

**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 19<sup>th</sup> day of February, 2025.**

**Present:** Town Supervisor: Michael Volino  
Town Council: Holly Chase, Daniel Gee, Noel Sylvester, Jennifer Hargrave (Zoom)  
Superintendent of Highways Ben Smith  
Code Enforcement Officer: Nick Nolton

**Visitors:** Samual Dick, Jeff Sweeney, Eva Turner, Chris Volino (Zoom) Sarah Volino (Zoom)

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

**Public Comment** None

**Approval of Minutes** Motion was made by Holly Chase and seconded by Dan Gee that the minutes of the January 22 Public Hearing on a Solid Waste Facility Moratorium and the minutes of the regular meeting of January 22 be approved as presented. Put to vote, all those present, aye. Carried.

**Audit of Bills** Motion was made by Holly Chase and seconded by Dan Gee that the bills on Abstract # 2 have been reviewed by the Town Board and are authorized for payment in the following amounts:

<u>General</u>	\$43,806.23 (Listed on Vouchers A22 – A52)
<u>Highway</u>	\$16,279.68 (Listed on Vouchers DA15 – DA27)
<u>Trust and Agency</u>	\$158.00 (Listed on Voucher TA2)

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

**Clerk's Report**

- The Town Clerk reported collecting \$873.00 for the month of January. \$809.00 went to the Town and \$64.00 to Ag and Markets.
- The Town Clerk noted that she received notice that Diana Dixon has completed all requirements of the basic course of training for the designation of **State Certified Assessor** pursuant to the Real Property Tax Law.
- Noted Local Laws 1 and 2 have been submitted to the State and we are waiting for notice of filing.

**Town Historian** Noel Sylvester said the windows in the former community building in Risingville will soon be removed.

**Town Assessors Report** Not present

**Town Justice Report** The Town Justice report showed \$360.00 collected during the month of December 2024.

**Dog Control** The Dog Control Officer's report showed more appearance tickets issued for unlicensed dogs and his attendance at court to answer questions about those tickets. He also noted two complaints received and addressed.

**Code Enforcement**

- Nick Nolton said no permits were issued for January, he handled two complaints, and he issued some Occupancy Certificates.
- The Code Officer said he has been working on the garage doors at the Highway Barns as we will be installing them ourselves instead of hiring out.

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**Superintendent of Highways:**

- Our fuel tanks are here and mounted on the pads
- New fuel tank roof bids have been sporadic and we may need to rebid this with specs and as sealed bids
- Found that REA will give a rebate of 80% up to \$5000 (for materials only) once the new lighting inside the shop is installed
- 200,000 BTU Heaters are now installed at the garage a cost of \$8450 with fuel lines, etc. by C&S Residential LLC. Ben bought our own tank from Countryside at a cost of \$1750.00. He was able to get a price of \$1.84 per gallon until May – before the cost of \$2.49 to \$2.74.
- Searching for ceiling fans for the garage as this will increase our fuel savings by pushing the warmer air down. Should save about 33%.
- PERMA inspection was done
- Electric heater installed in the oil room so the fire door could be kept closed and to keep oil from gelling
- Purchased new chains for the trucks with weight rating marked on the links (16 thou pounds)
- Floor paint for garage is here – cleaning floors to get them ready
- Garage doors should arrive on the 21<sup>st</sup> of February
- Current radios cost \$6180 per year – have lots of trouble with them, mics don't work, can't adjust volume. Purchased two "Rapid Radios" to test at a cost of \$598. It would cost about \$4000 to replace all the older radios that do not work and the service contract would be substantially lower than what we currently pay. Then we would sell the old ones as they don't work for our needs.
- One mailbox complaint from snow plowing – we have repaired this on South Hill Road
- Two local residents noted they are very pleased with the snow plowing being done and the work the town crew is doing
- T424 – Volvo 2001 Ten Wheel Dump having engine trouble, Sonny's Service in Avoca did a partial repair but the Jake break still needs to be repaired and the clutch adjusted
- T412 – GMC 2008 5500 Six Wheel Dump had to replace the water pump for the wiper sprayers - brakes were fixed at Sonny's service.
- Would like Council to consider replacing equipment before it breaks down totally. Should have a new Grader and a fourth 10-wheel Peterbilt. Hope to get rid of T426, 2006 Sterling Ten Wheel Dump as it is getting to the end of its life
- Changed 4 front tires of T 424 (2001 Volvo) and T426 (2006 Sterling) as it's not safe to run recaps on the front. Received credit for two of the recaps, and will save other two to put on T424 (2001 Volvo) when we sell it.
- Ordered another 100 ton of salt – used 100 ton already this year.

**Town Supervisor**

- Collected Town Taxes and paid to Town Supervisor the amount of \$786,068.81 with \$142,000 paid to Steuben County. Noted that Sandy Nowicki will be retiring this year after 30+ years of service as our Tax Collector.
- Completed End of Year closeout and submitted the annual Financial Report as required on January 30 2025, just waiting for notice of filing from the State.
- CDBG has gone to bid and final bids due by March 7, 2025.
- PERMA equipment grant for the shop has been awarded for a new laptop and 55" TV for training
- Attended a Meet and Greet with Congressman Langworthy, Senator O'Mara and Assemblyman Palmesano on January 31, 2025.
- Fire District tax payment of \$61,395.40 on February 1, 2025.
- End of month closing was completed and sent to the Town Board

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- Attended New York Association of Towns Annual Meeting and Training on February 16 and 17

Motion was made by Dan Gee and seconded by Holly Chase that the above department reports be accepted as presented. Put to vote, all those present, aye. Carried.

#### **Unfinished Business**

- **Local Law # 3 of 2025:** As required by Law, a public hearing was duly published and held on February 19 at 6:45 P.M. to present to the public *Local Law # 3 of 2025 Enacting a Real Property Veteran's Tax Exemption Providing Maximum Exemption Allowable to \$18,000, \$12,000, and \$60,000 for Services During a Designated Period of War, Services in a Combat Zone, and For Disability Respectively*. Motion was made by Holly Chase and seconded by Dan Gee that this Local Law be passed as presented and filed with the State as required. Put to vote, Supervisor Volino, aye, Holly Chase, aye, Dan Gee, aye, Noel Sylvester, abstained (as he is a Veteran), and Jennifer Hargrave, absent. Carried.
- **Annual Audit of the Town Justice Books:** It was noted that Town Council Members Holly Chase and Noel Sylvester audited the Town Justice books and all was in order. **THEREFORE, BE IT RESOLVED** that Pursuant to NYS Town Law the criminal and civil dockets of the Town Justice for 2024 have been duly examined and the fines and fees have been turned over to the proper officials, with the monthly cash summary being viewed and **BE IT FURTHER RESOLVED** that the Town Supervisor be authorized to file this resolution with New York State as required. Put to roll call vote: Holly Chase, aye; Daniel Gee, aye; Michael Volino, aye; Noel Sylvester, aye, Jennifer Hargrave, absent. Carried.
- **Building Project Estimates:** After some discussion the Town Council agreed on the following items
  - 1) Rebid the roof over the fuel tanks with specific specs for a shed style roof,
  - 2) Motion was made by Holly Chase and seconded by Noel Sylvester that Jason Smith be hired to replace the lighting in the highway shop at a cost of \$7476. Put to vote, all those present, aye. Carried
  - 3) Motion was made by Holly Chase and seconded by Dan Gee that Mike Hargrave be hired to do the painting, floor replaced in the downstairs bathroom, and playground lighting at a cost of \$6150. Put to vote, all those present, aye. Carried.

Motion was made by Noel Sylvester and seconded by Dan Gee to close older, unfinished business. Put to vote, all those present, aye. Carried.

#### **New Business:**

- Mike Volino said that Nick Langworthy (Congressman) told him the USDA has a rural development community facilities program wherein we can apply for a low interest loan to **purchase a new grader**. Discussion was held on the reasons we need a new grader with the main one being it has simply outlived its life and needs 25 to 50 thousand in repairs. It is not suitable for a trade-in but can be sold outright at auction. The Board discussed other options such as purchasing used equipment. The Town Supervisor will check to see if this application for funding would also apply to pre-owned equipment. As far as the grader, the following resolution was adopted so the Town can apply for this funding:

**WHEREAS**, it is the intent of the Town of Thurston to file an application under the USDA Rural Development Community Facilities Program to finance the purchase of a 2025 John Deere 772G Motor Grader with 6-wheel drive, and

**WHEREAS**, the Thurston Town Board authorizes the Town Supervisor to sign any and all documents relating to this loan and/or grant, and

**WHEREAS**, the Town Board stated that they are favorable to purchasing this equipment and it is essential to the community,

**NOW, THEREFORE**, Motion was made by Town Council Member Holly Chase and seconded by Noel Sylvester that this resolution be adopted. Put to Roll Call Vote:

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Michael J. Volino, Town Supervisor, aye

Holly Chase, Council Member, aye

Noel Sylvester, Council Member, aye

Dan Gee, Council Member, aye

Jen Hargrave, Council Member, absent. Motion Unanimously Carried. Michael Volino noted if we are approved for the loan for a grant, it would have to go to a permissive referendum vote. Dan Gee said he is working on grader training for himself and his crew.

- Discussion was held regarding the purchase of another ten-wheeler and a pickup truck and whether it is really needed and if we could go with gently used instead of new equipment. Mention was made of a local municipality that trades their equipment every couple of years. Ben Smith, Town Highway Superintendent said he would like to see an equipment replacement program for the Town instead of waiting to replace equipment when it is unusable.
- **NYS Deferred Compensation Program** Michael Volino said we have an opportunity to join a NYS Deferred Compensation Plan which would benefit our current employees as well as being a benefit when hiring future employees. The following resolution was proposed:

**WHEREAS**, the Town of Thurston wishes to adopt the Deferred Compensation Plan for Employees of the State of New York and Other Participating Public Jurisdictions (the "Plan") for the voluntary participation of all eligible employees; and

**WHEREAS**, the Town of Thurston is a local public employer eligible to adopt the Plan pursuant to Section 5 of the State Finance Law; and

**WHEREAS**, the Town of Thurston has reviewed the Plan established in accordance with Section 457 of the Internal Revenue Code and Section 5 of the State Finance Law of the State of New York; and

**WHEREAS**, the purpose of the Plan is to encourage employees to make and continue careers with the Town of Thurston by providing eligible employees with a convenient and tax favored method of saving on a regular and long-term basis and thereby provide for their retirement;

**NOW, THEREFORE**, it is hereby resolved that the Town of Thurston hereby adopts the Plan for the voluntary participation of all eligible employees; and

**IT IS FURTHER** resolved that the appropriate officials of the Town of Thurston are hereby authorized to take such actions and enter such agreements as are required or necessary for the adoption, implementation, and maintenance of the Plan; and

**IT IS FINALLY** resolved that the Administrative Services Agency is hereby authorized to file copies of these resolutions and other required documents with the President of the State of New York Civil Service Commission. Motion was made by Council Member Holly Chase and seconded by Council Member Daniel Gee that this resolution be adopted as presented. Put to roll call vote:

Michael J. Volino, Town Supervisor, aye

Holly Chase, Council Member, aye

Noel Sylvester, Council Member, aye

Dan Gee, Board Member, aye

Jen Hargrave, Board Member, absent. Motion Unanimously Carried.

- **Sale of Used Equipment:** Ben Smith has asked for authorization to list our 1997 Ford Bucket Truck (as is, where is) as it is no longer safe to use since the bucket is rusted and rotten. Motion was made by Holly Chase and seconded by Noel Sylvester that Ben go ahead and list these tanks on the auction site. Put to vote, all those present, aye. Carried.
- He also said he would like to list our old fuel oil tanks with the pump and containment system (2 at 1000 and 1 at 500) and the extra tanks (500 and 275) with old Modine Heaters. Motion was made by Daniel Gee and seconded by Holly Chase that Ben be authorized to list these old tanks on the auction site. Put to vote, all those present, aye. Carried.

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- **Dumpster:** Ben said he would like to have a dumpster placed at the Town Barns which would be used to dispose of any town garbage, including the Town Hall. It would cost \$125.00 a month and could drop if it is found that we do not need pickup as often. Ben said he will get some more quotes from other companies before a final decision is made. The Board was agreeable with this.
- **Website Change to .gov:** Supervisor Volino said we have been informed by the state that we must switch to a .gov website by June 19, 2025. He has applied for our domain and he noted the website will be free once the changeover is made. We will continue with our current website through GoDaddy for now until this change is made with the hopes that we can merge the postings easily.
- Michael Volino said we have a draft of Local Law # 4 of 2025 Regulating the Land Application of Sewage Sludge drawn up and it is ready to send to the County Planner. He requested the Board review the following resolution and consider its adoption. After a short discussion the following resolution was put before the Board:

**WHEREAS:** This resolution introduces a proposed local law. When adopted, this law will regulate the Land Application of Sewage Sludge in the Town of Thurston, replacing Local Law 3 of 2023.

1. 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.
2. 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 sewage sludge disposal in the town.
3. 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.
4. We also directed Earthjustice to prepare a list of references supporting the legislative findings contained in the proposed law.
5. Pursuant to New York Municipal Home Rule Law Section 20, "Local Law No. 4 of 2025, A Local Law Regulating the Land Application of Sewage Sludge" and the accompanying references were received by each member of the Town Board prior to this meeting via email and that proposed Local Law shall be deemed to be on the desk of each member of the Town Board as of tonight's Town Board meeting.

**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. 4 of 2025, A Local Law Regulating the Land Application of Sewage Sludge." A copy of the proposed Local Law No. 4 of 2025 is attached as Exhibit A to this Resolution.

Section B. The Town Board hereby accepts the list of references for the proposed law prepared by the Town's special counsel. A copy of the list of references is attached as Exhibit B 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

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SEQRA EAF Part 1 is attached as Exhibit C to this Resolution.

Section F. 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 G. In accordance New York Municipal Home Rule Law Section 20(5), the Town Board hereby schedules a Public Hearing on said Proposed Local Law for April 16, 2025 at 6:45 p.m. to be held at the Town Hall, located at 7578 County Route 333 in the Town of Thurston, NY. 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.

Section H. The Town Board also directs the Town Clerk to post a copy of the proposed Local Law on the Town's web site, 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, and at the Dormann Library, located at 101 West Morris St., Bath, NY 14810.

Motion was made by Council Member Holly Chase and seconded by Council Member Noel Sylvester that this resolution be adopted as presented. Put to roll call vote:

Michael J. Volino, Town Supervisor, aye

Holly Chase, Council Member, aye

Noel Sylvester, Council Member, aye

Dan Gee, Council Member, aye

Jen Hargrave, Council Member, absent. Motion Unanimously Carried.

- **Budget Modifications** Michael Volino requested the following budget modifications for expenses as noted:
  - Motion was made by Holly Chase and seconded by Noel Sylvester that the Town Budget Officer be authorized to debit A511 Appropriated Reserves and to credit A1450.4, Elections Contractual in the amount of \$645.34 for additional elections payback. Put to vote, all those present, aye. Carried.
  - Motion was made by Holly Chase and seconded by Daniel Gee that the Town Budget Officer be authorized to debit A511 Appropriated Reserves and to credit A1410.2 Town Clerk Equipment in the amount of \$7050 for installation of the Williamson Law Book software and Annual Service Contract. Put to vote, all those present, aye. Carried.
  - Motion was made by Holly Chase and seconded by Daniel Gee that the Town Budget Officer be authorized to debit A511 Appropriated Reserves and credit A7620.4 Adult Recreation Contractual in the amount of \$200 for addition to the annual payment. Put to vote, all those present, aye. Carried.

It was noted the next regular meeting will be at March 19 at 7:00 p.m. The Safety Committee will meet prior to that meeting at the Town Barns so those present can view the condition of T424 and T426 and discuss a plan. This meeting will be published accordingly in the town's legal newspapers.

Motion was made by Holly Chase and seconded by Noel Sylvester that New Business be closed. Put to vote, all those present, aye. Carried.

There being no further Town Business, motion was made by Holly Chase and seconded by Dan Gee that the regular meeting be closed at 8:27 p.m. Put to vote, all those present, aye. Carried.

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Minutes respectfully submitted by Sue Conklin, Town Clerk