

A regular meeting of the Town Board of Thurston, County of Steuben, and the State of New York was held at the Town Hall, 7578 County Route 333 on the 16th day of April 2025.

Present: Town Supervisor: Michael Volino
Town Board: Holly Chase, Noel Sylvester, Jennifer Hargrave
Highway Supervisor: Ben Smith
Code Enforcement Officer: Nick Nolton
Assessor: Diana Dixon
Absent: Dan Gee

Visitors: Megan Dorritie, (Harter Secrest & Emery LLP), Sam Dick, Margie Taft, Elizabeth Jenkins, Jeff Sweeney, Penny Smith, Lorraine Levesque, Barbara Dartt, Cal and Lamora Hoad, Ruth Schoonover

The meeting opened with the Pledge of Allegiance to the Flag at 7:00 p.m.

ATTORNEY PRESENTATION: Megan K. Dorritie of Harter Secrest & Emery LLP introduced herself and noted this firm has 120 lawyers in several areas in New York State. She said this allows the firm to have expertise in many different areas of law and her specialty is municipal law. She said there would be no retainer if the Board chooses to go with their firm but the Board would then choose between an hourly rate or a blended rate for each case. The blended rate would apply regardless of which attorney provides the service. There would be no travel time charged regardless of where the attorney is located should they come to Thurston. A written proposal was given to the Board which explained their services. A decision was tabled until later in the meeting. Town Supervisor said that our current Attorney, Rachel Trechler, has been providing legal counsel pro bono but is now retiring from the position of Town Attorney.

PLAYGROUND BEHIND TOWN HALL: Some discussion was held regarding what the Town could do if a grant for parks and recreation upgrades is received. One visitor felt we should build an overhang from the Town Hall instead of building a pavilion. Another suggested including a small building that would allow a space for people to donate books and protect them from the weather. It was noted we already have a book nook in front of the town hall. Another visitor noted it would be helpful to have something to shade the windows facing the playground in the basement as during elections the sun is quite bright and warm through those windows.

CABLE DOWN BEHIND FIRE HALL: A visitor noted there is a cable down behind the fire hall and asked who handles this. He said he called the cable company and phone company but neither responded.

CLOSE PUBLIC COMMENT: There being no further public comment, motion was made by Holly Chase and seconded by Noel Sylvester that public comment be closed. Put to vote, all those present, aye. Carried.

MINUTES FROM PREVIOUS MEETING: Motion was made by Holly Chase and seconded by Noel Sylvester that the minutes from the public hearing and the regular meeting of March 19 be accepted as presented. Put to vote, all those present, aye. Carried.

BILLS: The Abstract of Vouchers was presented to the Board prior to the meeting. Motion was made by Noel Sylvester and seconded by Holly Chase that the bills be approved for payment as follows:

- A73-A95 General Fund \$25,334.98 and
- DA41-DA62 Highway Fund \$49,783.61 and
- TA4 Trust and Agency \$165.00.

Put to vote, all those present, aye. Carried.

CLERK'S REPORT: The Clerk's Report was presented to the Board prior to the meeting. Town Clerk Sue Conklin said that she received a total of \$921.80 with \$212.00 from dog licenses, \$40.00 for a marriage license, \$100.00 for four building permits, \$120.00 for replacement birth and death certificates, \$100.00 rental of the town hall, and \$349.80

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for two Hometown Hero Banners. The Town received \$861.30 of this, Ag & Markets received \$38.00, and the NYS Health Dept received \$22.50.

TOWN HISTORIAN: Nothing this month

ASSESSORS: Diana Dixon said the tentative tax roll for 2025 has been submitted and information regarding such will be placed on the Town web pages. She said the equalization rate will drop and notices will be sent out.

TAX COLLECTOR: Sandra Nowicki reported she has collected taxes as of March 31, 2025 as follows:

- Total taxes collected was \$1,119,558.43
- The total paid to the Town Supervisor was \$786,068.81
- Total taxes paid to the Country was \$285,000.00
- Balance due to the County (paid April 16) \$48,489.62
- Total Utilities Received was \$38,304.48
- Total Penalties Paid to the Town was \$2921.28
- An interest check given to Michael Volino \$28.01
- A check for return of Petty Cash was given to Michael Volino \$50.00

She noted final settlement with Steuben County Finance Office was completed on April 16, 2025.

The Town Supervisor said Sandy Nowicki has now retired and a final internal audit of her books will be done prior to the May meeting.

JUSTICE REPORT: The Town Justice reported receiving the amount of \$100.00 in March 2025.

DOG CONTROL OFFICER: Randy Akins reported on the following activities:

- Picked up two dogs running at large and found a home in Corning for them
- Two more dogs found on Cnty Rte 333 and returned to their homes
- Attended court where a resident was issued 7 tickets for running at large dogs and fined. This activity continued with more complaints being received, and the resident was given 6 additional tickets and told he needs to handle this problem. Resident said he is considering getting rid of the dogs

RABIES CLINIC: The Dog Control Officer reminded everyone that we have a rabies clinic on April 24th from 6 – 8 pm at the Highway Shop in Risingville. Although this is a free clinic, donations to defray costs are accepted. Another clinic will be held in September.

CODE ENFORCEMENT: Nick Nolton said March activity was as follows:

- 4 permits issued for \$300.00 – still 14 open permits
- 4 violations issued with a court date of May 6 – more violations will be upcoming

HIGHWAY SUPERINTENDENT:

- Brought roller in and serviced.
- Brought tractor in and serviced, fixed lights that were out, added a strobe light and fixed the transmission so now we have the use of all gears, replaced battery.
- Rebuilt the rake, replaced all 53 teeth as they were worn over 5 inches, reset the offset so the rake sits farther outside the tractor while in use, replaced the wheels and tires as they were no good, replaced the hoses as they were all cracked.
- Brought the water truck in and have 4 new rims and tires for it out of the 14 it has on it, did a service on it and we replaced the broken PVC lines that leaked and replaced the sight hose, welded on a new support bracket for water

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lines, made a new support strap for the main water tub - still trying to get 2 new straps that hold the tank to the truck as they are badly rusted, should have this truck ready very soon.

- Put new brushes on the broom and swept all stone and oil roads and parking lots.
- Moved 30-foot driveway pipe down the road on Dee as the land owner did not want the tractor going through his yard.
- Replaced 20 ft. driveway pipe on Strait Rd as it was an old metal one and was bad, moved the ditch at the shop from in front of where the old tanks were set to behind new gas tanks and put a new cross over pipe in to drain water from the new ditch.
- We brought in 234.59 tons of 1A's (material to make cold patch) and 118.9 tons of de-icing Sand to have cold patch made, we will be using Suit-Kote this year, they already have samples and should be here to mix the cold patch first week of May.
- We brought in 355.71 tons of #1 stone for the Hanrahan project but were asked to hold off on getting any more as their plant was not making any stone yet, should be able to get the rest of the stone brought in now on poor weather days as they started this week.
- Took 4 dead trees down on Smith Rd as the limbs kept falling off and plugging the drain pipe.
- Checked the town roads a couple times to remove falling branches and trees.
- Repaired the stop sign at McIntosh and County Route 12, wind blew it over.
- Update on new 10-wheeler - Company ran into problems getting a couple new parts but the truck is done and will be brought down once the salesman is back from vacation and that will be the end of the month
- Update on Auction - I have talked to Bob and he said he has been busy out on the road and would let me know when he was ready and I have not heard anything from him as of today. 4-17-25. I called him again today and left him a message.
- Installed a high-pressure water pump to improve cleaning of equipment.
- Ben Smith said roads are in rough shape across the United States, 48% of the population drive on town roads but towns only get 12% of the available funding. He said the crew hopes to grade all the dirt roads and cold patch holes this summer.
- Ben noted he and the Town Supervisor met with CHIPS representatives and they explained how to best use CHIPS money to get the most out of the awarded funding. Some of the work needed in Thurston is not eligible for CHIPS funding.

SUPERVISOR'S REPORT:

- Michael reported the end of month closing for March 2025 was completed and sent to the Town Board on April 2, 2025.
- Reported the NY45 and Federal 941 Q1 was filed on March 24.
- The Q1 Perma Audit was completed on March 25.
- LaBella's proposal to administer the townwide CDMG Housing Rehabilitation through the end of 2026 was accepted.
- We were issued our .gov domain on March 27.
- Michael attended a 'Reducing Liability for Highway Personnel Workshop' of 6 hours in the County Annex Building on April 2.
- Noted the final ARPA Compliance report was completed on April 4th and that the total amount of \$130,645.42 was expended.

Motion was made by Holly Chase and seconded by Noel Sylvester that the departmental reports be accepted as presented. Put to vote, all those present, aye. Carried.

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UNFINISHED BUSINESS:

Local Law # 5 of 2025: The Town Supervisor said we have received guidance from Earth Justice on preparing Proposed Local Law #5 of 2025: A Local Law Establishing a Prohibition on the Construction, Operation, or Maintenance of a Commercial Sewage Sludge Composting Facility. Because of that, the following Resolution # 9 of 2025 was presented:

WHEREAS:

1. This resolution introduces a proposed local law. When adopted, this law will regulate the construction, operation, or maintenance of a commercial sewage sludge composting facility within the Town of Thurston.
2. The local law is proposed pursuant to the authority and power granted to the Town Board and the Town by the New York State Constitution, Article I, Section 19 and Article IX, Section 2(c); Section 10 of the New York Municipal Home Rule Law; Section 130 of the New York Town Law; Section 10 of the New York State Statute of Local Governments; and Section 27-0711 of the New York Environmental Conservation Law.
3. The purpose of the local law proposed in this resolution is to promote the health, safety, and general welfare of the residents of the Town of Thurston by regulating commercial sewage sludge composting facilities in the Town.
4. In anticipation of the introduction of this local law, we directed Earthjustice, the Town's special counsel, to prepare for the Town Board's review, an Environmental Assessment Form (EAF), Part 1 pursuant to the State Environmental Quality Review Act (SEQRA). The legal team at Earthjustice has prepared the EAF Part 1 and presented it to the Town Board for our review and consideration.
5. Pursuant to New York Municipal Home Rule Law Section 20, "Local Law No. 5 of 2025, A Local Law Establishing a Prohibition on the Construction, Operation, or Maintenance of a Commercial Sewage Sludge Composting Facility" and the accompanying references were received by each member of the Town Board 7 days prior to this meeting via email.

NOW THEREFORE, BE IT RESOLVED,

Section A. For the reasons set forth in this Resolution, and pursuant to New York State Municipal Home Rule Law Section 20, the Town Board hereby introduces Town of Thurston "Local Law No. 5 of 2025, A Local Law Establishing a Prohibition on the Construction, Operation, or Maintenance of a Commercial Sewage Sludge Composting Facility." A copy of the proposed Local Law No. 5 of 2025 is attached as Exhibit A to this Resolution.

Section B. Pursuant to provisions of SEQRA, the Town Board hereby determines to classify the adoption of the proposed local law (the "proposed action" in SEQRA parlance) as an Unlisted action.

Section C. The Town Board hereby declares itself to be the Lead Agency for the conduct of the environmental review of the proposed action under SEQRA. The Town Board identifies the Steuben County Planning Department as an involved agency. The Town Board further identifies the New York State Department of Environmental Conservation and New York State Department of Agriculture & Markets as interested agencies.

Section D. The Town Board hereby accepts the SEQRA EAF Part 1 for the proposed action. A copy of the SEQRA EAF Part 1 is attached as Exhibit B to this Resolution.

Section E. The Town Board hereby directs that the proposed law be referred to the Steuben County Planning Department for its review and for an advisory opinion pursuant to Section 239-m of the New York General Municipal Law. The Town Board directs Earthjustice to make the referral in conformity with the applicable provisions of New York General Municipal Law Section 239-m.

Section F. In accordance with New York Municipal Home Rule Law Section 20(5), the Town Board hereby schedules a Public Hearing on said Proposed Local Law for May 21, 2025, at 6:45 p.m. to be held at the Thurston Town Hall, located at 7578 County Route 333, Campbell, NY 14821.

Section G. The Town Board directs the Town Clerk to provide notice to the public of the public hearing in accordance with the requirements for same set forth in the New York Municipal Home Rule Law and directs the Town Clerk to cause publication of the annexed legal notice in the Town's official newspaper not less than ten (10) calendar days prior to the Public Hearing.

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Section H. The Town Board also directs the Town Clerk to post a copy of the proposed Local Law on the Town's website, and to make a paper copy of the proposed Local Law available for review by the public at the Town of Thurston Town Hall, located at 7578 County Route 333, Campbell, NY 14821.

On a motion by: Jennifer Hargrave
And seconded by: Noel Sylvester

Roll Call Vote of Resolution:	In Favor	Against	Abstain	Absent
Michael Volino, Supervisor	XX			
Noel Sylvester	XX			
Daniel Gee				XX
Jennifer Hargrave	XX			

This resolution was filed in the office of the Town of Thurston Town Clerk on the 16th day of April, 2025 by Sue Conklin, Town Clerk of Thurston.

The Town Supervisor said we have copies of the host agreement Casella made with the Town of Bath indicating they wished to build a facility in Thurston and have their product treated in Bath.

PARKS AND RECREATION GRANT: The Town Supervisor said a grant is available from New York State to assist municipalities in adding to or upgrading our recreational facilities. He found out the County will not reimburse us for the cost of hiring STC to write the grant but he feels we should move forward with it as there is money in the budget for this from the town hall rentals. The following agreement was presented to the Board for action:

Purpose of Agreement:

Southern Tier Central Regional Planning and Development Board has agreed to provide grant-writing assistance in the development of a Municipal Parks and Recreation (MPR) Grant Program application.

Responsibilities of Southern Tier Central Regional Planning and Development Board (STC) - Scope of Services:

STC's Planning staff will work with the Town of Thurston, the Client, on a mutually agreed upon scheduled basis for the period specified in this agreement. The following tasks will be provided to the client as part of this agreement:

1. Meet with/be in regular contact with the Town Supervisor during the grant-writing process.
2. Work with the Town Supervisor to compile all relevant and necessary documents to be included in the grant application.
3. Coordinate obtaining letters of support for the grant application.
4. Draft the grant application narrative for review and approval.
5. Upload all documents and submit the grant application by the deadline of May 2, 2025 at 4:00 PM.

Responsibilities of the Town of Thurston:

Client will provide relevant and necessary documents, comments, and coordination to STC during the grant-writing process.

Term of Contract:

The contract will start April 17th, 2025 and shall end on or before May 2nd, 2025.

Payment:

The Town of Thurston will pay STC a total of \$2,500 for this contract as defined above. STC will submit an invoice to the Town upon approval of the contract and the invoice amount shall be paid as soon as possible.

Amendments to Contract:

Term and maximum amount may be amended by contract amendment.

Motion was made by Noel Sylvester and seconded by Jennifer Hargrave that we contract with Southern Tier Central Regional and Planning Board to write this grant at a cost of \$2500 as follows:

This motion as put to vote, all those present, aye. Carried.

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Following the acceptance of the above contract, the following Resolution (of support) # 10 of 2025 was proposed:
A RESOLUTION OF THE TOWN OF THURSTON OF STEUBEN COUNTY NEW YORK AUTHORIZING THE SUBMISSION OF A NEW YORK STATE MUNICIPAL PARKS AND RECREATION GRANT; AND EXPRESSING THE SUPPORT OF THE TOWN BOARD FOR THE MUNICIPAL PARKS AND RECREATION GRANT PROJECT:

WHEREAS, the need exists within the Town of Thurston to improve parks and recreation within the Town, and the Town of Thurston desires to apply to the Office of Parks, Recreation & Historic Preservation Environmental Bond Act Municipal Parks and Recreation Grant Program; and

WHEREAS, the Town Board finds that there is a significant need to undertake this project to provide health, safety, and welfare to the community; and

WHEREAS, the Town Board formally expresses its support for the Municipal Parks and Recreation Grant Program project.

NOW, THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE TOWN OF THURSTON, NEW YORK, that

1. The Town of Thurston is hereby authorized to prepare and submit a Municipal Parks and Recreation Grant Program application to the New York Office of Parks, Recreation & Historic Preservation;
2. That the Town Board of Thurston directs and designates the Town Supervisor as the Town's Chief Executive Officer and Authorized Representative to act in all matters in connection with this application and the Town of Thurston's participation in the Municipal Parks and Recreation Grant Program;
3. That Town of Thurston officials and staff are directed to do any and all acts necessary to carry out the intent of this Resolution.
4. That the full application of match be for 10% of the grant funds to carry out the Municipal Parks and Recreation Grant Program project;
5. That it further be stated that the Town of Thurston is committing 10% of the required project funds from its General Fund as a cash contribution toward the Municipal Parks and Recreation Grant Program project.

Motion was made by Noel Sylvester and seconded by Holly Chase that this resolution be adopted and approved. Put to roll call vote, Jannifer Hargrave, aye, Michael Volino, aye, Noel Sylvester, aye, Holly Chase, aye, Daniel Gee, absent. Carried.

Town Hall/Highway Shop Upgrades: Michael Volino said we received a \$3,159.27 rebate for upgrading to LED lighting at the Highway Shop. He proposed we consider the NYSEG rebate program which will cover up to 50% of the cost and do the same at the Town Hall. He also noted the panel box at the Highway Shop needs to be upgraded as the current box has reached capacity. PERMA recommended we upgrade the panel box.

Motion was made by Holly Chase and seconded by Noel Sylvester that the Clerk be authorized to advertise for bids for these upgrades with bids to be due prior to the next regular meeting. Put to vote, all those present, aye. Carried.

Consideration of a 7-Year Warranty on the new grader: The Town Supervisor said we have the option of going with a 7-year warranty on the new grader with an additional cost of \$4132 which would bring the final purchase price to \$407,258.71. After some discussion, the Board agree to get more details before making this decision. Michael will follow up at a future meeting.

284 Agreement: Ben Smith has completed the 284 agreement which is the Agreement for the Expenditure of Highway Moneys. There is some increase in the cost of two projects which were started in 2024. Ben said he would like the Board to also consider paving the parking lot at the highway shop which would help when the crew is washing vehicles and make it safer if the Board decides to place a hopper for town residents to leave scrap metal there. There was discussion on the request for paving and the Board felt that this money would be better used to upgrade town roads. Therefore, a motion was made by Holly Chase and seconded by Noel Sylvester that the \$180,000 be set aside to do general work and repairs on 54 miles of town highways to include placing guardrails on Knowles Road at a cost of

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\$38,000 and completing the oil and stone work on Hanrahan Road at a cost of \$70,000, and repairs on Campbell/Savona Road at a cost of \$25,000 with the knowledge that any remaining funds be used to do repairs on Town Roads. Put to vote, all those present, aye. Carried.

There being no further business, motion was made by Noel Sylvester and seconded by Holly Chase that unfinished business be closed. Put to vote, all those present, aye.

New Business:

Town Attorney:

Supervisor Volino said the Town is considering retaining Megan K. Dorritie from Harter, Secrest, and Emery, LLP as the Town Attorney. The Board held a brief discussion upon which motion was made by Holly Chase and seconded by Jennifer Hargrave that Megan K Dorritie and the firm of Harter Secrest and Emery LLP be retained using the blended rate as proposed. Put to vote, all those present, aye.

The Town Supervisor said we are very grateful to Rachel Trechler for the counsel she provided pro bono during the past few years.

Standard Work Day - Superintendent of Highways:

The Town Supervisor noted NYS Retirement requires Ben Smith to keep track of his hours for three months to ensure that he is a full-time employee so he can join the retirement system. He has done so and the following resolution was presented to the Board:

BE IT RESOLVED that the Town of Thurston hereby established the following standard work days for the Superintendent of Highways and will report this official to the New York State and Local Retirement based on his record of activities and **BE IT RESOLVED** that the standard workday for the Superintendent of Highways will be 8 hours with bi-weekly pay, and **BE IT FURTHER RESOLVED** that the Town Clerk of the Town of the Town of Thurston will post this resolution on the Town Bulletin Board where it will remain for at least 30 days.

SUPPORT OF COUNTY SHERIFF:

Michael Volino said the Steuben County Board of Legislators is appealing a NYS Supreme Court decision that did not allow them to remove insurance protection from the County Sheriff Jim Allard's position. The County has spent a large amount of taxpayer's money appealing this decision which appears to be due to personal animosity according to a newspaper article. The Board agreed to pass Resolution # 11 of 2025 in support of Sheriff Allard as follows:

Whereas, Sheriff James Allard is duly elected, first elected in 2016; and

Whereas, NYS Supreme Court Justice Jason Cook ruled in November 2024 the Steuben County Legislature's removal of the sheriff's indemnification through local law was unlawfully enacted and invalid; and

Whereas, Steuben County has spent nearly \$200,000 on legal representation and media consultants since 2023; and

Whereas, the Sheriff has the Constitutional right to free speech under the First Amendment to criticize legislators as he sees fit; and

Whereas the divisions between the Sheriff and County Legislature can be handled through open dialogue and communication, instead of legal action; and

Now therefore, be it Resolved, the Thurston Town Board views it's in the best interest of Thurston and County taxpayers that the Legislature does not appeal NYS Supreme Court Justice Jason Cook's decision invalidating a local law removing insurance protections for Sheriff Jim Allard and fully reinstate the Sheriff's indemnification.

Be it further Resolved, copies of the resolution be sent to Sheriff James Allard and Steuben County Legislative Chairperson Kelly Fitzpatrick and District 9 Legislator Wendy Lozo, to be read at next Regular Meeting of the County Legislature on April 28, 2025 at 10 am.

Motion made by Holly Chase, Board Member

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Seconded by Noel Sylvester, Board Member

Roll Call Vote:

Michael J. Volino, Town Supervisor, aye

Holly Chase, Deputy Town Supervisor, aye

Noel Sylvester, Board Member, aye

Dan Gee, Board Member, absent

Jennifer Hargrave, Board Member, aye

This resolution is hereby adopted by a majority vote of the Thurston Town Board.

Consideration of Purchase of 2025 Chevy Silverado 2500 for Highway Superintendent:

Ben Smith has requested the Board consider the purchase of a new pickup truck for use by the Highway Superintendent. He said he feels we should sell the current one while it is still worth what we paid for it and use that money towards a new pickup. After a brief discussion, Jennifer Hargrave and Holly Chase strongly disagreed that a new truck is needed at this time. Therefore, the matter was closed.

There being no further business, upon motion by Holly Chase and seconded by Jennifer Hargrave, new business was closed. Put to vote, all those present, aye. Carried.

Michael Volino noted the next meeting is May 21 with a public hearing at 6:45 and the regular meeting at 7 p.m.

Motion was made by Holly Chase and seconded by Noel Sylvester that the meeting be adjourned at 8:13 p.m. Put to vote, all those present, aye. Carried.

Minutes respectfully submitted by Sue Conklin, Town Clerk