

REGULAR MEETING

Regular Minutes of the Parish Town Board held August 15th, 2019 at 2938 E. Main Street, Parish, NY in the Village Gym. The Meeting was called to order by Supervisor Phillips at 6:30 pm.

PRESENT:

John Dunham, Councilor
Doug Jordan, Councilor
G.R. Horning, Councilor
John Horning, Councilor
Mary Ann Phillips, Supervisor
Kelly Reader, Town Clerk

ALSO PRESENT: Jim Bernys, CEO; Bob Genant, Town Attorney; Craig Petit, Hwy Sup't; Jack Rucynski, Diane Spaziani, Robin Eaton-Novak, Jeff Dickinson, Debra Groom, Mexico Independent Reporter; Kevin Dwyer, Tax Collector; Jackie Murphy, Village Trustee; Carol Dwyer, Paul Gage, Karen Gage, Rich Lopitz, Assessor; Shenvalee Lee, Liam O'Brien, Danielle O'Brien, and Virginia Brown.

Supervisor Phillips informed the public that if they had a desire to speak on any subject listed on the agenda, please wait to be recognized by the Supervisor.

MEETING OPEN TO THE PUBLIC:

Mr. Rucynski stated the what he wanted to discuss was under correspondence.

Jack Rucynski addressed the Board from the Dept of State regarding a Foil request that has been denied by the Supervisor. Mr. Rucynski stated that the Board should all have a copy of the letter. The clerk has a copy of it also.

Supervisor Phillips asked if it was under correspondence?

Mr. Rucynski replied that it was under correspondence and correspondence was on the agenda.

Supervisor Phillips informed Mr. Rucynski what he was referring to was not on the agenda.

Supervisor Phillips informed Mr. Rucynski that there were only two items listed on the agenda under correspondence and if he wanted to comment on either of those items he may do so.

Supervisor Phillips explained that if Mr. Rucynski wanted to discuss what she thought he wanted to discuss it should be done in Executive Session.

Mr. Rucynski stated that he thought Supervisor Phillips was wrong and opportunities are not given to allow discussion with the Board on things that concern the Board and this township.

Supervisor Phillips informed Mr. Rucynski that the public can discuss items on the agenda.

Mr. Rucynski wants the opportunity to discuss the Foil Issue with the Board.

Supervisor Phillips does not have a problem with Mr. Rucynski having a discussion with the Board however, it should be discussed in Executive Session.

Jack Rucynski expressed that entering into Executive Session is incorrect according to the law.

Mr. Rucynski addressed the subject of a microphone for the Meeting Room as according to the Open Meetings Law, the public has the right to hear what is going on at meetings.

Supervisor Phillips agrees we need a microphone system, unfortunately the Town can not afford one at this time.

Mr. Rucynski suggested to re-arrange the meeting room so the people can hear what was being said when speaking to the people.

Supervisor Phillips disagreed with Mr. Rucynski as it was expressed that it was a meeting of the Board. The people are entitled to listen to what is being said and discussed.

The Board is not necessarily talking to the people in the audience, we are talking as a Board to make decisions on things that are on the agenda.

Mr. Rucynski totally disagrees with Supervisor Phillips. Mr. Rucynsk stated that the Board is addressing the public. That is what the Board is suppose to be doing.

Mr. O'Brien wanted to address his item under Water District #2 and under Other Business. Mr O'Brien stated that at the last meeting, the Town Board voted no on passing a Bond Resolution based on a Super Majority Vote 4 out of 5 that was inaccurately conveyed. Mr. O'Brien had a copy of a statue from the NYS Senate-Article 3-subsection 33. Mr. O'Brien distributed copies to the Board and the Town Attorney. Mr. O'Brien read the section

regarding the Water Bond Resolution which stated that the vote required 2/3 majority of the vote except where a mandatory referendum has been held, 3/5 shall be sufficient. The Town voted and the Water District passed by law therefore it is sufficient with 3 votes for the Bond Resolution.

It was Supervisor's Phillips understanding that it had to be a Super Majority.

Jackie Murphy, Village Trustee informed the Board that 4 out of 5 Board Members signed an Inter-municipal Agreement to go forward with the Water Project and suggested that this should be looked into.

MEETING CLOSED TO THE PUBLIC.

APPROVAL OF MINUTES:

July Meeting Minutes: A motion was made by Councilor Jordan, seconded by Councilor Dunham to approve the July Minutes as received. Roll taken...Councilors, Dunham, Jordan, G.R. Horning, J. Horning-Aye.

Supervisor Phillips: Nay
motion carried.

APPROVAL OF BILLS:

Budget Transfers/Modifications:

A motion was made by Councilor J. Horning, seconded by Councilor G.R. Horning to approve the Budget Transfers/Modifications as received.

Discussion: Councilor Dunham needs more time to look at the information before he makes a decision.

Councilor Jordan expressed concerns regarding just getting information and then is expected to act on it without getting time to look over things.

Supervisor Phillips responded that some of the information she just received.

Roll taken...

Councilor Dunham: Nay

Councilor G.R. Horning: Aye

Councilor Jordan: Nay

Councilor J. Horning: Aye

Supervisor Phillips: Aye

motion carried.

Supervisor Phillips informed the Board if they had any questions they could get together with either herself or the Bookkeeper.

General Fund A: A motion was made by Councilor J. Horning, seconded by Councilor G.R. Horning to approve the claims to General Fund A, those being claims #187-#189-#195, #197-#208 excluding claim #188 to Barrton and Loguidice for the amount of \$3,960.00. The total amount of the warrant is \$8,407.95 on the Revised Abstract. Roll taken...motion carried.

General Fund B: A motion was made by Councilor Jordan, seconded by Councilor J. Horning to approve the claims to General Fund B, those being claims #196 and #204 for a total warrant of \$199.61 on the Revised Abstract. Roll taken...motion carried.

Highway Fund: A motion was made by Councilor Jordan, seconded by Councilor Dunham to approve the claims to the Highway Fund, those being claims #130-3148 for a total warrant of \$17,146.45. Roll taken...motion carried.

Councilor Jordan asked why are we pulling the voucher from Barton & Loguidice and when would it would be paid? Councilor Jordan reminded the Board that they signed a contract.

Supervisor Phillips informed the Board that she was waiting to get all the bills together to get the dollar amount as it continues to change. She finally got the correct amount and it is \$22,987.50. A RAN has to be taken out to pay the bills and the RAN has to be repaid by only those that live in Water District 1.

Councilor Jordan responded that the Board had all ready given approval.

Supervisor Phillips realized that but she had to wait until the exact dollar amount was available.

Attorney Genant was asked to draw up the language for the RAN.

Tax Collector Dwyer asked why there is money being moved around within the Tax Collector's accounts.

Tax Collector Dwyer was not pleased that he was not aware.

It was explained that some account lines were incorrect and it was necessary to straighten out some of the lines.

Supervisor Phillips informed Tax Collector Dwyer that he is welcome to look at the books and to contact either herself or the bookkeeper.

Councilor Dunham suggested that it may be a good idea to inform the department heads when transferring funds within their departments as that may prevent confusion.

Councilor Jordan requested receiving information in a more timely manner and getting the agenda sooner.

Supervisor Phillips responded that some of the departments give her information late for the agenda and only half of the information would be on the agenda.

SUPERVISOR'S FINANCIAL REPORTS:

The Supervisor's Financial Report, Revenue & Expenditure Reports for all accounts were presented to the Board through July, 2019.

REPORTS:

Highway Report:

Hwy Sup't Petit reported that all equipment is up and running. A legal notice was received regarding settlement information from Navistar Maxx Force. Hwy Sup't Petit will submit paperwork to see if the Town can possibly get some money reimbursed for repair costs. The individuals that vandalized the park have been identified and restitution has been paid by all parties involved.

Assessor's Report: Assessor Lopitz gave a general outline of what he has been doing. Assessor Lopitz has been working with CEO Bernys on new permits issued.

Justice Report: Supervisor Phillips just received Justice Dayger's Report.

Town Clerk's Report: Clerk Reader

DCO Report: DCO Spriggs submitted a DCO written report. The Dog Enumeration has begun.

Tug Hill Report: Tug Hill Rep. Baxter reported on the upcoming workshop on 8/28/2019 presented by the Office of the State Comptroller's on the Town Board Budget Process. The workshop will be held at the Albion Town Hall in Altmar from 7 pm.-9 pm.

OLD BUSINESS:

McFee Ambulance Presentation: No one was present from McFee Ambulance.

Councilor Dunham and Deputy Supervisor Horning attended the meeting.

Councilor Dunham had an updated handout as there were many issues that should have been taken into consideration that had not been addressed at the presentation. The updated handout addressed some of the issues but not all of them.

A 125% increase was discussed at the presentation and Councilor Dunham informed the Board that of the municipalities that were in attendance none were in favor of such a drastic increase in one year. Some of the other municipalities are looking into contracting with other companies.

Councilor Dunham stated that we need to know what McFee Ambulance is bringing in from billing. More information is needed before a decision should be made.

Cemetery Surveys: Councilor J. Horning informed the Board that he picked up copies of the survey maps. The surveys will be complete for Getman and Mitchell once all stakes are set. A right of way was discussed and a parking area for Mitchell Cemetery.

Voucher Process: Supervisor Phillips submitted a written Voucher Process and wants all bills submitted to the Supervisor. Once the Supervisor reviews the vouchers she will give the claims to the clerk to prepare the abstract.

Clerk Reader stated that the department heads approve the vouchers that come from their department and sign them to request payment. The clerk submits all bills to the Board on an un-audited abstract for the entire Board to audit and review. If a bill/voucher is not approved it is reflected in the Minutes and on the audited abstract. It was stated at the

Meeting that if the Supervisor received the bill from B&L it would not have been submitted for payment. The clerk has informed the Board that she had contacted Association of Towns and she was referred to section 119 of Article 8 of Town Law: Audit of claims and issuance of warrants which states that the Town Clerk shall cause each claim presented to the Town Board for audit. The clerk expressed that it is unethical for the clerk to receive claims and not to present all of them to the entire Board for approval or denial.

Councilor J. Horning stated that he had spoke to Laird Petrie from the Comptroller's Office and he agreed with the process that the supervisor wants approved.

Councilor Jordan informed the Board that he talked to other clerks and they are doing the process the same way we are.

A motion was made by Councilor J. Horning, seconded by Councilor G.R. Horning to reconsider the Voucher Process as presented to the Town Board and direct the Town Clerk to follow the process effective immediately. Roll taken...

Councilor Dunham: Nay Councilor G.R. Horning: Aye

Councilor Jordan: Nay Councilor J. Horning: Aye

Supervisor: Aye

motion carried.

The clerk mentioned that it was her job to prepare the abstract and she was going to continue to do her job.

Supervisor Phillips requested Attorney Genant to look into what the Board can do to the clerk for not following directions from the Town Board.

Attorney Genant agreed to look into the matter.

Corrective Action Plan: The plan response will be reviewed at the August 22nd, 2018 Workshop beginning at 6:30 pm. The report is suppose to be in by August 24th and the Comptrollers' Office has granted permission to be delayed as long as it's submitted within a week after the deadline.

Approve Resolutions to Extend Terms of Office for the Supervisor and Town Clerk from 2 yrs to 4yrs and place on the ballot on November 5th, 2019 for voter

consideration: A motion was made by Councilor G.R Horning, seconded by Councilor J. Horning to approve the Resolutions to extend the terms of Office for the Supervisor and Town Clerk from 2 years to 4 years.

Roll taken...

Councilor Dunham: Nay Councilor G.R. Horning: Aye Supervisor Phillips: Aye

Councilor Jordan: Nay Councilor J. Horning: Aye

motion carried.

Councilor Jordan reminded the Board that they voted no on this resolution last month. Supervisor Phillips wanted it reconsidered.

New Payroll Program Company Contract:

Supervisor Phillips is bringing the Payroll Program back up for reconsideration of the Board. The cost the supervisor is requesting payment for is a total of \$3,025.00 for this year which includes ½ of the cost of the program, maintenance fee, and some training costs. Supervisor Phillips informed the Board that if payroll is done in-house using the Williamson Law Book Payroll Program it would save the Town money.

Councilor Jordan doesn't feel that this is something that should change in the middle of the year and should be looked into during budget time for consideration next year.

Councilor Jordan also felt that if we are trying to save money and we are broke why does the Supervisor continue to ask the Board to spend money when it comes to something she wants.

Supervisor Phillips informed Councilor Jordan that the Town is not broke. The Town does not have the money to pay back the costs for Water District One bills and they have to be paid back by those that live in Water District One.

Supervisor Phillips informed the Board that we have money in contingency.

Supervisor Phillips informed the Board that she is trying to save money.

Councilor Jordan was not pleased that the payroll process keeps changing.

Supervisor Phillips informed the Board that she was going to place the bill for payment on the August Abstract for the payroll cost to Williamson Law Book.

Supervisor Phillips informed Councilor Jordan that the Board does not have the right to tell her what payroll process she is going to use.

The question was asked how much money it was going to save since the Payroll Clerk was going to receive a \$2,800.00 raise. Supervisor Phillips explained that the bookkeeper was going to have more responsibility.

Supervisor Phillips informed the Board it was going to be about a \$800.00 savings a year. Supervisor Phillips will have the voucher on the August Abstract for approval for the payroll program.

Locking the Town Clerk's Door:

The supervisor requested the Board to direct the Town Clerk to unlock the Town Clerk's door effective immediately as she and the bookkeeper have been locked out.

Clerk Reader responded that she shares an office with two other individuals and the bookkeeper was never locked out.

Councilor Jordan responded that there was a service window that she could go to.

Supervisor Phillips feels that she needs access to the Clerk's Office because she needs to get to the Councilor's Mailboxes and get to the vouchers.

A response was given by the supervisor to Councilor Jordan that he should use the service window.

A motion was made by Councilor Jordan, seconded by Councilor Dunham to leave the Clerk's Office locked.

Roll taken...

Councilor Jordan: Aye Councilor G.R. Horning: Abstain

Councilor Dunham: Aye Councilor J. Horning:

motion did not carry as more discussion was held.

Councilor G.R. Horning and Councilor J. Horning want to see more research done on the issue as he wants to know what the exact law is.

Town Law 64-3 was presented for the Board.

It was the consensus of the Board to get more information and it will be placed back on the agenda in September.

AUD Update: Supervisor Phillips informed the Board that she has not heard from Albany and it is her understanding that it takes awhile to hear back. Tax Collector Dwyer concurred that it does take awhile and it could take anywhere from 3-6 months before they respond with questions.

As soon as the AUD Document is available a copy will be provided to the Town Clerk for public inspection and will be posted on the Town's Website.

NEW BUSINESS:

Baldwin, Sutphen & Frateschi, PLLC Contract:

The legal counsel the Town Board has been using has left the position and cannot represent the Town for contract negotiations. He has recommended this firm to take his place as legal counsel for contract Negotiations:

A motion was made by Councilor Jordan, seconded by Councilor G.R Horning to change legal counsel to move forward and to hire Baldwin, Sutphen & Frateshi, PLLC as legal counsel for contract negotiations. Roll taken...motion carried.

BUDGET WORKSHOPS FOR 2020:

Discussion was held regarding setting Budget Workshop dates. The first budget workshop will begin on September 5th, 2019 beginning at 6:30 pm. The next budget workshop will be held on September 26th, 2019 and will be held every Thursday beginning at 6:30 as needed.

Work on Water District #2 advertise for an Engineering person/company: Supervisor Phillips has been in contact with Special Counsel for Water District 1 and the Supervisor is ready to move on Water District 2.

It was the consensus of the Board to to ask Attorney Genant to look into District One status and have information available for the next Board Meeting in September. This was the consensus of the Board before we proceed with District 2.
Attorney Genant will consult with the Water Attorney.

The question was asked if the same engineer would be used for District 2.
A RFP would be put out for engineers.

Resolution to Approve the Town Justice to apply for a Justice Court Grant: A motion was made by Councilor Dunham, seconded by Councilor Jordan to approve a Resolution for the Town Justice to apply for a Justice Court Grant: Roll taken...
Councilor Dunham: Aye Councilor G.R. Horning: Aye
Councilor Jordan: Aye Councilor J. Horning: Aye
Supervisor Phillips: Aye
motion carried,

OTHER:

RAN Resolution: A motion was made by Councilor Jordan, seconded by Councilor J. Horning to approve signing a RAN for the amount of \$22,987.50 contingent on information that legal counsel brings back to us on Water District #1. Roll taken...
Councilor Dunham: Aye Councilor G.R. Horning: Aye
Councilor Jordan: Aye Councilor J. Horning: Aye
Supervisor Phillips: Aye
motion carried.

CORRESPONDENCE, COMMUNICATIONS & PETITIONS:

Improving the Effectiveness of your Claims Auditing Process” Webinar-8/21/2019 @ 10 am.
Town Board Budget Process Workshop: 8/28/2019-7pm-9pm Albion Town Hall, Altmar.

INFORMATIONAL ITEMS:

Tug Hill Times-July 19th, 2019 & August 2nd, 2019
Planning Brd Agenda & Minutes-July 22, 2019

EXECUTIVE SESSION:

A motion was made by Councilor J. Horning, seconded by Councilor G.R. Horning to enter into Executive Session at 7:50 pm to discuss matters leading to the appointment, employment, discipline, dismissal or removal of a particular person or corporation. Roll taken...motion carried.

A motion was made by Councilor J. Horning, seconded by Councilor Jordan to adjourn from Executive Session at 8:33 pm. Roll taken...motion carried.

A motion was made by Councilor Jordan, seconded by Councilor J. Horning to adjourn at 8:35 pm. Roll taken...motion carried.

Respectfully submitted,

Kelly Reader
Parish Town Clerk