

January 10, 2017

**MINUTES OF THE SPECIAL MEETING OF THE TOWN BOARD OF THE
TOWN OF THURMAN HELD JANUARY 10, 2017 AT THE TOWN HALL, 311 ATHOL
ROAD, ATHOL, NEW YORK, COMMENCING AT 6:30 P.M...**

PRESENT: Mrs. Evelyn Wood, Supervisor

Mr. John Youngblood, Councilman

Mr. Michael Eddy, Councilman

Mrs. Cynthia Hyde, Councilwoman

Mrs. Kathy Templeton, Councilwoman

RECORDING SECRETARY: Jeanie Sprague, Town Clerk

The Meeting was called to order by **Evelyn Wood, Supervisor**

PLEDGE ALLEGIANCE TO THE FLAG

ROLL CALL

OTHERS PRESENT: Jamiee Ross, Tax Collector

RESOLUTION #5:

APPROVAL OF CLAIMS: 2016 Abstract 013 (General Fund - \$8,106.75; Highway Fund - \$59,626.57, Capital Fund - \$6,682.03, Enterprise Fund - \$1,396.63) for a total of \$75,811.98.

On a motion by **Councilwoman Templeton**, seconded by **Councilman Youngblood**, the Board approved payment of the claims.

Motion Carried: 5 Ayes ~ Youngblood, Wood, Templeton, Hyde, Eddy

RESOLUTION #6:

APPROVAL OF CLAIMS: 2017 Abstract 001 (General Fund - \$17,182.37; Highway Fund - \$10,158.24; Enterprise Fund - \$50.00) for a total of \$27,390.61.

On a motion by **Councilman Youngblood**, seconded by **Councilwoman Hyde**, the Board approved payment of the claims.

Motion Carried: 5 Ayes ~ Youngblood, Wood, Templeton, Hyde, Eddy

On a motion by **Councilman Youngblood**, seconded by **Councilwoman Hyde**, the Board approved payment of the claims.

Motion Carried: 5 Ayes ~ Youngblood, Wood, Templeton, Hyde, Eddy

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RESOLUTION #7:

On a motion by **Councilman Eddy**, seconded by **Councilwoman Templeton**, the Board resolved to waive the Rules of Procedure.

Motion Carried: 3 Ayes ~ Hyde, Templeton, Eddy

2 Nays ~ Wood, Youngblood

RESOLUTION #8:

Resolution to Abolish the Position of Deputy Supervisor

The Town Board of the Town of Thurman does hereby abolish the position of Deputy Supervisor.

On a motion by **Councilwoman Hyde**, seconded by **Councilman Eddy** was brought to the floor.

Discussion by the board ensued about the advantages and disadvantages of having a Deputy Supervisor. The board also discussed the town having an Emergency Management Plan that could cover the issues raised and the how long it would take to create and implement it.

RESOLUTION #8:

On a motion by **Councilwoman Hyde**, seconded by **Councilwoman Templeton**, the Board resolved to table Resolution #7.

Motion Carried: 5 Ayes ~ Wood, Youngblood, Hyde, Templeton, Eddy

RESOLUTION #9:

Resolution to rescind resolution #13 of 2012 Rules of Procedure

The town board of the Town of Thurman does hereby rescind resolution # 13 of 2012 Rules of Procedure.

On a motion by **Councilwoman Hyde**, seconded by **Councilwoman Templeton**, Resolution #9 was approved.

Motion Carried: 3 Ayes ~ Hyde, Templeton, Eddy

2 Nays ~ Wood, Youngblood

RESOLUTION #10:

Rules for Procedure at Public Meetings

Town Board meetings are required to be held in public for the purpose of allowing the public to observe the meetings. The law does not require that a Town Board set aside time at regular meetings for public comment, except for the case of public hearings. Public participation is the purpose of a public hearing, which is required prior to the adoption of a local law or ordinance and in other cases, as specified by law.

The Town Board believes that a public comment period should be scheduled for each meeting. However, it believes that it is important that all periods of public input - whether they are public hearings or a public comment period - should abide by a set of rules that are designed to ensure that good order and civility is maintained at meetings. The purpose of the public comment period is to discuss Town business only. Individual problems, concerns or questions of the public should initially be addressed to the Town Supervisor's office, rather than be brought up at Town Board meetings. This will allow the Supervisor to gather the necessary information and/or personnel to address those concerns. If those concerns are not addressed to the satisfaction of the individual, then redress by the entire Town Board may be the next option.

REGULAR TOWN BOARD AGENDA

While an agenda is not required, the Town Board believes to the extent possible, an agenda should be prepared before a regularly scheduled meeting. The agenda is prepared by the Town Supervisor. Except in the case of an emergency, topics and resolutions for the agenda shall be given to the Town Supervisor by the close of business on the Thursday before the next regularly scheduled Town Board Meeting. If a person desires to be placed on the Agenda they should notify the Supervisor's Office in writing of the subject to be discussed. Such request should be provided by the close of business the Thursday prior to the meeting. Any audio/visual or similar equipment to be used to support the comments or issues of a speaker must be approved by the Town Supervisor at least 24 hours before the regularly scheduled Town Board meeting.

CORRESPONDENCE

All correspondence to the Town Board shall be acknowledged at a regular meeting of the Town Board. Letters shall not be read aloud at meetings. Correspondence shall not be printed in the minutes unless it is specifically requested. Correspondence containing personal attacks will not be entertained or added to the minutes.

MINUTES

The minutes shall include all activities and considerations of the Town Board. Minutes shall be prepared in accordance with the Laws of New York State and shall be prepared in draft form within 14 days of the meeting and posted on the Town's website marked "DRAFT" until approved by the Town Board. After approval the "DRAFT" notation shall be removed. If a Town Board member requests a statement be entered into the minutes verbatim, the Town Clerk shall do so.

TOWN BOARD

The Town Supervisor presides at all town board meetings, in his absence the board members present may designate one of their members to act as temporary chairperson.

PUBLIC COMMENT PERIOD/PUBLIC HEARING/SPECIAL

MEETING

The Town will provide, to the extent practical, a Comment period;

- Except for the case of Public Hearings or special Public Information Meetings, the Comment portion of the meeting is the only time when comments will be permitted by the public, unless a person is otherwise recognized by the Town Supervisor;
- The Comment Period is an opportunity for the public to address Town business. The Town Supervisor, as Chairman of the meeting, shall determine if the matter being discussed is Town business.
- The Comment Period, Public Hearing or Special Public Information meetings are designed for comments only. At the appropriate time any questions, comments and/or opinions will be taken by the Town Supervisor. Where appropriate, the Town Supervisor may respond directly or direct the question, comment or opinion to the appropriate person to respond.
- Each speaker during the Comment Period, Public Hearing or Special Meeting must state his or her name and the subject he or she will be addressing.
- Each speaker during the Comment Period, Public Hearing or Special Meeting is limited to speak once, three minutes in length, which rule will be enforced by the Town Supervisor. Any request of extension of this time limitation must be made to the Town Supervisor who has the discretion to extend the time to speak. In the case of Public Hearings, and at the discretion of the Town Supervisor, speakers may be allowed to speak a second time, once everyone has been allowed to speak once.
- Comments by speakers must be addressed to the Town Supervisor. Attendees should
- Placards, banners, or other signs are not permitted in meeting rooms, nor are the distribution of flyers.
- If, in the opinion of the Town Supervisor, comments by a member of the public during the Comment Period, Public Hearing or Special Public Meeting are not related to Town

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business or in any other way violates these Rules, the Town Supervisor will notify the speaker to either re-direct his/her comments to Town business or otherwise follow the Rules. If the individual persists to violate these Rules, he/she will be asked to stop speaking.

- A person who has been asked to stop speaking because he/she has violated these Rules more than twice has demonstrated his/her inability to speak on the Comment Period, Public Hearing or Special Meeting and may forfeit that privilege for all future meetings.

If after a final warning, the speaker refuses to step down, the Town Supervisor may have the person removed from the Town Board meeting room. The authority for this action is Section 240.20 of the Penal Law.

On a motion by **Councilwoman Hyde**, seconded by **Councilwoman Templeton**, Resolution #10 was approved.

Motion Carried: 3 Ayes ~ Hyde, Templeton, Eddy

2 Nays ~ Wood, Youngblood

Discussion ensued and Supervisor Wood brought up Robert's Rules of Order.

RESOLUTION #11:

Resolution to rescind resolution #13 of 2016 Town Attorney Contact Policy

The town board of the Town of Thurman does hereby rescind resolution # 13 of 2016 Town Attorney Contact Policy

On a motion by **Councilwoman Hyde**, seconded by **Councilman Eddy**, Resolution #11 was approved.

Motion Carried: 3 Ayes ~ Hyde, Templeton, Eddy

2 Nays ~ Wood, Youngblood

Discussion ensued about the contact policy with the attorney. Why the policy is in place, why it should change and the options that could be put in place to contact the attorney.

RESOLUTION #12:

On a motion by **Councilman Eddy**, seconded by **Councilwoman Hyde**, the Board resolved to set the Annual Accounting Meeting for January 20, 2017 at 6:30 p.m.

Motion Carried: 5 Ayes ~ Wood, Youngblood, Hyde, Templeton, Eddy

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RESOLUTION #13:

On a motion by **Supervisor Wood**, seconded by **Councilwoman Templeton**, the Board resolved to set the Regular Town Board Meetings for the second Tuesday of the month at 6:30 p.m.

Motion Carried: 5 Ayes ~ Wood, Youngblood, Hyde, Templeton, Eddy

Supervisor Wood asked for a Motion to adjourn, **Councilman Youngblood** made a motion to adjourn. There was no second.

Discussion ensued about revised Resolution #1.

RESOLUTION #14:

On a motion by **Councilwoman Hyde**, seconded by **Councilwoman Templeton**, the Board resolved to waive the rules to bring revised Resolution #1 to the floor.

Motion Carried: 3 Ayes ~ Hyde, Templeton, Eddy

2 Nays ~ Wood Youngblood

RESOLUTION #15:

Contracts, Set Mileage Rate, Set Official Holidays, Establish Returned Check Fee, Establish Meeting Dates, Designate Official Newspapers, and Designate Opener of Sealed Bids.

WHEREAS it is necessary to establish certain offices, make various appointments, and authorize the Supervisor to sign certain yearly contracts and any future contracts all of which will be previously viewed and approved by the town board at board meetings prior to signing and then be filed with the town clerk, as well as make various other appointments, establishments, and designations at the Town Board's Organizational meeting and authorize the supervisor to conduct day to day administrative duties be it

RESOLVED, that the Town Board of the Town of Thurman adopts the following for the year 2017, and be it further

RESOLVED, that the Town Board authorizes the Supervisor to sign any documents necessary to effectuate the contracts listed below for the year 2017 and conduct the day to day administrative duties.

Town Attorney

Miller, Mannix, Schachner, &

Per Diem by Contract

Hafner

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Town Engineer	Cedarwood Engineering	Per Diem By Contract
Health Officer	Dr. Bryan Smead	\$1550.00 paid by Con. Board of Health
Registrar of Vital Statistics	Jeanie Sprague	\$1,040 per year
Deputy Town Clerk	Susan Baker	\$9.75 per hour
Deputy Highway Superintendent	Jeff Ackley	.80 cents per hour
Supervisor's Confidential Secretary	Lester Losaw	\$12.50 per hour
Animal Control Officer	SPCA of Warren County	Per Contract
Historian	Joan Harris	\$500.00

Elected Officials

Supervisor	Evelyn Wood	\$10,800 per year	Weekly
Town Justice	Sheila Flanagan	\$5,500 per year	Monthly
Town Clerk	Jeanie Sprague	\$18,384 per year	Weekly
Tax Collector	Jamie Ross	\$3,184 per year	Monthly
Superintendent of Highways	Patrick Wood	\$40,485 per year	Weekly
Town Councilperson	John Youngblood	\$3,196 per year	Quarterly
Town Councilperson	Kathy Templeton	\$3,196 per year	Quarterly
Town Councilperson	Cynthia Hyde	\$3,196 per year	Quarterly
Town Councilperson	Michael Eddy	\$3,196 per year	Quarterly

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Contracts

Foresight Electronics	Fire Alarm Services	\$20.00 per month
NYS DOT	Shared Service Agreement	No cost; one year

Official Holidays

New Year's Day

Martin Luther King Day

Washington's Birthday

Memorial Day

Independence Day

Labor Day

Columbus Day

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Veteran's Day

Thanksgiving Day

Christmas Day

The opening of Competitive bids shall be done by the Town Clerk.

Due to the increase in minimum wage base rates for the positions of wingman, cleaner, cemetery maintenance, deputy town clerks, and meal on wheels driver shall increase to \$9.75 per hour.

A returned check fee of \$25.00 shall be charged on all returned checks.

Meetings will be held on the second Tuesday of the month beginning immediately following the Audit of Claims which will start at 6:30pm.

Motion by **Supervisor Wood** to table Revised Resolution #1, and seconded by **Councilman Youngblood**. Motion failed.

On a motion by **Councilwoman Hyde**, seconded by **Councilman Eddy**, Resolution #15 was approved.

Motion Carried: 3 Ayes ~ Hyde, Templeton, Eddy

2 Nays ~ Wood, Youngblood

ROLL CALL VOTE:

Councilwoman Hyde ~ Aye

Councilman Youngblood ~ Nay

Supervisor Wood ~ Nay

Councilwoman Templeton ~ Aye

Councilman Eddy ~ Aye

Discussion ensued by board.

Supervisor Wood wanted to make everyone aware of a Consent Order from DEC with mandatory fines, we were served a summons from the Moellers, Pat Wood stated the purple truck is back with the box. I did speak with the auditor and they are breaking our audit up into two parts; one deals with capital projects and the other about garbage bags and has been turned

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over to enforcement. Three of the board members meet with the attorney and two of the board members were not notified that the meeting was going to take place.

On a motion by Councilwoman Hyde, seconded by Councilwoman Templeton, the board meeting was adjourned at 7:36 p.m.

4 Ayes

Respectfully Submitted:

Jeanie M. Sprague, Town Clerk

January 25, 2017