

**REGULAR MEETING**

**11/18/2021**

Minutes of the Parish Town Board Meeting held November, 18, 2021 at 2938 E. Main Street, Parish, NY in the Village Gym, Parish NY and via Zoom. The meeting was called 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  
Kevin Dwyer, Deputy Town Clerk

**PRESENT:** L.J. Harvey, Fire Chief; Jack Rucynski, Robin Eaton-Novak, Deputy Supervisor; Bob Genant, Town Attorney; Steve Cronk, Acting DCO; Mercedes Seeber, Bookkeeper; Ronnie Horning, Carol Ann Horning, Eileen Borland, Karen Gage, Paul Gage, Jim Bernys, CEO; George Horning, Lori Horning, John Horning, Wayne Goodwin, Via Zoom-Carol Dwyer, Eleanor Kinney, Jackie Murphy, and Doug Houghton.

**MEETING OPEN TO THE PUBLIC:**

George Horning newly elected Highway Sup't discussed the issue of the Board cutting the Highway Sup't's salary at the November 11<sup>th</sup>, 2021 Budget Workshop. He also spoke in regards to the meeting as he thought it was illegal because the meeting was not posted. Mr. Horning thought that his position's salary should not be cut unless all newly elected officials positions were cut. Also, Mr. Horning brought up the issue of possessing a CDL license. Mr Horning informed the Board that he did have one, but he gave it up and it is not required. Jack Rucynski quoted that only a court of law can make a determination of a violation of the Open Meetings Law.

**MEETING CLOSED TO THE PUBLIC.**

**SUPERVISOR'S REPORT:** Supervisor Phillips submitted a Supervisor's Report ending October 31<sup>st</sup>, 2021 for the Board's review.

**APPROVAL OF BILLS:**

**Budget Transfers/Modifications:** Councilor Dunham brought up the fact that the transfers were reversed except for the first one. The From should be switched to the To on the rest. Supervisor Phillips agreed that they were reversed.

A motion was made by Councilor Jordan, seconded by Councilor Horning to approve the following transfers as corrected:

**GENERAL FUND A:**

FROM: A1410.2-Town Clerk Equipment-\$92.24  
TO: A1410.4-Town Clerk CE

FROM: A1355.11-Assessor PS -\$500.00  
TO: A1355.4-Assessor CE

FROM: A4540.4-Ambulance CE -\$4,115.00  
TO: A9010.8-State Retirement

FROM: A1990.4-Contingency -\$5,500.00  
TO: A1320.4-External Auditor CE

FROM: A1220.4-Supervisor CE -\$68.15  
TO: A7510.12-Historian's PS

**HIGHWAY FUND DA:**

FROM: DA5130.4-Machinery CE -\$1,801.05  
TO: DA5130.2-Machinery Equipment

FROM: DA5142.4-Snow removal CE-\$7,651.17  
TO: DA5130.2-Machinery Equipment  
Roll taken...

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

**GENERAL A FUND:**

Discussion: Supervisor Phillips requested that the Board exclude claim #240 from the Bondario Group for the amount of \$5,500.00 until an explanation of the charges could be obtained and invoices for the amount charged were received.

A motion was made by Councilor Horning, seconded by Councilor Jordan to approve the claims to General Fund A, those being claims #238 to #260 excluding claim # 240 for the amount of \$5,500.00 for a total warrant of \$31,027.27. Roll taken...

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

**HIGHWAY DA FUND :**

A motion was made by Councilor Jordan, seconded by Councilor Dunham to approve the claims to the Highway DA Fund, those being claims #222-#237 for a total warrant of \$58,477.36. Roll taken...Councilor Wood, Councilor Horning, Councilor Dunham, Councilor Jordan, and Supervisor Phillips-Aye (5) Nay-(0)...motion carried.

**HIGHWAY DB FUND:**

A motion was made by Councilor Horning, seconded by Councilor Dunham to approve the claims to the Highway DB Fund, for claim #238 for a total warrant of \$9,420.00. Roll taken...Councilor Wood, Councilor Horning, Councilor Dunham, Councilor Jordan, and Supervisor Phillips-Aye (5) Nay (0)... motion carried.

**REPORTS:** Councilor Dunham read Hwy Sup't Petit's Report-The truck amount for the grant has increased since the beginning of the year. Once ordered, it will take up to 18-24 months to receive the truck due to delays in production.

All the trucks have been switched over to sander/snowplow combinations for the winter. The Highway Department is in the process of switching over the spare truck. The check for the Navistar Man Force Engine Settlement came in on 10-26-2021 for the amount of \$6,684.86. Hwy Sup't Petit put a lot of work into obtaining the reimbursement. The second portion of the CHIPS reimbursement forms have been completed and submitted for a December payment of \$30,815.93. Hopefully, this payment will get recorded in a timely fashion so it goes in the correct year.

**Assessor's Report:** Tabled.

**CEO Report:** CEO Bernys gave the CEO Report. CEO Bernys wanted to address a couple of items. CEO Bernys asked if the Board wanted to keep the permits the same for the Amish as they requested the Board to consider a reduction in building fees. The reason for the request is due to the fact that their structures do not require as many inspections because they don't have plumbing or electricity. Up north they charge ½ the permit fee and some surrounding communities charge a reduced fee.

It was the consensus of the Board to leave the permit fees as is for everyone.

Also, CEO Bernys would like permission to advertise for a bookkeeper. Supervisor Phillips responded that the Town had a bookkeeper. CEO Bernys stated that he would be happy to interview the current bookkeeper, but would like to advertise as well.

The Board agreed to the request.

**Justice Report:** A Justice Report was submitted for September, 2021 for the amount of \$6,019.00.

**Town Clerk's Report:** Clerk Reader submitted a Town Clerk's Report for October, 2021.

**Tug Hill Report:** Paul Baxter, Tug Hill Rep. reported that due to some unforeseen obstacles, the Tug Hill Commission will be holding the 2022 Local Government Conference in person on Tuesday, April 19, 2022 at the Turning Stone Event Center in Verona.

The Tug Hill Commission has added a page to their web site about broadband:

<https://tughill.org/broadband>.

There's a new consideration to keep in mind for municipalities considering an opt-out by year's end for adult use cannabis. There's a web page on the state web site for the Office of Cannabis Management:

<https://cannabis.ny.gov/--> and a page specific to local governments: <https://cannabis.ny.gov/local-government>.

News: A municipality that opts out via local law by the end of the year must also fill out a short municipal opt-out form after that: <https://ocm-optout-form.ny.gov>.

There is a local excise tax imposed on the sale of cannabis products from a retail dispensary to a cannabis consumer at 4 percent of the products price. This tax is distributed to local governments based on where the retail dispensary is located. 25 percent of tax revenue goes to the county and 75 percent goes to the cities, town, or villages within the county as a portion of cannabis sales.

Paul updated the information regarding receiving a stipend for the property in Happy Valley. Currently, the state assembly are on recess.

Discussion was held regarding the new law that just went into affect that mandates all documents to be posted that will be discussed at meetings.

Repercussion of non-compliance was discussed as the law went into affect-November 18, 2021.

**Fire Chief's Report:** Fire Chief Harvey gave the Fire Chief's Report for October, 2021.

**OLD BUSINESS:**

**Truck Grant:** Supervisor Phillips informed the Board that she is waiting for the Bond Counsel and Fiscal Advisor paperwork to complete information for the USDA Grant for the Highway.

**ARPA:** Information from Greg Evans-Supervisor Phillips hasn't heard back.

**Fire Company Agreement:** Discussion was held regarding the wording in the contract that specifies that the Town is liable. Attorney Genant has spoke to the Fire Dept's Attorney and they do not want that provision changed as it is normally specified that way. Attorney Genant will look into the issue further.

**Advertise for the following Positions:** Part-time Clerks, CEO/ZEO Officer, Bookkeeper, BAR Member and, Alternates to the CEO/ZEO.

A motion was made by Councilor Horning, seconded by Councilor Dunham to advertise for the positions listed above.

Discussion: Councilor Jordan thought that only the Bookkeeper position should be advertised and allow the new Board to decide.

Roll taken...Councilor Horning, Councilor Dunham, and Supervisor Phillips-Aye (3), Councilor Jordan and Councilor Wood-Nay (2)...motion carried.

**NEW BUSINESS:**

**DCO Appointment and approval of Shelter Agreement:** DCO Appointment and approval of Shelter Agreement-A motion was made by Councilor Horning, seconded by Councilor Wood to appoint Steve Cronk as the Town of Parish DCO.

Discussion: Mr. Cronk currently serves as the DCO for the Town's of Orwell, Albion, and Boyleston. Mr. Cronk tries to find dogs homes instead of euthanizing them. Also, Mr. Cronk has assistants and the Town will need their names for legal purposes.

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

**Approval of Tax Cap Law for 2022 Budget:**

A motion was made by Councilor Horning, seconded by Councilor Dunham to approve Local Law #2 of 2021 overriding the 2% Tax Cap for the 2022 Budget.

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

**Adoption of 2022 Budget & Discussion:**

Discussion was held regarding the 2022 Preliminary Budget and the Budget was reviewed dated November 18<sup>th</sup>, 2021 with two changes made. Changing the Bookkeeper's salary from \$13,000 to \$16,000.00 if the bookkeeper has a CPA or accounting degree and to increase the Supervisor's equipment line by \$1,000.00. The Supervisor did not have the increase in percentage for the tax levy.

A motion was made by Councilor Wood, seconded by Councilor Dunham to adopt the November 18, 2021 Preliminary Budget with the changes noted as the 2022 Official Adopted Budget

Roll taken...

Councilor Wood: Aye

Councilor Horning: Aye

Supervisor Phillips: Aye

Councilor Dunham: Aye

Councilor Jordan: Nay

Roll taken... Aye (4) Nay (1)...motion carried.

**Discussion: Cannabis Opt Out Local Law**

No action was taken to opt out of the Cannabis Law.

**Appoint Law Firm of Conboy, McKay, Bachman, & Kendall out of Watertown as Special Counsel for the Town of Parish:** It would be short term until 12/31/2021.

The issue is concerning Health Insurance. It was the consensus of the Board to give the information to Attorney Genant as he has a Municipal Attorney in his building. Supervisor Phillips will obtain a price quote from the law firm she suggested.

**CORRESPONDENCE:**

Letter to Senator Ritchie, Assemblyman Barclay & Assemblyman Manktelow  
Letter to Congresswoman Tenney  
Letter from Bank of Green County  
Letter from Association of Towns  
Email from HeatSmart CNY  
Demand Letter from Attorney Ganetis and the Supervisor's Response

**INFORMATIONAL ITEMS:**

Tug Hill Times-9/24/2021, 10/8/2021, 10/22/2021, & 11/5/2021  
CiTi "The Spotlight" Fall 2021  
Regular Meeting Minutes-9/16/2021 & 10/21/2021  
Special Meeting Minutes-11/1/2021  
Public Hearing on 2022 Budget-11/4/2021  
Planning Brd Survey, and Agendas-9/27/2021 & 10/25/2021.  
PL Brd Minutes: 8/23/21, 9/27/2021 & 10/25/2021  
Temporary Appointment of Jim Bernys by the Village Board as a Village representative to the Planning Board.

**MEETING OPEN TO THE PUBLIC:**

Jack Rucynski spoke in regards to building fees for the Amish. Mr. Rucynski stated that sometimes the Amish bring in other family members to build in the area. This would bring in more tax money. Erin Barger stated that she thought that all people should be treated the same and pay the same fees. Mr. Rucynski spoke on the meeting on November 11, 2021 and he thinks that the Supervisor made a mistake and the meeting was not illegal.

**EXECUTIVE SESSION:**

A motion was made by Councilor Horning, seconded by Councilor Dunham to enter into Executive Session at 9:20 pm to discuss the Collective Bargaining Negotiations pursuant to Article 14 of the Civil Service Law and to discuss matters leading to said dismissal, removal, promotion, appointment, employment, discipline, demotion, or suspension. Roll taken...  
Councilor Wood, Councilor Dunham, Councilor Horning, Councilor Jordan, and Supervisor Phillips-Aye (5) Nay (0)...motion carried.  
CEO Bernys and Deputy Supervisor Eaton-Novak were invited to attend.

A motion was made by Councilor Dunham, seconded by Councilor Horning to adjourn from Executive Session at 9:26 pm. Roll taken...all in favor...motion carried.

A motion was made by Councilor Dunham, seconded by Councilor Wood to adjourn from the meeting at 9:35 pm. Roll taken...all in favor...motion carried.

Respectfully submitted,

Kelly Reader  
Parish Town Clerk

Kevin Dwyer  
Parish Deputy Town Clerk