

September 10, 2021 Special Board Meeting

MINUTES OF THE SPECIAL BOARD MEETING OF THE TOWN BOARD OF THE TOWN OF THURMAN, NEW YORK HELD SEPTEMBER 10, 2021 AT THE THURMAN TOWN HALL, 311 AHTOL ROAD, ATHOL, NEW YORK, COMMENCING AT 4:30 PM.....

PRESENT: Mr. Ed Brown, Councilman

Mr. Randy Galusha, Councilman

Mr. Douglas Needham, Councilman

Mrs. Susan Shepler, Supervisor

ABSENT: Mrs. Joan Harris, Councilwoman

RECORDING SECRETARY: Susan E Staples

The meeting started with a review of the claims at **4:30 pm**.

Discussion: Councilman Needham asked **Sue** why are we still paying **Joe Groff** for the rental of the pole. **Supervisor Shepler** responded we have to pay him until, technically next year, next June because it was the contract that was approved for a term of 6 years. **Councilman Galusha** noted they didn't have a termination clause in the contract. **Supervisor Shepler** responded, and it was approved for an additional 6 years. So, the 6 years will be next June. **Councilman Galusha** responded I can explain it (inaudible). They wrote the contract and said we are going to do this every month, and they never said there is no way to terminate it. So, I asked **Mark Schachner** about it. He said you are stuck. He said you can either pay it or you can negotiate a lump sum settlement with him. **Supervisor Shepler** replied that is correct. **Councilman Galusha** continued noting so we can do one of those two things. We are screwed. **Supervisor Shepler** noted I also know that we can get up there, and we have to take the equipment off his pole. **Councilman Galusha** asked what are we going to do with the equipment. **Supervisor Shepler** responded put it with the rest of the equipment, and if we can sell any of it then that is something we need to do. **Councilman Galusha** responded where is it being stored. **Supervisor Shepler** responded in the closet right now. Later **Councilman Galusha** noted **Susan**. **Supervisor Shepler** responded yes. **Councilman Galusha** continued noting on **Gail's** insurance, I mean I see the charge on here, but I don't see any reimbursement either.....**Supervisor Shepler** interrupted noting there hasn't been any. **Councilman Galusha** responded so.....**Supervisor Shepler** continued noting that went through Aug...September 3rd. **Councilman Galusha** responded 30th. **Supervisor Shepler** responded is it the 30th. **Councilman Galusha** replied COBRA goes through the 30th, but how and when do we get reimbursed for that. **Supervisor Shepler** responded that we are looking into. The problem is we are a Tax Exempt Entity, and they didn't put it through as a Tax Exempt. So, I have, I.....**Councilman Galusha** responded so shouldn't she be paying it at this point. **Supervisor Shepler** replied yes, she should, and that is what I have been in contact with them about. You say it is the 30th. **Councilman Galusha** responded it was my understanding from what I read online was that it went from April 1st to September 30th because it was April, May, June, July, August, September. Six months. **Supervisor Shepler** noted six months. **Councilman Galusha** continued noting and that would be the full month of September. **Supervisor Shepler** alright. **Debra Runyon** noted it is the 30th. **Supervisor Shepler** responded it is the 30th. Thank you. **Debra Runyon** made another comment regarding the portal. **Councilman Galusha** continued noting I was just going to say do we have any confirmation that we will actually be reimbursed. In other words, do we call qual....Does she qual or do we qualify. Do we have anything in writing that says that we are

actually going to get money back from the Federal Government. **Supervisor Shepler** responded I have nothing in writing guaranteeing us anything at this point in time. **Councilman Galusha** responded so until that happens shouldn't she be paying so that we are not out the money. **Supervisor Shepler** responded in my opinion, yes. **Councilman Galusha** responded so OK. **Supervisor Shepler** interrupted noting but I am not an insurance broker either, so, but that is my take on it. **Councilman Galusha** responded that should probably be communicated to the Town Attorney so.....**Supervisor Shepler** interrupted noting I told him. **Councilman Galusha** responded have you notified him of the Resolution that passed. **Supervisor Shepler** responded I have, but I want to discuss that. **Councilman Galusha** responded OK. **Supervisor Shepler** responded can we finish the uh.....**Councilman Galusha** responded yup, we'll finish. **Supervisor Shepler** continued noting because I have two things that I have to bring up according to the Attorney, so. **Councilman Galusha** asked why do we have 2 payments for **Gail** for the same period. **Supervisor Shepler** responded are they 2 different insurances. She has dental, vision and health. **Debra Runyon** asked does she pay her own dental and vision. **Supervisor Shepler** responded nope. **Debra Runyon** responded she is supposed to everybody does. **Supervisor Shepler** responded not as a Town employee. **Debra Runyon** responded they always did. Right **Sue**, everybody pays there own? **Sue Baker** pays hers. The **Town Clerk** responded **Sue Baker** pays her own dental. **Supervisor Shepler** responded **Sue Baker** is not a full-time employee either. The **Town Clerk** responded neither was **Gail**. **Supervisor Shepler** asked do you pay yours. The **Town Clerk** responded I don't have dental or vision. **Supervisor Shepler** responded you don't, OK. **Debra Runyon** noted everybody pays their own. The **Town Clerk** noted I pay my AFLAC. **Councilman Galusha** noted this has got to be to be health insurance because this bill here includes everybody that is on the platinum plan. The platinum EX and it has got **Gail** at 843 twelve. **Supervisor Shepler** responded that is her health insurance. **Councilman Galusha** responded OK, and that is for this time period so that is the coming month of September. **Supervisor Shepler** responded um hum. **Councilman Galusha** continued noting and then this she has CDHP also. **Supervisor Shepler** responded CDHP which is the let's see dental and vision. **Councilman Galusha** responded dental is \$935.00. **Supervisor Shepler** responded no that is we have the (inaudible) as she whispered. **Councilman Galusha** responded right, but this is for **Gail**. **Supervisor Shepler** responded attention **Gail**. **Councilman Galusha** responded oh attention **Gail**. I apologize. My mistake. Sorry. **Supervisor Shepler** responded no problem. **Councilman Galusha** responded I read it as it was for her insurance. My mistake. **Supervisor Shepler** noted I do know now is the time I will read (inaudible). **Councilman Galusha** responded I'm asleep, sorry. **Supervisor Shepler** responded may I suggest that you bring it up at the next Board Meeting when we are all in attendance. **Councilman Galusha** responded we only have a few more times this year. I will live with it. **Supervisor Shepler** responded well but going forward you are going to have to consider it too. Alright so the General Fund.

Reading of the Claims: **Supervisor Shepler** started reading the claims noting a total of \$7,744.10 for the General Fund. She read the claims for the Highway Department for \$19,868.82. She read the claim for the Enterprise Fund noting a total of \$50.00 for that fund, and a total of \$27,362.92 for all claims for September 10, 2021. She then asked do I have a motion to introduce payment of claims.

RESOLUTIONS:

Resolution # 66

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

Payment of Claims

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Total of Abstract 009: General Fund, September 10, 2021 \$7,444.10

Total of Abstract 009: Highway Department, September 10, 2021 \$19,868.82

Total of Abstract 009: Enterprise Fund, September 10, 2021 \$50.00

Total Claims for September 10, 2021 \$27,362.92

A Roll Call Vote was Called.

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

Discussion: Supervisor Shepler noted please let the record show that **Joan Harris** is absent. Now that we have done this the to answer your question **Randy**, earlier, yes, I did speak to the attorney. Yes, he is ready to move forward. He said it probably will not get a letter out until the middle of the week, next week, but he has also asked that.....In the Resolution we did not give a time for how long that she has to voluntarily repay the expenses, and he would like to know if the Board would like to interject a time. **Councilman Galusha** responded I think we have already given her 30 days twice and nothing has happened. I don't know. What do you guys think? **Supervisor Shepler** responded it wasn't indicated how, what type of mail it would go. So, you need to take.....**Councilman Galusha** responded well I'm sure that they will send it certified and if they don't our success will be in the attorney's office, they will probably serve her with papers. **Supervisor Shepler** responded how long do you want to give her to respond. **Councilman Galusha** responded I don't know. What do you guys want to do? What do you.....Do you have a suggestion? **Supervisor Shepler** responded **Doug** do you have one. **Councilman Needham** responded another 30 days after she receives it. I don't know. **Supervisor Shepler** responded I don't know that (inaudible) 30 days. **Councilman Needham** continued noting that depends on (inaudible). **Supervisor Shepler** noted the earliest that he said he could possibly get the letter done would be the 15th. Which is next Wednesday. **Councilman Galusha** responded so the 15th then give time for the mail, for her to respond, so by the time you are done.....I mean I would say 2 weeks from the time that she receives it. I mean if we hadn't already gone through 2 iterations of 30 days I would say 30 days, but I think that we are just wasting time the longer that we make it. **Supervisor Shepler** responded so do you want to set a date of like October 6th or October 13th. **Councilman Galusha** responded I don't think you can do that. I think you have to do that based off of when she signs for the letter. **Supervisor Shepler** responded but she may not sign for it. Its, its.....And that was the issue that we ran into last time. **Councilman Galusha** noted, and I think legally if someone refuses to sign for something after a certain amount of time goes by it is considered delivered. **Supervisor Shepler** responded no it is not. It is returned the sender. **Councilman Galusha** responded it is returned, but I think by law it is considered delivered if she doesn't sign for it. **Supervisor Shepler** replied I don't know. **Councilman Galusha** continued noting either way he will end up having to serve her papers and that is the way it works. **Supervisor Shepler** responded but that is fine, but he wants to know, he has asked explicitly how much time do you to give. **Councilman Galusha** responded I would say 14 days from the time it is received. **Supervisor Shepler** interrupted noting from the time it's sent. She continued noting you don't know when she is going to receive it. So, it would be 14 days from the time it was sent. **Councilman Galusha** responded say 21 days that is a compromise, and it gives us time for the mail. **Supervisor Shepler** responded so (inaudible) so, the 14th of October. **Councilman Galusha** responded OK, I'm good with that. **Supervisor Shepler** responded alright. Then the next thing that I have to bring up before the Board, **Randy** was present in my office for this discussion earlier today. We have a contract that the Board has

approved and signed off on, and in that contract Section 34 it has got a thing for protective clothing, and each employee will receive an annual payment of \$400.00 by voucher as determined by this contract. The annual payments are to be utilized for the purchase of clothing and safety footwear to dress for work in a manner that allows them to safely perform the duties of their jobs. Vouchers receipts are required in order to receive annual payments. Payments to employees will be made no later the Friday after the monthly Board Meeting following submission of receipts. I spoke with **Alex** about it, and he has said that this is a contractual item, and technically those are a prepay. **Councilman Galusha** responded um hum. **Supervisor Shepler** continued noting so I just want to get the Board's blessing that we can do their reimbursement clothing as a prepay and not wait for the Board to do payment of claims is what we had been doing since I have been on the Board. **Councilman Galusha** responded yeah I think **Alex** is right. I think any contract that is a year or more you don't have to have Board approval to issue a check, I think. **Supervisor Shepler** responded that is correct, but I'm just, I'm just.....I am not going to.....I said to him I can't make that decision alone. I have to bring it to the Board. **Councilman Galusha** responded well I think the law has made that decision. I don't think it is ours. The **Town Clerk** noted I think it has to be a contract over a year. **Supervisor Shepler** responded yup. **Councilman Galusha** responded yes. The **Town Clerk** continued noting to last year when they only had a one-year contract that did not apply. **Supervisor Shepler** interrupted noting they had a one-year contract. **Councilman Brown** noted it used to be (inaudible). **Councilman Galusha** responded are you sure it is not a year or more. It's just for a year. The **Town Clerk** responded it would be more than a year I believe. Because just a year contract would not apply. **Supervisor Shepler** responded well can I have the Boards blessing for the remainder of the year to do the clothing reimbursement for the Highway Department. **Councilman Galusha** responded I make that motion. **Supervisor Shepler** noted do I have a second. **Councilman Needham** responded I will second it. **Supervisor Shepler** responded thank you. All in favor.

Resolution # 67

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

Resolution

The Board resolves to give it blessing for the remainder of the year to do the clothing reimbursement for the Highway Department.

Motion Carried: Ayes~3 Galusha, Needham, Shepler, Nays~0, Abstain~1 Brown

Discussion: Supervisor Shepler noted so that was all that needed to be discussed. **Councilman Galusha** noted did we get the keys for **Deb** yet. **Supervisor Shepler** responded no, I have not, and she has gotten.....Today she received the stuff and she will fill that out then bring that back in, and we can move forward. **Councilman Galusha** responded can I make a motion that we give her keys as soon as she submits the paperwork. **Supervisor Shepler** responded you can the only thing that I am concerned about, and I will tell you right to your face is, is a liability going in and out of there. Somebody need to know when you are going in and out of there and there will be a waiver that you are going to have to sign before you can go in there. **Debra Runyon** responded OK. **Supervisor Shepler** continued noting so once the.....The **Town Clerk** interrupted noting she is a Town resident. I mean a Town Employee. **Supervisor Shepler** responded I don't care, thank you. The **Town Clerk** responded nobody else has to sign a waiver to go in there. **Supervisor Shepler** responded everybody else is.....Everyone else from this point forward from our Board Meeting the other night, going forward is going to have to sign a waiver to

go in and out of that building. It is purely protection on the part of the Town. OK, so. **Councilman Needham** noted (inaudible) the floors and it is dangerous. So, if anything did happen. **Councilman Galusha** responded I realize that but whether there is a waiver or not any, any Town Employee that does anything on Town property. The **Town Clerk** interrupted noting we are covered. **Councilman Galusha** continued noting or on behalf of the Town is covered regardless so....**Supervisor Shepler** interrupted noting that is fine, but it was brought to our attention that that is what needs to be done and let's do it. **Councilman Galusha** responded well he suggested that, but he suggested it before he realized she was a Town Employee. **Councilman Brown** responded um hum. **Supervisor Shepler** responded that is fine. I think in order to.....**Councilman Galusha** interrupted noting she is willing to sign it. It is a paperwork exercise. Either way you are covered. **Supervisor Shepler** interrupted noting that is exactly what it is. That is exactly what it is, thank you. So as soon as we've got the waiver and you get the paperwork back, we will go forward and get you a key, but please understand that doesn't allow any and everybody to go in and out of that building because it is more than just paperwork that is stored in there. **Debra Runyon** responded the only ones who will go in there are me and **Myra**. **Supervisor Shepler** responded, and I have to get **Myra** to sign off on paperwork too because she needs to be covered under the Town's insurance. **Councilman Galusha** responded the only thing she would haveShe is not getting paid so the only thing she would have to sign would be the waiver. **Supervisor Shepler** responded, and **Deb** is not getting paid either. **Councilman Galusha** responded right, but she is an appointed position. **Supervisor Shepler** responded yes; she is. **Debra Runyon** noted I really didn't need to do this, but I did it anyway. **Councilman Galusha** responded I understand. OK, so I made a motion that after she does the paperwork, submits it she gets the keys. **Supervisor Shepler** responded and has signed the waiver then we will be happy to give her the keys, yup. **Councilman Galusha** asked so is there a second to my motion then we.....**Supervisor Shepler** responded if you enter in the verbiage after she has signed the waiver. I will be happy to second it. **Councilman Galusha** responded fair enough. **Councilman Brown** responded I second it. **Councilman Galusha** noted **Ed** seconded it. **Debra Runyon** noted when can I get the papers. **Supervisor Shepler** responded as soon as I get it from the attorney which would be next week. **Debra Runyon** responded OK. Can I just let you guys know something? As far as Jeager and Flynn and COBRA related, Covid related COBRA, Jeager and Flynn sent a notice out you have to let the employee or the ex-employee, know by September 15th what is happening. That their COBRA the Covid reimbursement is over. You have to let them know that. **Supervisor Shepler** responded we have not received that. **Debra Runyon** responded well I know it came out because I got one at my work. **Supervisor Shepler** interrupted noting I will ask them about that. **Debra Runyon** responded ask Eileen or someone at Jeager and Flynn because that is who told me. You have until September 15th to give her notice. **Supervisor Shepler** responded thank you I will contact Jeager and Flynn. **Councilman Galusha** responded what are the repercussions if we don't give her notice. **Debra Runyon** responded I don't know. I don't know. I just got a letter that said you had to notify the people by September 15th that their insurance is ending on the 30th. **Supervisor Shepler** responded you did as someone who is on COBRA or as someone who is an employee in Chestertown. **Debra Runyon** responded employee as the Bookkeeper there I got notice. **Supervisor Shepler** interrupted noting of Chestertown. She continued noting as the Bookkeeper there you got that notice. **Debra Runyon** responded yeah because my COBRA wasn't related to Covid so I ended mine back in April. **Supervisor Shepler** responded OK, that is fine. All right no problems I will contact the.....**Debra Runyon** interrupted noting I just didn't want you to miss the.....**Supervisor Shepler** interrupted noting I appreciate that. We haven't gotten any notifications of that nature at all. **Debra Runyon** responded it

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might have come to **Gail**. **Supervisor Shepler** responded they know. They have discontinued **Gails**. (Inaudible). **Councilman Galusha** noted we have a motion and a second. We haven't voted yet. The **Town Clerk** responded no you have not. **Supervisor Shepler** responded can we please have a vote, thank you. The **Town Clerk** asked you want a Roll Call Vote. **Supervisor Shepler** responded please if you would, thanks.

Resolution # 68

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

Resolution

Resolution to give Debra Runyon keys as soon as she submits the appropriate paperwork.

A Roll Call Vote was called.

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

Discussion: Supervisor Shepler asked is there anything else the Board wishes to discuss at this point in time Can I call for a motion to adjourn?

ADJOURNMENT: On a motion introduced by **Supervisor Shepler** and seconded by **Councilman Needham** the meeting was adjourned at **5:21 pm**.

Respectfully Submitted,

Susan E Staples, Town Clerk

September 22, 2021