

REGULAR MEETING
2/18/2021

Minutes of the Regular Town Board Meeting held February 18th, 2021 at 2938 E. Main Street, Parish NY and by Zoom. The meeting was called to order at 6:41 pm. by Supervisor Phillips.

PRESENT:

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

ALSO PRESENT: Paul Baxter, Tug Hill Rep; Jim Bernys, CEO; Kevin Dwyer, Tax Collector; and Craig Petit; Hwy Sup't.

PRESENT BY ZOOM: Bob Genant, Town Attorney; and Eleanor Kinney.

SUPERVISOR'S REPORT: No Report at this time.

BUDGET TRANSFER/MODIFICATIONS: See Attached

A motion was made by Councilor Horning, seconded by Supervisor Phillips to approve the Transfers/Modifications to finalize the 2020 Budget and H Fund for January and February 2021: Councilor Wood did not think that it is right to take a garbage fee out of the Highway Account. Supervisor Phillips explained that nothing was put in the budget for that account and it will have to be corrected for next year's account.

Councilor Dunham questioned why the transfers/modifications were broken down to subsidiary accounts as that is not recommended by the Comptroller's Office. Councilor Dunham expressed that the Supervisor can break it down in her office, but should not be presented to the Board in that manner. Supervisor Phillips responded that is how it comes out of her computer because of the subsidiary accounts and she has made some changes for the 2021 Budget.

Roll taken...

Councilor Dunham, Councilor Wood, Councilor Horning and Supervisor Phillips-Aye (4) and Councilor Jordan-Nay (1) motion carried.

January Highway Fund DA: Approval Amendment: There was an error in the total for the Highway DA Fund by \$3,000.00 by the Supervisor on the agenda. Councilor Wood thanked the Town Clerk for catching the mistake.

A motion was made by Councilor Jordan, seconded by Councilor Dunham to amend the motion in the January Minutes for approval of the total warrant of the DA Fund from \$26,676.19 to \$23,676.19 for claims #1-#21. Roll taken...Councilor Jordan, Councilor Dunham, Councilor Wood, Councilor Horning, and Supervisor Phillips-Aye (5) Nay (0) motion carried.

APPROVAL OF BILLS:

General Fund: A motion was made by Councilor Horning, seconded by Councilor Wood to approve the claims to the General Fund Account for those claims #26-#50 for a total warrant of \$37,138.06 with a correction of claim #47 should read \$137.36 instead of \$137.96. Roll taken...Councilor Jordan, Councilor Dunham, Councilor Wood, Councilor Horning and Supervisor Phillips-Aye (5) Nay (0) motion carried.

Capital Project H Account:

Discussion: Councilor Jordan asked Supervisor Phillips why she was asking for reimbursement for \$169.52 for making copies at Staples.

Supervisor Phillips responded ask your Clerk.

The Clerk responded that she had e-mails offering to make the copies. The issue was that the Board wanted to see the letter that was going to be sent out to the public regarding the Water Vote and Supervisor Phillips had agreed.

The Supervisor didn't remember that request. The Supervisor provided the Board with questions and answers regarding the Water Project Vote.

The Supervisor was reminded that the Board did ask and she had agreed. The Board did not see the letter prior to being mailed out as requested.

A motion was made by Councilor Dunham, seconded by Councilor Wood to approve the claims to the Capital H Fund, those being claims #51-#54 excluding claim #55 for \$169.52 for a total warrant of \$5,008.04. Roll taken...Councilor Dunham, Councilor Jordan, Councilor Wood, and Councilor Horning, Supervisor Phillips-Aye (5) Nay (0) motion carried.

Supervisor Phillips responded that the letter came from the Supervisor and she didn't have to run it through the Board.

Councilor Wood commented that it was a campaign letter. Supervisor Phillips disagreed.

DA Highway Fund: A motion was made by Councilor Horning, seconded by Councilor Jordan to approve the claims to the DA Highway Fund, those being claims #22-#39 for a total warrant of \$29,837.60. Roll taken... Councilors Jordan, Councilor Wood, Councilor Dunham, Councilor Horning, and Supervisor Phillips-Aye-(5) Nay-(0) motion carried.

SF-Fire District Fund: A motion was made by Councilor Jordan, seconded by Councilor Dunham to approve the claim to the SF Fund, the claim being #56 for a total warrant of \$220.825.00. Roll taken... Councilor Dunham, Councilor Jordan, Councilor Wood, Councilor Horning, and Supervisor Phillips. - Aye (5), Nay (0) motion carried.

REPORTS:

Hwy Sup't Report: Highway Sup't Petit

Assessor's Report: Tabled

CEO Report: CEO Bernys

Justice Report: Justice Dayger

Town Clerk Report: Clerk Reader

DCO Report: DCO Spriggs

Tug Hill Circuit Rider Report: Paul Baxter, Tug Hill Rep. reported that the Governor's Executive Order allowing remote Meetings and Public Hearings via such means as Zoom has been extended through February 26, 2021.

The NYS Committee on Open Gov't held a Virtual Foil (Freedom of Information Law) Training Law Training on 2/11/2021. Paul assisted the Supervisor with mailing labels for the Water District referendum mailing.

Paul assisted the Clerk with some computer questions, including the procedure for producing Adobe Acrobat PDF's from her computer.

Tug Hill staff is participating in support roles in the mass vaccination effort taking place concerning-Covid19-NYMIR-Covid & Employees Issues.

Tax Collector's Report: Tax Collector Dwyer

Fire Chief's Report: Fire Chief Harvey

OLD BUSINESS:

Amendment for hours that the polls will be open for the Water District 1 Vote on March 1st, 2021 at the Parish Volunteer Fire Company:

A motion was made by Councilor Horning, seconded by Councilor Dunham to amend the hours that the polls will be open for the Water District 1 Vote on March 1st, 2021 at the Parish Fire Station from 12:00 pm to 8:00 pm that was originally set from 12 pm to 9 pm. Roll taken...

Councilor Dunham, Councilor Jordan, Councilor Wood, Councilor Horning, and Supervisor Phillips. Aye (5) Nay (0).motion carried.

Zoning Ordinance E-mail from Tim Konetchy:

An e-mail was received from Tim Konetchy, Senior Planner from Oswego County Development, Tourism, and Planning with recommendations of approval with modifications for the Town of Parish Zoning Ordinance and map update to amend the current Town of Parish Zoning Law.

Discussion was held regarding how many times you can extend the Solar Panel Moratorium.

It was suggested to meet at 6:00 pm prior to the March Board Meeting on 3/18/2021 to discuss the recommendations from County Planning as the Board had just received the modifications.

The Clerk will advertise that the Board will meeting at 6:00 pm. prior to the Board Meeting on March 18, 2021.

Bldg Use: Discussion was held regarding the Town/Village Offices still being closed to the public. It was the Mayor's decision to close the Town/Village Offices to the public due to the Covid Pandemic. Attorney Genant directed the Board to make some type of statement and then the Board has to make a decision on how they want to open the building. Does the Board want to open the building with some kind of restrictions, does the Board want to open it for the Monthly Board Meetings. It has to be decided how the Board wants to do it.

Councilor Jordan suggested to bring it up at the upcoming Joint Meeting in March.
Supervisor Phillips agreed that the Board needs to make a decision.
Councilor Jordan asked is it no more than 50 people or 50% capacity?
Discussion was held regarding that question and Supervisor Phillips informed the Board that the governor's order states that you can not have any more than 50 people attending a Public Hearing if they are 6 feet apart and wearing a mask.

There are some services that still need to be provided to the public in person. The Clerk has been making appointments to provide those services to the public on Tuesdays and Fridays when the Village Offices are not open and after hours.
Setting appointments were suggested and each department would handle their own appointments.
A Joint Meeting will be held on March 11th, 2021 beginning at 7:00 pm. Discussion was held to discuss the issue further with the Village Board at the Joint Meeting.
The Board needs to make a decision before they meet with the Village Board.
It was further discussed that the Town pays the Village rent and the Village should not be dictating on how Town Business is to be conducted

A motion was made by Councilor Wood, seconded by Councilor Jordan to direct the Clerk to advertise that each Town Office and department are available by appointment only by calling the offices of the Town Clerk, Codes Enforcement Officer, Assessor, and Supervisor. Each department will be responsible for scheduling their department's appointments.
Councilor Jordan, Councilor Dunham, Councilor Wood, Councilor Horning, and Supervisor Phillips-
Aye (5) Nay (0) motion carried.

NEW BUSINESS:

Assessor's Candidates: Discussion was held regarding the Assessor applicants and if interviews were going to be held in person or by Zoom. There were four applicants. Some of the Council Members reminded the Supervisor that the last time an Assessor was hired, the position was not advertised. Someone was just appointed.

It was mentioned that out of the four applicants some of the Board Member's were familiar with one Assessor's history and that is who they would like to appoint. Some of the Board Members felt that the other applicants should at least be interviewed as a courtesy to see what they had to offer. It was mentioned why waste the other applicant's time due to the fact that they live a distance away. Possibly hiring an Assessor's Clerk was discussed.
More discussion on the Assessor's applicants will be held in Executive Session.

Sales Tax Withholding for Distressed Provider Assistance Letter: Kevin Gardner from the Treasurer's Office reported that it was nothing the Board should worry about at this time. The state wants to take some of the municipalities Sales Tax Money away and give it to a Distressed Provider Assistance Account to fund financially distressed hospitals and nursing homes. Kevin Gardner explained that regardless what the letter states everyone in the County of Oswego is going to receive the same as last year's sales tax.

Water District Vote:

Clerk Reader gave the Report on the upcoming Water District Vote. Cathy Smith and Tracy Kinne will be election inspectors for the Water District Vote on March 1st 12 noon-8:00 pm. A constable will man the door and sanitize between voters.

Councilor Jordan needed a couple of things verified for the Water Vote. Is it one person per deed that can vote on the Water Vote?
Supervisor Phillips responded that if there is 5 people listed on the deed, then 5 people are eligible to vote. Councilor Jordan stated that going back to the deed issue, he believes that the Supervisor Phillips and the Board Members received an e-mail from a taxpayer regarding the Water Vote. The e-mail explained that it's only one vote per name on a deed.
Councilor Jordan stated that the Supervisor never responded back to the e-mail.
Supervisor Phillips responded that she never received the e-mail or she would have responded.
Councilor Jordan stated that the information came from the Comptroller's Office and they say we are doing it wrong.
Councilor Jordan asked how does registered voters work in regards to voting on the Water District?
The response from the Supervisor was, if they live in the Water District and are registered to vote they can vote.

Supervisor Phillips informed the Board that she is going by the direction of the Water Attorney and he is a Municipal Lawyer that the Town hired for the Water District.

Attorney Russell had cited the law that determines who is eligible to vote and that is who the Supervisor is going with.

Appointment of Election Inspectors for the Water District Vote:

A motion was made by Councilor Jordan, seconded by Councilor Dunham to appoint Cathy Smith and Tracy Kinne as election inspectors for the Water District 1 Vote on March 1st, 2021 from 12 noon to 8 pm. Roll taken...Councilor Dunham, Councilor Jordan, Councilor Wood, Councilor Horning, and Supervisor Phillips-Aye (5) Nay-(0) motion carried.

Election Inspector Payment:

Clerk Reader contacted the County of Oswego BOE to obtain their rate of pay for election inspectors, she was informed that they receive \$200.00 regardless if it is a Primary or Election. The Clerk stated that the information was just a point of reference for the Board.

A motion was made by Councilor Jordan, seconded by Councilor Dunham to pay each Election Inspector \$200.00 each per day as the same as the County BOE. Roll taken... Councilor Dunham, Councilor Jordan, Councilor Wood, Councilor Horning, and Supervisor Phillips-Aye (5) Nay (0). motion carried.

Councilor Jordan expressed that he would like to bring up another issue under New Business.

Payroll Company:

Councilor Jordan wanted to bring up hiring a Pay Roll Company to begin March 1st, 2021. A motion was made by Councilor Jordan, seconded by Councilor Wood to hire Paychex for the Town's Payroll Company effective March 1st, 2021. Discussion: Supervisor Phillips argued the fact that it was her decision not the Board's. Councilor Wood had done research and quoted several laws that clearly states that it is the Board's decision not the Supervisor's. Councilor Wood asked Attorney Genant to if he had a chance to look into the laws he had cited. Attorney Genant had not received the statutes, but he will get the information and check into it. Discussion was held that a motion was made and a vote needed to be taken. Roll taken...Councilor Jordan, Councilor Dunham, Councilor Wood-Aye (3) Councilor Horning and Supervisor Phillips-Nay-(2) motion carried.

Supervisor Phillips asked Councilor Jordan if he had anything else to bring up that was not on the agenda?

Councilor Jordan responded that the Board had a right to bring anything up they wanted that's not on the agenda.

Supervisor Phillips informed the Board that they had agreed not to vote on anything until they got more information.

Town Audit: Councilor Dunham informed the Board that he has been in contact with Bonadio and Company, certified Public Accountants out of Syracuse to conduct an audit on all Town Office's books that receive money. This company does audits for the Town of Hastings, Richland, and Volney and are highly recommended.

They will be contacting the Town to set up a schedule to conduct the Audit. Councilor Dunham had discussed with them to begin it as soon as possible. It will take them time to set up a schedule for us. Supervisor Phillips informed that Board that she was not ready for the audit. Supervisor Phillips was not in favor of beginning by March 1, 2021 as she had to work on the AUD Report and she was not prepared for an audit.

Councilor Dunham reminded the Board it will take some time to get on their schedule and they could do the Supervisor's department last. It will cost between \$16,000.00-\$18,000.00. The funds have been budgeted and the cost will be determined by how much work has to be done and how long it will take.

A motion was made by Councilor Dunham, seconded by Councilor Jordan to pass a resolution to hire Bondai & Company LLC to begin an Audit by March 1st, 2021 or as soon as they can for all departments and to have Councilor Dunham be the contact person. Roll taken...Councilor Dunham, Councilor Jordan, Councilor Wood-Aye (3) Councilor Horning and Supervisor Phillips-Nay (2) motion taken.

Councilor Wood cited the following laws: Town Law of NYS SS29 Pg 22 & 23, Paragraph 3 & 7. Page 25, paragraph 15-payroll

Oath of Office Cards:

Public Officer's Law-Councilor Wood has looked into the law regarding Town Official's signing Oath of Office Cards for appointments to yearly positions.

Councilor Wood stated that it clearly states that annual appointments such as chairs to committees, sign an Oath Card no later than 30 days after re-appointment.

No Exceptions-Their positions are under the Public Officer's Law. Councilor Wood informed the Board that the position is deemed vacant because the Oath Card is not signed due to the fact that the official refuses to sign the Oath Card. AOT-Town Law Manual-SS-Public Officer's Law. Pgs-144-145 Subs-7-9, A,B,E. Town Law of the State of NY-Subs-19 & 25-Bottom of Page.

Supervisor Phillips received information from the Comptroller's Office stating that elected officials and those appointed officials that make decisions are required to sign Oath Cards.

Attorney Genant will look into the legality.

Councilor Jordan reminded the Board that they had passed a motion to deem the Planning Board Members, ZBA Members, and BAR Members as salaried. They do not have to sign an attendance sheet. If there is a problem with attendance, then the Committee Chair needs to bring the issue to the Board. Councilor Jordan feels that a letter should be sent out to all Committee Chairs informing them of the motion.

Supervisor Phillips disagreed with the issue and will still require an attendance sheet as she is Chief Fiscal Officer.

Supervisor Phillips is not changing it because she was told by the Comptroller's Office that was the way it was supposed to be done. The Supervisor knows how the Board voted and what they said.

Councilor Jordan asked why have a Board?

Supervisor Phillips responded that she is Chief Financial Fiscal Officer and the Town Supervisor.

Councilor Wood informed the Supervisor that there is no such title as Chief Fiscal Officer. The Supervisor is the fiscal officer of the Town and is 1 member of a 5 member Board. Towns use the title, but Chief Financial Officer is not an Official Title.

Councilor Jordan asked if the Board makes a motion, does the Supervisor have to listen to the Board?

Supervisor responded that she was moving on.

Councilor Jordan responded that he didn't think they should move on until they figure out what a Board and motions do.

Councilor Jordan stated if that's the case and the Supervisor doesn't have to listen to the Board, then the Supervisor should just run the whole Town like she is by herself.

Supervisor Phillips responded that she was not running the Town by herself.

Supervisor Jordan feels that the Supervisor doesn't communicate with the Board or listen to the Board Members.

Councilor Wood stated and you want us to trust you.

Councilor Wood asked why they should have Board Meetings, if the Supervisor was going to operate illegally.

Supervisor Phillips informed the Board that she was not operating illegally.

CORRESPONDENCE:

CEO-Annual Report-2020

INFORMATIONAL ITEMS:

Tug Hill Times-01/29/2021,2/12/2021

AOT Newsletter-In Session

Municipal Shelter Inspection Report

Board Minutes:-Organizational Meeting-1/14/2021 & 1/21/2021

PI Brd Minutes:-1/25/2021

CiT BOCES "The Spotlight"

Supervisor Phillips has received an e-mail back from Laird Petrie from the Comptroller's Office regarding setting up training for the Board.

Laird cited the Fiscal Oversight Booklet for the responsibilities of Governing Bodies.

Association of Towns and Tug Hill can't do the training at this time due to COVID restrictions.

Councilor Jordan stated that we hired an auditor and he thought they should take care of it. Councilor Jordan believes that if an auditor does the audit, the board is not required to do one.

EXECUTIVE SESSION:

A motion was made by Councilor Jordan, seconded by Councilor Dunham to adjourn to Executive Session to discuss personnel appointments at 8:26 pm. Roll taken...Councilor Dunham, Councilor Jordan, Councilor Wood, Councilor Horning, and Supervisor Phillips-Aye (5) Nay (0). motion carried. Attorney Genant was invited to attend

A motion was made by Councilor Jordan, seconded by Councilor Dunham to adjourn from Executive Session at 8:48 pm. Roll taken...Councilor Jordan, seconded by Councilor Dunham, Councilor Wood, Councilor Horning and Supervisor Phillips-Aye (5) Nay (0). motion carried.

A motion was made by Councilor Jordan, seconded by Councilor Dunham to appoint Rich Lopitz to the position of Sole Assessor effective Monday, February 22nd, 2021. Roll taken...Councilor Dunham, Councilor Jordan, Councilor Wood,-Aye (3) Councilor Horning and Supervisor Phillips Nay (2) motion carried.

A motion was made by Councilor Dunham, seconded by Councilor Jordan to adjourn at 8:50 pm. Roll taken...motion carried

Respectfully submitted,

Kelly Reader
Parish Town Clerk