So that is why it wasn't brought before the Board in July. **Councilman Galusha** noted I think what part of what **Joan** is trying to say and correct me if I am putting wrong words into your mouth, is that you made a commitment to schedule these bands, you've advertised and promoted the concerts, and you have done all of it without the Board authorizing. And technically you are not supposed to contract for stuff without Board authorization. Whether it is verbal or written that is what you did. **Supervisor Shepler** responded well that is fine. That was my error, but these bands had to be booked. **Councilman Galusha** interrupted noting I'm not saying. He continued noting I understand that. I am not saying the Board wouldn't have authorized it. It is just that you went ahead and did it without asking the Board if the Board was **OK** spending all this money. **Supervisor Shepler** responded well how come the Board sat here and asked me **Councilman Needham** interrupted noting that is what this here is for. **Councilman Galusha** responded I know, but she already did it ahead of this. This should have come first. We should have decided whether The Board should have discussed and decided are we going to have concerts. If we are going to how much money we are going to allot for it and spend for it. And we should have had a Resolution to that effect, and then she could have gone and started discussing with the Bands, coming up with a schedule and promoting it. But instead, she went and did all of that without Board authorization for any of the expenditure. Which is not legal. **Supervisor Shepler** responded this is Occupancy Tax money. **Councilwoman Harris** spoke over her noting and it is not the first time it has happened. **Councilman Galusha** continued noting it doesn't matter where the money is coming from. **Supervisor Shepler** continued noting and the Board did ask me if I had started to book them, and as I said to you before I told the Board not until I can get assurance of the electricity up there. **Councilman Galusha** responded look I understand **Councilwoman Harris** noted they are two different things. Just another chance for you to spend the money without authorization. **Supervisor Shepler** responded no (inaudible). She continued noting alright listen. **Councilwoman Harris** responded just listen to me. You understand what I am saying right? It is not... .. **Supervisor Shepler** interrupted noting in part I do, but **Joan** I don't believe there has ever been this sort of an issue the Monday Night Concerts in the past. They were always previously booked in January. **Councilwoman Harris** responded previously there was a committee in place and approved **Supervisor Shepler** interrupted noting no there was never a committee in place. **Councilwoman Harris** responded sure there was TSA or I've done it myself. I've booked (inaudible). **Councilman Galusha** noted when the TCA did it, it was done with a contract with the TCA which was done by a Board Resolution. So, when they were booked in January Resolution contract was already done. They had already been authorized. So I mean the thing is nobody is arguing whether we should or shouldn't have the con The concerts or whether they should be paid for with Occupancy Tax. I mean nobody is arguing about that. What is happening is, is that you are taking steps to contract with stuff which according to Town Law isn't legal without the Board authorization, and I mean **Councilwoman Harris** noted and it is not the first time. You haven't learned from the past. This is not the first time you have done this. (Inaudible). **Supervisor Shepler** interrupted noting can we please have a Roll Call Vote on this. Do you have any other discussion? **Councilman Needham** responded no. **Councilman Brown** asked where are we taking it. Where are we taking this money? **Supervisor Shepler** responded it is Occupancy Tax money. It always has been, and always will be Occupancy Tax money. **Councilman Brown** interrupted noting (inaudible) that 10,000. **Supervisor Shepler** responded absolutely not this is

Occupancy Tax money. This is heads in beds money. Always has been. And it has been a greater amount than we are using this year. **Councilman Needham** noted 10 bands, 12. **Councilwoman Harris** noted and there has been an organization **Councilman Galusha** interrupted noting what is that. **Councilman Needham** responded I said 10 or 12 bands. Things this year are way behind. **Councilman Galusha** noted last year whenever the last time they did it 6 wasn't it. **Perky Granger** responded 9 July and August. **Councilman Galusha** responded not last year, but the year before. It was noted 5, and then 4. 5 in July and 4 in August. **Councilman Galusha** responded OK. **Councilwoman Harris** responded was there a group or a person, you now did the Town Board approve it (inaudible). It was noted that the Town didn't. The panel that approved the Occupancy Tax Distribution decided. **Councilwoman Harris** responded but, because it is an ongoing thing truthfully, we only have to worry about the next 5 months, but it is an ongoing thing. It is not the first time. Probably won't be the last time, but it is getting to be tiresome that you just walk ahead. You don't run a dictatorship. You say can't get anyone to help. You have a lot of work to get done. You keep doing things you shouldn't be doing because you haven't been told to do them yet. **Supervisor Shepler** responded thank you. We are back to the Resolution. Can I please ask for a Roll Call Vote on this? **Councilman Galusha** responded is **Joan** done with what she has to say. **Supervisor Shepler** responded I thanked her for her comments **Randy**. I'm tired of this redundancy. **Councilman Galusha** responded you don't get to cut her off. **Supervisor Shepler** responded yes you can. **Councilman Galusha** responded no. It doesn't work that way. **Supervisor Shepler** replied thank you. **Councilman Galusha** noted it is rude. **Supervisor Shepler** responded well I am not trying to be rude, but I am also tired of listening to the same thing being redundant. **Councilwoman Harris** responded well don't keep doing the same thing. Don't keep doing (inaudible), spending money. Telling people they are going to get so much money when you haven't even been told you could do it. **Councilman Galusha** noted I think your upset.. **Supervisor Shepler** interrupted noting these rates, these rates are the same rate they were last year. **Councilwoman Harris** interrupted noting I don't care about the rates. I am talking about the (inaudible). **Councilman Galusha** spoke over them noting that is not the point **Susan**. **Supervisor Shepler** responded that is fine. I understand this. **Councilman Galusha** continued noting you are committing an illegal act then you are getting upset because people are calling you out for it. **Supervisor Shepler** responded no, I'm not upset about, but I will say if this is voted down tonight.. **Councilman Galusha** noted nobody is saying they are going to vote it down. **Supervisor Shepler** continued noting if it is If it is voted down tonight the Board gets to call and cancel them because I am not cancelling 2 years in a row. **Councilman Galusha** responded nobody is suggesting they should be cancelled or this should be called off. We are expressing our frustration with the fact that you are committing Town resources without Board approval. **Supervisor Shepler** responded I understand that, but you also need to understand that with It's not even Town money. It is Occupancy Tax money that is given to the Town for head in beds, and it is utilized on a yearly basis in the past for concerts **Councilman Galusha** interrupted noting no question. **Councilwoman Harris** interrupted also noting we know all that. **Supervisor Shepler** continued noting as well as many other events. To, in order to get a commitment from a band, and get a, a, faOf how much they are going to Well **Randy** I just need to know how much you are going to charge me this year because I have to go before the Board. Now I can't go before the Board until August. So, I can't book until I know that. **Councilwoman Harris** responded because of Covid I know this is (inaudible). Because you can't normally they would get in January or February to (inaudible/ the bands because the bands (inaudible) lining up. You are doing it at the last minute so somebody has been chosen to do it. Either a group of people or one person has been chosen to do that, and it is then some information that we need or they need to do what you did. And

the only thing is it is a sad thing that you keep **doing****Supervisor Shepler** interrupted noting I don't keep doing. **Councilwoman Harris** continued noting a dictatorship is going out doing everything, getting it done, then come tell us and asking us if you can do it. **Supervisor Shepler** responded no, no, no, no I haven't gone out and done everything. I **went..** ... **Councilwoman Harris** interrupted noting well on this, this deal you know with them you know how much you told them you were paying them. You've got them advertised. **Supervisor Shepler** responded I just advertised them. **Councilwoman Harris** responded well you've got them advertised. It doesn't matter if it is just because it is the same, same problem that we had before. **Supervisor Shepler** responded I don't know what you had before. **Councilwoman Harris** responded you do things without authorization. **Councilman Galusha** noted all that need to happen is at the point that you decided that you wanted to do this convene the Board. Get the Board approval for an amount not to exceed just like we did with the Electrician, **and** **Supervisor Shepler** interrupted noting well but I didn't have a clue **Randy** honestly. **Councilwoman Harris** noted but you could ask. **Councilman Galusha** continued noting but you knew from past experience what it cost so you could **get...** **Supervisor Shepler** interrupted noted what they were going to cost, yes. **Councilman Galusha** continued noting so you get.. Make sure that you cover yourself, get enough money, get Board authorization to do it. It is all legal. Nobody feels like they are being trampled on. **Supervisor Shepler** responded OK. **Councilman Galusha** continued noting and it is a Board decision, and that is the way it is supposed to be done. **Supervisor Shepler** responded alright thank you, but I mean the matters is at hand that we have 5 concerts **Councilwoman Harris** interrupted noting we have to vote on this, yes. **Supervisor Shepler** noted yes, we do. **Councilwoman Harris** continued noting but we want the understanding that we don't want anything like this for the next five months. In five months. Come to the Board to get what you want, ask for what you want, and if you are nice, you will get it. **Supervisor Shepler** spoke over her asking a question to other Board members. She then noted does anybody have any further discussion. Can we please have a Roll Call Vote?

A Roll Call Vote was called.

Motion Carried: Ayes-4 Brown, Harris, Needham, Shepler, Nays-o, Abstained-1 Galusha

Discussion: Supervisor Shepler noted thank you very much everybody I appreciate it. The Monday Night Concerts start on Monday night August 2cd. The Lustre Kings. I understand from an outside source that we have got quite a lineup, and that we should be very proud of what we have. I do hope to see everybody there. Councilman Brown noted what time, 7 pm. Supervisor Shepler responded yeah, it is 7-9 pm. It is a fun evening. Councilwoman Harris noted we've been doing it for years. Supervisor Shepler noted please come and enjoy yourself. Councilman Galusha noted do we have a motion to adjourn. **Councilwoman Harris** responded I so move. **Supervisor Shepler** noted there is nothing else in regards to any **business** **Councilwoman Harris** noted this is a Special Meeting there shouldn't be anything else. **Councilman Brown** made an inaudible statement to **Supervisor Shepler**. He then noted at sometime we have to discuss that. **Supervisor Shepler** responded that is fine (inaudible). **Councilwoman Harris** noted what is it that you two are discussing. **Supervisor Shepler** responded if he had done the (inaudible). **Councilman Brown** interrupted noting I am saying if we have that kind of money in there. You have to use that at the end of the year (inaudible) our budget so we don't have to use that Contingency Money at the end of the year. We can use it continuously for stuff that we need over the year. Right. That is all I want to say. **Councilwoman Harris** replied so the next Board Meeting you can bring that up. **Councilman Brown** replied I will. I will I'm sorry, I will. **Councilwoman Harris** noted you tell her. **Councilman Brown** replied I will. **Councilwoman Harris** noted or we can do it tonight. I don't

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(inaudible). **Councilman Brown** responded no, no. It is not on the agenda. **Supervisor Shepler** noted somebody made a motion. Was that you? **Councilman Galusha** responded no, I asked if we were making a motion because it looked like everybody was closing up, getting ready to leave. **Councilman Needham** interrupted making a motion.

ADJOURNMENT: On a motion introduced by **Councilman Needham** and seconded by **Councilman Galusha** the meeting was adjourned at **7:18 pm**.

Respectfully Submitted,

Susan E Staples, Town Clerk

August 09, 2021