

REGULAR BOARD MEETING MINUTES
9/16/2021

Minutes of the Regular Board Meeting of the Parish Town Board held September 16, 2021 at 2938 E. Main Street, Parish, NY in the Village Gym and via Zoom. The meeting was call to order by Supervisor Phillips at 6:30 pm.

Present:

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

Absent/Excused:

Also Present: Jim Bernys, CEO; Craig Petit, Hwy Sup't; Jack Rucynski, Paul Baxter, Tug Hill Rep.; Denise Trudell, Assessor; Mercedes Seeber, Bookkeeper; John Horning, Paul Gage, Karen Gage, and Bondario Group; Michelle Lesser and Greg Evans.

MEETING OPEN TO THE PUBLIC:

Jack Rucynski read a statement: Mr. Rucynski has reviewed Minutes for several months and has listened to several via Zoom.

Mr. Rucynski has concerns relative to the legal conduct of the Town Board. Mr. Rucynski reminded everyone that the Board consists of 5 members, all with legal weight in the process of voting. The law is clear that motions of the Board with little exception, requires a majority to pass a motion, that would be 3 of 5. Unless, a Town Law or Municipal Law holds precedence over a motion, then the motion by the Board is the law of the Town of Parish. No member of the Board or the Town Supervisor has the authority to override a legal motion of the Board.

Mr. Rucynski questioned actions taken by the Board that were either ignored or not adhered to.

#1. Payment withheld from town employees after direction of the Board was given by the Board for the employees to receive payment.

#2 A signed agreement by the Village and Town Boards ignored-as it specifies all funds received should turned into the Town Clerk.

#3 Direction by the Board to use a payroll company has been ignored and unauthorized payments are being paid to the payroll clerk.

#4 Other issues such as the request for release of the Village from Water District 1 Intermunicipal Agreement and there seems to be a major hurdle to respond to the request.

#5 Mr. Rucynski asked two months ago about the issue of tax payments on state owned land within the Town of Parish. Mr. Rucynski still has not received an answer.

Mr. Rucynski holds the Board culpable for the apparent lack of transparency and he thinks that the people of the Town of Parish deserve answers and the law should not be circumvented.

Karen Gage wanted to rebut Mr. Rucynski's statement. Karen expressed that the Board did circumvent Town Law for two employees due to a problem with a payroll verification situation. Karen made reference to policies and procedures and informed the Board that they were given a copy of Town Law section 125 prior to their decision of not requiring payroll verification. Karen Gage expressed that she doesn't think that the Board should be defending 1 or 2 employees as it is not looking out for the best interest of the Town and they were circumventing Town Law section 125.

EXECUTIVE SESSION:

A motion was made by Councilor Horning, seconded by Supervisor Phillips to enter into Executive Session at 6:36 pm to discuss a confidential report for the Town of Parish. Roll taken...No Roll Call requested. Councilor Jordan-Opposed and Councilor Wood-Nay. The Bondario Group and Mercedes Seeber were invited to attend.

A motion was made by Councilor Wood, seconded by Councilor Dunham to adjourn from Executive Session to the Regular Meeting at 7:22 pm. Roll taken...motion carried.

The Clerk was not present when the Board adjourned from Executive Session.

SUPERVISOR'S REPORT:

Supervisor Phillips presented a Supervisor's Report through August 31, 2021. The Supervisor's Report was reviewed by the Board and filed with the Clerk

APPROVAL OF BILLS:

Budget Transfers/Modification for September: A motion was made by Councilor Horning, seconded by Councilor Wood to approve the following Budget Transfers/Modifications as presented:\

General Fund A Account.

From: A1990.4 Contingency-\$76.08

To: A8025.4-Planning Brd CE-\$76.08

From: A1410.2 Town Clerk Equipment-\$49.15

To: A1410.4 Town Clerk CE-\$49.15

Highway Fund DA Account.

From: DA5130.2 Machinery Equipment-\$3,092.63

To: DA5130.4 Contractual CE-43,092.63

Highway Fund DB Account.

From: DB5110.12-Part Time Summer PS-\$4,306.27

To: DB5110.1 Permanent Improvements PS-\$1,274.38

To: DB8760.1 Emergency Disaster Work PS-\$310.50

To: DB5110.11 Maintenance of Roads PS-\$2,721.39

Roll taken...Councilors Dunham, Horning, Jordan, Horning, Wood, and Supervisor Phillips-Aye (5)

Nay-(0) motion carried.

General Fund A Account: A motion was made by Councilor Horning, seconded by Councilor Jordan to approve the claims to the General Fund A Account, those being claims #198-#218 for a total warrant of \$22,716.12. Roll taken...Councilors Dunham, Horning, Jordan, Wood, and Supervisor Phillips-Aye (5) Nay-(0) motion carried.

Highway Fund DA Account: A motion was made by Councilor Dunham, seconded by Councilor Jordan to approve the claims to the Highway DA Fund, those being claims #183-#187 for a total warrant of \$10,311.54. Roll taken...Councilors Dunham, Horning, Jordan, Wood, and Supervisor Phillips-Aye (5) Nay (0) motion carried.

Highway Fund DB Account: A motion was made by Councilor Horning, seconded by Councilor Jordan to approve the claims to the Highway Fund DB Account, those being claims #188-#193 for a total warrant of \$29,654.79. Roll taken...Councilors Dunham, Horning, Jordan, Wood, and Supervisor Phillips-Aye (5) Nay (0) motion carried.

REPORTS:

Highway Report: Hwy Sup't Petit submitted a written Highway Report.

Assessors Report: Assessor Trudell

CEO Report: CEO Bernys

Justice Report: Justice Dayger

Clerk's Report: Clerk Reader

DCO Report: DCO Spriggs gave the DCO Report and tendered his resignation.

Tug Hill Report: Tug Hill Rep, Paul Baxter, gave the following report: The Governor signed legislation which re-establishes a municipality's ability during much of the pandemic to conduct municipal meetings via Zoom. This is now established by State Law, and runs through January 15, 2022. There has been no change in the status of the Tug Hill Local Gov't Conference in 2022. They are still investigating options, based on feedback from the survey about the conference.

The Tug Hill Commission will have its annual dinner on Thursday, October 14th, 2021 starting at 5:30 at the Tailwater Lodge in Altmar. The cost is \$45.00 per person with a cash bar and preregistration is required.

The Tug Hill Commission will be having workshops soon featuring, Laird Petrie on the Town Budget Process. The Town of Albion is hosting one of them at the Albion Municipal Building on Tuesday, September 28th at 6:30 pm. Pre-registration is required. The Tug Hill Commission has a new plain-language guide for the Town Budget Process.

Paul has moved forward in implementing the change of plans for a laptop for the Planning Board. A new laptop has been ordered and received. Paul has it set up. Planning Board Chair Scriber will be picking it up at the beginning at tonight's meeting. Paul assisted the Town Supervisor in setting up a Blank Budget Form to allow the Supervisor to fill in numbers based on information received via 2022 Budget Form Requests.

Fire Chief's Report: Tabled.

OLD BUSINESS:

USDA Rural Development Preliminary/Funding Estimate for Plow Truck signed and forwarded to USDA Dept. \$34,000 has been secured toward the purchase of a snowplow through a USDA Grant. Additional documents will need to be completed for additional funding.

Village's Request to be released from Water District #1 and the corresponding Intermunicipal Agreement: Supervisor Phillips has been in contact with Attorney Russell, the Town's Special Counsel for the District 1 Water Project. Attorney Russell advised that the only issue that he had with the request from the Village is to ensure that the Village Property Owners remain responsible for their share of the expenses for the Water District 1 Project through the Water Referendum. The language has to be written into the agreement in order to release the Village from the Intermunicipal Agreement.

The Town of Parish/Village of Parish Comprehensive Plan Emergency Management Plan-E-mail from Terry Bennett, Emergency Services Program Coordinator: The Town of Parish/Village of Parish Comprehensive Emergency Plan (CEMP) was updated in April 2020. This is the plan that covers both the municipalities' preparedness, response, and recovery for emergencies and disasters. County Emergency Management plans to do a full revamp of the County CEMP next year, and will use that as a template to update our CEMP. They would meet with Town and Village Officials at least once or twice in that development.

The Town of Parish Annex and the Village of Parish Annex to the Oswego County Hazard Mitigation Plan are completed, approved by the Federal Emergency Agency, and are available on the county's website.

NEW BUSINESS:

ARPA Information: Discussion was held regarding the use of the ARPA Funds and that the criteria is very specific on what it can be used for. There are a lot of documents that need to be completed when and if the money is used. It was the consensus of the Board to get a quote from the Bondario Group to aid the Town in utilizing the funds and aid in completing the documents. Possibly, billing the Town in 2022 so the cost can be included in the 2022 Budget.

Advertisement for appointed positions:

Discussion was held regarding advertising or re-appointment of appointed positions. The concern was that the process needs to be consistent. It was discussed at a prior meeting to re-appoint if the applicants are interested to remain in the position and not to advertise. More discussion will be held at workshops and the Board will determine what policy or procedure they want to implement.

CORRESPONDENCE:

Assessor's E-mail.

INFORMATIONAL ITEMS:

Tug Hill Times-8/27/21 & 9/10/21

T/Brd Meeting Minutes-8/19/2021

Planning Brd Agenda-8/23/2021

MEETING OPEN TO THE PUBLIC:

Jack Rucynski wanted to make a statement regarding entering into Executive Session that was just held to discuss the Draft External Audit. Mr. Rucynski doesn't think it meets the criteria to enter into Executive Session.

Also, Mr. Rucynski wanted to address some controversy that is going on with the Board regarding a councilman. The controversy involved the State Police and interviewing individuals. A councilor's wife has received nasty e-mails and nasty phone calls in which the police had to get involved. Mr. Rucynski stated that this needs to stop. According to the NYS State Police, The Association of Towns, and the NYS election Law there is no violation.

Clerk Reader commented on 2 issues:

During the Executive Session, some members of the audience were attacking some of the Town Officials. Clerk Reader reminded the Board that this is our place of employment and we are required to be here without being harrassed. Her suggestion was if members of the audience cannot conduct themselves in a professional manner, then perhaps the Board should consider having a constable present to keep order.

Clerk Reader also commented on that reviewing of a draft audit is not a purpose for entering into an Executive Session, according to the Committee on Open Government. The audit involves the Town's

finances and affects all taxpayers. It was not one of the 8 reasons you can enter into an Executive Session.

Supervisor Phillips disagreed as it was only a draft.

Clerk Reader advised that the Committee of Open Government responded that it didn't matter as it was not a confidential document and not a purpose to go into an Executive Session

Clerk Reader suggested to ask the Town Attorney who present, however he was not asked by the Supervisor.

MEETING CLOSED TO THE PUBLIC:

EXECUTIVE SESSION:

A motion was made by Councilor Horning, seconded by Supervisor Phillips to enter into Executive Session at 8:22 pm to discuss Collective Bargaining Negotiations per Article 14 of Civil Service Law. Also, to discuss the appointment, promotion, demotion, discipline, suspension, dismissal, removal, medical, financial, credit or employment history of a particular person/persons. Roll taken...No Roll call was taken.

A motion was made by Councilor Horning, seconded by Councilor Dunham to adjourn from Executive Session at 8:36 pm. The Clerk was not present for the adjournment motion.

Approval of External Draft Audit from the Bondario Group: A motion was made by Councilor Dunham, seconded by Councilor Horning to approve the External Draft Audit conducted by the Bondario Group. Roll taken...Councilors, Dunham, Horning, Wood, and Supervisor Phillips-Aye (4) Nay-(0) motion carried. Contact had been lost via Zoom with Councilor Jordan.

Re-appointment of Lynn Wood to the BAR:

A motion was made by Councilor Dunham, seconded by Councilor Horning to re-appoint Lynn Wood to the BAR. Roll taken...Councilor Wood-Abstain; Councilor Dunham-Aye; Councilor Horning-Nay; Supervisor Phillips-Nay; Councilor Jordan-absent-lost contact via Zoom. Motion did not carry.

A motion was made by Councilor Dunham, seconded by Councilor to adjourn at 8:43 pm. Roll taken... motion carried.

Respectfully submitted,

Kelly Reader
Parish Town Clerk