

**MINUTES OF THE SPECIAL MEETING OF THE TOWN BOARD OF THE TOWN OF THURMAN, NY HELD OCTOBER 16, 2018 AT THE THURMAN TOWN HALL, 311 ATHOL ROAD, ATHOL, NEW YORK, COMMENCING AT 6:30 PM**

**PRESENT:** Mrs. Joan Harris, Councilwoman

Mrs. Cynthia Hyde, Supervisor

**ABSENT:** Mrs. Brenda Ackley, Councilwoman

Mr. Doug Needham, Councilman

Mrs. Gail Seaman, Councilwoman

**RECORDING SECRETARY:** Susan E Staples, Town Clerk

**Supervisor Hyde** noted at **6:30 pm** that she would like to call the meeting to order at this time, but we did not have a quorum so she could not call the meeting to order. She noted that maybe in a few minutes the rest of the Town Board would come. She noted that she called the meeting for tonight to try to pay the general fund claims that were not paid at the last regular meeting, and to try to get some sort of decision on how to come up with the balance of the money owed to the Glens Falls National Bank. Which is about \$60,000.00. I did not print any meeting packets for anybody tonight, as well as I didn't print any for the Board Members, and Joan will verify that I informed the Board we will do our best to send them electronically and we will also put them on the website. However, as my contractual funds for the Supervisor has been totally defunded, there are zero dollars, and at the last meeting I did provide a resolution with a budget adjustment. I tried to move funds into my contractual code in order to buy toner for my printer, and that was denied. So due to that fact I have to save on ink because most importantly I need to be able to print paychecks. So until the Board moves money into funds so that we can print things we have to be really careful with our ink. I'm not allowed to create an expense if there is no money in the code. So that is why there are no meeting packets. She noted that \$1,977.91 was taken out. She continued noting that we called this meeting tonight. **Mrs. Seaman** told us right from the get go that I could call all the meetings that I wanted. However, legally the Board only had to show up at the Regular ones. I held out hope that **Mrs. Ackley and Mr. Needham** were going to come. **Mrs. Ackley** finally as of, I called this meeting last Thursday so I have given them ample time,

yesterday I received notice from **Mrs. Ackley** that she wouldn't be coming. And a little bit after noon today I received notice that **Mr. Needham** wasn't going to come. I couldn't just cancel it because it was already in the paper. It was already on the website, and so we didn't want you people to show up and have the Town Board (Hall) locked and not know what was going on so we figured we would come here and let you know what happened. I have prepared something to read to you, and I thought it might be nice to read it to you without being interrupted. She stated that this was kind of important information, and that it had to do with the BAN. A resident noted that it was not a Board Meeting. **Supervisor Hyde** stated that she could read something to the town if I would choose. Stating I think it is important for you to know what is going on. She then read the following. The original BAN resolution #137-2016 passed December 27, 2016 to raise funds for the Alternative Water Project. The resolution called for paying off the funds from Glens Falls National Bank over the next four years by raising taxes in each of the next four year's budgets. Resolution #137-2016 stating, this was moved by **Mrs. Seaman**, and she voted yes on it. The amount borrowed as a result of resolution #137-2016 was \$313,000.00. This amount was the sum of the awarded bid from Sheehan and Son for construction of the water project, the amount needed for attorney fees, the amount needed for engineering fees, and a contingency amount for unforeseen expenses that could arise during construction. It was not as suggested a guess by me. Because of the voting and attendance record of **Ackley, Needham and Seaman** the bank will no longer allow that option. Aside from a mistake that was found regarding the percent of state land, aside from the fact that the Legislation went out of session before our bill could be passed, the reason that Glens Falls National Bank decided they would no longer except payment from Thurman over a period of several years, and that they would sue the town if payment wasn't made by January of 2019 is that they saw three Board members not showing up for meetings that were important to paying them as tonight was. They saw three Board member refusing to pay perfectly legitimate town bills over and over again. Loosing the option of the original plan I propose a payment of \$225,000.00 this year, and the remaining balance to be raised in next year's budget and be paid in January. This option would have the least amount of negative impact on the town, and could easily be done. This option would also let New York state help us pay the remaining balance back as they pay taxes to the town and would have the same amount to pay per \$1,000.00 of assessment as

the rest of us. At the July regular meeting **Ackley, Needham and Seaman** voted yes on a resolution written by **Gail Seaman** directing the **Supervisor** to pay Glens Falls National Bank the total amount owed from the BAN that funded the water project. Their resolution defunded, or nearly defunded, most of the codes that the Town's operating expenses come out of. Their resolution used very little fund balance, and no unexpected revenue which was money that is available and not being used to cover operating cost. At that meeting I quickly saw that their resolution was taking money that legally could not be taken. And that the resolution was defunding some of the appropriations of amounts that were no longer left or had even existed in the first place. For example their resolution defunded, or decreased in other words, the Assessor's contractual code by six thousand. The amount budgeted for the Assessor's contractual code A1355.4 was 3,600 for 2018, and in July 2018 there was \$2,136.14 left unspent in that code. You can not take 6,000 out of 3,600 or \$2,136.14. It doesn't work. With no attorney to consult, the attorney having been fired, I did not act on this resolution as it did not make sense, and in some instances was illegal. When **Ackley, Seaman, and Needham** passed a resolution again in October I consulted the attorney, who had been rehired, as to how I should proceed. He instructed me to follow the resolution where I could, and take out of the codes chosen the amounts that were possible, and explain where and why I couldn't take from codes that couldn't be taken from. Which I provided in a spreadsheet to the Board and to the Public at the last meeting. The end result was that the resolution did not provide for the entire amount to be paid regardless of whether it was paid in July or August or October. The resolution by defunding operating appropriations and by using amount specified to be taken from fund balance and savings was only able to come up with \$242,569.51 leaving a remaining balance of around \$60,000.00. Unfortunately, **Ackley, Needham, and Seaman's** resolution took money from the budget that was needed for operating expenses. It was unnecessary to empty these important operating expense codes as fund balance and unexpected revenue was available and not being used. I tried at several meetings to provide the Board with more appropriate places to take the money for payoff, but they wanted nothing to do with my suggestions. **Ackley, Needham and Seaman** upon hearing that their resolution did not provide a payoff amount first didn't believe it, and second pronounced it my problem. I have but one vote. Just as the other members of the Board have one vote. Any town decision no

matter how big or how small must be made with at least three votes constituting a majority. It's important to note that the Town Board cannot make decision that do not fall within the parameters of town law. The resolution paying Glens Falls National Bank passed by **Ackley, Seaman and Needham** has defunded again most of our operating codes. Until the Board approves taking money from somewhere else and moving it back into these codes we cannot expend funds for anything that needs to be paid out of those defunded codes. The operating codes defunded are Buildings. Which out of buildings comes fuel, electricity, maintenance, telephone, internet. Refuse and Garbage code. Which out of that comes trash removal, recyclable removal, heat for the transfer station hut. Supervisor's Contractual office supplies. Assessor's Contractual office supplies. Deputy Town Clerk no pay for **Susan Baker**. Engineer Contractual required testing to be in compliance with the DEC and several others. As Supervisor according to the Town Law Manual it is my duty and I have the pages right here. Joan you can verify what I am saying. It's on page, somewhere around page thirty (inaudible). Here it is Sec. 5-18 (2006 version of Town Law Manual Duties of the Supervisor. Number 3 Duties enumerated of the Supervisor shall keep his record in a manner and form prescribed by the State Comptroller. 2 show on every check the fund against which it is drawn and the appropriation chargeable. 3 Not permit any fund or appropriation to become overdrawn nor charge one fund or appropriation to pay a claim chargeable to another. Pay out money only upon warrant, order or draft of the Town Clerk after audit and allowance of the Town Board. So in other words I cannot do any of these things. I cannot pay any of these bills. I do not make these decisions by myself. I cannot. I cannot. The Town Board has to allow these bills to be paid. They have to allow the money to be moved. As Supervisor, I am going to read it again, according to Town Law it is my duty to not permit any fund or appropriation to become overdrawn. Nor charge one fund or appropriation to pay a claim chargeable to another. Therefore, until such time as the Town Board comes to the meetings that are called, and approves moving money to were it need to go in order to pay the bills that need to be paid, services to town residents will be effected. As the Garbage and Refuse Code is overdrawn due to the Boards refusal to pay the General Fund claims last week which includes trash removal expenses. And due to the fact that they could not show up to tonight's meeting to pay the claims not paid last week the Transfer Station will be closed until such time as the Board decides to pay the bills. After

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the **Supervisor** finished speaking a resident asked her a question. The **Supervisor and Councilwoman Harris** then spent time answering questions from residents regarding their concerns.

The meeting adjourned at 7:47 pm.

Respectfully Submitted,

Susan E Staples, Town Clerk

November 26, 2018