

**MINUTES OF THE EMERGENCY BOARD MEETING OF THE TOWN BOARD OF THE TOWN OF THURMAN, NEW YORK HELD DECEMBER 29, 2020 AT THE THURMAN TOWN HALL, 311 ATHOL ROAD, ATHOL, NEW YORK, COMMENCING AT 6:30 PM.....**

**PRESENT: Mr. Ed Brown, Councilman**

**Mr. Randy Galusha, Councilman**

**Mrs. Joan Harris, Councilwoman**

**Mr. Douglas Needham, Councilman**

**Mrs. Susan Shepler, Supervisor**

**PLEDGE OF ALLEGIANCE TO THE FLAG:**

**ROLL CALL:**

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

**Discussion: Supervisor Shepler** noted the basis of the meeting this evening is to go over the Resolution and the discussion of the contract agreement with Frontier for the Whitespace internet service, and I would like somebody to introduce a Resolution to not renew the contract agreement with Frontier for the Whitespace internet service. Do I have someone who will introduce it? **Councilman Needham** noted I will. **Supervisor Shepler** noted **Doug** was that you. **Councilman Needham** replied yup. **Supervisor Shepler** replied thank you. Do I have a second? I will second it.

**RESOLUTIONS:**

**Resolution**

On a motion introduced by **Councilman Needham** and seconded by **Supervisor Shepler**

**Resolution to Not Renew the Contract/Agreement with Frontier for White Space Internet Services**

**Whereas**, the Town of Thurman was in a five year Contract/Agreement with Frontier for services related to White Space Internet, while the Contract/Agreement is expiring

**Be it Resolved** that the Town of Thurman Town Board will not be renewing the Contract/Agreement with Frontier for White Space internet services.

**Discussion: Supervisor Shepler** asked discussion. **Councilwoman Harris** asked what was the emergency. **Supervisor Shepler** replied because the date that I have is the 30<sup>th</sup>. When I contacted Frontier in November I originally thought the date was the 31<sup>st</sup> of December, and I was promptly corrected and told no, it is the 30<sup>th</sup> of December, and that we had 30 days to cancel again. So upon discussion with them I sent them a letter of discussion because it had to go out that day because it just met the 30 days to cancel. To start the process of cancelling Frontier. **Councilman Galusha** noted do you have a copy of the contract with Frontier. **Supervisor Shepler** replied do you I don't. I've requested one. **Councilman Galusha** replied OK, I spoke to 4 different representatives from Frontier in the last few days both **Wini Martin** and I have been told that the Town's contract goes through January 30<sup>th</sup>. **Supervisor Shepler** replied OK. **Councilman Galusha** continued noting OK, they have also advised us that if we terminate the

contract prior to the end of the contract that we are still responsible for paying those months until the end of the contract so.....**Supervisor Shepler** interrupted noting which would be the 30<sup>th</sup> of January is what you are saying. **Councilman Galusha** responded that is what they told me. I sat there and talked to them. She had the contract right in front of them, and I asked her repeatedly to confirm that, and that is what she told me. And so whether we vote tonight to terminate it or whether we don't we are on the hook for \$950.00 for the month of January. **Supervisor Shepler** responded if it is in fact to January.....**Councilman Galusha** interrupted noting that is what she told me. **Supervisor Shepler** continued noting because I have spoken to 2 different people and I was told emphatically that it was the 30<sup>th</sup> of December. Not the 31<sup>st</sup>, and that I needed to get a note into them, and she laid it all out for me, and told me what to say. **Councilman Galusha** responded I also asked if there was anything in the file requesting termination of our contract and she told me no. **Supervisor Shepler** replied well that is not true because it is right here, and this was sent out on the 30<sup>th</sup> of November 2020 at 10:14 am, and it is to whom it may be concern. Please be advised that I spoke with Robin Murphy today and I advised her that the Town of Thurman's contract was up on December 30<sup>th</sup> 2020, and that we wanted to discontinue service as of 12-30-2020. She asked me to put the name of the Town, my name and position, the date of disconnect, the account number, and I put on there please contact me if you have any questions. And this was sent on the 30<sup>th</sup>. **Councilman Galusha** replied OK, regardless of whether the contract expiration date is December or January we have received a letter from the users of Whitespace. **Supervisor Shepler** responded I am aware of that letter. **Councilman Galusha** continued noting asking us to continue until most.....The majority of the people are connected to SLIC, and they've indicated that they are willing to cover the cost not only of Frontier, but also the National Grid cost. So basically the Town is going to be operating this at 0 expense. **Supervisor Shepler** replied no **Randy** because there is additional expenses that they obviously are not aware of. There's legal expenses, there is insurance that we will have to have covering it, and you are going to have repair. **Councilman Galusha** responded well that is only if it breaks. We are only talking about a few weeks, and so yes there is a risk that it could break. **Supervisor Shepler** remarked um hum, there certainly is. **Councilman Galusha** continued noting I, I don't see how we are incurring any additional legal expenses. **Supervisor Shepler** replied well by trying.....**Councilman Galusha** interrupted noting are you telling me that if we terminate this at the end of December you are going to call the Attorney and the Insurance Company and tell them this is done, and our rates are going to go down. **Supervisor Shepler** replied I never said our rates were going to go down. That is out of your mouth. By not contacting the Attorney and not having constant conversations with him and or emails back and forth that will reduce our rate, yes. **Councilman Galusha** noted we shouldn't have to have any conversations with him. **Supervisor Shepler** replied but we do because this is property of the Town of Thurman. **Councilman Galusha** replied so I make a motion that we table this Resolution so that we can entertain a different Resolution. **Supervisor Shepler** responded and I am against that **Randy**, and I will tell you why because the contract agreement is coming due whether is it tomorrow or it's January 30<sup>th</sup>. We are going to have to end our services with them. The Town cannot be responsible to maintain this nor is the Town legally responsible as a municipality to provide internet service to these folks. **Councilman Galusha** responded that is debatable because **Avis Russell** has been in contact with representatives from the Governor's Office and other State Offices and there is a concern that this is a necessary service.....**Supervisor Shepler** interrupted noting there are other services available to these people. **Councilman Galusha** continued noting and there are users, one was recently diagnosed with a critical illness who relies on this for telemedicine. So bottom line I made a motion.....**Councilwoman Harris** noted and I will second it. The **Town Clerk** noted you seconded it so it

is tabled. **Councilman Galusha** replied no, we need to vote on it. **Supervisor Shepler** replied no you don't.....**Councilman Galusha** continued noting she is correct. We have to vote on the motion to table this Resolution then I would like to introduce another Resolution. **Councilman Brown** noted even on here there are no specific dates on here. **Supervisor Shepler** responded no, there is no date intentionally, and I.....**Councilman Brown** noted that is why I asked you today I prefer before I vote to look at the contract.....**Supervisor Shepler** interrupted noting let me just.....**Councilman Brown** continued noting I'd like to see the contract. **Supervisor Shepler** replied so would I, and I have called and requested it. **Councilman Brown** continued noting I was.....You know to be honest with you to vote on something.....**Supervisor Shepler** interrupted noting just so you know.....The **Town Clerk** interrupted noting no one has made a re.....**Councilman Brown** continued noting and I'm just worried. I don't know and that is why I asked you today. **Supervisor Shepler** responded just so you know this was run through the Attorney. **Councilman Brown** replied yup. **Supervisor Shepler** continued noting to make sure that is was above board and there was no problems with it, and he said there were no problems with it because we don't know as of that time, and as of now we still don't know what the exact termination date is. **Councilman Brown** continued noting I understand that you can have (inaudible). He continued noting I just want you to know what how I feel because I have thought about this after you called me. The **Town Clerk** noted no one has requested that I check for the contract. I can make an effort to look for this contract with Frontier tomorrow. I'm sure that we have it someplace. **Supervisor Shepler** noted I appreciate that, but when I came into office I requested all copies of all contracts. **Councilman Brown** noted I would like to see that. The **Town Clerk** replied I gave you copies of everything that we had that was in with contracts. If there is anything that is filed separately I wouldn't know. **Councilman Galusha** noted so we have a motion and a second, and we'd like a Roll Call Vote to table this Resolution.

**A Roll Call Vote was called.**

**Motion Carried: Ayes~3 Brown, Galusha, Harris, Nays~2 Needham, Shepler**

**Discussion: Councilman Galusha** noted OK, now I would like to make a Resolution that we continue the Whitespace. The operation of the Whitespace System so long as the users are willing and are agreeable to covering the cost of Frontier and National Grid until the majority of the users have been connected to the new SLIC Enterprises system. **Supervisor Shepler** noted I don't agree to that, and I will tell you why. **Councilman Galusha** interrupted noting you don't have to agree we get to vote on it. **Supervisor Shepler** continued noting there are different expenses that coming forward that the Town will not and cannot afford to pay. **Randy** there is no fat in the current Budget for 2021, and we can't afford to do anything extra beyond. **Councilman Galusha** responded OK, I made a motion. Let's see if there is a second. If you want to have discussion about it. Then we will vote on it. **Councilwoman Harris** noted I'll second that one.

**Resolution # 89**

On a motion introduced by **Councilman Galusha** and seconded by **Councilwoman Harris**

Resolution to Continued Whitespace.

The operation of the Whitespace System so long as the users are willing and are agreeable to covering the cost of Frontier and National Grid until the majority of the users have been connected to the new SLIC Enterprises System.

**Discussion: Councilman Galusha** noted so we do.....I'm sorry now vote.....We have to have discussion. **Supervisor Shepler** noted I think that you need to include in that any additional expenses that come forward for Whitespace including repair, legal concerns and anything else that is necessary. That is the Town of Thurman's equipment, and it will remain. **Councilman Galusha** interrupted noting I don't want to include repair because we may get to a point where it may need repairs and we and the users may collectively decide it is not worth it. So I don't want to put them on the hook for repairs if we are going to decide to just disband it. **Supervisor Shepler** responded well then what is the sense of having it. **Councilman Galusha** noted we'll have to make that decision at that time. **Supervisor Shepler** noted we just had a radio go down. **Councilman Needham** noted everybody was aware of this 2 or 3 months ago. **Councilman Galusha** responded wait a minute **Doug**. When we talked about this at the November 12<sup>th</sup> meeting we were all under the understanding that SLIC was going to be here by the end of the year. That hasn't happened. These people are relying on this now. So if they are willing to cover the majority of the cost. I mean the other cost that we are talking about I think we are talking nickel and dime stuff unless.....If something significant comes up then we can make a decision at that time whether or not we have to continue beyond it. If all of a sudden we are presented with a \$2,000.00 bill to repair it we can make a decision at that time whether it's (inaudible) adjustable. We don't have to make that decision today. All I'm saying.....**Supervisor Shepler** interrupted noting well I think we need to do that **Randy**. **Councilwoman Harris** interrupted noting wait until somebody stops talking before you start please. **Supervisor Shepler** responded please **Joan**, thank you. **Councilwoman Harris** responded you are welcome. **Councilman Needham** noted how are we going to have a con.....Are we going to have a contract with them? How are we going to do this? **Councilman Galusha** responded we have the com.....We have a letter they signed committed to doing this. **Supervisor Shepler** responded I need a legal agreement and it has to be signed. **Councilman Needham** noted yeah, legal. **Councilman Galusha** responded we don't.....We haven't had a legal agreement with them the whole term of this Grant Contract. **Supervisor Shepler** replied they have all legally bought their equipment and their promise to pay. **Councilman Galusha** noted there was never anything signed by them. **Supervisor Shepler** responded that is fine, but they bought their equipment and that should (inaudible). **Councilman Galusha** continued noting I don't think this requires anything different. We've got their willingness to do this. Their word they are going to do this. We are only talking a short period of time. **Supervisor Shepler** interrupted noting **Randy** I had the word of people that they would pay, and they have not paid. So what do you do in that sit.....And what do you do with the scenario were people are hooked up to Whitespace currently and aren't even on record as being hooked up who are getting it free. **Councilman Galusha** replied OK that should have been taken care of before. I'm not going to deal with it right now. **Supervisor Shepler** interrupted noting we are just finding people out now. **Councilman Galusha** replied OK, we have a Resolution.....**Councilwoman Harris** interrupted noting (inaudible) to know that somebody is not paying for (inaudible). **Supervisor Shepler** interrupted noting I didn't even know they were on it. They've been hooked up elsewhere by somebody else during a different administration. Not under this administration. **Councilwoman Harris** responded and with no name, no name (inaudible). **Supervisor Shepler** interrupted her noting no, that is correct. **Councilman Galusha** noted whether somebody is getting it for free or not does not impact whether we should terminate the paying user's service. They should be dealt with I agree, but that doesn't mean because somebody is getting a free ride that we should screw these 10 people who are willing to pay for it. **Supervisor Shepler** responded I didn't say that. I'm just saying how are you going to deal with it. **Councilman Galusha** noted well it's an irrelevant issue. We haven't dealt with it since the beginning of this. Why should we have to deal with

this now? **Supervisor Shepler** responded yes, we have dealt with those who have not paid.

**Councilwoman Harris** noted I thought you didn't know who they were. **Supervisor Shepler** replied we have new people that we are finding out are on the system. We didn't know they were on the system. Those that did not pay are being sent bills and collection notices. **Councilman Galusha** noted these are side issues. They are not the main issue. We have a Resolution. It's been on the floor. I think we need to vote on it. **Supervisor Shepler** noted I would like you to include in that Resolution any additional expenses that may come up i.e. insurance, i.e. legal, repairs. The Town is not paying for any of this **Randy**. We've not got a penny to pay for it, and you know that it is your Budget. **Councilman Galusha** responded I'm going to hear that for another year. I'm not going to include it in my Resolution. If you want to make another Resolution to do that then feel free to do that. That is your prerogative.

**Supervisor Shepler** replied I can amend your Resolution to read that. **Councilman Galusha** responded well if you want.....I'm not amending my Resolution. If you want to do that then get a vote to table this one, and come up with another Resolution, but right now we have a Resolution here. **Supervisor Shepler** replied alright, then I would like to table this. **Councilman Galusha** replied get a second, and get a vote (inaudible). **Supervisor Shepler** interrupted noting I need a second to table it. **Councilman Galusha** noted we need a vote. **Councilman Needham** seconded the motion. **Councilman Galusha** noted you need a vote.

**A Roll Call Vote was taken on the motion to table the Resolution.**

**Motion Failed: Ayes~2 Needham, Shepler, Nays~3 Brown, Galusha, Harris**

**Discussion: Councilman Galusha** asked OK, can we have a Roll Call vote on the Resolution that I proposed. **Supervisor Shepler** noted could you say it again please. **Councilman Galusha** asked would you read it out loud so that I don't change the phrasing.....**Councilman Brown** noted can I ask a couple of questions. **Councilman Galusha** replied sure. **Councilman Brown** noted now we know the (inaudible) is going to terminate no matter what. That is going to happen. **Councilman Galusha** replied yup. **Councilman Brown** continued noting this should allow.....Free the Town up of any commitments, and we pass a Resolution that we are not responsible they are responsible I think that would be fine. Like you say, and.....**Supervisor Shepler** interrupted noting but it's been breaking down **Ed**. **Councilman Brown** replied I know. They know that too. They are just trying to but a little time. I think this is going to be off in 30 days. They've got that whole building up today. I've been down there 3 or 4 times. They are doing great. **Supervisor Shepler** responded (inaudible) I'm happy that they are finally making progress. **Councilman Brown** replied yes. **Supervisor Shepler** noted we were promised this 2 years ago. **Councilman Brown** replied yes, but that is not the (inaudible) fault or our fault. I mean we just got this dumped in our laps. **Supervisor Shepler** replied it is not the Town's fault either. **Councilman Brown** replied I know. These people know that we are not responsible for it once this is done. It is their responsibility. It frees the Town. They've got the Resolution. I don't see where we shouldn't go ahead with it. If they want it for 30 days or whatever I think that is what most of them are.....**Supervisor Shepler** interrupted noting are we going to set a limit. **Councilman Galusha** noted I think that we need to evaluate that if it comes up. If we are suddenly with a big repair bill I think we need to be honest with these folks and say look this is a big bill we weren't anticipating. We are not willing to cover it if that is the case, and then we will go on from there. And I think they understand that. I don't think they are expecting us to suddenly dump thousands of dollars if it brakes down. They are very aware of the situation. They are realistic. **Supervisor Shepler** replied alright, because the Garnet Lake.....I don't know if it is called a radio just went down. **Councilwoman Harris** noted what do you hear.....**Ed** what do you

hear up there? You've got everybody talking to you. Do they feel that.....**Councilman Brown** responded they understand the Town is not going to put anymore money into this system. They understand that, and they are willing to except that responsibility. This is why I wanted to have the contract in front of us. To me.....**Supervisor Shepler** interrupted noting I would too. **Councilman Brown** continued noting to me it is hard to make a decision on anything without getting the facts up front you know, and that is all I ask. We need some specs.....We need more facts when we are doing some of these Resolutions. Really we do because I just can't vote on something I don't really know what is going on you know. And it might change my mind the other way if it did, you know. And I'm just being honest about it. **Councilman Galusha** noted and this is a short term commitment. We are not talking about 6 months or a year. **Councilman Brown** noted no, I think.....**Supervisor Shepler** interrupted noting I'm going to hold you to that because 6 months or a year is something.....(Inaudible) get real tired of.....**Councilman Brown** replied these people understand that, and are willing to except that responsibility, and like **Randy** says if it breaks down we are not going to be responsible. We are not (inaudible) to it. We can't, we can't. We don't have the money to do it. **Councilwoman Harris** noted and if it is a big bill they may be willing to divide it up amongst (inaudible). **Councilman Brown** interrupted noting exactly (inaudible) the system still works. **Councilwoman Harris** noted we have a medical emergency there that needs to be covered. **Councilman Brown** noted that is what bothers me right there the most. **Supervisor Shepler** interrupted noting there are only 10. There is only 10 people. **Councilwoman Harris** responded huh. **Supervisor Shepler** noted there is only 10 on the, on the.....There is only 10. **Councilman Galusha** noted there are 10 paying customers, and they have all agreed to cover the cost. **Councilman Brown** made an inaudible comment. **Councilman Galusha** continued noting in fact they are even talking amongst themselves about paying it in advance as a good will measure so that the Town knows they are actually going to pay their bill. So that is already been discussed and in the works. **Supervisor Shepler** replied **Avis** has been in, and talked that over with me, and I told her and I will tell you the same thing I don't think it is fair to her to take on that responsibility putting that much money up front. **Councilman Galusha** replied well that is their decision. It is not ours. **Supervisor Shepler** responded I understand that, but I don't want to see her not be able to recoup her money either. I think it needs to be equal, and amongst all of them. **Councilman Galusha** noted yeah, that is what they are going to do. **Supervisor Shepler** responded I hope so. **Councilman Galusha** noted they are talking about.....They are adding up the Frontier and the National Grid expenses and they are going to divide it amongst 10 people, and they are going to pay it. **Supervisor Shepler** responded well I was also told that it was \$950.00 whether we terminate or not. **Councilman Galusha** replied yes, but one of the Frontier Representatives when we discussed it with him indicated that we may possibly be able to negotiate a lower fee. I think they were talking about something in the 5.....**Supervisor Shepler** interrupted him noting just so you know you are not able to negotiate for the Town of Thurman. **Councilman Galusha** responded I didn't negotiate for the Town of Thurman.....**Supervisor Shepler** interrupted noting I'm just sharing.....Nor is anybody else allowed to negotiate for the Town of Thurman, alright. **Councilman Galusha** responded I didn't negotiate anything for the Town of Thurman. I was looking for information and asking what the possibilities were. **Supervisor Shepler** replied that is fine. **Councilman Galusha** continued noting and he expressed an interest in working with the Town to come up with a better fee that the Town could afford so that the users could afford to keep this thing going that is all. **Supervisor Shepler** asked so why didn't they present that to the Town earlier on, and reduce the initial contract. **Councilman Galusha** noted nobody asked them. **Supervisor Shepler** responded we have asked them if they could reduce the (inaudible). **Councilman Galusha** responded apparently you didn't ask them that question. **Supervisor Shepler**

replied well just like they didn't get my letter. **Councilman Galusha** replied look we're going to sit her and argue all night. **Supervisor Shepler** interrupted noting no. **Councilman Galusha** noted we've got a Resolution. Let's vote on it. **Supervisor Shepler** noted would you please say it again, thank you. The **Town Clerk** responded I don't have it written down. I was just going to take it off the tape actually. **Councilman Galusha** noted OK, so basically was that I propose to continue.....The Town continue to operate the Whitespace until the majority of the users are connected to SLIC with the understanding that the users are covering the cost of Frontier and National Grid. That is my Resolution. **Supervisor Shepler** asked and what is the majority of users. There is 10 currently paying customers on the system that we are aware of. What is the majority **Randy**, and what do we do with the others that are not the majority that are (inaudible). **Councilman Galusha** responded the others understand that when the majority are connected they are going to lose the system. It is going to be shut down. They know that. They signed this letter knowing that. **Supervisor Shepler** interrupted noting what is the difference between now and then. What's the difference between now and then. **Councilman Galusha** replied is that you are going to be able to serve these 10 people until they all have a viable option. **Supervisor Shepler** responded well they do have a viable option at this point in time, but you have indicated that once the majority of them, and I have asked you what about the minority. Those who are not in the majority. What is going to happen to them, and you had.....**Councilman Galusha** interrupted noting those people don't....Sorry. **Supervisor Shepler** continued noting those people will just have to go by the wayside if we no longer service them. **Councilman Galusha** replied those people have known all along that when Whitespace shuts down they have to explore their own options because SLIC is not available to them. They've know that all along. So nothing is different for them, but the majority of people who are going to be connected to SLIC do not want to go out and enter into a 2 year contract with Hughes Net or one of the others that is going cost them a whole bunch of money that is only going to last for a month or two, and then they can't get out of it. And they can't get SLIC and they've got lousy service for two more years. **Councilman Brown** agreed with **Councilman Galusha** as he spoke. **Councilman Galusha** continued noting it is mind boggling that we can't do this. **Supervisor Shepler** responded so the minority if not hooked up is going to have to go out and go to Hughes Net. **Councilman Galusha** replied it depends. There is a possibility that we have talked to SLIC, and SLIC is now indicating that they will run service up Sky High Road so that may pick up some more of these people who weren't going to be served. These are things that we are working on. We are trying to get service to everybody. So it may happen. SLIC is indicating an interest to do it. There's additional Federal Grants that have come out recently so Sky High Road is very likely to be served the way things stand right now. **Councilman Brown** noted there are quite a few residents up there. **Supervisor Shepler** noted there are not that many on Sky High that have it though. **Councilman Brown** noted well there are quite a few residents. **Councilman Galusha** noted well there are not that many that have Whitespace, but there are probably 10 or more users up along that road that have committed to **Perky Granger** that they will take advantage of SLIC if it becomes available. That is what is making it economically viable. That and the possibility of a new Federal Grant. So I mean there are solutions to these problems if we just look for them. **Supervisor Shepler** responded and I agree there certainly are, but my concern is that the Town cannot bare any additional expenses whether it is legal or anything else **Randy**. **Councilwoman Harris** noted well two people have decided not to do it. They have agreed to take those figures out. **Councilman Galusha** replied these guys have agreed to pick up the cost for this so. **Councilwoman Harris** replied right, so if somebody steps out they have already agreed that they are pickup the cost. **Councilman Brown** noted (inaudible) we're out of it. **Supervisor Shepler** noted again I can't reiterate enough that we cannot

afford as a Town to take on any additional expenses whether it be legal, insurance, repairs none of that (inaudible). **Councilman Galusha** replied you've made yourself clear on that. **Supervisor Shepler** responded well I want it understood because I don't want there to be any gray areas. Because if we come forward with a legal bill it has got to go to these folks, and they've got to pay it. **Councilman Galusha** responded not according to the Resolution that I just proposed. **Supervisor Shepler** replied if we get a repair it is going to have to go to them. Who is going to pay for it? **Councilman Galusha** responded if we incur legal expenses that shouldn't be on them because we can't do our jobs properly. **Supervisor Shepler** replied if we incur legal expenses because we are continuing on with Whitespace, and as a result of that there is a legal expense that has occurred that has to trickle down to these folks, and I explained that to **Avis** when she was in the office. **Councilman Galusha** replied then you are going to have to propose another Resolution to cover that because it is not included in mine. **Supervisor Shepler** responded well then fine I will propose another one. **Councilman Galusha** noted we need to Roll Call on the one that I just said.

**A Roll Call Vote was called.**

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

**Discussion: Supervisor Shepler** noted so with that Resolution passing I would like to introduce another Resolution to go in addition to this one, and not changing **Mr. Galusha's** Resolution, but to have one include the fact that these people who are willing to pay the expenses of Whitespace to maintain it are also going to have to incur any additional expenses that come forth to the Town. For example legal expenses. I don't know if we are going to have to have any additional insurances or not, and it is also going to include repair. **Councilwoman Harris** noted repair you said. **Supervisor Shepler** responded repair because the Town of Thurman cannot endure.....**Councilman Brown** interrupted noting the people understand that. That is why.....**Supervisor Shepler** interrupted noting that is why we are going to keep it in writing so there is no.....**Councilman Brown** noted they have no problem with that. People have no problem when it comes to anything like that. **Supervisor Shepler** noted we are going to keep it in writing so we don't have a problem. **Councilman Brown** replied they have no problem with that. People have no problem. **Councilman Needham** noted we've got to get it in writing. **Supervisor Shepler** noted yup, it's got to be in writing unfortunately. **Councilman Galusha** noted the repair part is not really a big deal because we can show them it is going to cost whatever, x amount of dollars, to repair the system. I have a problem with the legal part of it because they should not have to pay our legal fees for something that you know whatever we are doing, and the Insurance should not be any different so I don't think those two things should be in there, and.....**Supervisor Shepler** interrupted noting that is your opinion , but that is what I want in there, and I want it understood. **Councilwoman Harris** noted the legal and the insurance you don't think should be in there. **Councilman Galusha** replied no, I do not. **Supervisor Shepler** responded but the repairs have to be in there because some of the repairs can be quite costly. **Councilman Galusha** responded and I have said before we can handle those on a case by case basis, and when they come up we can present them to the users, and say look the Town is not prepared to cover these.....**Supervisor Shepler** interrupted noting that is fine. **Councilman Galusha** continued noting and let them decide if they want to cover them or not. **Supervisor Shepler** noted that is fine. **Councilman Galusha** continued noting I don't think we need a Resolution to address that. **Supervisor Shepler** interrupted noting that is fine. I want it in writing **Randy** so that there is no question and there is no grey area, and there is nothing wrong with that. I am crossing my t's and dotting my i's in regards to this. **Councilman Brown** noted well you probably....You are talking repairs

(inaudible) that most of this stuff is obsolete. You can't buy parts for it so when it is done it is done, and they know that. **Supervisor Shepler** replied some of that is.....Some of that is very true. Some of that is true, but there is a radio for lack of a better terminology a unit that services the Garnet Lake Road area has just gone down, and we had one to replace it, but you have to take it and it has to be queued into the different coordinates and that cost money. And then to have it installed cost money. The Town is not going to pick that up. **Councilman Brown** noted they know that. (Inaudible). **Supervisor Shepler** responded well this way there will be no question, and we can come back and say yes there was a Resolution passed on December 29<sup>th</sup>, and they are going to be cc'd on it. Do I have a second? A motion.....Do I have a second? **Councilman Needham** replied yes, I second it. **Supervisor Shepler** replied thank you. The **Town Clerk** noted so you are introducing your motion I guess. **Supervisor Shepler** replied yes, thank you. Can I have a Roll Call Vote please.

### **Resolution # 90**

On a motion introduced by **Supervisor Shepler** and seconded by **Councilman Needham**

Resolution to go in addition to this one, and not changing **Mr. Galusha's** Resolution, but to have one include the fact that these people who are willing to pay the expenses of Whitespace to maintain it are also going to have to incur any additional expenses that come forth to the Town. For example legal expenses. I don't know if we are going to have to have any additional insurances or not, and it is also going to include repair.

**A Roll Call Vote was called.**

**Motion Failed: Ayes~2 Needham, Shepler, Nays~3 Brown, Galusha, Harris**

**Discussion: Supervisor Shepler** noted I do trust the people **Joan**, but this way the (inaudible) no question. Then **Randy** what I do expect you to do since you have been working so diligently (inaudible) to inform them that this what we are expecting, alright. Even though you didn't have a Resolution this will be there responsibility. The Town cannot afford any additional expenses. **Councilman Galusha** noted they understand that, and I will make sure that they do. **Supervisor Shepler** replied please.

**Councilwoman Harris** noted I make a motion that we adjourn. **Supervisor Shepler** replied just one minute. Today I received an email from **Randy** in regards to.....And I would like to read it do you have any objections. **Councilman Galusha** replied no. **Supervisor Shepler** he says in the last 10 days fro 12-18 to 12-28 Warren County has reported 255 new cases of Covid-19, and surrounding Towns have announced that they will be closing their meeting to the Public. As much as I am an advocate of Open Government I believe we should take the prudent step to close our meetings to the Public until the Pandemic subsides. I would.....This does not require a Resolution, but I would like to get the feeling of the Town Board. **Councilman Galusha** responded well I disagree. It does require a Resolution.

**Supervisor Shepler** replied I have checked into it, but thank you. **Councilman Galusha** noted I should add that today Warren County reported 43 more Covid cases just today. So we are up to 298 in the last 11 days. The **Town Clerk** noted and we have cases in Town now. **Councilman Galusha** noted we have 7 in the Athol zip code. I don't know how many in the Warren County. Warrensburg zip code are in Thurman. The **Town Clerk** noted so we have 7 in the Athol zip code. **Councilman Galusha** replied 7 in the Athol zip code as of today. So I think that we need to take that step and do it. **Supervisor Shepler** noted that I just want to share that we are three days from going to the yellow. In Warren County. Just so everybody is aware it is probably coming our way, and the metrics and the math are not going to

allow it to be reversed unfortunately. So taking all of that into consideration I would like to make a recommendation that we do close our meetings to the Public for the time being until the Pandemic seems to have subsided substantially. **Councilman Needham** noted yes, I agree. **Councilman Galusha** noted can you.....I'm sorry. **Councilman Needham** continued noting didn't Warrensburg close the Town.....**Councilman Galusha** noted Warrensburg and Chestertown both have. **Councilman Brown** noted yeah they closed their offices. **Supervisor Shepler** noted they have closed their offices in addition to doing closed meetings. **Councilman Galusha** noted since we are discussing this can you tell me where it says in Town Law that you have the authority to close the meeting without a Board Resolution. **Supervisor Shepler** responded I have a.....What close the meeting. **Councilman Galusha** responded that you have the right to close the meeting to the Public without a Board Resolution. I just want to know where it says that. **Supervisor Shepler** replied I have talked to the Attorney, and.....**Councilman Galusha** interrupted noting OK, but the Attorney is based on Law. So at some point.....**Supervisor Shepler** interrupted noting excuse me, yes, and I will also tell you that the Attorney (inaudible) to him because **Susan** and I talked about page 35 in here today in regards to if all the Board Members were not present we could not have the Board Meeting. That is not fact we still can have.....**Councilman Galusha** interrupted noting it is on page 24. **Supervisor Shepler** responded 35. The **Town Clerk** noted I didn't discuss a page with you. I just told you that there is a Law in there that says that if a Meeting is posted less than so much notice to the Public all Members must attend and participate in order for the Meeting to be (inaudible). **Supervisor Shepler** interrupted noting Special Meetings (inaudible) **Randy**. **Councilman Galusha** asked what was that. **Supervisor Shepler** replied it's Special Meetings be (inaudible). The **Town Clerk** noted I didn't have my book with me I was online at the Bank when you called me. **Supervisor Shepler** replied that is fine, and I appreciate that, but I also informed the Attorney that we couldn't hold the Meeting unless we had everybody present, and he said that that is not true. This (The Town Law Manual) is a book of recommendations. He said that it is put together by the Association of Towns. He said I am an Attorney, and I am telling you that if you've got a majority which is 3 or 4 people if a 5<sup>th</sup> person didn't show up I could have the meeting. So with that being said I have also spoken with other Supervisors in the area and asked them do you have to have a Resolution to close the Meetings and they said no. **Councilman Galusha** replied OK, but where does it say that. **Supervisor Shepler** responded I don't have it in writing **Randy**. **Councilman Galusha** responded well I mean it has got to be some place in Law. And it does say in here just so you know where the Meeting is called by Town Supervisor under Town Law 62 the Supervisor must provide written notice to each Town Board Member at least 2 days in advance of the Meeting. State Agencies have opined that the Town Board may waive its right to written notice if all Members attend the meeting. So if all Members don't, and you haven't given 2 days written notice you don't have a Special Meeting. Page 24. **Supervisor Shepler** responded I'll take.....I'll take it from the word of our Town Lawyer, thank you. The **Town Clerk** asked is it in my book. It's in the Town Clerk's book. **Councilman Galusha** replied that is the Town Clerk book. It says it also in the Town Law Manual. The **Town Clerk** replied OK. **Supervisor Shepler** noted yes, on page 35 section B. **Councilman Galusha** replied yup. **Supervisor Shepler** replied but, if you want to do a Resolution to close the meetings that is fine. It is not required. **Councilman Galusha** noted I think it is appropriate. **Supervisor Shepler** responded it is not required. **Councilman Galusha** noted I'll make a Resolution that given the increasing Covid-19 cases in Warren County that we close future Board Meetings to the Public until we determine that the numbers have.....**Supervisor Shepler** interrupted noting subsided. **Councilman Galusha** noted subsided or gone down to an expectable level determined by the Board. **Supervisor Shepler** noted effective immediately. **Councilman Galusha** noted I'll add that.

December 29, 2020 Emergency Board Meeting

**Councilwoman Harris** noted but the meetings can be put out on the internet. **Supervisor Shepler** replied they have been and they will be. The **Town Clerk** asked are you making that motion. **Councilman Galusha** replied that's my motion. **Councilwoman Harris** noted I'll second it. The **Town Clerk** asked are you ready for a vote or do you want discussion. **Supervisor Shepler** asked any discussion. Can I have a Roll Call Vote please?

**A Roll Call Vote was called.**

**Resolution # 91**

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

Given the increasing Covid-19 cases in Warren County that we close future Board Meetings to the Public until we have determined that the numbers have subsided or gone down to an expectable level determined by the Board.

**Motion Carried: Ayes~5 Brown, Galusha, Harris, Needham, Shepler, Nays~0**

**Discussion: Supervisor Shepler** noted thank you very much everybody for coming out. It is appreciated with the short notice. Do I have a motion to adjourn?

**ADJOURNMENT:** On a motion introduced by **Councilman Needham** and seconded by **Councilwoman Harris** the meeting was adjourned at **7:07 pm**.

**Motion Carried: Ayes~5 Brown, Galusha, Harris, Needham, Shepler, Nays~0**

**Respectfully Submitted,**

**Susan E. Staples, Town Clerk**

**January 13, 2021**