

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 July 2025.

Present: Town Supervisor: Michael Volino

Town Board: Jennifer Hargrave, Daniel Gee, Holly Chase, Noel Sylvester

Highway Superintendent: Ben Smith

Code Enforcement Officer: Nick Nolton

Absent: Assessor: Diana Dixon

Visitors: Sam Dick, Brandi Smith, Desiree Fisk, Jeff Sweeney, Caleb Cook, Bob Adams

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

PUBLIC COMMENT:

- Caleb Cook and Bob were present to request the Board's consideration in closing South Hill Road seasonal end during the winter months. They said people are dumping all kinds of garbage there such as furniture, animal carcasses, refrigerators, and household garbage. Residents also speed on this section. They also suggested new signs be put up that indicate it is a seasonal road as the current ones are so faded they are illegible. During the winter months people attempt to drive there and get stuck. Mike Volino said he has contacted our attorney regarding this and she will let us know what we can legally do but it appears that it is up to the Highway Supervisor and the Town Board to close this during November to April. Towns cannot post speed limits as the State must do that. Holly Chase said the Town must give public notice and file with the Town Clerk if they decide to barricade the seasonal road per 205A of the Highway Law. Bob Adams said anything the Town can do to help them would be appreciated. He and Caleb have attempted to address the dumping situation but the State Police said there is no use putting up a camera as people will just shoot them out. Caleb and Bob were frustrated as it appears they have no assistance in addressing the dumping situation.

- Jeff Sweeney commended Nick Nolton on the work he has done to help get rid of some of the eyesores in the Town.

- There being no further public comment, motion was made by Noel Sylvester and seconded by Jennifer Hargrave that this section of the meeting be closed. Put to vote, all those present, aye. Carried.

ACTION ON MINUTES: Motion was made by Jennifer Hargrave and seconded by Daniel Gee that the minutes from the June 18, 2025 meeting be accepted as presented. Put to vote, all those present, aye. Carried.

ACTION ON BILLS: Motion was made by Noel Sylvester and seconded by Daniel Gee that the bills as listed on Abstract 7 be paid as follows:

General \$8,359.63 Vouchers A136-A155;

Highway \$189,988.70 Vouchers DA104-DA114 (\$140434 will be reimbursed by CHIPS)

Trust & Agency \$165.00 Voucher TA7

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

DEPARTMENT REPORTS:

- **Town Clerk:** Sue Conklin noted she received \$891 during July (report attached to the minutes). She reminded the departments and town board that the newsletter items should be sent to Jennifer Hargrave no later than the second week of August for the Fall newsletter. Sue noted Community Day is August 2nd. She noted that IB is working on the conversion of the website to .gov.

- **Historian:** nothing to report

- **Assessor:** absent

- **Justice:** Darlene Smith reported that she collected \$243.00 during June 2025.

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- **Dog Control:** Randy Akins reported he had two calls and one resulted in a dog being delivered to the Shelter in Rathbone. The owner paid \$75 to redeem the dog and licensed the dog.
- **Code Enforcement:** Nick Nolton reported he issued three permits and collected \$625.00 in fees; issued three Certificates of Occupancy; has two new complaints he is checking on; has existing complaints he is still working on; currently has two in court.
- **Highway Superintendent:** Ben Smith noted the following for the month of June:
 - Finished repairs on Starr Road
 - cleaned up two trees down on the seasonal part of Green Hill
 - worked on repairing potholes on Forty Dollar Road
 - put in a cross pipe on the seasonal part of Hamilton Road
 - pulled a plugged pipe out of the creek and found it was weak from rust and could not be reused
 - fixed a resident's driveway from a plugged crossover from the storm and found his lower driveway pipe is bad and needs to be replaced soon
 - changed three driveway pipes, two on Wood Road and one on Tucker Road
 - changed a crossover pipe on Reed Road and cleaned the ditch from the corner to the new crossover
 - rebuilt the culvert on the east side of the Campbell Savona back road
 - fixed a head wall on Dee Road near County Route 12
 - fixed a small washout spot on Tucker Road
 - mowed roadsides and are half done – hydraulic cylinder started to leak and needs repair
 - fixed a gas leak on 424 by patching it with a patch kit
 - worked on patching a gas tank on 412 but the fuel pump lines were rotted away and have been discontinued so looking for used parts to fix this.
- **Town Supervisor:** Michael Volino reported on the following:
 - contacted Soil and Water on June 19 about a jam in the creek behind the Town Hall from the June flooding and they are coming to fix this on July 17
 - completed and filed Q2 NY 45 and Federal 941 on June 28th
 - completed and filed Q2 Perma Audit on June 30th
 - Michael and Dan Gee met with the Teamsters Union Rep and Highway workers on July 1 regarding the new Union Contract
 - month end closing for June has been completed and was sent to the Town Board on July 20, 2025
 - met with Michael Broomes on July 3rd regarding the USDA loan
 - continues bi-weekly check-ins with Labella and STC regarding the CDBG grant – July 2 and July 16 and noted we have 6 projects going out for bid in August
 - started collecting data for the 2026 budget.

At this time motion was made by Daniel Gee and Noel Sylvester that all the Department Reports be accepted as presented. Put to vote, all those present, aye. Carried.

UNFINISHED BUSINESS:

Local Law # 6: As required, a public hearing was held prior to the meeting to introduce this Local Law # 6 "Authorizing the Award of Contracts on the Basis of Best Value". There was no public comment. Therefore, motion was made by Dan Gee and seconded by Noel Sylvester that Local Law # 6 of 2025 be passed and filed with the Secretary of State as required. Put to roll call vote as follows: Michael Volino, aye; Jennifer Hargrave, aye; Daniel Gee, aye; Noel Sylvester, aye; Holly Chase, aye. Unanimously Carried.

284 Agreement: Michael Volino noted there were remaining funds noted on the 284 Chips Agreement and he requested this agreement be amended to including laying stone on Forty Dollar Road from the town line to the bottom of the road at an anticipated cost of \$60,000. Motion was made by Jennifer Hargrave and seconded by Noel

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Sylvester that the 284 Agreement for 2025 be amended to include this construction as noted. Put to vote, all those present, aye. Carried.

BOND RESOLUTION – NEW GRADER: Michael Volino noted that although we are not purchasing a new grader immediately, we still need to do a Bond Resolution with related paperwork. Therefore, upon motion by Daniel Gee and seconded by Noel Sylvester, the following resolution #15 of 2025 was proposed:

BOND RESOLUTION OF THE TOWN OF THURSTON, NEW YORK, ADOPTED JULY 16, 2025, AUTHORIZING THE ISSUANCE OF BONDS IN A PRINCIPAL AMOUNT NOT TO EXCEED \$410,000 TO FINANCE THE ACQUISITION OF A ROAD GRADER, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$410,000 AND APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE.

THE TOWN BOARD OF THE TOWN OF THURSTON, IN THE COUNTY OF STEUBEN, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said Town Board) AS FOLLOWS

Section 1. The Town of Thurston, in the County of Steuben, New York (herein called the “Town”), is hereby authorized to issue bonds in a principal amount not to exceed \$410,000 pursuant to the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the “Law”), to finance the acquisition of a road grader.

Section 2. The estimated maximum cost of the project described herein, including certain preliminary costs and costs incidental thereto and the financing thereof, is \$410,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of bonds in a principal amount not to exceed \$410,000 to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable. The Town has applied for financing through the USDA Rural Development, Community Facilities Loan Program and the financing may be provided through said program or from other financing sources. Any grant funds received by the Town in connection with the acquisition of the road grader shall be used to pay all or a part of the cost thereof, and the principal amount of bonds or notes issued pursuant to this resolution shall be reduced by a like amount.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 28 of the Law, is fifteen (15) years.

(b) The proceeds of the bonds herein authorized, and any bond anticipation notes issued in anticipation of said bonds, may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution, and any bond anticipation notes issued in anticipation of the sale of said bonds, shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds, and any notes issued in anticipation of said bonds, shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds, and any notes issued in anticipation of the sale of said bonds, and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 of the Law relative to the authorization of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and Section 168.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein

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authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and as to the execution of credit enhancement agreements, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution is subject to a permissive referendum and the Town Clerk is hereby authorized and directed, within ten (10) days after the adoption of this resolution, to publish or cause to be published, in full, in the official newspaper of the Town, having a general circulation within said Town, and posted on the sign board of the Town maintained pursuant to the Town Law, a Notice in substantially the following form appearing in Exhibit A hereto.

Section 8. The Town Clerk is hereby authorized and directed, after said bond resolution shall take effect, to cause said bond resolution to be published, in summary, in the official newspaper of the Town, having a general circulation within said Town, together with a Notice in substantially the form as provided by Section 81.00 of the Law.

The adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

AYES: Michael Volino, aye; Jennifer Hargrave, aye; Noel Sylvester, aye; Holly Chase, aye; Daniel Gee, aye.

NAYS: None The resolution was declared adopted.

LOAN RESOLUTION- NEW GRADER: Michael also noted that we need to do a Loan Resolution as well as we are getting assistance from the USDA to finance the grader. Therefore, upon motion by Jennifer Hargrave and seconded by Holly Chase, the following resolution #16 of 2025 was proposed:

WHEREAS, the Association intends to obtain assistance from the Rural Housing Service, Rural Business - Cooperative Service, Rural Utilities Service, or their successor Agencies with the United States Department of Agriculture, (herein called the Government) acting under the provisions of the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) in the planning, financing, and supervision of such undertaking and the purchasing of bonds lawfully issued, in the event that no other acceptable purchaser for such bonds is found by the Association:

NOW THEREFORE in consideration of the premises the Association hereby resolves:

1. To have prepared on its behalf and to adopt an ordinance or resolution for the issuance of its bonds containing such items and in such forms as are required by State statutes and as are agreeable and acceptable to the Government.

2. To refinance the unpaid balance, in whole or in part, of its bonds upon the request of the Government if at any time it shall appear to the Government that the Association is able to refinance its bonds by obtaining a loan for such purposes from responsible cooperative or private sources at reasonable rates and terms for loans for similar purposes and periods of time as required by section 333(c) of said Consolidated Farm and Rural Development Act (7 U. S. C. 1983 (c)).

3. To provide for, execute, and comply with Form RD 400-4, "Assurance Agreement," and Form RD 400-1, "Equal Opportunity Agreement," including an "Equal Opportunity Clause," which clause is to be incorporated in, or attached as a rider to, each construction contract and subcontract involving in excess of \$ 10,000.

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4. To indemnify the Government for any payments made or losses suffered by the Government on behalf of the Association. Such indemnification shall be payable from the same source of funds pledged to pay the bonds or any other legal permissible source.
5. That upon default in the payments of any principal and accrued interest on the bonds or in the performance of any covenant or agreement contained herein or in the instruments incident to making or insuring the loan, the Government at its option may (a) declare the entire principal amount then outstanding and accrued interest immediately due and payable, (b) for the account of the Association (payable from the source of funds pledged to pay the bonds or any other legally permissible source), incur and pay reasonable expenses for repair, maintenance, and operation of the facility and such other reasonable expenses as may be necessary to cure the cause of default, and/or (c) take possession of the facility, repair, maintain, and operate or rent it. Default under the provisions of this resolution or any instrument incident to the making or insuring of the loan may be construed by the Government to constitute default under any other instrument held by the Government and executed or assumed by the Association, and default under any such instrument may be construed by the Government to constitute default hereunder.
6. Not to sell, transfer, lease, or otherwise encumber the facility or any portion thereof, or interest therein, or permit others to do so without the prior written consent of the Government.
7. Not to defease the bonds, or to borrow money, enter into any contract or agreement, or otherwise incur any liabilities for any purpose in connection with the facility (exclusive of normal maintenance) without the prior written consent of the Government if such undertaking would involve the source of funds pledged to pay the bonds.
8. To place the proceeds of the bonds on deposit in an account and in a manner approved by the Government. Funds may be deposited in institutions insured by the State or Federal Government or invested in readily marketable securities backed by the full faith and credit of the United States. Any income from these accounts will be considered as revenues of the system.
9. To comply with all applicable State and Federal Laws and regulations and to continually operate and maintain the facility in good condition.
10. To provide for the receipt of adequate revenues to meet the requirements of debt service, operation and maintenance, and the establishment of adequate reserves. Revenue accumulated over and above that needed to pay operating and maintenance, debt service and reserves may only be retained or used to make prepayments on the loan. Revenue cannot be used to pay any expenses which are not directly incurred for the facility financed by the Government. No free service or use of the facility will be permitted.
11. To acquire and maintain such insurance and fidelity bond coverage as may be required by the Government.
12. To establish and maintain such books and records relating to the operation of the facility and its financial affairs and to provide for required audit thereof as required by the Government, to provide the Government a copy of each such audit without its request, and to forward to the Government such additional information and reports as it may from time to time require.
13. To provide the Government at all reasonable times access to all books and records relating to the facility and access to the property of the system so that the Government may ascertain that the Association is complying with the provisions hereof and of the instruments incident to the making or insuring of the loan.
14. That if the Government requires that a reserve account be established and maintained, disbursements from that account may be used when necessary for payments due on the bond if sufficient funds are not otherwise available. With the prior written approval of the Government, funds may be withdrawn for:
 - (a) Paying the cost of repairing or replacing any damage to the facility caused by catastrophe.
 - (b) Repairing or replacing short-lived assets.
 - (c) Making extensions or improvements to the facility.Any time funds are disbursed from the reserve account, additional deposits will be required until the reserve account has reached the required funded level.
15. To provide adequate service to all persons within the service area who can feasibly and legally be served and to obtain the Government's concurrence prior to refusing new or adequate services to such persons. Upon failure to

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provide services which are feasible and legal, such person shall have a direct right of action against the Association or public body.

16. To comply with the measures identified in the Government's environmental impact analysis for this facility for the purpose of avoiding or reducing the adverse environmental impacts of the facility's construction or operation.

17. To accept a grant in an amount not to exceed \$_____ under the terms offered by the Government; that the _____ and _____ of the Association are hereby authorized and empowered to take all action necessary or appropriate in the execution of all written instruments as may be required in regard to or as evidence of such grant; and to operate the facility under the terms offered in said grant agreement(s).

The provisions hereof and the provisions of all instrument's incident to the making or the insuring of the loan, unless otherwise specifically provided by the terms of such instrument, shall be binding upon the Association as long as the bonds are held or insured by the Government or assignee. The provisions of sections 6 through 17 hereof may be provided for in more specific detail in the bond resolution or ordinance; to the extent that the provisions contained in such bond resolution or ordinance should be found to be inconsistent with the provisions hereof, these provisions shall be construed as controlling between the Association and the Government or assignee.

The adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

AYES: Michael Volino, aye; Jennifer Hargrave, aye; Noel Sylvester, aye; Holly Chase, aye; Daniel Gee, aye.

NAYS: None The resolution was declared adopted.

There being no further unfinished business, motion as made by Noel Sylvester and seconded by Holly Chase that this portion of the meeting be closed. Put to vote, all those present, aye. Carried.

Smart Growth Community Planning Grant: Michael Volino noted there is \$75,000 in funding available through the Smart Community Planning and Zoning Program that the Town can apply for. This would be used to develop a Comprehensive Plan for the Town. We are one of the few in Steuben County that do not have such a plan which would help Thurston develop a long-range plan for our future development, addressing certain issues such as road repairs and replacement, land use, housing, and so on. The grant would require a 10% local contribution if we are approved and a Comprehensive Plan could take up to 2 years to complete. This would be done with the assistance of Southern Tier Central and a local committee as well as input from the residents in Thurston. It costs nothing to apply. Therefore, upon motion by Noel Sylvester and seconded by Daniel Gee, the following resolution was proposed:

A Resolution #17 of 2025 of the Town Board of the Town of Thurston approving the submission on a grant application to request funding through the Smart Community and Zoning Grant Program as follows:

WHEREAS, the New York State Department of State has made grant funds available in 2025 through the Environmental Protection Fund (EPF) Smart Growth Program for Community Planning and Zoning, which provides grant funds on a competitive basis to eligible villages, towns, cities, counties, regional planning entities, and non-profit organizations, to advance the preparation of municipal comprehensive plans to establish land use policies which support smart growth and clean energy principles for the community; and

WHEREAS, the Town of Thurston is proposing to undertake a comprehensive planning process that will draft the Town's first Comprehensive Plan, to assess current land use policies and establish new policies that more accurately reflect the community's current conditions, opportunities, and goals for smart growth development and clean energy principles; and

WHEREAS, the Town of Thurston intends to submit a grant application to request funding through the 2025 EPF Smart Growth Community Planning and Zoning Grant Program, with a ten percent (10%) local match requirement, to the NYS Department of State EPF Smart Growth Community Planning and Zoning Grant Program.

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NOW THEREFORE, BE IT RESOLVED, the Thurston Town Board hereby authorizes the submission of a grant application on behalf of the Town of Thurston, including provision of the 10% local match requirement (approximately \$7,500), to request State funding to hire a consultant to coordinate a community-based planning process and prepare a draft Town of Thurston Comprehensive Plan; and

BE IT FURTHER RESOLVED, that if awarded, the Town Supervisor of the Town of Thurston is hereby authorized to execute all necessary documents relating to the NYS Department of State 2025 EPF Smart Growth Community Planning and Zoning Grant Program application.

Put to roll call vote: Holly Chase, aye; Daniel Gee, aye; Michael Volino, aye; Noel Sylvester, aye; Jennifer Hargrave, aye. Unanimously Carried.

Budget Modifications: The Town Supervisor said several budget modifications are needed to balance the books due to certain expenditures. Therefore, upon motion by Holly Chase and seconded by Daniel Gee, the following resolution was proposed:

BE IT RESOLVED that the following budget modifications be made as noted:

Debit A5132.4 Highway Shop Contractual and Credit A1620.4 Town Hall Contractual in the amount of \$3000;
Debit A1090 Interest & Penalties on Taxes and Credit A1889.4 Legal Advertising \$721.28;
Debit A2410 Town Hall Rental and Credit A5010.4 Highway superintendent Contractual \$500;
Debit A1120 Non-Property Tax Distribution by County and Credit A1910.4 Unallocated Insurance \$4050;
Debit DA599 Appropriated Fund Balance (Highway) and Credit DA5130.4 Machinery Contractual \$10,000,
DA9730.6 Bond Principle \$32,035, and DA9730.7 Bond Interest \$7315.81.

Put to roll call vote, Put to roll call vote: Holly Chase, aye; Daniel Gee, aye; Michael Volino, aye; Noel Sylvester, aye; Jennifer Hargrave, aye. Unanimously Carried.

Executive Session Motion was made by Holly Chase and seconded by Noel Sylvester that the Town Board go into an Executive Session to discuss the Teamsters Collective Bargaining Agreement.

At 8:32 a motion was made by Holly Chase and seconded by Noel Sylvester that the Board reconvene and then adjourn for the evening. Put to vote, all those present, aye. Carried.

The next Board meeting will be August 20, 2025 at 7:00 p.m.

Minutes respectfully submitted by Sue Conklin, Town Clerk