

April 10, 2019 Regular Board Meeting

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

**PRESENT:** Mrs. Joan Harris, Councilwoman  
Mr. Douglas Needham, Councilman  
Mrs. Gail Seaman, Councilwoman  
Mrs. Cynthia Hyde, Supervisor

**Also Present:** Ben Driscoll, Catholic Charities of Warren County-SNAP

**RECORDING SECRETARY:** Susan E. Staples

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

**PLEDGE OF ALLIGANCE:**

**ROLL CALL:**

**PRESENTATION:** Ben Driscoll from Catholic Charities of Warren County gave a presentation on SNAP. He noted that he has come to the town for the Gleaning program many times. He noted that he wanted to visit every town in Warren County. He also noted that he is an At Large Member of the Warren County Board of Supervisors representing the 5<sup>th</sup> Ward of Glens Falls. Mr. Driscoll noted the guidelines and thresholds for qualifying for the SNAP program. He noted that even those who qualify for the program, no matter at what level of benefits, also get the full amount for HEAP. It was also noted that those who are eligible are still able to get the HEAP benefit this year. He noted that it takes about 10 minutes to fill out the application, and those who are approved receive a Debit card to use their benefits. He noted getting SNAP benefits is no different than getting benefits from a public education or a public library. He noted that his desire to visit every township in Warren County so that he can get a better sense of understanding of the towns so that when he make a decision that even remotely effects the towns at least I've been there. I have met the Board. I have met the citizens.

**Councilwoman Ackley** arrived at 7:08pm.

**OPENING OF BIDS:** Supervisor Hyde noted next on the agenda was the opening of the bids. The Town Clerk opened and read the bids. The first bids was \$25.00 for the one ton Chevy dump from Ron Lydell? She noted that she was not sure of his last name. He had signed the bid, and she could not read it. The second bid was from the same gentleman, and he was bidding \$25.00 for the ¾ ton Chevy pickup. The third bid was for \$125.00 for the 2002 Chevy one ton dump truck from Ethan Varnum. The fourth bid was from John Bennett for the for the Chevy one ton truck. His bid was for \$212.00. The fifth bid was from John Bennett for the 86 Chevy pick up truck with the automatic transmission, diesel. He is bidding \$412.00 for that. The sixth bid was from was from Jim Prybylski for the \$260.00 for the 1985 Chevy pick up truck. The Town Clerk repeated the bids for the Town Board. Supervisor Hyde asked if the Board wanted to award any of these tonight or what would you like to do? Councilman Needham and Councilwoman Seaman both noted that John Bennett had the high bid on both vehicles. Supervisor Hyde asked do you want to award that (inaudible) to him? Councilman Needham stated might as well. Councilwoman Ackley responded no because the last bid was just 260. Councilwoman Seaman noted

no, the 260 was for the ¾ ton. **Councilwoman Ackley** asked there are three different vehicles? **Councilwoman Seaman** replied no, there are two. That is the one that John Bennett bid 412 on. The **Town Clerk** noted one truck we had the 260, 412 and \$25.00 on that one truck with John Bennett having the highest bid of 412. The other truck we have 212, 125 and \$25.00 with the highest bid being 212. **Councilwoman Seaman** noted it looks like John Bennett has got them all. **Supervisor Hyde** asked so do you want to put a motion on the floor to award the bid to John Bennett for both trucks? Motion?

**RESOLUTION:**

**Resolution # 36**

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

**RESOLUTION**

The Town Board awards John Bennett with the two winning bids on the Chevy one ton dump truck for \$212.00, and the Chevy ¾ ton pick up truck for \$412.00

**Discussion:** **Supervisor Hyde** asked any questions? She noted so we are clear we are talking 412 for the Chevy ¾ ton pick up, and 212 for the Chevy one ton dump, correct, from John Bennett. The **Town Clerk** stated correct 212 and 412. **Councilwoman Seaman** noted those are the high bids. **Supervisor Hyde** asked if there were any questions.

**Motion Carried:** Ayes~5 Ackley, Harris, Needham, Seaman, Hyde, Nays~0

**Supervisor Hyde** asked could you let him know that please **Susan**? **The Town Clerk** responded sure.

**REPORTS FROM THE BOARD:** **Supervisor Hyde** noted I have **Susan Shepler's** .....You probably saw that. **Councilwoman Harris** noted yeah I got it. I appreciate the opportunity, and I have nothing else. **Supervisor Hyde** asked anyone else? I just have a little report. Did you (inaudible). **Councilwoman Seaman** noted I just want to say that the **Youth Commission** wanted to regret that it announced that there will not be an **Easter Party and Egg Hunt** this year. The **Thurman Youth Commission** wishes to have the \$500.00 that was intended for the Egg Party and the hunt to go to a new piece of equipment for the playground or to fix the basketball hoops for the youth that use this equipment. They would not offer us a **DOH Certificate** because of the septic system not being done. **Supervisor Hyde** asked **Joan** can that be done. Do you know what the rules are off the top of your head? I'm not sure if that can even be done or not. **Councilwoman Harris** noted well they can use the \$500.00 towards the equipment up there. (Inaudible). They can use that. I am happy with doing that. **Supervisor Hyde** asked so do you want to put a motion on the floor to put that towards some equipment. And we know.....Maybe we should decide what equipment, and then come back at the next meeting and figure that out. **Councilwoman Seaman** replied why don't we just put on that this is from **Susan Shepler** and **Nancy Decker**. And I would like, you know, since they are the ones that have asked us to us it, and they would have gotten the money. **Supervisor Hyde** asked so they get to choose? **Councilwoman Seaman** replied no, we would like their input for it. The Board obviously does the choosing, but.....**Supervisor Hyde** noted well it is really taxpayer money. It is not really town money. **Councilwoman Seaman** noted it is money for the Youth

Commission though. **Councilwoman Harris** asked can they get a thing....An invoice, not an invoice, but some suggestion of what they prefer they have done first up there. **Councilwoman Seaman** noted that is what I just said. We would like their input. **Supervisor Hyde** stated let's get their input, and bring it up at the next meeting. **Councilwoman Seaman** stated that would be fine. **Supervisor Hyde** asked if there were anymore reports. She noted I would just like to report that I have been taking part in the Broadband conference calls. Just to kind of keep an ear on what is coming for us as far as internet possibly, and I have also attended the Broadband symposium at **Tannery Pond**. And they had a representative from **HughesNet**. A representative from **SLIC**, and then over the phone they had an **ESD, Empire State Development and Frontier**. They had a representative from **Frontier**. So we were really just concerned with **SLIC**. And what **SLIC** said was when they got to **Thurman**, that we are a third round of this grant that has been given to providers. They say best case scenario, that is if everything before us goes smooth, they may be looking at possibly starting to build out the network this fall. Maybe. That is not a definite. That doesn't mean this fall they are going to hook us up. First they have to build the network. So how long it will really take before people get hooked up is still a little ways out there. Just so you know. I know Minerva has been hooked up, and they all have **SLIC**. Stony Creek also has **Frontier**, and Stony Creek and Johnsbury have....They have **Frontier** which is different. **Councilwoman Seaman** asked did you also tell them that **SLIC** has announced that anybody they are going by, if they have **HughesNet**, **SLIC** is going to honor and give everybody high speed internet when they are doing it. **Supervisor Hyde** noted if it is close enough. If it is close enough she repeated. **Councilwoman Seaman** noted they said if we are going to go by their door, then we will hook them up. **Supervisor Hyde** noted right they did say that, but that doesn't mean if you are a ways away. So.....Exactly what that means we don't know. Wasn't it you Wini that was saying you were **HughesNet**, but **SLIC** was going by you on the other side of the road? Wasn't that you? **Wini** replied yes. **Supervisor Hyde** continued yeah, so they are definitely going to try and do that. For the record, I wrote this down, **Susan** because I would like include it in the minutes. The reason I want this included in the minutes is because of the audit of the garbage bags, and I want to make sure if we ever get audited it is in the minutes showing that for the record. I, (Cynthia Hyde) Supervisor personally picked up the **Tyvek** bands for the Transfer Station from Impressive Imprint. I brought them back to Thurman were **Susan Staples, Town Clerk**, and I checked the content of the box, and checked that the numbering was correct. After that the **Tyvek** bands were securely locked in a safe place by the **Town Clerk**. I just want that in the minutes for the record in case we ever get audited. **Supervisor Hyde** asked if anybody had any old business to bring up.

**OLD BUSINESS:** **Councilwoman Seaman** noted yup, there are a couple of things of old business. Part of the old business was that we passed, last month, a resolution that had the septic system certified, and you were supposed to get a hold of **Cedarwood** and sign that contract and get that started. Has that been done? **Supervisor Hyde** replied no, it has not. **Councilwoman Seaman** asked why has not been done? I believe in the resolution it was 14 days. **Supervisor Hyde** responded well I would like **Brenda, and Doug, and Gail**, and out in the audience we have a memorandum from **Miller, Mannix, and Schachner**. Let me bring that out. **Councilwoman Seaman** replied just a simple answer (inaudible). **Supervisor Hyde** noted it is not a simple answer **Gail**. So the Board passed a resolution, and I think many of you.....Because you were all basically here remember that I said the resolution was something that could not be followed, and that I would be talking to the town attorney on it. And that is exactly what I did. The first thing I did was I sent the resolution to the Engineer, and the Engineer's first reaction was the Town Board cannot demand that we do something, and tell us when we have to do it by. **Councilwoman Seaman** asked who said that? **Supervisor Hyde** noted because the resolution indicates

that a certain amount has to be done by this date, and a certain amount of things had to be done by that date. The other thing that the resolution included was a bunch of demands upon me. Reports and this and that that we are supposed to be doing. **Councilwoman Seaman** interrupted noting you need to follow the resolution. **Supervisor Hyde** noted and again the Town Board has no authority to demand that I produce these things for them. **Councilwoman Seaman** interrupted noting yes we do. **Supervisor Hyde** continued I had.....Because I knew this was going to be an issue at this meeting, and there were a lot of people who were not going to understand that a resolution could not be followed. It was not that I refused to follow it. It was that I could not legally follow it, and so I will read the memorandum from Mr.....That Mr. Schachner prepared. We have received and reviewed.....**Councilwoman Seaman** interrupted noting question. Before you do this, before you do this, before you do this....**Supervisor Hyde** responded excuse me **Gail**, excuse me **Gail**. We have received and reviewed.....**Councilwoman Seaman** interrupted again noting **Cynthia** I have a question. **Supervisor Hyde** stated **Gail** please let me finish. **Councilwoman Seaman** spoke over the **Supervisor** noting why didn't the Town Board receive this before tonight? **Supervisor Hyde** responded because I just got it today. We received and reviewed.....**Councilwoman Seaman** interrupted noting this was yesterday. **Supervisor Hyde** continued **Gail** I just received this, this version today. **Councilwoman Seaman** replied oh, this version. So (inaudible). **Supervisor Hyde** noted we have received.....They changed it. They do that sometimes. Correct. They see something that they don't like they change it. The **Town Clerk** agreed. **Supervisor Hyde** continued so let me read it.

To the Thurman Town Board from **Miller, Mannix, Schachner & Hafner** Town Council.

We have received and reviewed the recent Town Board Resolution in reference to the Town Hall septic system. The Resolution seems to seek to obligate an engineering consultant to perform work for the Town and also seems to seek to obligate an engineering consultant to perform work for the Town and also seems to seek to impose requirements upon the Supervisor which may go beyond the legal responsibilities of that position.

More specifically, the Resolution seems to indicate that Cedarwood Engineering has or will have some obligation to perform certain work. While the Town Board can certainly seek Cedarwood's interest in performing such work and ask it to do so, Cedarwood is free to choose whether or not it wishes to enter into any contract with the Town for this purpose. Cedarwood will hopefully agree to do so, but the Town Board does not have the unilateral authority to require this of Cedarwood.

Similarly, the Resolution seems to seek to impose certain documentation and periodic reporting requirements upon the Supervisor when (which would really be if) Cedarwood performs such work. However, the responsibilities and obligations of the Supervisor are largely established by State law and the Town Board does not really have the authority to enlarge or diminish them. In other words, while a Town Board can ask or request a Supervisor to perform additional duties, she or he is not legally obligated to do so. In this case, if Cedarwood wishes to do the work and the Town Board wishes to receive written periodic status reports, you could seek to make the requirement part of Cedarwood's contract to make it their responsibility, but Cedarwood would obviously have to agree. However, we do not believe that you can require additional reports from the Supervisor beyond those that are legally required and a Town Supervisor has some discretion in how to exercise her or his role as Chief Fiscal Officer for a Town within the bounds of law.

**Supervisor Hyde** noted that is the reason that the resolution was not followed. **Councilwoman Seaman** noted now let's see. Let's go over this. Please go over this with me. This says it seem to seek to obligate an engineering consultant to perform the work. Cedarcrest letter dated February 1, 2019 to **Supervisor Cynthia Hyde**.

Base on our phone conversation and discussion with the New York State Department of Health the following is Cedarwood Engineering Services proposal to fulfill, evaluate and document the Town Hall's existing septic system. The evaluation will include documenting the size, components, and location in order to determine if the system meets all requirements and is a complaint system. The items included in this proposal can be used to assist the Town. ...**Supervisor Hyde** interrupted asking what are you reading? **Councilwoman Seaman** continued oh, the letter that you received from Cedarwood on February 1, 2019. **Supervisor Hyde** stated **Gail, Gail** that was a proposal. **Councilwoman Seaman** continued we need to go through this. A resident noted we do? **Councilwoman Seaman** responded yes, we do. We need to go through this because a Resolution was passed to take care of the septic system. You are required by law to follow a legally adopted Board Resolution. **Supervisor Hyde** stated that was not a legally adopted.....**Councilwoman Seaman** continued it was a legally adopted.....Let's see 3/5 of the Board passed. **Supervisor Hyde** asked so in other words the lawyer doesn't know what he is talking about. **Councilwoman Seaman** replied the lawyer doesn't say that it wasn't legally adopted. Seems to seek obligation from an engineering consultant to do/perform work. That is what you pass a Resolution stating you want this work done. More specifically the Resolution seems to indicate Cedarwood has or will have some obligation to perform that work. Yes they do when we pass a resolution hiring them to do that work because we need it done. Let's see similarly the Resolution seems to seek certain documentation requirements from the Supervisor. Absolutely. If the Board passes a resolution that is legally adopted, and by gosh that is very.....Absolutely annoying of you two. (To Councilwoman Harris and Supervisor Hyde who were conversing). Seems to seek to impose certain documentation and reporting requirements upon the Supervisor. When a resolution is passed the Board expects the Supervisor to report on the progress of the Resolution. Are you refusing to carry out an adopted Board Resolution that says to get Cedarwood to sign their contract. They gave us a quote for it. **Supervisor Hyde** responded no, they did not. **Councilwoman Seaman** replied yes, they did, and it was included in the minutes. Unless the Town Clerk did not include it in the minutes like she was requested too. **Supervisor Hyde** responded I spoke with Cedarwood. I showed them the Resolution. They were not very happy with a Resolution demanding that they perform work at a certain date. **Councilwoman Seaman** noted that is not what (inaudible). Nobody said what date. **Supervisor Hyde** noted I am sorry **Gail** Cedarwood got the Resolution, and they were not very impressed with it. **Councilwoman Seaman** noted Cedarwood is the one who gave us the cost. Inspection \$1,500.00. Evaluation, oversight and perk test \$4,500.00. Development of septic system drawing \$540.00. Total \$2,490.00, and that is what the Resolution was passed for. Directing you to take care of that contract. Get the septic system certified so that we can have things in this Town Hall. **Supervisor Hyde** aske are you done **Gail**? Does anybody else have any old business? **Councilwoman Seaman** responded yes, we need to address this first. Are you going to follow the Resolution? **Supervisor Hyde** again asked does anybody have new business. **Councilwoman Seaman** asked are we going to follow the Resolution that was adopted by the Town Board. **Supervisor Hyde** stated alright then I would like to call privilege of the floor now. **Councilwoman Ackley** asked if she can't hold a party then how is that the Hall can still be rented. **Councilwoman Seaman** replied nobody can have parties. **Supervisor Hyde** responded that is not true. **Councilwoman Seaman** noted I am going to pass a resolution.....I am going to make a motion that until the septic

system is certified and rectified. That no parties, and no public events be held in this Town Hall until that is rectified. Do I have a second? **Councilman Needham** noted I will second it. **Councilwoman Seaman** noted good we have a second. A motion and a second on the floor. Do we have any other discussion? **Councilwoman Harris** stated clarify what you mean. **Councilwoman Seaman** responded no public events, no private events can be held until we the septic system taken care of. **Councilwoman Harris** noted so you are going to have this totally as a Town office building. **Councilwoman Seaman** replied no, it's.....The town offices shouldn't be able to do it. You will have to get a Porta John for out back. Because if it is not good enough for the public.....**Councilwoman Harris** (inaudible) This was a Town office building as it stands now. So you are saying that (inaudible) everything. **Councilwoman Seaman** responded well actually this is a Town Hall for people. **Councilwoman Harris** replied no it is not. No. This is a Town Hall, but it is not for events. It is only.....**Councilwoman Seaman** noted it isn't? it always has been. **Councilwoman Harris** noted that doesn't mean it is now. **Councilwoman Seaman** noted there is the kitchen. **Councilwoman Harris** replied that is the break room. **Councilwoman Seaman** replied no, dear. **Councilwoman Harris** noted if you want to have coffee these people go in there and make coffee. They have a dounut. They sit down. Sometimes the garage people come over here and have breakfast. **Councilwoman Seaman** stated that is not a break room dear. **Councilwoman Harris** replied that is what it is a break room. **Councilwoman Seaman** noted no it isn't. Let's put it this way. Let me add to that. **Supervisor Hyde** asked can somebody else say something besides you **Gail**? **Councilwoman Seaman** responded by all means **Cynthia**. Please enlighten us. **Supervisor Hyde** noted there is nothing wrong with the septic system. **Councilwoman Seaman** replied obviously there is. **Supervisor Hyde** continued it is not set up for a restaurant, and not set up.....The reason.....**Councilwoman Seaman** interrupted noting when were we a restaurant? **Supervisor Hyde** noted the reason why Jack Wax was cancelled was because nobody did any funding for it. So we are not having Jack Wax. **Councilwoman Seaman** interrupted noting because you didn't do it. Jack Wax has nothing to do with funding **Cynthia**. You didn't do your job. **Supervisor Hyde** continued wait a minute. We are not having Jack Wax, and we also aren't having any Youth parties apparently which we didn't need.....Because Youth parties are supposed to be recreation. They are not supposed to be sit.....Cooking big meals. **Councilwoman Seaman** interrupted to state **Cynthia** now wants to cancel all Youth parties. **Supervisor Hyde** noted so what this is used for is for people like to rent it, and there is absolutely nothing wrong with the septic system. **Councilwoman Seaman** remarked yeah. **Supervisor Hyde** continued we have been renting the Town Hall, having Jack Wax parties for years, and there is not a thing wrong with the septic system. **Councilwoman Seaman** spoke over the Supervisor noting then certify it. **Supervisor Hyde** continues there is no reason to spend that money, and the grant that **Randy Galusha** is looking to get.....**Councilwoman Seaman** interrupted noting that has nothing to do with this. **Supervisor Hyde** continued he was hoping to use that money for that if we get the money. **Councilwoman Seaman** noted **Cynthia** so you know that **Randy Galusha** can't get any grant for the Town Hall without a Board approval to apply for that grant? **Supervisor Hyde** continued so there is really no reason \$2,500.00 for evaluating a septic system that doesn't need to be evaluated. **Councilwoman Seaman** replied obviously it does. The Department of Health I think knows more than you do. **Supervisor Hyde** replied we are not a restaurant here. **Councilwoman Harris** asked did they not empty the septic system? **Supervisor Hyde** replied yes, they did. **Councilwoman Seaman** noted that has nothing to do with this, and you were told. **Councilwoman Harris** noted what they did not do was put a scope down there to find out where the grey water goes. **Supervisor Hyde** noted that is right because nobody requested that that be done. **Councilwoman Seaman** replied yes they did. A resident noted Cedarwood did. **Councilwoman Seaman** noted actually Cearwood gave in March of

2018.....Gave **Cynthia** .....**Supervisor Hyde** noted Cedarwood is not the Town Board. The Town Board has never discussed evaluating the septic system. **Councilwoman Seaman** stated oh but it did. **Supervisor Hyde** noted look through the minutes, and see if you can find anywhere.....**Councilwoman Seaman** claimed there are a lot of things that aren't in the minutes **Cynthia**. **Supervisor Hyde** continued if somebody was interested in conducting a sort of public food thing here they needed a....They found out that they had to do certain things. What they needed to do, the protocol would be, you find a Town Board member to sponsor your request. Bring it to the Town Board, and have the Town Board discuss it. That was never done. You can't expect the Town Board to be mind readers as to what you may or may not want. So from now on if anybody does have something that they would like the Board to view they need to find a sponsor, and ask them to bring it up. **Councilwoman Seaman** noted this is from Cedarwood. Dated March of 2018. After last year....This was to the professional engineer and.....**Supervisor Hyde** interrupted noting I think we have talked about this enough now. **Councilwoman Seaman** replied oh no we haven't. We are going to finish this dear. According to the Thurman Town Hall temporary food service permit. Cedarwood Engineering Services is submitting this letter on behalf of the Town of Thurman regarding the above referenced project. The following actions are proposed to be taken to satisfy the application of a temporary food service permit. The Town of Thurman will have a septic hauler pump out it's 1,000 gallon tank to provide adequate capacity during the Jack Wax party to be held on Sunday March 10, 2018. The septic tank was scheduled to be pumped out by a local septic hauler Thursday March 8<sup>th</sup>, but was pumped out on Tuesday March 6<sup>th</sup> in anticipation of the forecasted snowstorm. Using USDEC design standards for a medium size waste water system. And assuming the hydraulic loading rate from the banquet hall at 10 gallons a day per seat. The following calculations were used to determine likely water usage during the Jack Wax event. I'll fore go those two things. **Supervisor Hyde** noted that is for the water. That is not about the septic. What are you reading? **Councilwoman Seaman** replied you got this. This was sent to you. **Supervisor Hyde** asked what are you reading? **Councilwoman Seaman** continued water usage was minimized during the Jack Wax event (inaudible) paper plates. By June 30, 2018 the Town will fully evaluate and document it's existing septic system including size, components, and location in order to determine if the system meets all the requirements and is compliant system. **Supervisor Hyde** replied that is a proposal from Cedarwood to the Department of Health. None of that happened. **Councilwoman Seaman** responded on behalf of the Town of Thurman. **Cynthia** you called Cedarwood in June, and told them we don't have any money. We can't have this done, and you are not going to do it. **Supervisor Hyde** responded none of that can happen unless the Town Board discusses it. That was never discussed at a Town Board meeting. OK can we go on to new business please. **Councilwoman Seaman** replied no, we still have old business. Part of that old business also is the fact.....**Supervisor Hyde** asked what is your ultimate goal here with this (inaudible). **Councilwoman Seaman** noted you have to get this taken care of, and certified. **Supervisor Hyde** replied no, I do not. **Councilwoman Seaman** replied **Comptroller** said that **Cynthia** is the Supervisor, and she has one vote, and only one vote and cannot stop the rest of the Board from passing Resolutions that she must follow. **Supervisor Hyde** responded no. **Councilwoman Seaman** noted actually that is the **Association of Towns** I stand corrected. **Supervisor Hyde** responded no **Gail**, I can only follow valid Resolutions. **Councilwoman Seaman** stated that is a valid Resolution. **Supervisor Hyde** noted I cannot follow just any Resolution. If you say.....If you pass a Resolution telling me to take a rocket ship to the moon I cannot follow it. **Councilwoman Seaman** spoke over her asking **Cynthia** how would you write it if it was a valid Resolution. She continued how would you write a valid Resolution to get the septic system done **Cynthia**. **Supervisor Hyde** replied **Gail**, your resolution was not valid. It could

not be followed. I am very sorry, but I can't help you. **Councilwoman Seaman** replied tell me your thoughts on writing a valid Resolution **Cynthia**. **Supervisor Hyde** replied I'm sorry **Gail**, but I am not doing that. **Councilman Needham** asked what do we have to do to rectify this. **Supervisor Hyde** asked are you finished yet **Gail**. **Councilman Needham** repeated what do we have to do to rectify this? **Supervisor Hyde** noted **Doug**.....**Councilman Needham** noted I am sick of arguing with you. Just fix it. **Councilwoman Seaman** stated fix it. **Supervisor Hyde** replied I am sorry **Doug**, but I am not going to fix this for you. **Councilman Needham** noted why can't we just fix the problem, and be done with it? We won't be arguing with you. **Supervisor Hyde** replied don't you talk to me like that **Doug**. You wrote.....**Wini Martin** wrote the Resoluiton. **Councilwoman Seaman** interrupted stating no, **Wini** did not. **Supervisor Hyde** noted **Wini** brought it to the Town Hall. **Councilwoman Seaman** stated she didn't write it. **Supervisor Hyde** asked who brought it to the Town Hall? The **Town Clerk** responded I can't remember who brought it. **Supervisor Hyde** stated it was **Wini**. The **Town Clerk** replied I believe it probably was. I think it was **Wini**. **Councilwoman Seaman** repeated she didn't write it. **Supervisor Hyde** noted yes. So **Wini** brings the Resolution to the Town Hall, and then 8 people send it to me via email. And then it was never given notice to the public, and it was brought up.....**Councilwoman Seaman** interrupted noting like some of yours. **Supervisor Hyde** continued without anybody knowing at this table, I don't know I guess **Gail**.....**Councilwoman Seaman** interrupted noting well we did go through the law on that too. **Supervisor Hyde** continued and it is not a valid Resolution, therefor I am not going to follow it. And you can argue with me all night but I am not going to follow a non valid Resolution. **Councilwoman Seaman** stated we have a motion on the floor and a second. So we need to have a vote that tells us that we are not going to allow anybody to use the lavatories in this Town Hall until they are certified. **Supervisor Hyde** noted they are OK. **Councilwoman Harris** noted they are OK. I have been notified that the lavatories are OK and that the water can go down the sink. **Councilwoman Seaman** replied no (inaudible) Resolution. **Supervisor Hyde** noted not to mention the fact that there are a lot of people who have already rented the Town Hall. **Councilwoman Seaman** stated sorry. **Supervisor Hyde** continued and we are not going.....You can't tell them that they can't have their parties here because there is absolutely no reason that they cannot have their parties here **Mrs. Seaman**. And so I would certainly hope that the Town Board understands that, and not support **Mrs. Res...Mrs. Seaman's** motion. **Councilwoman Harris** noted well not (inaudible as Councilwoman Seaman spoke over her). **Councilwoman Seaman** interrupted noting I would say until we get the septic system....**Councilwoman Harris** continued time. I think this is a building for Town public office building. **Supervisor Hyde** replied right. **Councilwoman Seaman** asked so it is a building for only the offices? **Councilwoman Harris** noted it's for offices, and the Court. This is the Courtroom right here. **Councilwoman Seaman** stated but that is the public. So how is the public not going to use it. **Councilwoman Harris** replied you can't keep the public out of the Court. They may be on trial. **Councilwoman Seaman** noted but you are telling me that you don't want anybody in here, the public in here, using the restrooms. They are only for the offices. **Councilwoman Harris** noted I am telling you that, that when they are here for Court they have to go pee they will. **Councilwoman Seaman** responded they can't. How can they? They can't. **Councilwoman Harris** responded because they might have to go. **Councilwoman Seaman** responded well then we need the septic system certified. **Supervisor Hyde** asked so what is your motion? **Councilwoman Seaman** noted like every municipality. **Councilwoman Harris** responded the septic system is fine. **Councilwoman Seaman** replied no. Then certify it. **Councilwoman Harris** noted it is not for a large group of people, but it is fine for an office building. **Supervisor Hyde** noted let's get this motion (inaudible). So what is your motion? **Councilwoman Ackley** asked so it is fine for an office building you just said. **Councilwoman**



**Harris** replied that is right. We have offices upstairs .....**Supervisor Hyde** noted it is fine for someone having a birthday party or something. There is no problem. **Councilwoman Seaman** interrupted stating no it isn't. No it isn't. **Councilwoman Ackley** asked what is the difference if there is a birthday party or if **Sue** (Shepler) is having a party? **Supervisor Hyde** noted because they are serving the public. They are taking money and they are serving the public. **Councilwoman Harris** noted the size of the group. Maybe you should put in there the size of the group that can use it. **Councilwoman Seaman** stated no. **Supervisor Hyde** noted they could have had the Jack Wax party. All they had to do was get Porta Potties or have it somewhere else, but they didn't want too. They wanted.....**Councilwoman Seaman** replied wait a minute. No you didn't certify. But you didn't pay for it. A resident noted you can't go in a Porta Potty with a walker. **Supervisor Hyde** noted that is what we have up there for Summer Concerts. We have Porta Potties. We have a Handicap Porta Potty up there. That is what everybody does for the summer, and there is (inaudible). The resident noted this is in the winter. **Councilwoman Seaman** noted March, there was 4 feet of snow out there (inaudible). **Supervisor Hyde** asked so what is your motion **Gail** so we can on with this meeting. **Councilwoman Seaman** stated the motion is until the septic system is certified I think that no one. The **Town Clerk** noted you have to go slower so I can write this. **Councilwoman Seaman** noted no one should be able to use the bathrooms in the Town Hall until the septic system is certified. The **Town Clerk** noted until the septic system is certified no one can use the bathrooms. **Supervisor Hyde** note let **Susan** get this down please. The **Town Clerk** stated this is what I have so far. Until the septic system is certified no one can use the bathroom. **Councilwoman Seaman** added including the Town employees. **Councilwoman Harris** noted it is a Town building. **Supervisor Hyde** noted it's her motion. Let her have it. That's what she wants. **Councilwoman Seaman** stated the Department of Health doesn't say that it is certified. **Councilwoman Harris** stated but I have been told that it is certified.....**Councilwoman Seaman** interrupted noting you've been told? Who told you? **Councilwoman Ackley** asked it's certified? Then where is the proof? I mean we wouldn't be sitting here fighting. **Supervisor Hyde** responded no, no, no. I talked to **Jessica**. I said is there anything wrong with our septic system for what we use it for. She said no. **Councilwoman Harris** noted that is where I got my information also. **Supervisor Hyde** noted most Town Halls don't have big public dinners where they (inaudible). **Councilwoman Seaman** remarked yes they do. The **Town Clerk** asked alright, that is the wording on your Resolution? **Supervisor Hyde** asked so did you get that down? The **Town Clerk** replied until the septic system is certified no one is allowed to use the bathrooms. Including Town employees. **Supervisor Hyde** noted I would like to point out that here once again we have **Mrs. Seaman** bringing up a last minute Resolution without any prior notice to anybody. **Councilwoman Seaman** stated this is old business **Cynthia**, this is old business. **Supervisor Hyde** asked if **Doug** had seconded the Resolution. **Councilwoman Harris** asked are we notifying.....Do we have to notify the Judge that the people who come can't .....**Councilwoman Seaman** interrupted noting that is your problem. You are the ones who refuse to do this. **Supervisor Hyde** asked **Doug** are you seconding the motion. The **Town Clerk** noted **Doug** seconded it, yes. **Doug** seconded the motion. **Supervisor Hyde** said OK. **Councilwoman Harris** noted no, I don't have a problem. I say up to about 40 people is alright. **Councilwoman Ackley** noted I have a question. What is the difference if she makes a last minute Resolution or we just approved one for the bids that was a last minute Resolution? What is the difference? **Supervisor Hyde** noted well we all knew we were opening bids didn't we. The **Town Clerk** noted any they were on the agenda. **Supervisor Hyde** noted we all knew we were opening bids today. **Councilwoman Ackley** noted that doesn't mean that we had to vote on it tonight did it? **Supervisor Hyde** noted well I asked, and you guys, you wanted to so did. **Councilwoman Ackley** and **Councilwoman Seaman** asked what is the

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difference. **Supervisor Hyde** noted what is the difference? We all knew for a month that we were opening bids today, and typically when you open bids you either award them or you don't award them. I don't think that.....**Councilwoman Seaman** noted really, typically when you pass a Resolution the Board expect the Supervisor to (inaudible). **Supervisor Hyde** asked how about a Roll Call. Let's get to the next subject. A Roll Call Vote on this please.

**A Roll Call Vote Was Called.**

The **Town Clerk** asked for **Councilwoman Seaman's** vote. **Councilwoman Seaman** asked we are voting .....**Supervisor Hyde** noted on your Resolution. **Councilwoman Seaman** continued on mine. Well I can't tell. She has got her mouth running. The clerk called the vote.

**Resolution # 37**

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

**RESOLUTION**

**Until the septic system is certified no one can use the bathrooms including Town employees.**

**Motion Carried: Ayes~3 Ackley, Needham, Seaman, Nays~2 Harris, Hyde**

**Discussion: Councilwoman Harris** noted I am saying no on the basis that there needs to be a numerical number in there.....**Councilwoman Seaman** interrupted noting you can't have a basis, I have been told that many times. **Councilwoman Harris** continued because the septic system has been approved for usage. **Councilwoman Seaman** interrupted noting show us the proof. Show us the proof that it is (inaudible). **Supervisor Hyde** noted we are done with our discussion would you please. She asked **Councilwoman Harris** what her vote was. **Councilwoman Harris** replied I voted no because I want a number in there. **Councilwoman Ackley** asked there is no number anywhere? No paperwork? **Councilwoman Seaman** replied no. No number. **Councilwoman Harris** noted you can't come in here and go to the bathroom if you have too. **Councilwoman Seaman** noted neither can you **Joan**. **Councilman Needham** stated nobody can. The **Town Clerk** noted it looks like we won't be open for a while. If we can't use the bathroom or the water we can't open the building. It looks like the Town Hall will be closing. **Councilwoman Seaman** stated well that is your choice. The **Town Clerk** responded you just made that choice. **Supervisor Hyde** noted well that depends. Are we done voting yet. **Councilwoman Seaman** noted as soon as you get the septic system taken care of we are good to go. **Supervisor Hyde** asked did everybody vote. The **Town Clerk** replied everybody voted. **Gail, Doug and Brenda** voted yes. **Supervisor Hyde** noted to close, so nobody can use the bathroom? The **Town Clerk** replied correct. So as soon as you have to use the bathroom they have to go home. **Councilwoman Seaman** stated you better get Porta Johns **Cynthia**. You better get Porta Johns **Cynthia**. **Supervisor Hyde** noted I'll tell you what this is really amazing. Isn't it? Hey that's fine with me I could use the vacation. **Councilwoman Seaman** replied oh no, you have to be here. That is what your (inaudible) is for. **Supervisor Hyde** noted OK let's have privilege of the floor.

**PRIVILEGE OF THE FLOOR:** Privilege of the floor was granted and the following residents spoke. Keith Parent, Paula Hubert, Wini Martin, Kathy Templeton, Joyce Eddy, Wes Ramsey, Deborah McIlrath, Wini Martin, Paula Hubert, Mary Eddy, and Shirley Wendling. Privilege of the floor closed at **8:06 pm**.

**RESOLUTIONS:**

**Resolution # 38**

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

**Discussion:** **Supervisor Hyde** started to read the resolution when **Councilwoman Ackley** asked about the Resolution regarding the Assessor that had been tabled. **Councilwoman Seaman** noted oh that is right. We did. We tabled the Assessor. We need to go out for.....To seek proposals. For a qualified Assessor. Letters of interest. **Supervisor Hyde** interrupted noting excuse me. That Resolution that you guys brought at the last meeting, was never written out, was never....Was never brought to the public. It was talked about here. **Councilwoman Seaman** interrupted stating that is where you make them. **Supervisor Hyde** continued if you guys wanted to do that maybe you should have thought that before the meeting began, and had an actual Resolution ready. **Councilwoman Seaman** spoke over her noting **Cynthia** I told you to put it on the meeting for this week. **Councilwoman Ackley** noted it should be in the minutes it was a tabled Resolution. **Supervisor Hyde** responded it was never a Resolution written ahead of time. Don't you remember that? That was another last minute thing by **Mrs. Seaman**. **Councilwoman Seaman** responded you don't need one. **Supervisor Hyde** continued she seems to not understand.....**Councilwoman Seaman** noted I read the Law Book. **Supervisor Hyde** noted I am on a Resolution here. We have a motion. We have a motion and a second. **Councilwoman Seaman** interrupted stating we need to read the law. We need to read the law again. **Supervisor Hyde** again started to read the Resolution when **Councilwoman Seaman** interrupted the Supervisor again. **Supervisor Hyde** responded **Gail** you are very rude. Be quiet so we can do this Resolution.

**RESOLUTION TO AMEND RESOLUTION # 32 OF 2019**

Amend payment of claims resolution #32 March 2019.

Deduct from the general fund unpaid abstract from 3-13-19, \$1,030.00 which had already been approved and paid to Impressive Imprints for tyvek bands for the landfill prior to the March 2019 meeting. The amount approved to be paid to impressive Imprints at the March Meeting should have been \$70.00 instead of \$1,100.00. Check # 14201 for \$1,100.00 to Impressive Imprints was voided and new check #14212 for \$70.00 was made for impressive imprints.

**Discussion:** **Councilwoman Seaman** noted I believe I said that to you that we were paying too much at the last one, and you were sure that we weren't. **Supervisor Hyde** asked all those in favor? **Councilwoman Seaman** noted we are discussing this. Can't vote when we don't even have time to even discuss....**Supervisor Hyde** noted there is nothing to discuss. We just have to amend it because it is the wrong amount that we approved. We have to delete \$1,030.00. There is nothing to discuss. **Councilwoman Seaman** noted oh we are done with that one then. **Supervisor Hyde** repeated there is nothing to discuss. This amendment has to be made so that we are showing that the Board.....We are

showing that the Board understands that we are approved \$1,030.00 too much at the last meeting. **Councilwoman Seaman** noted good. How about if we....Are you finished? You got your three yeses. **Councilwoman Ackley** asked who was it introduced by, seconded by? I didn't get that. **Councilwoman Harris** stated it was introduced by me. **Supervisor Hyde** noted I seconded it. All those in favor. All those opposed. **Councilwoman Seaman** noted she was abstaining. I didn't get a chance to discuss it. **Supervisor Hyde** asked can I get some votes here. **Councilwoman Harris** noted the only ones that have to vote are **Doug and Gail**. **Supervisor Hyde** asked did **Brenda** vote? **Councilwoman Harris** responded yes. **Supervisor Hyde** asked what did she vote? **Councilwoman Harris** noted yes. The **Town Clerk** noted **Brenda** voted yes, OK. I didn't hear **Brenda**. **Doug** you voted yes? Yes, he replied. **Gail** you are abstaining? **Councilwoman Seaman** noted I am abstaining. I don't vote on stuff (inaudible) discuss (inaudible). **Councilwoman Harris** noted alright let's go on to the next one. **Supervisor Hyde** asked what did **Doug** do? The **Town Clerk** replied **Doug** was yes. Four yeses. **Supervisor Hyde** noted and if you look there is a check and everything here.

**Motion Carried: Ayes~4 Ackley, Harris, Needham, Hyde, Nays~0, Abstain~1 Seaman**

**Discussion: Councilwoman Seaman** responded question. Good, before we go on to the next one here we have a discrepancy in funds. We have a discrepancy in funds because you printed me out a revenue sheet that states that we received out of revenue account for the Enterprise Fund that we have \$5,425.00. However, the account from the Treasurer's report says the total is only \$2,093.82. Can you explain that over 3,000.....**Supervisor Hyde** interrupted stating no **Gail**. I told you I did not want to give you the Operating Statement because I don't know if it is up to date or not. **Councilwoman Seaman** responded well this is up to date. **Supervisor Hyde** continued and one of the reasons for that is you cut the Bookkeeper's hours, and we do not have enough time. I am not answering your questions. **Councilwoman Ackley** asked doesn't it take a few seconds to log into Glens Falls National and hit the button and get the report? **Councilwoman Seaman** remarked right. **Supervisor Hyde** replied no. You have to do all the General Journal entries **Brenda** before you can get the reports to be OK. Maybe you could stop up one day, and find out really what we do up there before you.....**Councilwoman Harris** noted she just made a comment. **Supervisor Hyde** remarked well I know. I'm.....**Councilwoman Ackley** interrupted noting I am asking..... I am not talking software, I am talking about the bank account. **Supervisor Hyde** responded in order to have reports correct you have to do your journal entries. OK, and that takes time. And since you people cut the Bookkeeper's hours she does not have enough time to do her work. **Councilwoman Ackley** asked you can't help her figure it out? **Supervisor Hyde** I have my work to do. We have a lot of work to do here. **Councilwoman Seaman** interrupted stating you are not here on Fridays. **Supervisor Hyde** continued you people have crippled us last year and this, and you cannot expect us to keep up in light of what you have done to these offices over here. **Councilwoman Seaman** continued **Cynthia** my question is where is the \$3,400.00 difference? **Supervisor Hyde** responded you do not even know how to read the report, and I am not answering your question. **Councilwoman Seaman** asked **Doug** is this \$2,093.00 against the total revenue for this account? **Councilman Needham** replied yes. **Councilwoman Seaman** replied thank you. Is this on the Operating Statement.....\$5,420.00 the both noted? **Councilwoman Seaman** continued received. Alright where is the \$3,400.00 some hard dollar difference? You received.....Here is the Treasure's Report **Cynthia**. That is total revenue in this account, \$2093.00 since January 1. **Supervisor Hyde** asked and you are saying what? **Councilwoman Seaman** continued and you are saying here there are \$45,425.00. Where is the revenue coming from? **Supervisor Hyde** asked do you see the date on the report? **Councilwoman**

**Seaman** replied that's cumulative **Cynthia**. **Supervisor Hyde** repeated do you see the date on that report? They are two different dates. **Councilwoman Seaman** replied oh so you are telling me between March 31<sup>st</sup> and today when you printed this we received \$3,400.00? **Supervisor Hyde** responded I am not sure. **Councilwoman Seaman** responded I am going to say that you didn't. Where is the money, and are you just....**Supervisor Hyde** interrupted stating **Gail** I don't need to be talked to like I am a little child. **Councilwoman Seaman** stated obviously you do. **Supervisor Hyde** continued now I would appreciate it if you would stop so we could go on with our Resolutions. **Councilwoman Ackley** noted no but if you are the Supervisor you need to understand the Accounting part of it (inaudible). **Supervisor Hyde** replied I just told you I don't know if she is up to date on her Journal entries. That is why there was not an Operating Statement to begin with. I went up there and printed what was up there. I do not know at this point if it is accurate. And again I invite you to come upstairs because you don't understand what we do up there, and it would be a lot nicer.....**Councilwoman Ackley** interrupted noting you think I am an idiot apparently. **Supervisor Hyde** responded no, I didn't say that. I said I have offered to you over and over and over again to come upstairs, instead of just.....**Councilwoman Ackley** interrupted stating and I have asked you to do things that you haven't done so why should I....Why should I come in here if you don't want to do what I asked you? **Supervisor Hyde** responded because you are a Board Member, and people voted for you to know what you are doing, and you should come in and understand. **Councilwoman Ackley** interrupted asking how do you know that I don't know what I am doing. **Supervisor Hyde** responded because you couldn't possibly know what we do up there. You have never been up there to talk to us. You have never looked at any records. You have never.....**Brenda** you have never made an effort, neither has **Doug**, to learn anything. **Councilwoman Seaman** interrupted noting it is all my fault. **Supervisor Hyde** continued you listen to **Gail**. **Gail** doesn't understand what goes on up there. You can't learn by listening to **Gail**. **Councilwoman Seaman** noted **Cynthia** don't lie. **Councilwoman Ackley** noted I don't listen to **Gail**. **Supervisor Hyde** noted it is highly unfair to the people who work....We work hard here, and the way we treated at these Board Meetings is not fair. It is not nice. **Councilwoman Ackley** interrupted noting look at the way you treated us for a year and a half. **Supervisor Hyde** continued and you all ought to be ashamed of yourselves. **Councilwoman Ackley** replied so should you. **Supervisor Hyde** responded no, I should not. I come here, and I do my work. **Councilwoman Seaman** responded **Cynthia** the only problem is you are thinking.....**Supervisor Hyde** interrupted noting OK the Resolution....Can we get the Resolution on the floor to.....**Councilwoman Seaman** interrupted stating we are not finished here. No. We have a problem here. We have a problem here because you want a quote here to pay **Fred Englemann** \$1,750.00 with no source of revenue for that. Quote as to where you are getting the money from. Because we are grossly underfunded here. We will have to make Budget adjustments to cover all the money you spent. **Supervisor Hyde** noted you know it is a sad thing when you have to come to a Board Meeting, and be attacked. **Councilwoman Seaman** noted oh we don't want to deal with the financials because **Cynthia** can't read the financials. **Cynthia** are you going to explain to us how you got (inaudible). **Supervisor Hyde** noted so we have the General Fund, we have \$8,300.86. We got the Enterprise Fund of \$50.00. **Councilwoman Seaman** stated no the Enterprise Fund isn't. Because you have a \$950.00 bill to Frontier you haven't accounted for. **Supervisor Hyde** asked **Mrs. Seaman** would you please stop talking (inaudible). **Councilwoman Seaman** replied you have not accounted for a \$950.00 check to Frontier that you have written every month. So you are going to have to explain to use how you are going to cover these. **Supervisor Hyde** noted **Mrs. Seaman** I am trying to (inaudible). **Councilwoman Seaman** interrupted noting otherwise I'll be talking with the **Comptroller** to tell him that the books are getting cooked. **Supervisor Hyde** replied go ahead and call the **Comptroller**. I

really don't care if you call the **Comptroller**. **Councilwoman Seaman** stated I think I will because you can't do budget adjustments without Board Resolutions, and \$5,425.00 is cooking the books. **Supervisor Hyde** noted the General Fund is \$8,300.86. **Councilwoman Seaman** asked do you have a calculator because I don't trust you to add numbers. **Supervisor Hyde** continued the Enterprise Fund is \$50.00. **Councilwoman Seaman** stated but it is \$950.00 because of the Frontier bill. **Supervisor Hyde** continued and the Highway Fund is \$15,537.90, any questions? The **Town Clerk** noted wait a second. Who introduced it, and who seconded it? **Supervisor Hyde** noted oh. Do I have a motion to get this on the floor?

**Resolution # 39**

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

**RESOLUTION TO APPROVE CLAIMS**

**General Fund \$8,300.86**

**Enterprise Fund \$50.00**

**Highway Fund \$15,537.90**

**Pre Audit \$1,129.26**

**Motion Carried: Ayes~3 Ackley, Harris, Hyde, Nays~0, Abstain~2 Needham, Seaman**

**Discussion:** **Supervisor Hyde** noted abstain. Those are no votes just so you know. Why are you abstaining? **Councilwoman Seaman** replied because you haven't answered questions about where the revenues are. **Supervisor Hyde** noted well whatever. So the next Resolution.....**Councilwoman Ackley** asked what was the preaudit amount? **Supervisor Hyde** noted the preaudit amount? I thought I wrote that down. \$1,129.26. And that is written down, and I read it off. OK I have a Resolution to accept a quote. Do I have a motion? **Councilwoman Harris** asked to pay the bills? **Supervisor Hyde** noted no to accept a quote from Fred Englemann. **Councilwoman Harris** noted oh so you are just giving figures on the other one. Oh OK. **Councilwoman Seaman** noted he hasn't done anything.

**Resolution #**

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

**Discussion:** **Councilwoman Seaman** asked where is the quote **Cynthia**? **Supervisor Hyde** noted it is attached **Gail**. It is attached **Gail**. Pick up the thing and look at the paper. **Councilwoman Seaman** asked **Cynthia** where was the work done from last October?

## RESOLUTION TO ACCEPT QUOTE

**The town board of the Town of Thurman accepts the quote from Fred Englemann to make repairs to the white space network up to \$1,750.00 out of A1620.4.**

**Discussion:** Councilwoman Ackley interrupted noting it is expired. Tell him to write a new one. Supervisor Hyde asked what's that. Councilwoman Ackley replied it is expired. He is going to have to write a new one. Supervisor Hyde stated I still couldn't tell what she said. Councilwoman Ackley stated it is expired. Councilwoman Seaman agreed yup it's expired. Councilwoman Harris noted March 31<sup>st</sup>. Councilwoman Ackley stated so that is out. Tell him to write a new one. Councilwoman Seaman noted besides that she already said you can't have up to. You don't know how much it is going to cost. Supervisor Hyde replied well he was saying it is up to that. OK, Well.....Councilman Needham noted we better table it until we get a price. Councilwoman Seaman noted yup, and make sure that we get all the stuff that has to be done, and everything that was done in October. Supervisor Hyde stated well I would like to approve it, and if it is more than that then we have to come back, and if it is that or less.....Councilwoman Seaman noted oh we can't come back, that would be going way out of line. Councilwoman Ackley asked we are paying from the General Fund, correct? Supervisor Hyde noted we can't pay it from the Enterprise Fund. My thoughts on that is either we don't take care of it, and everybody that has invested in their equipment, everybody that has paid bills, if something goes wrong there is nothing we can do for them. Councilwoman Seaman interrupted asking Cynthia who is out now? That means no one is out now. Supervisor Hyde continued maybe we should keep it going until they have an option for something else. Councilwoman Seaman interrupted noting nope. That means that no one is out now. We don't have a problem. Supervisor Hyde replied no there is some sort of an issue on the Garnet Lake, and I know that the gentleman that was here, but finally left because he couldn't stand it anymore, his is not working. Councilwoman Seaman replied OK the problem is you don't remember the quote is no good. You don't vote on anything. He hasn't told us what he did in October so we can see if we are paying for the same work. And there is no source of funding. Supervisor Hyde asked is the Board interested at all in fixing Whitespace? Councilwoman Seaman asked where is your source of funding. Supervisor Hyde asked Brenda what are your feeling on it? Councilwoman Ackley stated he has to rewrite it. It is outdated. It is expired. Supervisor Hyde replied no, I am asking you are you, are you supportive or not supportive of maintaining the network for you know the time being? For the people who are hooked up, and who paid their bills, and who.....Councilwoman Ackley noted well if we didn't account for the 1750 for Whitespace, we didn't account for the septic system to be fixed either so. Councilwoman Seaman noted Bingo. Supervisor Hyde responded we knew that we had.....Wait a minute this Town spent a lot of money putting up a Whitespace Network. That wasn't something that was necessary. This isn't necessary really either, but it is to the people that have it. Some

people have their phone. **Councilman Needham** noted (inaudible) everybody in town to pay for theirs. **Supervisor Hyde** continued I think it is a lot different then.....And for some reason over here, these people are just quick as can be to jump over there spend money on that ( the septic system), but they fight about this. So does that make sense to you **Joan**. **Councilwoman Ackley** replied no, but it doesn't make sense.....What happened last year? You didn't want to fix Whitespace for a long time. **Councilwoman Seaman** noted yeah, for 6 months. **Supervisor Hyde** replied we did fix Whitespace **Brenda**. We fixed it in 2017. **Councilwoman Ackley** replied no last year was 2018. A resident noted you had all summer. **Councilwoman Seaman** stated yup, and we begged. They wouldn't let me do it either. **Supervisor Hyde** responded no, no, no. First of all I don't have the authority to fix it or not fix it. I don't make decisions on my own. **Councilwoman Seaman** stated oh really. **Supervisor Hyde** replied no. **Councilwoman Seaman** stated you made the decision not to have the septic fixed. **Supervisor Hyde** responded no I didn't. **Councilwoman Seaman** noted yes you did. We passed a Resolution. **Supervisor Hyde** stated you didn't pass a Resolution that could be acted upon. **Councilwoman Seaman** stated yeah we did. **Supervisor Hyde** asked is that all you are interested in blaming other people? **Councilwoman Seaman** noted oh here we go. Now it's poor me. **Supervisor Hyde** noted and Wini is sitting there smiling. Make her happy. **Councilwoman Harris** noted I just assumed the whole thing went down, and we have to go in the dumps for it. We are in the dumps for it anyway. **Councilwoman Seaman** stated fix the septic system then we can look at the.....**Supervisor Hyde** noted well the people who bought the equipment.....**Councilwoman Harris** noted well I've got mine, and I have to pay more than \$50.00 a month for it, but I am happy. **Supervisor Hyde** replied well I don't think that it should be maintained forever. Obviously when SLIC comes in.....**Councilwoman Harris** asked why maintain it if we want to sell it? **Councilwoman Seaman** responded good question. (Inaudible). **Supervisor Hyde** noted we might not be able to sell it. **Councilwoman Ackley** noted I am not saying not maintain it, but I am asking we didn't budget for this money. We didn't budget for the septic, but you don't want to fix the septic. **Supervisor Hyde** responded no. **Councilwoman Harris** replied it's not that we don't want to fix the septic. The problem is what are we going to use this building for? **Councilwoman Seaman** noted we want to use it like we have always used it, for community events also. **Supervisor Hyde** noted and the other problem is if it had been brought up to the Town Board like it should have been, and the Town Board could have talked about it.....I mean why would you bring up doing something to a septic system in March. In February when you are going to have your thing in March. You wanted till.....**Councilwoman Ackley** noted I have a copy of the letter that was sent to you last year. **Supervisor Hyde** replied that was not.....The Board never discussed that. That was not....That was a proposal. You don't want to know do you? You don't know. It was a proposal from.....**Councilwoman Seaman** noted March 2018. That **Cynthia** ignored. **Supervisor Hyde** responded no that had nothing to do with the Town Board because the Town Board wasn't discussing doing that. Look at the minutes. All we discussed at the meeting was the septic system, the septic tank, which we pumped. We made the agreement to pump that. **Councilwoman Seaman** noted you should have certified the septic at that time. **Supervisor Hyde** continued we were at a meeting, and we did what we said we were going to do. But the rest of that was never brought up to the Town Board, ever. **Councilwoman Seaman** noted it was. **Councilwoman Ackley** asked we didn't know about it back then did we? **Councilwoman Seaman** noted when we asked about the septic system.....**Supervisor Hyde** interrupted stating if she wanted this done she had to tell us that she wanted this done, but they don't want to admit that part. They want to say that we should have known that she needed this. **Councilwoman Seaman** responded **Cynthia** you are the Supervisor and you are supposed to take care of things. And you didn't. **Supervisor Hyde** replied my job isn't to figure out



what **Susan Shepler** needs for Jack Wax. Jack Wax isn't my job. I am the Fiscal Officer not the Jack Wax officer. **Councilwoman Seaman** responded oh parish the thought. You are not the officer to take care of the Town. (Inaudible). That is obvious. **Supervisor Hyde** noted I am not the officer to take care of what **Susan Shepler** needs for Jack Wax or anything else. **Councilwoman Seaman** interrupted noting you are right. You stated it in the article you are not the Supervisor of the Town. **Supervisor Hyde** continued the Town Board is responsible for the upkeep of the Town. Not **Cynthia Hyde**. The Town Board. If the Town Board wanted that done the Town Board should have brought it up. Isn't that correct? **Councilwoman Harris** noted this Resolution has to be tabled. **Councilwoman Ackley** noted we already did that. **Supervisor Hyde** noted alright let's go on to the next one. The **Town Clerk** asked so we are tabling this one, right?

**The motion was tabled.**

**Discussion:** **Supervisor Hyde** noted I've got three..... I didn't notice that when I put it in there, but.....**Councilwoman Seaman** asked why are we doing another time clock we have already done twice? **Supervisor Hyde** noted we didn't do that. I told you I was going to look at into time clocks. They are all more expensive than I can order without approval. So I got three different time clocks here, and they are all over the \$250.00 I can't spend without authorization. So I have one for 328, 328.38. One for 299 and one for 280.74. I think this is kind of like what we had before. The one for 299. And we need a time clock so I would like to choose one of these. You may look at these if you like. **Councilwoman Seaman** replied it's just that you passed this twice. **Supervisor Hyde** responded no, we didn't. **Councilwoman Seaman** noted well actually.....**Supervisor Hyde** continued we brought a time clock that was cheaper, and we sent it back because it was.....**Councilwoman Seaman** interrupted stating that is the problem. OK. Then that explains it. You bought one that was cheaper, and you sent it back. **Supervisor Hyde** noted you didn't approve it because it was under the procurement policy. **Councilman Needham** noted pick one. **Councilwoman Seaman** replied I don't care. This is it they are all within 20 bucks of each other. **Councilman Needham** stated pick that one. **Councilwoman Seaman** replied there you go. I am good. Pick the one in the middle (to Supervisor Hyde). Maybe we can actually (inaudible). **Councilwoman Harris** asked so 299 is what you are getting? **Supervisor Hyde** asked so which one would you like to see **Brenda**? **Councilwoman Harris** noted I don't know anything about them. **Councilwoman Seaman** noted and if you remember I said to you since you sent the other one over to the Highway Department, bill the Highway Department for this one. **Supervisor Hyde** noted have you noticed that when (inaudible) she was real quick to say which one....Pick the (inaudible), but yet when it comes to the septic system then it's how come you didn't do it. Did you notice that? **Councilwoman Harris** noted I am looking forward to what is going to happen at 8:30 tomorrow morning. **Supervisor Hyde** asked when nobody comes in because they can't use the potty? **Councilwoman Harris** replied oh no, no. It has nothing to do with that. **Supervisor Hyde** noted well I can't wait to call all the people that rented the Town Hall, and tell them sorry guys but the Town Board says you can't come. **Councilwoman Seaman** noted no, you are telling them they can't. **Councilwoman Harris** noted I have a potty at home you can set in the corner. **Supervisor Hyde** stated I think this is the best one yet. Don't you? **Councilwoman Harris** noted whoever wants to use it just let them use it. **Councilwoman Seaman** stated get the Porta Potty here. I suggest you contact them quickly. Or you could use the money to certify the septic. **Councilwoman Harris** noted we can build an outhouse out back and make it Thurman. **Councilwoman Seaman** stated you can't do that. **Councilwoman Harris** noted yeah, you dig a hole in the ground and make an outhouse. **Councilwoman Seaman** stated like we are going to do that. **Councilwoman Ackley** noted I say the one

on the top. **Supervisor Hyde** asked the one on the top? For 328? **Councilwoman Ackley** stated yeah, it says it doesn't delete any information if you loose power so. **Supervisor Hyde** replied that sounds good to me. **Councilwoman Seaman** noted oh good idea. **Councilwoman Harris** noted that sounds good because it is only.....**Supervisor Hyde** asked is everybody good with that? She then read the Resolution. The **Town Clerk** noted wait a minute. Wait a minute. We need to introduce first, and we need a.....**Councilwoman Seaman** stated you mean we are doing one from the floor? Oh this is unheard of. She didn't have one prewritten? The **Town Clerk** replied no it is right here. **Supervisor Hyde** noted it is right here **Gail** (holding the agenda up). The **Town Clerk** continued I just need to know who made the motion, and who introduced it. **Councilwoman Seaman** noted oh well she is saying wait. The **Town Clerk** repeated I need to know who made the motion and who introduced it. **Supervisor Hyde** finished reading the Resolution. She noted by the way, just so the Board knows, the guy from Northway Communications went up to the Transfer Station and he took the radio back with him because there is something that needs to be fixed. That is in the process of being fixed. The **Town Clerk** asked alright so who made the motion, and who seconded it? **Supervisor Hyde** responded I don't know that we did that. The **Town Clerk** replied that is why I am asking. **Councilwoman Harris** noted I made a motion, or she (Councilwoman Ackley) made a motion. **Councilwoman Ackley** noted no she.....I made the second. **Councilwoman Harris** noted I made the motion, she did the second.

**Resolution # 40**

On a motion introduced by **Councilwoman Harris** and seconded by **Councilwoman Ackley**

**RESOLUTION TO PURCHASE TIME CLOCK**

The town board of the Town of Thurman approves the purchase of the Latham time 1600E time clock for \$328.38 out of A1620.4.

**Motion Carried: Ayes~5 Ackley, Harris, Needham, Seaman, Hyde, Nays~0**

**Discussion:** **Supervisor Hyde** noted the next one is a Resolution to adopt the Town of Thurman 's Sexual Harassment Policy. Do I have a motion to get this on the floor?

**Resolution #**

On a motion introduced by **Councilwoman Harris** and seconded by **Councilwoman Ackley**

**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.

## Sexual Harassment Policy for All Employers in New York State



Combating  
Sexual Harassment

### 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.

### 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

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<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.

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.
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

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<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.

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:
  - Touching, pinching, patting, kissing, hugging, grabbing, brushing against another employee's body or poking another employee's body;
  - Rape, sexual battery, molestation or attempts to commit these assaults.
- Unwanted sexual advances or propositions, such as:

- 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;
- 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:
  - 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:
  - Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
  - Sabotaging an individual's work;
  - 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 anti-discrimination 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 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:
  - A list of all documents reviewed, along with a detailed summary of relevant documents;
  - A list of names of those interviewed, along with a detailed summary of their statements;
  - A timeline of events;
  - A summary of prior relevant incidents, reported or unreported; and
  - 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 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 anti-discrimination 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** noted and this is.... I did mention to the Board, I believe via email, quite awhile ago that everybody in the Town of Thurman has to take this. And everybody in the Highway Department, everybody in the Town Hall, except for **Teddy** still has to take it. **Brett** has taken it. We have all taken it. You have to watch a.....I think it is a 40 minute video. Then there are a couple of things that have to be signed. Even if you took it at another job you still have to take it again here. So I did ask the Board Members.....In fact I know I did, I asked them if they would.....I was offering to do the course at the last Board Meeting. I did not get any response from any of the Board Members on yes, no..... Anything, so I didn't bring it with me the March meeting because they didn't answer me. So you are still somehow going to have to do this. **Councilwoman Seaman** responded elected officials don't have to do it. **Supervisor Hyde** responded well you do have to do it. **Councilwoman Seaman** replied no, elected officials can't be compelled to do anything. **Supervisor Hyde** responded well if the Town has a problem, and you didn't do it then it is going to be a problem. If you don't want to do it you go ahead and tell the

Town Clerk for the record that I refuse to do the Sexual Harassment Training. Go right ahead. That is fine with me. Are you refusing? **Councilwoman Harris** noted nobody is making you to do anything. If you don't want to do it don't do it. **Councilwoman Seaman** stated we all know each other. **Supervisor Hyde** asked **Brenda, Doug and Gail** are you.....Either come in, and sit down and I will play the video for you, and I will have you do the questions. Or tell us right now that you refuse, and let us put it in the record so that we can remember that you refused, and not worry about it. **Councilwoman Seaman** noted my only concern is one you can't make an elected official do anything. Those are the laws. **Supervisor Hyde** replied that is not what our insurance company is saying. **Councilwoman Harris** noted this is for the insurance. **Councilwoman Seaman** continued they didn't.....**Supervisor Hyde** interrupted noting this is for the protection of the Town. I don't care if you don't want to do it. That is up to you. **Councilwoman Seaman** stated what I need.....**Supervisor Hyde** continued then let the **Town Clerk** know that you feel that way. Elected doesn't have to do anything, therefore I'm not doing it. **Councilwoman Seaman** asked is your mouth finished? **Councilwoman Harris** noted I have already taken the course. I have given it on many occasions. **Councilwoman Ackley** asked **Councilwoman Harris** but you are OK with not passing the ethics? **Councilwoman Harris** answered no. Because I don't think signing an ethics thing (inaudible as Councilwoman Seaman spoke over her). **Councilwoman Seaman** interrupted noting yeah I was gong to say we don't need an ethics policy because everybody knows everybody. Nobody would ever do this. So we didn't need an ethics policy. **Supervisor Hyde** interrupted noting this isn't something that I made up. This is something that has to be done for New York State **Gail**. **Councilwoman Seaman** stated we don't need it. No it doesn't. The **Town Clerk** noted every Town is obligated to do this. **Councilwoman Seaman** responded like I said if every town jumps off the bridge would you jump off with them. **Supervisor Hyde** continued something is really wrong when this woman cannot agree with anything unless it is some kind of personal thing that she likes. Or her friend or something. **Councilwoman Harris** noted let's call for a vote. **Councilwoman Ackley** noted I want to understand what you are talking about down there. I can't hear anything. **Supervisor Hyde** stated we have to adopt this. **Councilwoman Ackley** noted everyone is screaming and fighting. **Supervisor Hyde** stated no, we are not screaming and fighting. **Councilwoman Ackley** noted blah, blah, blah I can't hear it. **Councilwoman Seaman** asked do you want to table it. I would like to table it until we can find out a little bit more about this. **Supervisor Hyde** responded no, we can't table this. We have to do it. It has to be done. **Councilwoman Seaman** noted New York State law supersedes it. **Supervisor Hyde** stated I would like all of you to know that they got this Resolution in it's entirety last Wednesday. A week ago, but they are not prepared. **Councilwoman Seaman** stated nope, well then table it because we can't (inaudible). **Supervisor Hyde** continued they are not prepared. I gave it to them, and they are not prepared. You know that is a sad story. **Councilwoman Seaman** noted so sad. **Councilwoman Harris** noted if they don't want to learn.....**Supervisor Hyde** noted call the vote. Are we going to adopt this or what? **Councilwoman Seaman and Councilman Needham** replied we are tabling it. **Supervisor Hyde** asked for what? **Councilwoman Seaman** stated because we want too. **Supervisor Hyde** asked a week wasn't long enough to sit down, do your job, and read what I sent you? **Councilwoman Seaman** replied you do not have a right to ask an elected official why not. **Supervisor Hyde** responded now wait a minute. You are demanding that I do things. **Councilwoman Seaman** replied no we can't. You are the Supervisor you have to supply us with information that we request. **Supervisor Hyde** stated **Gail** you know you talk out of both sides of your mouth. She does. When it is her it is one way. When it is me it is another way. I think that is pretty darsh gone clear. **Councilwoman Harris** noted it is clear that things have been going for two years. Now let's figure out this. **Supervisor Hyde** asked why would we table something that you

all got a week ago. Why would you table something that I provided you to see last Wednesday? Give me a good reason for why you are tabling this Resolution Board Members. **Councilwoman Seaman** responded we don't have too. We want to table it. **Councilwoman Harris** noted because the other three don't know anything about sex. **Councilwoman Seaman** noted it is obviously you will give us an education. **Supervisor Hyde** noted I.....This has to be done. I mean we don't really have a choice on this. So I do think that we should go ahead with this since you had ample time to look it over. **Councilwoman Seaman** remarked we tabled it **Cynthia**. We tabled it. **Supervisor Hyde** noted well we did table it. Let's have a vote to table this Resolution that has to be done. **Councilwoman Seaman** stated we are tabling it. **Supervisor Hyde** asked are you making a motion to table it? **Councilwoman Seaman** noted I don't have too. We didn't make a motion last week, last month to table it. **Supervisor Hyde** noted just because you say to (inaudible). **Councilwoman Ackley** asked why is that? One time we have to make a motion to table something, then the next time we can say I want it tabled, and OK it's tabled. Why is that? **Supervisor Hyde** noted let's call the vote. Can you just call the vote. I provided this to them last Wednesday. If they can't be prepared in a week, then I don't know what. **Councilwoman Seaman** noted no vote. It is tabled. **Supervisor Hyde** continued can you please call a Roll Call Vote on this. They have had ample time to look it over. **Councilwoman Harris** asked how much time is the Insurance company giving us to get back to them saying that we have.....**Supervisor Hyde** noted there is no getting back to them. We have to.....It doesn't matter if they take it or not. We have to approve it in order to make the Town.....To protect the Town. **Councilwoman Seaman** interrupted noting ah. See it doesn't matter if we take it or not. **Supervisor Hyde** continued we are protecting the Town. Every single Town, every single.....The County, everybody has to do this. There is no if, and or buts. This isn't up for discussion. This is more of a formality to show that we support this. **Councilwoman Ackley** asked why didn't we have to do this last year. Is it all of a sudden new? **Supervisor Hyde** stated this is more of a formality to show that we support this. The **Town Clerk** stated there is actually two parts to this. There is another one that will have to be done. Workplace violence. **Councilwoman Harris** noted I thought this was given to us because of the insurance company. **Supervisor Hyde** remarked the insurance company made it easier. They put it together for us. They are the ones that alerted us that we have to do this, but everybody has to do it. I am going to have to take the same thing down at the County. **Councilwoman Seaman** interrupted stating you should. **Supervisor Hyde** continued I have to do it twice. Because it has to be adopted. **Councilwoman Seaman** stated no it doesn't. **Supervisor Hyde** stated it is for all employees in New York State. **Councilwoman Seaman** replied so what? New York State law supersedes any Town Resolution. Tough. **Supervisor Hyde** continued the person who give the training is the Secretary of State, of New York State. **Councilwoman Seaman** stated good. **Supervisor Hyde** continued I don't know how **Mrs. Seaman** can argue with this. **Councilwoman Seaman** replied you argued with the Ethics Policy. **Supervisor Hyde** asked can we have a Roll Call Vote on this. **Councilwoman Seaman** noted we aren't voting. We tabled it. **Councilman Needham** stated we tabled it. **Supervisor Hyde** asked can we have a Roll Call Vote. The **Town Clerk** noted they had 3, 3 members wanted to table. **Supervisor Hyde** noted just because **Gail** says we are tabling it. This Resolution.....The **Town Clerk** interrupted noting alright. Roll Call Vote. Councilman Needham. **Councilman Needham** noted we tabled it. I am not voting on nothing we tabled. **Supervisor Hyde** noted he is not voting. No vote. The **Town Clerk** repeated no vote. **Councilman Needham** noted it was tabled by two Board Members. The **Town Clerk** asked for **Councilwoman Seaman's** vote. **Councilwoman Ackley** noted I don't understand. One minute it is OK to table something. The next you have to vote to table it. Which is it? There is no consistency in town (inaudible). **Supervisor Hyde** asked why would you table something that we have to do. **Councilman**

**Needham** stated I make a motion that we adjourn. **Supervisor Hyde** continued that you have been provided ample time to look at. Does that make sense to anybody? **Councilwoman Seaman** stated I second that motion. We have a motion and a second to adjourn. The **Town Clerk** noted we have a motion on the floor that we are discussing. **Supervisor Hyde** asked would you like to read it first. Because I sent it to you a long time ago. Why are we putting this off? **Councilwoman Seaman** stated I am seconding **Doug's** motion to adjourn. Can I have a vote. The **Town Clerk** repeated we have a motion on the floor that we are discussing already. **Councilwoman Seaman** replied that doesn't matter to you. I mean it never mattered before. **Councilwoman Ackley** noted we tabled it. I even heard you say it was tabled. So it is tabled. **Supervisor Hyde** stated so we have 3 people that want to table something that they got a week ago. OK fine. Resolution to Amend Agreement. This is.... I gave this to the Board yesterday. This is the agreement to reimburse the Town for the Elderly Transport. And they are going to increase the amount reimbursed to us. I also sent the contract to the Board. I think **Joan** you can vouch for the fact that I provide the Board with all the things they need. **Councilwoman Harris** noted that is true. I have more stuff than I need. The **Town Clerk** asked alright who introduced it, and who is seconding it? **Supervisor Hyde** noted so the amended agreement is .....**Councilwoman Seaman** stated I want to see the contract. **Supervisor Hyde** state I sent it to you. I emailed it to you. **Councilwoman Seaman** asked well can I see it? **Supervisor Hyde** asked didn't you get your email? **Councilwoman Seaman** responded well you don't give some emails so I might not have gotten this one. The **Supervisor** responded you did. The **Town Clerk** noted it is in the meeting packet. **Councilwoman Seaman** stated so can I see it? Oh please don't read it. **Supervisor Hyde** continued reading whereas the parties entered into an agreement dated December 31, 2017 to provide services....This is an agreement between the county and the Town of Thurman. What they want to do is the Director of the Warren-Hamilton County Office for the aging has requested that the agreement be amended to increase the amount \$1,000.00 through the CSE program to a total amount of \$2,797.00 in for a term commencing January 1, 2019 and terminating on March 31, 2019. So they want to give us more money. Does anyone have a problem with that? **Councilwoman Seaman** noted March 31<sup>st</sup> has already passed. **Councilwoman Harris** noted they are giving us more money? Good. **Councilwoman Seaman** repeated March 31<sup>st</sup> has passed. **Supervisor Hyde** responded I just.....All I can do is when I get this in the mail, and I just got this in the mail. **Councilwoman Seaman** asked OK so are they just giving us more money for happy (inaudible). So that (inaudible) people. **Supervisor Hyde** responded I have no idea. I have provided this. **Councilwoman Ackley** asked why are we discussing it. It is not even on the table yet. The **Town Clerk** stated thank you **Brenda**. Nobody has made a motion. Nobody has seconded it. **Councilwoman Harris** noted I so move. The **Town Clerk** replied thank you. **Supervisor Hyde** noted the Board was also provided with this. They had ample time. The **Town Clerk** asked who seconded it? Is anybody seconding this? **Councilwoman Ackley** nodded yes. **Councilwoman Harris** noted **Brenda**. **Councilwoman Seaman** noted OK. So is there any stipulations as to how this money is used. **Councilwoman Harris** noted it is for the elderly. **Supervisor Hyde** noted it is from the Office for the Aging. **Councilwoman Seaman** stated I know but do they have any extra stipulations or is this just free money for us. **Supervisor Hyde** stated I sent you the contract why didn't you read it? All we are doing is amending the contract that we did before that you all agreed upon to increase the money. That is all there is. The contract is the same other than that. **Councilwoman Seaman** responded OK so they are just giving us more money. That is fine. Geesh just a simple question. **Supervisor Hyde** asked who made the motion for this? **Councilwoman Harris** noted I did. The **Town Clerk** noted **Joan and Brenda** seconded it.

**Resolution # 41**

On a motion introduced by **Councilwoman Harris** and seconded by **Councilwoman Seaman**

### **RESOLUTION TO AMEND AGREEMENT**

The town board of the Town of Thurman approves amending the agreement between County of Warren and Town of Thurman to provide services under the Community Services for the Elderly Program (CSE) and authorizes the supervisor to sign the necessary documents.

**Discussion: Supervisor Hyde** noted all those in favor.

**Motion Carried: Ayes~5 Ackley, Harris, Needham, Seaman, Hyde, Nays~0**

**Discussion: Supervisor Hyde** noted I think....I believe that is it. The **Town Clerk** noted you have the pledge for the road salt. **Supervisor Hyde** noted so the last thing....This isn't a Resolution for the Town. Does the Town want to support the memorandum of understanding for municipal governments in the Adirondacks regarding the application of road salt for winter maintenance and deicing? **Councilwoman Harris** asked what does Pat think about that. **Councilwoman Seaman** stated good question. **Councilwoman Harris** continued because some of the road Superintendents don't like deicing. **Supervisor Hyde** noted well let's wait and see what he says. **Councilwoman Seaman** noted I think that is a good idea. **Councilwoman Harris** noted if he is for it, I am for it. If he is not for it, I am not for it. **Supervisor Hyde** noted the next one is a Resolution supporting snowmobiling. Increasing snowmobile trail miles in the Adirondacks, and I have provided to you in your packet. If you are interested in promoting that there is a bunch of addresses for you to write saying you would like that to happen. **Councilwoman Harris** noted I will not (inaudible) and I will not promote. **Supervisor Hyde** noted nope, neither will I. **Councilwoman Seaman** asked you what? **Councilwoman Harris** stated I will not promote it. **Supervisor Hyde** noted I like the idea of the Railroad tracks being turned into a trail, and having..... I don't know I guess it depends on where you live. I suppose if I lived on the Railroad tracks I would want the snowmobiles on it. I don't know how the people on the Railroad tracks feel about that. **Councilwoman Harris** noted I cannot promote this because it doesn't include other recreational vehicles. They are only supporting the snowmobile group in the Adirondacks, and they say that.....**Councilwoman Ackley** noted how are they going to ride on the Railroad tracks in the summer time with 4 wheeler? You are going to get crushed by a train. **Councilwoman Harris** noted I want the tracks changed to where it is gone. So that if you had a baby...You could ride a ATV. You could ride a bicycle. Cross country skiing. **Councilwoman Seaman** noted as long as this is a Resolution why don't we.....I would like to bring it to the floor? **Supervisor Hyde** stated it is not a Resolution. It is not a Resolution. **Councilwoman Seaman** stated well I would like to make a motion. **Councilwoman Seaman and Supervisor Hyde** noted it is not a Resolution. **Councilwoman Seaman** noted well you said you wanted in support. **Supervisor Hyde** responded no I don't .....**Councilwoman Seaman** interrupted noting to increase the snowmobile. **Supervisor Hyde** noted if you would like to support that, I gave you in your meeting packet the names and addresses of people you need to write. This is something that you need to do on your own to lend your support. **Councilwoman Seaman** noted (inaudible) just so we got that

straight. **Councilwoman Harris** noted they get a whole bunch of money, and they only use it for about three days. **Councilwoman Seaman** noted they use it the way they are supposed to use it. **Supervisor Hyde** asked do you have your addresses there **Joan**? In your packet is some addresses. **Councilwoman Seaman** noted so **Cynthia and Joan** have a hit out for snowmobiles. Ah, that is what I thought. **Councilwoman Harris** asked addresses for what? **Supervisor Hyde** replied for .....I put in a bunch of addresses for you to write to. Maybe I didn't (inaudible). **Councilwoman Harris** stated don't make any comments about me **Gail**. **Supervisor Hyde** continued I will have to email them to you because they might still be sitting up on my floor, and I forgot to put them in the packet. They are for like **Betty Little** and people like that. If you want to support snowmobile write to.....I will send you the addresses for the people you write to. This is something you do on your own. **Councilwoman Seaman** asked why don't you put it on the town website. **Supervisor Hyde** had an inaudible response. **Councilwoman Seaman** asked what, what? **Supervisor Hyde** asked who are you talking to. **Councilwoman Seaman** noted I am trying to hear what you are saying .You mumbled something. Are you going to put it up on the website? So that people can see on the Town website, and message those people in support of snowmobiles. **Supervisor Hyde** stated sure, (inaudible). **Councilwoman Harris** noted how about the snowmobile club promoting it? **Councilwoman Seaman** stated well the snowmobile does, but it also needs to go on the Town website. **Supervisor Hyde** noted that is a good idea. Do you have a website (to Councilman Needham)? Do you have a website? Maybe that would be the more apropos place to put that. The snowmobile website, that way the Town is not saying I support it or I don't support it. **Councilwoman Seaman** noted actually the Town needs to offer that so that the stuff is there for people if they want it. **Supervisor Hyde** noted OK let's adjourn. **Councilwoman Harris** stated I make a motion to adjourn. **Councilwoman Ackley** noted I second. **Councilwoman Harris** stated we have a second.

**Supervisor Hyde** asked all those in favor? The meeting was adjourned at **8:44 pm**.

Respectfully Submitted,

Susan E Staples, Town Clerk

April 23, 2019

Attachments





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**MEMORANDUM**

**TO:** Thurman Town Board

**FROM:** MILLER, MANNIX, SCHACHNER & HAFNER, Town Counsel

**DATE:** April 9, 2019

**RE:** Supervisor Responsibilities

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We have received and reviewed the recent Town Board Resolution in reference to the Town Hall septic system. The Resolution seems to seek to obligate an engineering consultant to perform work for the Town and also seems to seek to impose requirements upon the Supervisor which may go beyond the legal responsibilities of that position.

More specifically, the Resolution seems to indicate that Cedarwood Engineering has or will have some obligation to perform certain work. While the Town Board can certainly seek Cedarwood's interest in performing such work and ask it to do so, Cedarwood is free to choose whether or not it wishes to enter into any contract with the Town for this purpose. Cedarwood will hopefully agree to do so, but the Town Board does not have the unilateral authority to require this of Cedarwood.

Similarly, the Resolution seems to seek to impose certain documentation and periodic reporting requirements upon the Supervisor when (which would really be if) Cedarwood performs such work. However, the responsibilities and obligations of the Supervisor are largely established by State law and the Town Board does not really have the authority to enlarge or diminish them. In other words, while a Town Board can ask or request a Supervisor to perform additional duties, she or he is not legally obligated to do so. In this case, if Cedarwood wishes to do the work and the Town Board wishes to receive written periodic status reports, you could seek to make that requirement part of Cedarwood's contract to make it their responsibility, but Cedarwood would obviously have to agree. However, we do not believe that you can require additional reports from the

Thurman Town Board  
Re: Supervisor Responsibilities  
April 9, 2019  
Page 2 of 2

Supervisor beyond those that are legally required and a Town Supervisor has some discretion in how to exercise her or his role as Chief Fiscal Officer of a Town within the bounds of law.

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*Pledge to Reduce Road Salt*

**MEMORANDUM OF UNDERSTANDING OF  
MUNICIPAL GOVERNMENTS IN THE ADIRONDACKS  
REGARDING THE APPLICATION OF ROAD SALT  
FOR WINTER MAINTENANCE AND DE-ICING**

The purpose of this Memorandum of Understanding (MOU) is to describe an agreement among the municipal governments in the Adirondack Park regarding a program to address the levels of chlorides in Adirondack ground and surface waters by reducing the application of road salt for winter road maintenance and de-icing practices. This MOU is not a binding commitment, but is rather a pledge of intent of the municipalities signing this document to work in good faith to create an effective program to reduce the levels of road salt application in recognition of the following:

- WHEREAS, there has been a measureable increase in the use of road salts in the Adirondacks to assist in winter road maintenance and de-icing; and,
- WHEREAS, within the Adirondacks there are a total of approximately 10,555 lane miles of local, county, state and federal roads and an estimated 192,700 metric tons of salt is used per year; and,
- WHEREAS, there are numerous studies documenting the significant increases in road salt in Adirondack surface waters resulting from road runoff; and,

WHEREAS, median lake chloride concentrations in watersheds without paved roads were nearly identical to background (natural, untouched) concentrations and lakes in watershed with paved roads show chloride concentrations that are, on average, 14 times higher than watersheds without paved roads; and,

- WHEREAS, recent concentrations of chlorides in many Adirondack lakes are at thresholds that can alter the composition of the phytoplankton, periphyton and macroinvertebrate communities altering the food web and hence potentially changing the biological productivity; and,
- WHEREAS, continued increases in salt loading in the watershed may also affect the physical circulation of the lake by increasing vertical density gradients that are more difficult to mix; and,

- WHEREAS, elevated salt concentrations in potable water is a health concern to individuals who drink water from private wells in some parts of the Adirondacks because increased sodium consumption is linked to high blood pressure and if salt levels are allowed to continue rising at the current rate, within the next one to two decades, the lake's water will become a health hazard; and,
- WHEREAS, road salt application is linked to leaching of calcium and magnesium from soil, which makes Adirondack lakes more hospitable for aquatic invasive species colonization; and,
- WHEREAS, some of the most obvious toxic effects of road salt are observed in roadside vegetation where high concentrations of salt accumulates and persists and damage is observed with the browning of foliage, premature defoliation, suppression of flowers and die back of terminal roots and the erosion problems that occur when vegetation is affected; and,
- WHEREAS, road salt is responsible for the increased corrosion of road infrastructure and vehicles.

NOW, THEREFORE, IT IS HEREBY

AGREED that the undersigned Towns, Village and Counties recognize the significant adverse impacts of excessive application of road salt for winter maintenance and de-icing; and it is further

AGREED that the undersigned Towns, Village and Counties intend to reduce the salt loading into Adirondack Lakes through the reduced application of road salt; and it is further

AGREED that the undersigned Towns, Village and Counties will curtail the increase of road salt through proven methods of road salt application (as demonstrated in New Hampshire and Vermont) and through utilizing Best Management Practices); and it is further

AGREED that the undersigned Towns, Village and Counties will, subject to research supporting their use, consider alternative de-icing materials that minimize the application of road salt; and it is further

AGREED that the undersigned Towns, Village and Counties help to document the effectiveness of alternative road salt materials and/or substitutes; and it is further

AGREED that the undersigned Towns, Village and Counties will investigate and consider equipment to better manage and monitor the application of road salt; and it is further

AGREED that the undersigned Towns, Village and Counties will have highway department superintendents, collect data using consistent methods on the quantities and application rates of road salts within their jurisdictions, as well as truck loading and route distribution information in using this data for improved application methods and it is further

AGREED that the undersigned Towns, Village and Counties will have highway department supervisors assess and tailor road salt application rates based on level of surface, road grades and proximity to water bodies and runoff systems; and it is further

AGREED that the undersigned Towns, Village and Counties will establish an education and training program for all highway department employees on the impacts of road salt in the Adirondacks and proven methods to reduce road salt application; and it is further

AGREED that the undersigned Towns, Village and Counties intend to designate sections of public roads as "Priority Abatement Areas" where roads are located along or in close proximity to Adirondack Lakes and/or tributaries that are determined to be critical runoff areas impacting water quality; and it is further

AGREED that the undersigned Towns, Village and Counties will participate in an annual "Road Salt Summit" to discuss new technologies, application methods, best management practices and research aimed at minimizing the usage of road salt for winter maintenance and de-icing; and it is further

AGREED that the undersigned Towns, Village and Counties will together achieve road salt reductions that through ongoing scientific monitoring; and it is further

AGREED that this Memorandum of Understanding may be signed in counterparts.

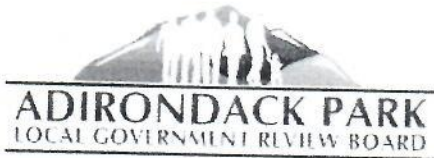
Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Name and Title: \_\_\_\_\_

**\*Please send signed pledge to AdkAction, PO Box 655, Saranac Lake, NY 12983**



\* Funding provided by the Environmental Protection Fund as administered by the New York State Department of Environmental Conservation. Any opinions, findings, and/or interpretations of data contained herein are the responsibility of the author(s) and do not necessarily represent the opinions, interpretations or policy of Rochester Institute of Technology and its NYS Pollution Prevention Institute or the State.



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## **RESOLUTION IN SUPPORT OF SNOWMOBILING AND INCREASING SNOWMOBILE TRAIL MILES IN THE ADIRONDACKS**

WHEREAS, snowmobiling is a critically important part of the Adirondack winter economy; and,

WHEREAS, on July 26, 1972, Governor Nelson A. Rockefeller issued a press release, upon signing the Adirondack State Land Master Plan (SLMP), that states in part that about 20 miles of snowmobile trails in areas classified as Wilderness by the SLMP will be closed, and replaced in areas outside the Wilderness and Primitive classified land, and that an additional 930 miles of snowmobile trails located in other classifications will remain; and,

WHEREAS, since the SLMP was adopted in 1972, the State of New York has purchased nearly 350,000 additional acres of Forest Preserve land, which at the time of purchase had many miles of community Snowmobile trails that were not part of the State snowmobile trail system; and,

WHEREAS, the State Land Master Plan does not create a cap on snowmobile trail mileage, but states there will be no material increase in snowmobile trail mileage that existed in 1972, allowing for snowmobile trails on newly acquired State lands to remain; and,

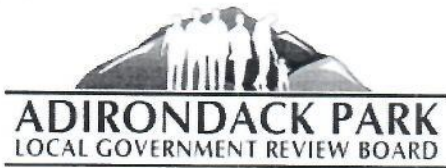
WHEREAS, the arbitrary 848.88 miles of snowmobile trail miles that DEC and APA use as a cap is not supported by Governor Nelson A. Rockefeller's promise to the people of the State of New York in 1972, which assured the people of the State of New York that they would have a minimum of 950 miles of snowmobile trails in the Adirondacks; and,

WHEREAS, DEC has, during Unit Management Plan adoption called for the closing of snowmobile trails for various reasons, while identifying replacement snowmobile trails; and,

WHEREAS, upon adoption of the Unit Management Plans the targeted snowmobile trails are closed, leaving the people of the State of New York waiting years in some cases for the replacement trails to be built;

RESOLVED, the Adirondack Park Local Government Review Board hereby calls upon DEC and APA to abandon the snowmobile mileage cap, allowing any snowmobile trails on State Lands acquired after 1972 to remain as long as those lands are not Wilderness or Primitive; and it is further,

RESOLVED, the Adirondack Park Local Government Review Board calls upon DEC to stop the practice of closing snowmobile trails identified in Unit Management Plans, for replacement, until the new trails are built and ready for use; and it is further,



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## Resolution No. 2 of 2019

### **RESOLUTION URGING ADIRONDACK INTERCOUNTY, AOT, NYCOM, NYSAC, AND NYS TO COME TOGETHER WITH A PLAN TO PROVIDE CELL COVERAGE FOR ALL ADIRONDACK RESIDENTS AND VISITORS**

WHEREAS, cellular service and the ability to use individual wireless devices should no longer be considered a luxury; and,

WHEREAS, today's society, in all walks of life, is heavily dependent on cell phone and wireless networks. All areas of the State, including the Adirondacks need to have dependable access to this technology infrastructure; and,

WHEREAS, cell phones and the requisite cell coverage are in many cases the first link of our emergency response chain for fire, ambulance and law enforcement; and,

WHEREAS, Increasingly, where service is available, cell phones are being used to alert authorities of lost or injured outdoor enthusiasts; and,

WHEREAS, first responders are able to use these available networks to quickly find and respond directly to where they are needed, saving time and resources,

WHEREAS, this infrastructure also drives commerce and tourism, and is core to our quality of life; and,

WHEREAS, there are still large tracts of the Adirondacks which are still deprived of this utility; and,

WHEREAS, we as government officials have an obligation to provide for the public safety, the education, as well as the equitable treatment and opportunity for all of our citizens; now, therefore be it

RESOLVED, the Adirondack Park Local Government Review Board hereby calls upon all local governments to stand together, individually and through our associations to insist that the time is now to provide all Adirondack residents and visitors with this critical technology; and be it also,

RESOLVED, that copies of this Resolution be forwarded to Governor Andrew Cuomo, Senate Majority Leader Stewart-Cousins, Senate Minority Leader Flanagan, Assembly Speaker Heastie, All the Adirondack Legislators, Adirondack Intercounty, NYSAC, AOT, NYCOM, the Association of Adirondack Towns & Villages.



RESOLVED, that copies of this Resolution be forwarded to Governor Andrew Cuomo, DEC Commissioner Basil Seggos, Senate Leader Majority Stewart-Cousins, Senate Minority Leader Flanagan, Assembly Speaker Heastie, All Adirondack State Legislators and Town Supervisors, All Adirondack Counties, the Association of Adirondack Towns & Villages.

Ronald Maiorana, Press Secretary  
518-GR 4-8418 (Albany); 212-JU 2-7030 (N.Y.C.)

(GOVERNOR-ADIRONDACK PLAN)

FOR RELEASE:  
A.M., WEDNESDAY  
JULY 26, 1972

Governor Rockefeller announced today his approval of the Adirondack Park State Land Master Plan, thereby making the plan state policy to guide the management of more than 2,275,000 acres of state-owned lands in the Adirondack Park.

"In developing management guidelines which will allow full public enjoyment of our unique Adirondack lands," the Governor said, "while assuring strong protection for the fragile areas of the Adirondack Forest Preserve, the Adirondack Park Agency has done a great service for the people of the state."

"The members of the Adirondack Park Agency are to be commended for this outstanding planning effort," the Governor said, in a letter to Agency Chairman Richard W. Lawrence, Jr., of Elizabethtown. "You may be sure of my support in meeting the challenge to carry out the spirit and letter of the public land plan," the Governor said.

The plan was prepared by the Adirondack Park Agency in consultation with the Department of Environmental Conservation as provided for in the 1971 legislation creating the Agency. Public Hearings were held prior to completion of the plan and its submission to the Governor last June first.

The plan classifies state-owned lands within the Adirondack Park according to their characteristics and capability to withstand use. The four broad categories and the acreage in each are:

Wilderness, 997,960 acres; Primitive, 75,670 acres;

Canoe Area, 18,000 acres and the balance, approximately

1,150,000 acres in the Wild Forest Category.

In addition, the plan designates Intensive Use and Special Management Areas, Wild and Scenic and Recreational Rivers and major Travel Corridors.

For each category, general guidelines for the management and use of the lands are presented. These guidelines provide the framework within which the Department of Environmental Conservation will prepare specific management plans for units of land classified to guide the development and management of state lands in the Adirondack Park.

Virtually all of the state-owned lands within the Adirondack Park are protected under Article XIV, Section 1 of the State Constitution, the so-called "forever wild" clause. The plan does not permit any new land uses within the Park, and curtails or limits some existing uses in keeping with the physical and biological characteristics and other determinants of the classification system.

The strictest classifications of state land are designed to achieve and perpetuate a natural plant and animal community where man's influence is not apparent. The plan continues the prohibition against any and all public use of motor vehicles or equipment. Furthermore, it reduces to an absolute minimum -- for periodic essential services -- the official use of vehicles and motorized equipment.

While there are relatively few non-conforming structures, as defined by the plan, in the Wilderness area, those in existence are to be removed by December 31, 1975. Interior Ranger facilities will also be phased out in favor of facilities at key points at the edge of the Wilderness areas to provide needed supervision of public use.

Contemplated changes directly affecting the public are minimal. There will be no decrease in the 820 miles of foot trails in the

(more)

( OVER )

Park, 520 miles of which are in the Wilderness areas. Nor will the more than two million annual campers enjoying the public campsites be affected, because most of these sites are in the Intensive Use category specifically designed to provide such public services.

There will be a reduction of about 20 miles of snowmobile trails now situated in Wilderness, but there will be no changes in the additional 930 miles in other land categories. Replacement of Wilderness Areas snowmobile trails being shut down is provided for in areas outside the Wilderness, Primitive categories of land.

Members of the Adirondack Park Agency, in addition to Mr. Lawrence, are James R. Bird, Raquette Lake; Whitman Daniels, Delmar; Henry L. Diamond, Albany; William J. Foley, Utica; Peter S. Paine, Jr., New York City; Mary F. Prime, Lake Placid; Joseph P. Tonelli, New York City; Richard A. Wiebe, Albany.

Copies of the Master Plan are available from the Adirondack Park Agency, Box 99, Ray Brook, New York 12977.

A copy of the Governor's letter follows:

\* \* \* \* \*  
STATE OF NEW YORK  
EXECUTIVE CHAMBER  
ALBANY

July 20, 1972

Dear Dick:

I hereby approve the Adirondack Park State Land Master Plan, submitted on June 1, 1972 pursuant to Section 807, Article 27 of the Executive Law.

The members of the Adirondack Park Agency are to be commended for this outstanding planning effort. In developing management guidelines which allow full public enjoyment of our unique Adirondack lands while assuring strong protection for the fragile areas of the Adirondack Forest Preserve, the Agency has done a great service for the people of the state.

Under the law, the Department of Environmental Conservation, in consultation with the Adirondack Park Agency, will complete individual management plans to conform with the general guidelines and criteria set forth in the master plan. Commissioner Diamond has been requested to make adequate provision in the Department's annual budget request for implementation of the management practices which have been recommended.

You may be sure of my support in meeting the challenge to carry out the spirit and letter of the public land plan.

Sincerely,

(Signed) NELSON A. ROCKEFELLER

Mr. Richard W. Lawrence, Jr.  
Chairman  
Adirondack Park Agency  
Box 99  
Ray Brook, New York 12977

State Elected Leaders 2019 addresses

Senate Majority Leader  
Senator Andrea Stewart-Cousins  
188 State Street Room 907, Legislative Office Building  
Albany, NY 12247

Senate Minority Leader  
Senator John Flanagan  
Room 315, State Capitol Building  
Albany, NY 12247

Senator Betty Little  
Room 711B Legislative Office Building  
Albany, NY 12247

Assemblyman Billy Jones  
LOB 551  
Albany, NY 12248

Assembly Speaker Carl Heastie  
LOB 932  
Albany, NY 12248

Assemblyman Dan Stec  
LOB 439  
Albany, NY 12248

Assemblyman Robert Smullin  
LOB 527  
Albany, NY 12248

Assemblyman Ken Blankenbush  
LOB 322  
Albany, NY 12248

Senator James Tedisco  
Legislative Office Building Room 515  
Albany, NY 12248

Senator Joseph Griffo  
172 State Street, Capital Building  
Room 413C  
Albany, NY 12247

The Honorable Andrew M. Cuomo  
Governor of New York State  
NYS State Capitol Building  
Albany, NY 12224

Commissioner Basil Seggos  
625 Broadway  
Albany, NY 12233-1011

NYS Adirondack Park Agency

ATTN. Karen Feldman Chairwoman  
P.O. Box 99  
1133 NYS Route 86  
Ray Brook, NY 12977