

**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 21<sup>st</sup> day of May 2025.**

**Present:** Town Supervisor: Michael Volino  
Town Board: Holly Chase, Noel Sylvester, Jennifer Hargrave, Daniel Gee  
Highway Superintendent: Ben Smith (Zoom)  
Code Enforcement Officer: Nick Nolton  
Assessor: Diana Dixon

**Visitors:** Eva Turner, Teresa Borham, Sam Dick, Tim Hargrave, Lisa Hargrave, Margie Taft, Jeff Sweeney, Elizabeth Jenkins, Mike Volino, Cal & Lamora Hoad (Zoom), Brandi Smith (Zoom)

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

**Rachel Treichler – In Memory:** Michael noted that Rachel Treichler, our Town Attorney for several years, passed away this past Thursday after a long battle with cancer. He said we owe her a large debt of gratitude for her pro bono work on many things, including her assistance in connecting us with Earth Justice, helping draft our moratorium local law, and updating our building codes. He said we offer our condolences to her family.

#### **Public Comment**

**LaBella Associates:** Lauryn DeCosta was present as a representative of LaBella Associates, their CDBG Grants Program Manager. She noted the Town has contracted with them to administer the grant we received of \$400,000. \$345,000 will go directly to housing rehab, \$35,000 to program delivery such as inspections, and \$20,00 to LaBella for administration. This grant is designed for housing repairs, structural renovations, and health and safety issues. LaBella will act as a go-between to get the information to the State and then draw down the funds as necessary. Applications were sent to eligible households and the goal is to complete five projects on single-family, owner-occupied residences. There are income limits for this grant. The Town can reapply every two years for more grant money.

**Minutes from prior meetings:** Motion was made by Noel Sylvester and seconded by Dan Gee that the minutes from the regular April 16 meeting be approved as presented. Motion was made by Nolly Chase and seconded by Jen Hargrave that the minutes from the public hearing for Local Law # 4 of 2025 be approved as presented. Both motions were put to vote and all those present unanimously approved.

**Action on Bills:** Motion was made by Holly Chase and seconded by Jen Hargrave that the bills on Abstract 5 of 2025 be approved as follows: General Vouchers A97-A117 in the amount of \$12,748.09; Highway Vouchers DA63-DA82 in the amount of \$67,552.73, and Trust and Agency Voucher TA5 in the amount of \$165.00. Put to vote, all those present, aye. Carried.

**Town Clerks Report:** The Town Clerk reported she collected a total of \$922 this month with \$50.00 for town hall rental, \$408 for dog licenses, \$20.00 for landfill tickets, \$60.00 for vital records, and \$300.00 in building permits. Of this, \$838 remained with the Town.

- **Audits** for the Town Supervisor and Tax Collector were completed and filed with no issues.
- Sue Conklin also reported she would be appointing a second **Deputy Clerk** and it would be Brandi Smith. Dolores Crooker remains as the first Deputy Clerk.
- The Town Clerk reminded Department Heads of an upcoming Southern Tier Regional Leadership Conference to be held in Corning.

**Town Historian:** Noel Sylvester said he had nothing new to report.

**Town Justice:** Michael Volino noted the Town Justice reported collecting \$25.00 last month. There are several court cases coming up in June 2025.

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**Dog Control:** The Town Supervisor reported the following activity from Randy Akins, Dog Control Officer.

- Two complaints about dogs from the Phil Sutton Jr residence running at large again with additional tickets issued as this is an ongoing problem;
- A dog at large was reported on Reed Hill but could not be located with a second call that this dog was attacking livestock;
- call about barking dogs and an additional complaint about these same dogs chasing a child and killing chickens;
- held rabies clinic on 4/24/25 and vaccinated 87 cats and dogs and collected \$279.00 in donations with half going to public health and the other half to the Town;
- received a call about a golden retriever that was on County Rte 2, dog was picked up and later adopted out;
- in court on May 6 for the running at large tickets against Phil Sutton Jr. who was then fined \$600.00 for these tickets;
- May 8 received a call from 911 about two Pitbull dogs that had attacked and killed two chickens and two goats at a residence on Tucker Road, after investigating found Theresa Geyer who resides on County Rte 333 to be the owner of these dogs, issued two tickets and court date set for June 3<sup>rd</sup> at 6pm.
- Municipal Shelter inspection of Jerry Aldrich was held and completed on April 1, 2025 by NYS Ag and Markets and was rated Satisfactory.

**Code Enforcement:** Nick Nolton reported the following:

- four permits were issued for a total value of \$120,940
- one demolition permit issued
- four violations noted
- one new complaint
- Smith Road complaint problem is slowly resolving
- Route 12 complaint is pending

**Highway Superintendent:** The following activities and updates were reported by the Highway Superintendent:

- Fixed turn around on Lewis and Green Hill
- Finished up repairs and installed 4 new tires and rims on T 427 (Water truck)
- Pulled all plow riggings of the trucks, washed and greased the riggings for storage
- Repaired potholes on Yost - Graded out bad spots graded, raked rolled and brined
- Repaired Potholes on Shauger - graded raked rolled and brined
- Repaired potholes on Harrison - graded, raked and rolled. Brine truck broke down so it will need to be brined yet
- Repaired potholes on Windfall – graded, raked and rolled. Brine truck still down
- Repaired potholes on Dixon - graded, raked and rolled until the roller went down. Had a tech come out and hopefully will be back next day with parts. Tech was able to replace a DEF pump and get the roller back up and running
- Repaired potholes on Foster - graded bad spots, raked and rolled all graded areas
- Repaired potholes on Hanrahan - put 2 loads down of #4 crushed gravel which was needed to fix for stone and oil later this year - graded, raked and rolled
- Fixed head wall on cross over pipe getting ready to grade road on Eddy, removed a stump that was in the right of way and repaired the hole. Graded, raked, and rolled the entire road
- Repaired leak on new full tank. Took pipes apart and added pipe dope and put them back together
- We had Suit-Kote come in and help us make the cold patch. (292 tons) and will be filling pot holes as weather permits
- New truck has arrived and has been licensed and ready for work – 2025 Peterbilt.
- Rebuilt head wall on Hanrahan
- Replaced rear end U-bolts on T-429
- Fixed brakes on T-424.

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- Started pothole patch on Yost, Dee, Tucker, Campbell Savona Road, Starr, Hamilton, Bonny Hill, Forty Dollar and Waters
- Changed out driveway pipe on Knowles Rd and stated ditching and pothole repair.
- The guard rail project on Knowles Rd has been completed – Chips funded project
- Brought 150 tons of #1 stone to the shop so we have all the stone pulled for the Hanrahan project – a total of 550 tons
- Updates: New 2025 Ten Wheel Dump has been delivered; New Radiator has been picked up and delivered to Sonny's Repair Shop to finish repair on the Brine Truck as the old one was not repairable; All Auction Items were sold and picked up.

**Town Supervisor Report:** Michael Volino noted the following:

- End of month closing for April has been completed and was sent to the Board May 1
- Attended the Town of Rathbone regular meeting on May 1
- Submitted the Parks Grant application on May 1
- Still waiting for final approval from USDA for the low interest loan for the grader which may not happen until 2026.

Following the Department reports, motion was made by Noel Sylvester and seconded by Dan Gee that all the reports be accepted as presented. Put to vote, all those present voted aye. Carried.

**Unfinished Business:** The Town Supervisor briefly reviewed Local Law # 4 and noted Cameron will be voting on a similar Local Law next month. He said the fine for offenses of this Local Law will be \$1000 per offense and this will go to a fund that will help individuals with contaminated water problems. Also the Legislative finding section has been updated to reflect new reporting on the harmful effects of PFAS.

The following Resolution #12 of 2025 was introduced for action which is a resolution approving a SEQRA determination of non-significance for the enactment of proposed Local Law #4 of 2025 and enacting Local Law #4 of 2025 which will regulate the disposal of sewage sludge:

**WHEREAS**

1. The Town Board introduced proposed Local Law No. 4 of 2025 at our meeting on February 19, 2025. This proposed law would regulate Land Application of Sewage Sludge in the Town of Thurston, repealing and replacing Local Law 3 of 2023.
2. The Town Board accepted a list of references in support of the proposed law at our meeting on February 19, 2025.
3. The Town Board determined to classify the adoption of a proposed local law regulating the disposal of sewage sludge as an Unlisted Action under SEQRA, declared itself to be the Lead Agency for the conduct of the environmental review of the proposed action under SEQRA, and identified the Steuben County Planning Department as an involved agency at our meeting on February 19, 2025. The Town Board further identified the New York State Department of Environmental Conservation and New York State Department of Agriculture & Markets as interested agencies.
4. At the Town Board's direction, on February 21, 2025, the town's attorneys sent the proposed Local Law No. 4 of 2025 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.
5. At the Town Board's direction, on February 21, 2025, the town's attorneys sent a SEQRA Notice of Intent to Serve as Lead Agency regarding the adoption of Local Law No. 4 of 2025 to the Steuben County Planning Department, the New York State Department of Environmental Conservation, and the New York State Department of Agriculture & Markets.
6. On March 21, 2025, the Steuben County Planning Department replied with a recommendation disapproving of Local Law No. 4 of 2025, stating that the law may violate the state's Right to Farm law and that the Town does not have authority to invalidate permits issued by other government entities. The Town disputes the Planning Department's conclusions and has the authority to override the Planning Department's recommendations by a "majority plus one" vote adopting this resolution.

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7. At the Town Board's direction, the town's attorneys have prepared Full Environmental Assessment Form (FEAF) Parts 2 & 3 and presented the FEAF forms to the Town Board by email for our review and consideration tonight.

**NOW THEREFORE, BE IT RESOLVED**

- Section A. The Town Board hereby identifies the Steuben County Planning Department as an involved agency in the Town's SEQRA review and acknowledges that the town has engaged in a coordinated review with the Department.
- Section B. The Town Board hereby accepts the FEAF Part 2. A copy of the FEAF Part 2, together with the other FEAF forms, is attached as Exhibit A to this Resolution.
- Section C. That for the reasons set forth in the Determination of Significance in Part 3 of the FEAF, and in accordance with the criteria of significance set forth in the SEQRA regulations, the Town Board finds that adoption of Local Law No. 4 of 2025, A Local Law Regulating the Land Application of Sewage Sludge will not have a significant adverse impact on the environment and that a Negative Declaration should be issued. A copy of the Negative Declaration, FEAF Part 3, together with the other FEAF forms, is attached as Exhibit A to this Resolution.
- Section D. That upon due consideration by the Town Board, proposed Local Law No. 4 of 2025, introduced on February 19, 2025 is hereby enacted, repealing and replacing Local Law 3 of 2023. A copy of the proposed Local Law No. 4 of 2025 introduced on February 19, 2025 and enacted today is attached as Exhibit B to this Resolution.
- Section E. The Town Board directs the Town Clerk to file the enacted law with the New York State Department of State.
- Section F. The Town Board hereby directs the town's attorneys to send the Negative Declaration, the Municipal Report of Final Action, and the filed law to the Steuben County Planning Department and to send the Negative Declaration to the New York State Department of Environmental Conservation and the New York State Department of Agriculture & Markets.

Motion was made by Holly Chase and seconded by Noel Sylvester that this Resolution be adopted as presented, and that Local Law # 4 of 2025 be adopted and will be effective upon filing with New York State. Put to roll call vote, Jennifer Hargrave, aye; Noel Sylvester, aye; Daniel Gee, aye; Holly Chase, aye; Michael Volino, aye. Unanimously Carried.

The attachments will be included with the official minutes when filed.

**Lighting Upgrades:** Michael said we have received three estimates for the LED lighting upgrades Town Hall. They are as follows: Josh Knowles (\$6200), Hargrave Construction (\$6520), AEC (\$8710). It was noted that the low bidder would require the town to purchase the materials for the lighting upfront to do the work, the rest would not. Motion was made Daniel Gee and seconded by Holly Chase that we accept the bid of Hargrave Construction in the amount of \$6520 to upgrade the Town Hall lighting to LED. Put to vote, Jennifer Hargrave, abstained, Daniel Gee, aye; Noel Sylvester, aye; Holly Chase, aye; Michael Volino, aye. Carried. It was noted the reason for not accepting the lower bid was the request to purchase the materials before the work was done.

**Panel Box Replacement Town Shop:** Two bids were received for the required upgrade to the electrical panel box at the town highway shop. They were Hargrave Construction, \$2040; AEC, \$3314.50. Motion was made by Noel Sylvester and seconded by Daniel Gee that the bid from Hargrave Construction for \$2040 to replace the electric panel box at the Highway Shop be accepted. Put to vote: Jennifer Hargrave, abstain, Daniel Gee, aye; Holly Chase, aye; Noel Sylvester, aye; Michael Volino, aye. Carried.

**Flag at Highway Shop:** Michael said most Highway Shops fly the American Flag and the crew has requested we install a flagpole and put a flag up. We still are in possession of a flag that was purchased for the town cemetery last year but the volunteers who requested it never put it up. Motion was made by Daniel Gee and seconded by Jennifer Hargrave that the Town purchase a flag pole, have it installed, and use the flag previously purchased. Put to vote, all those present, aye. Carried. Michael said when the cemetery volunteers are ready, we can purchase another flag for

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them.

**.gov Website for the Town:** In line with the mandate from the state that all municipalities must go with a .gov website by the end of 2025, the Town Clerk asked for a quote from a company who has helped several local municipalities with this switchover. Holly Chase said the quote was reasonable but she had some questions on the process and she will contact IB Studios in Hornell who gave us the bid for more information. She will report back at the next meeting.

**Scrap Metal Dumpster:** The town will get estimates from companies who can provide a dumpster for local people to bring their scrap metal which the town will then receive payment for.

**284 agreement:** Michael Volino said the NYS budget which passed in April provided for an 8.5% increase in highway funding. This year Thurston will receive about 321,000. We found we can roll some CHIPS money over if we aren't able to finish a project. A discussion was held on how much we should roll over and what to use some of the funding for after the scheduled projects are completed. At this time \$228,000 shall be set aside to be used for work on 54 miles of Town highways. \$95,000 will be put towards the remaining payment on the new 2025 10-wheeler Peterbilt and \$90,000 will be carried over into next year. Michael noted the repairs being done on our equipment are not reimbursable under CHIPS funding. It was also noted that ditching will begin when the scheduled projects are completed and is a priority this year.

An extensive discussion was held on the road work to be done as well as ditching. One resident commented that this money should be used for road work and not to pay for equipment. Jennifer noted we only have two projects to complete this summer and the rest of the summer the crew will concentrate on ditching and repairing holes. Dan Gee said he feels we need to have a plan for our road work as in the past and currently it seems to be hit and miss. He felt that fixing potholes is not the answer. Jennifer suggested we think about hiring a consultant to assist the Highway Superintendent in setting up a plan. Holly said offered trainings would help but agreed roads have not been prioritized for years. Michael Volino said he pursue some options for creating a 5-Year Capital Plan. The 284 will be signed and send to the County.

Motion was made by Holly Chase and seconded by Noel Sylvester that unfinished business be closed at this time. Put to vote, all those present, aye. Carried.

**New Business:** Michael said there are currently three **cherry trees which need to be removed** from the Thurston Village Cemetery. Roselyn Renner agreed that the person hired to do so can go on her property if they wait until it dries up so no ruts are left. Motion was made by Jennifer Hargrave and seconded by Noel Sylvester that we use Crazy Abes Saw Works at a cost of \$1200 to remove these trees. Put to vote: Daniel Gee, abstain, Jennifer Hargrave, aye; Noel Sylvester, aye; Michael Volino, aye; Jennifer Chase, aye. Carried.

**Budget Modifications:** Michael Volino noted we have some budget modifications needed to balance out the budget due to unanticipated expenses.

**Motion was made** by Holly Chase and seconded by Noel Sylvester that \$2500 be debited from A1990.4 Contingencies Fund and Credited to A1620.2 for Town Hall Equipment to cover the cost of the STC Grant Writing Services for the Parks Grant. Put to vote, all those present, aye. Carried.

**Motion was made** by Holly Chase and seconded by Daniel Gee that \$2500 be debited from the Contingencies Fund A1990.4 and \$3162.27 be debited from Refunds A2770 and credited to A1620.2 Town Hall Equipment to cover the \$5662.27 for Town Hall Lighting Upgrades (LED and Pole Light by the Playground). Put to vote, all those present, aye. Carried.

**Motion was made** by Jennifer Hargrave and seconded by Holly Chase that \$10,281.71 be debited from DA230 Equipment Repair Reserve Fund and credited to DA5130.4 Machinery Contractual for various equipment repairs. Put

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to vote, all those present, aye. Carried.

The Board discussed the fact that a lot of money was being spent on repairs this fiscal year. They asked Michael to do a printout separately of the repairs. The Board felt that the Highway Superintendent should shop around for better prices on some of these repairs instead of always using the same vendor. It was noted, for example, we need new straps for the brine truck and instead of purchasing these premade at a cost of \$390 each and paying \$405 in shipping costs, it would be a good idea to shop around as it is possible there is a local vendor who could make them at a much lower cost.

The question was also asked whether the equipment being repaired is equipment we are using that we need to fix immediately or are we fixing old equipment that is not needed or seldom used. Michael said he will print off the requested list of repairs and send it around to the Board. The suggestion was also made that maybe some of the equipment we need but seldom use could be rented as needed instead of being purchased and an example was a bucket truck. It was decided that a bucket truck will not be purchased this year. The Town Supervisor will discuss the procurement policy with the Highway Superintendent to ensure it is being followed appropriately.

**Flowers in front of the Town Hall:** Michael Volino said the Town Clerk has suggested we beautify some spots in front of the Town with bushes or flowers. He said it would be a nice memorial to Rachel Treichler to do this in her honor and hopefully money for plantings could be donated by the Sierra Club where she was quite active. He asked those present to help come up with some ideas.

Motion was made by Holly Chase and seconded by Jennifer Hargrave that new business be closed. Put to vote, all those present, aye. Carried.

It was noted the next meeting is June 18 at 7pm.

Motion was made by Holly Chase and Daniel Gee that the meeting be adjourned at 8:30 p.m. Put to vote, all those present, aye. Carried.

Minutes respectfully submitted by Sue Conklin, Town Clerk.

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