

January 4, 2016

**MINUTES OF THE ORGANIZATIONAL MEETING OF THE TOWN BOARD OF THE TOWN OF THURMAN HELD JANUARY 4, 2016 AT THE TOWN HALL, 311 ATHOL ROAD, ATHOL, NEW YORK, COMMENCING AT 7:00 P.M...**

**PRESENT:** Mrs. Evelyn Wood, Supervisor

Mr. Michael Eddy, Councilman

Mrs. Gail Seaman, Councilwoman

Mr. John Youngblood, Councilman

**RECORDING SECRETARY:** Jeanie Sprague, Town Clerk

**OTHERS PRESENT:** Albert Vasak, Deputy Supervisor, Jamiee Ross, Tax Collector, Patrick Wood, Superintendent of Highways, Jeffrey Ackley, Deputy Superintendent of Highways

**SWEARING IN:** John Youngblood, Councilman

Evelyn Wood, Supervisor

The Meeting was called to order by **Evelyn Wood, Supervisor**

**PLEDGE ALLEGIANCE TO THE FLAG**

**ROLL CALL**

**MOMENT OF SILENCE FOR REX REYNOLDS**

**Councilman Daniel Smith** resigned from the Town Board effective December 31, 2015 at midnight.

Discussion by board on the appointment of Gail Seaman.

**RESOLUTION #1:**

On a motion by **Supervisor Wood**, seconded by **Councilman Youngblood**, the Town Board appointed **Gail Seaman** for the remainder of the year.

**Motion Carried: 3 Ayes ~ Youngblood, Wood, Seaman; 1 Nay ~ Eddy**

Discussion by the board on Daniel Smith's vacant seat.

**RESOLUTION #2:**

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On a motion by **Councilwoman Seaman**, seconded by **Councilman Youngblood**, the Town Board is accepting letters of interest in the open board seat. The Board reserves the right not to appoint, and letters of interest are due by January 31, 2016.

**MOTION CARRIED: 3 Ayes ~ Youngblood, Wood, Seaman**

**RESOLUTION #3:**

On a motion by **Councilwoman Seaman**, seconded by **Councilman Youngblood**, the Town Board is ratifying the actions of **Supervisor Wood** on the purchase of transfer case.

**MOTION CARRIED: 3 Ayes ~ Youngblood, Wood, Seaman; 1 Nay ~ Eddy**

**CONCRETE BIDS FOR NEW SALT SHED:** Five sealed bids were received and read by **Jeanie Sprague**, and are as follows:

Gallup Concrete LLC total lump sum of \$13,400.00

VMJR Companies, LLC total lump sum of \$29,000.00

Rozell East total lump sum of \$41,499.64

AJ Catalfamo Construction, Inc. total lump sum of \$43,850.00

Stephen Miller General Contractors, Inc. total lump sum of \$33,000.00

Discussion by the Board to review the bids and award at a later time.

**RESOLUTION #4:**

**Resolution to Make Appointments, List Salaries, Establish Petty Cash, Authorize Yearly Contracts, Set Mileage Rate, Set Official Holidays, Establish Returned Check Fee, Establish Meeting Dates, Designate Official Newspapers, and Designate Opener of Sealed Bids.**

**WHEREAS** it is necessary to establish certain offices, make various appointments, and authorize the Supervisor to sign certain yearly contracts as well as make various other appointments, establishments, and designations at the Town Board's Organizational meeting, be it

**RESOLVED**, that the Town Board of the Town of Thurman adopts the following for the year 2016, and be it further

**RESOLVED**, that the Town Board authorizes the Supervisor to sign any documents necessary to effectuate the contracts listed below for the year 2016 and conduct the day to day operation of the Town.

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Town Attorney	Miller, Mannix, Schachner, & Hafner	Per Diem by Contract	
Town Engineer	Cedarwood Engineering	Per Diem By Contract	
Health Officer	Dr. Bryan Smead	\$1550.00 paid by Con. Board of Health	
Registrar of Vital Statistics	Jeanie Sprague	\$1,040 per year	weekly
Deputy Town Clerk	Susan Baker	\$9.00 per hour	weekly
Deputy Highway Superintendent	Jeff Ackley	.80 cents per hour	weekly
Supervisor's Confidential Secretary	Sally Feihel	\$12.50 per hour	weekly
Cemetery Superintendent	Marc Kenyon	\$300 per year	Bi annually
Animal Control Officer	Dexter Baker	\$2,675 per year	Monthly
Historian		\$500.00	Bi annually

**Elected Officials**

Supervisor	Evelyn Wood	\$10,800 per year	Weekly
Town Justice	Sheila Flanagan	\$5,500 per year	Monthly
Town Clerk	Jeanie Sprague	\$18,384 per year	Weekly
Tax Collector	Jamie Ross	\$3,184 per year	Monthly
Superintendent of Highways	Patrick Wood	\$40,485 per year	Weekly
Assessor Chairman	Thomas Birdsall	\$9,010 per year	Monthly
Assessor	Susan Baker	\$6,876 per year	Monthly
Assessor	Edward Binder	\$6,876 per year	Monthly
Town Councilperson	John Youngblood	\$3,196 per year	Quarterly
Town Councilperson	Gail Seaman	\$3,196 per year	Quarterly
Town Councilperson	Daniel Smith	\$3,196 per year	Quarterly
Town Councilperson	Michael Eddy	\$3,196 per year	Quarterly

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**Contracts**

Foresight Electronics	Fire Alarm Services	\$20.00 per month
Warren County Youth Court	Youth Services	\$500.00 for one year
NYS DOT	Shared Service Agreement	No cost; one year
Community Action	Senior Transport	Not to exceed \$5,160
Thurman Volunteer Fire Company	Fire Protection	\$74,500.00 for one year
Thurman Connection Snowmobile	Warren County Pass through	\$27,000 for one year
Thurman Station Association	2016 Publicity	\$30,000 for one year
Jaeger & Flynn	Business Agreement	Compliance with Protected Health Insurance Information

**Petty Cash**

Town Clerk	\$25.00
Tax Collector	\$150.00
Town Justice	\$100.00
Supervisor's Clerk	\$50.00

<b><u>Mileage Allowance</u></b>	\$0.41 per mile
	The Post Star

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**Official Newspapers**

**Official Holidays**

New Year's Day  
Martin Luther King Day  
Washington's Birthday  
Memorial Day  
Independence Day  
Labor Day  
Columbus Day  
Veteran's Day  
Thanksgiving Day  
Christmas Day

Town Board Meetings will be held on the second Tuesday of the month beginning immediately following the Audit of Claims which will start at 6:30pm.

A returned check fee of \$25.00 shall be charged on all returned checks.

The opening of Competitive bids shall be done by the Town Clerk.

Due to the increase in minimum wage base rates for the positions of wingman, cleaner, cemetery maintenance, deputy town clerks, and meal on wheels driver shall increase to \$9.00 per hour.

On a motion by **Councilwoman Seaman**, seconded by **Councilman Youngblood**, Resolution #4 was approved.

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**MOTION CARRIED: 3 Ayes ~ Youngblood, Wood, Seaman; 1 Nay ~ Eddy**

**RESOLUTION #5:**

**Resolution to Designate a Polling Place in the Town of Thurman**

**WHEREAS**, pursuant to Article 4-104 of the New York State Election Law, the Town Board of the Town of Thurman must submit to the Warren County Board of Elections, a listing of the polling places in the Town of Thurman in the Election District in which elections may be held. Therefore be it

**RESOLVED**, that the following locations are hereby designated as the respective polling place in the district as enumerated:

**SOLE ELECTION DISTRICT:** Thurman Town Hall and that such location is accessible to the physically handicapped voter, pursuant to Article 4-104A of the Election Law (unless otherwise noted) and be it further,

**RESOLVED**, that a copy of this resolution be forwarded to the Warren County Board of Elections.

On a motion by **Councilwoman Seaman**, seconded by **Councilman Youngblood**, Resolution #5 was approved.

**MOTION CARRIED: 4 Ayes ~ Youngblood, Wood, Seaman, Eddy**

**RESOLUTION #6:**

**Resolution to Establish Bonds for the Year 2016**

**WHEREAS**, under Sec. 25 Town Law it requires the Town Board to set the amount of the Town Employees', Town Supervisor's, and Town Tax Collector's Bonds by resolution, be it

**RESOLVED**, that the amount of the Bond for Town Employees be set at \$10,000.00 for the year 2016, and be it further

**RESOLVED**, that the amount of the Bond for the Town Supervisor be set at \$60,000 for the year 2016, and be it further

**RESOLVED**, that the amount of the Bond for the Town Tax Collector be set at \$60,000 for the year 2016, and be it further

**RESOLVED**, that the Town Clerk for the Town of Thurman be hereby instructed to file a copy of this resolution with the Warren County Clerk before January 15, 2016.

On a motion by **Councilman Youngblood**, seconded by **Councilwoman Seaman**, Resolution #6 was approved.

**MOTION CARRIED: 4 Ayes ~ Youngblood, Wood, Seaman, Eddy**

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## **RESOLUTION #7:**

### **Resolution of Investment Policy for the Town of Thurman**

In accordance with this policy, the Supervisor, as Chief Financial Officer, is hereby authorized to invest all funds, including proceeds of obligations and reserve funds, in:

- Certificates of Deposits issued by a bank or trust company authorized to do business in New York State;
- Obligations of New York State;
- Obligations of the United States Government;

All funds except revenue funds may be invested in:

- Obligations of agencies of the Federal Government if principal and interest is guaranteed by the United States.
- With the approval of the State Comptroller, in Revenue Anticipation Notes or Tax Anticipation Notes of other local governments.

Only reserve funds may be invested in:

- Obligations of the Town of Thurman

All other Town Officials receiving money in their official capacity must deposit funds in negotiable order of withdrawal accounts.

All investments made pursuant to this investment policy shall comply with the following conditions:

Certificates of Deposit shall be fully secured by insurance of Federal Deposit Insurance Corporation or by obligations on New York State or obligations of the United States or obligations of federal agencies the principal and interest of which are guaranteed by the United States, or obligations of New York State local governments. Collateral shall be delivered to the Town of Thurman or a Custodial Bank with which the Town of Thurman has entered into a Custodial Agreement. The market value of collateral shall at all times equal or exceed the principal amount of the Certificate or Deposit. Collateral shall be monitored, and market value shall mean the bid or closing price as quoted in the Wall Street Journal or as quoted by any other recognized pricing service.

Collateral shall not be required with respect to the direct purchase of obligations of New York State, obligations of the United States and obligations of federal agencies the principal and interest of which are guaranteed by the United States Government.

Payment shall be made by or on behalf of the Town of Thurman for obligations of New York State, obligations the principle interest of which are guaranteed by the United States, United States obligations, Certificates of Deposit, and other purchased securities upon delivery therefore to the Custodial Bank, or in the case of a book-entry transaction when the purchased securities are credited to the Custodial Bank's Federal Reserve System account.

All transactions shall be confirmed in writing.

Written contracts are required for Certificates of Deposit, and custodial undertakings. With respect to the purchase of obligations of the United States, New York State, or any other government entities, ect., in which monies may be invested, the interests of the Town of Thurman will be adequately protected by conditioning payment on the physical delivery of purchased securities in the Town of Thurman or Custodian,

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or in the case of book-entry transactions, on crediting of purchased securities to the Custodian's Federal Reserve System account. All purchases will be confirmed in writing to the Town of Thurman.

- It is, therefore the policy of the Town of Thurman to require written contracts as follows:
- Written contracts shall be required for the purchase of all Certificates of Deposit.
- A written contract shall be required with the Custodial Bank.
- Glens Falls National Bank and Trust Company is designated to act as the Custodial Bank of the Town of Thurman investments.

The Supervisor, as Chief Financial Officer, shall authorize the purchase and sale of all securities and execute contracts for Certificates of Deposit on behalf of the Town of Thurman.

Within 90 (ninety) days of the end of the fiscal year, the Chief Financial Officer shall prepare and submit to the Town Board an annual investment report; recommendations for change in these investment guidelines; and other such matters as the Chief Fiscal Officer deems appropriate.

The Town Board of the Town of Thurman shall review and approve the annual investment report, if practicable, at its' February meeting.

At least annually, and if practicable, at the January meeting the Town Board shall review and amend, if necessary these investment guidelines.

The provisions of these investment guidelines and any amendments hereto shall take effect prospectively, and shall not invalidate the prior selection of any Custodial Bank or prior investment.

On a motion by **Councilwoman Seaman**, seconded by **Councilman Youngblood**, Resolution #7 was approved.

**MOTION CARRIED: 3 Ayes ~ Youngblood, Wood, Seaman**

**RESOLUTION #8:**

**Resolution to Authorize Payment in Advance of Audit**

**WHEREAS**, the Town Board may by resolution authorize the payment in advance of utility services, fuel, and postage as described by Town Law Sec. 118(2),

**BE IT RESOLVED**, that the Town Board of the Town of Thurman does hereby authorize the prepayment of utility bills, fuel, and postage. All claims for these payments will be presented at the next regular meeting for audit.

On a motion by **Councilwoman Seaman**, seconded by **Councilman Youngblood**, Resolution #8 was approved.

**MOTION CARRIED: 4 Ayes ~ Youngblood, Wood, Seaman, Eddy**

**RESOLUTION #9:**

**Resolution to Establish a Procurement Policy**

**WHEREAS**, §104-b of the General Municipal Law (GML) requires every town to adopt internal policies and procedures governing all procurement of goods and services not subject to the bidding requirement of GML §103 or any other law; and

**WHEREAS**, comments have been solicited from those officers of the town involved with procurement;

**NOW, THEREFORE, BE IT RESOLVED:** That the Town of Thurman does hereby adopt the following procurement policies and procedures:

**Guideline 1.** Every prospective purchase of goods or services shall be evaluated to determine the applicability of GML §103. Every town officer, board, department head or other personnel with the requisite purchasing authority (hereafter Purchaser) shall estimate the cumulative amount of the items of supply or equipment needed in a given fiscal year. That estimate shall include the canvass of other town departments and past history to determine the likely yearly value of the commodity to be acquired. The information gathered and conclusions reached shall be documented and kept with the file or other documentation supporting the purchase activity.

**Guideline 2.** All purchases of a)supplies or equipment which will exceed \$10,000in the fiscal year or b)public works contracts over \$20,000 shall be formally bid pursuant to GML §103.

**Guideline 3.**

All estimated purchases of:

- Less than \$10,000 but greater the \$3,000 requires a bid or written request for a proposal (RFP) and sealed bid/RFP.
- Less than \$3,000 but greater than \$1,000 requires an oral request for the goods and written/fax quotes from 3 vendors.
- Less than \$1,000 but greater than \$250 are left to discretion of the Purchaser.

All estimated public works contracts of:

- Less than \$20,000 but greater the \$10,000 requires a bid or written RFP and sealed bid/RFP.
- Less than \$10,000 but greater than \$3,000 requires a written description of the desired work, and written/fax proposals from 3 contractors.
- Less than \$3,000 but greater than \$500 requires 3 written/fax quotes.

Any written bid/RFP shall describe the desired goods, quantity and the particulars of delivery, given a bid/RFP identifier, and shall be advertized in the official newspaper of the town. Sealed bids and/or RFPs received by

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the Town must be sealed and clearly marked with the bid/RFP number specified in the written bid/RFP. The Purchaser shall compile a list of all vendors from whom written/fax quotes have been requested and the written/fax quotes offered. All information gathered in complying with the procedures of this Guideline shall be preserved and filed

with the documentation supporting the subsequent purchase or public works contract.

**Guideline 4.** The lowest responsible proposal or quote shall be awarded the purchase or public works contract unless the Purchaser prepares a written justification providing reasons why it is in the best interest of the town and its taxpayers to make an award to other than the low bid. If a bidder is not deemed responsible, facts supporting that judgment shall also be documented and filed with the record supporting the procurement. The Town shall retain the right to reject any and all bids, any rejected bids shall be returned to the bidder via signed certified receipt mail.

**Guideline 5.** A good faith effort shall be made to obtain the required number of proposals or quotes. If the Purchaser is unable to obtain the required number of proposals or quotes, the Purchaser will document the attempt made at obtaining the proposals. In no event shall the inability to obtain the proposals or quotes be a bar to the procurement.

**Guideline 6.** Except when directed by the town board, no solicitation of written proposals or quotes shall be required under the following circumstances:

1. Acquisition of professional services;
2. Emergencies;
3. Sole source situations;
4. Goods purchased from agencies for the blind or severely handicapped;
5. Goods purchased from correctional facilities;
6. Goods purchased from another governmental agency;
7. Goods purchased at auction;
8. Goods purchased for less than \$250;
9. Public works contracts for less than \$500.

**Guideline 7.** This policy shall be reviewed annually by the town board at its organizational meeting or as soon thereafter as is reasonably practicable.

On a motion by **Councilwoman Seaman**, seconded by **Councilman Youngblood**, Resolution #9 was approved.

**MOTION CARRIED: 3 Ayes ~ Youngblood, Wood, Seaman**

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**RESOLUTION #10:**

**Resolution Adopting Code of Ethics**

Town of Thurman

ETHICS AND DISCLOSURE Policy

BE IT ENACTED, by the Town Board of the town of Thurman of the County of Warren, New York as follows:

SECTION 1. Title. This Policy shall be entitled "Town of Thurman Ethics and Disclosure Policy."

SECTION 2. Purpose.

Officers and employees of the town of Thurman hold their positions to serve and benefit the public, and not for obtaining unwarranted personal or private gain in the exercise and performance of their official powers and duties. The Town Board recognizes that, in furtherance of this fundamental principle, there is a need for clear and reasonable standards of ethical conduct. This code of ethics establishes those standards.

SECTION 3. Definitions.

(a) "Board" means Thurman Town Board.

(b) "Code" means this Code of Ethics.

(c) "Interest" means a direct or indirect financial or material benefit, but does not include any benefit arising from the provision or receipt of any services generally available to the residents or taxpayers of the municipality or an area of the municipality, or a lawful class of such residents or taxpayers. A municipal officer or employee is deemed to have an interest in any private organization when he or she, his or her spouse, or a member of his or her household, is an owner, partner, member, director, officer, employee, or directly or indirectly owns or controls more than five percent (5%) of the organization's outstanding stock.

(d) "Municipality" means the Town of Thurman. The word "municipal" refers to the municipality.

(e) "Municipal officer or employee" means a paid or unpaid officer or employee of town of Thurman, including, but not limited to, the members of any municipal board and includes elected officials and officers or employees who hold policy making positions.

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(f) "Relative" means a spouse, parent, step-parent, sibling, step-sibling, sibling's spouse, child, step-child, uncle, aunt, nephew, niece, first cousin, or household member of a municipal officer or employee, and individuals having any of these relationships to the spouse of the officer or employee.

#### SECTION 4. Applicability.

This code of ethics applies to the officers and employees of the town of Thurman, and shall replace and supersede all previous town of Thurman Code of Ethics policies. The provisions of this code of ethics shall apply in addition to all applicable State and local laws relating to conflicts of interest and ethics including, but not limited to, Article 18 of the General Municipal Law and all rules, regulations, policies and procedures of the town of Thurman.

#### SECTION 5. Prohibition on use of municipal position for personal or private gain.

No municipal officer or employee shall use his or her municipal position or official powers and duties to secure a financial or material benefit for himself or herself, a relative, or any private organization in which he or she is deemed to have an interest.

#### SECTION 6. Disclosure of interest in legislation and other matters.

(a) Whenever a matter requiring the exercise of discretion comes before a municipal officer or other employee, either individually or as a member of a board, and disposition of the matter could result in a direct or indirect financial or material benefit to himself or herself, a relative, or any private organization in which he or she is deemed to have an interest, the municipal officer or employee shall disclose in writing the nature of the interest.

(b) The disclosure shall be made when the matter requiring disclosure first comes before the municipal officer or employee, or when the municipal officer or employee first acquires

(b) The disclosure shall be made when the matter requiring disclosure first comes before the knowledge of the interest requiring disclosure, whichever is earlier.

(c) In the case of a person serving in an elective office, the disclosure shall be filed with the governing board of the municipality. In all other cases, the disclosure shall be filed with the person's supervisor or, if the person does not have a supervisor, the disclosure shall be filed with the municipal officer, employee or board having the power to appoint to the person's

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position. In addition, in the case of a person serving on a municipal board, a copy of the disclosure shall be filed with the board. Any disclosure made to a board shall be made publicly at a meeting of the board and must be included in the minutes of the meeting.

SECTION 7. Annual Disclosure.

Officers and employees required to file. The officers and employees of the town of Thurman as set forth below and more particularly but not necessarily exhaustively set forth on a representative list of such officers and employees annexed and incorporated herein as Appendix "A", shall be required to sign and file an annual disclosure statement. The form annual disclosure statement is annexed hereto and incorporated herein as Appendix "B". The Board of Ethics as established under Section 18 hereof shall enforce such filing requirements. All officers and employees shall comply with General Municipal Law Article 18 and any amendments or revisions relative to the filing of financial statements.

(a) Elected officials; and

(b) The heads of any agency, department, division, council, board, commission, authority or bureau of the town of Thurman and their deputies and other persons authorized to act on their behalf who make policy decisions; and

(c) Officers and employees who hold policymaking positions, including members of boards, commissions and public authorities of the town of Thurman; A person shall be considered to hold a policymaking position if he or she meets the following criteria, based either on the powers and duties of the position held by the person as set forth in the job description or any applicable law or regulation, or based on the actual duties performed by the person:

(1) he or she has been determined to be managerial pursuant to Civil Service Law §201(7) because he or she formulates policy; or

(2) he or she is in the non-competitive class under §2.2 of the rules and regulations of the New York State Department of Civil Service, provided that the person holds a position that is designated in any applicable rules and regulations promulgated by the county civil service commission or County Personnel Officer pursuant to Civil Service Law §20, on the basis that the position requires the performance of functions influencing policy; or

(3) he or she exercises responsibilities of a broad scope in the formulation of plans for the implementation of goals or policy for a town agency or acts as an advisor to an individual in such a position, and

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(d) Officers and employees having discretionary authority with respect to:

(1) Contracts, leases, franchises, concessions, permits, or licenses; or

(2) The purchase, sale, rental, or lease of real property, personal property, or services, or a contract therefore; or

(3) The obtaining of grants of money or loans; or

(4) Inspections; or

(5) The adoption or repeal of any rule or regulation having the force and effect of law, and

2. Time and place for filing. The annual disclosure statements shall be filed with the office of the Supervisor no later than the 31st of March each year.

#### SECTION 8. Recusal and abstention.

(a) No municipal officer or employee may participate in any decision or take any official action with respect to any matter requiring the exercise of discretion, including discussing the matter and voting on it, when he or she knows or has reason to know that the action could confer a direct or indirect financial or material benefit on himself or herself, a relative, or any private organization in which he or she is deemed to have an interest. (b) In the event that this section prohibits a municipal officer or employee from exercising or performing a power or duty:

(1) if the power or duty is vested in a municipal officer as a member of a board, then the power or duty shall be exercised or performed by the other members of the board; or

(2) if the power or duty that is vested in a municipal officer individually, then the power or duty shall be exercised or performed by his or her deputy or, if the officer does not have a deputy, the power or duty shall be performed by another person to whom the officer may lawfully delegate the function.

(3) if the power or duty is vested in a municipal employee, he or she must

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refer the matter to his or her immediate supervisor, and the immediate supervisor shall designate another person to exercise or perform the power or duty.

SECTION 9. Prohibition inapplicable; disclosure, recusal and abstention not required.

(a) This code's prohibition on use of a municipal position (section 5), disclosure requirements (sections 6 and 7), and requirements relating to recusal and abstention (section 8), shall not apply with respect to the following matters:

(1) adoption of the town of Thurman's annual budget;

(2) any matter requiring the exercise of discretion that directly affects any of the

following groups of people or a lawful class of such groups:

(i) all municipal officers or employees;

(ii) all residents or taxpayers of the municipality or an area of the municipality; or

(iii) the general public; or

(3) any matter that does not require the exercise of discretion.

(b) Recusal and abstention shall not be required with respect to any matter:

(1) which comes before the Thurman Town Board or standing Committee or Special Committee thereof when a majority of the board's or committee's total membership would otherwise be prohibited from acting by section 8 of this code;

(2) which comes before a municipal officer when the officer would be prohibited from acting by section 8 of this code and the matter cannot be lawfully delegated to another person.

SECTION 10. Investments in conflict with official duties.

(a) No town of Thurman officer or employee may acquire the following investments:

(1) investments that can be reasonably expected to require more than sporadic recusal and abstention under section 8 of this code; or

(2) investments that would otherwise impair the person's independence of judgment in the exercise or performance of his or her official powers and duties.

(b) This section does not prohibit a town of Thurman officer or employee from acquiring any other investments or the following assets:

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(1) real property located within the town of Thurman and used as his or her personal residence;

(2) less than five percent (5%) of the stock of a publicly traded corporation; or

(3) bonds or notes issued by a municipality and acquired more than one year after the date on which the bonds or notes were originally issued.

SECTION 11. Private employment in conflict with official duties.

(a) No town of Thurman officer or employee, during his or her tenure as a municipal officer or employee, may engage in any private employment, including the rendition of any business, commercial, professional or other types of services, and including serving as a Board member, consultant, contractor or passive investor of an entity that engages in any business or maintains any relationship with the town of Thurman, provides to or oversees from the town any client referrals or competes with the town when the employment or activity:

(1) can be reasonably expected to require more than sporadic recusal and abstention pursuant to section 8 of this code;

(2) can be reasonably expected to require disclosure or use of confidential information gained by reason of serving as a municipal officer or employee;

(3) violates section 805-a(1)(c) or (d) of the General Municipal Law; or

(4) requires representation of a person or organization other than the town of Thurman in connection with litigation, negotiations or any other matter to which the town of Thurman is a party.

(b) Outside Interest Form. If any town of Thurman officer or employee or immediate family member is currently or plans to be in the future an employee, Board member, consultant, owner, contractor or even a passive investor of an entity that engages in any business or maintains any relationship with the town of Thurman; provides to or receives from the town of Thurman any client referrals or competes with the town of Thurman,

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they must fill out an Outside Interest Form in the office of the Town Supervisor. Annexed hereto and made a part hereof as Appendix "C" is a sample copy of the Outside Interest Form.

#### SECTION 12. Future employment.

(a) No town of Thurman officer or employee may ask for, pursue or accept a private postgovernment employment opportunity with any person or organization that has a matter requiring the exercise of discretion pending before the town of Thurman officer or employee, either individually or as a member of a board, while the matter is pending or within the thirty (30) days following final disposition of the matter.

(b) No town of Thurman officer or employee, for the two-year period after serving as a Town of Thurman officer or employee, may represent or render services to a private person or organization in connection with any matter involving the exercise of discretion before the town of Thurman office, board, department or comparable organizational unit for which he or she serves.

(c) No town of Thurman officer or employee, at any time after serving as a town of Thurman officer or employee, may represent or render services to a private person or organization in connection with any particular transaction in which he or she personally and substantially participated while serving as a town of Thurman officer or employee.

#### SECTION 13. Personal representations and claims permitted.

This Code shall not be construed as prohibiting a town of Thurman officer or employee from:

(a) representing himself or herself, or his or her spouse or minor children before the town of Thurman; or

(b) asserting a claim against the town of Thurman on his or her own behalf, or on behalf of his or her spouse or minor children.

#### SECTION 14. Use of town of Thurman resources.

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(a) Town of Thurman resources shall be used for lawful Town purposes. Town of Thurman resources include, but are not limited to, municipal personnel, and the town of Thurman's money, vehicles, equipment, materials, supplies or other property.

(b) No town of Thurman officer or employee may use or permit the use of town of Thurman resources for personal or private purposes, but this provision shall not be construed as prohibiting:

(1) any use of town of Thurman resources authorized by law or municipal policy;

(2) the use of town of Thurman resources for personal or private purposes when provided to a town of Thurman officer or employee as part of his or her compensation; or

(3) the occasional and incidental use during the business day of town of Thurman telephones and computers for necessary personal matters such as family care and changes in work schedule.

(c) No town of Thurman officer or employee shall cause the town of Thurman to spend more than is reasonably necessary for transportation, meals or lodging in connection with official travel.

#### SECTION 15. Interests in Contracts.

(a) No town of Thurman officer or employee may have an interest in a contract that is prohibited by section 801 of the General Municipal Law.

(b) Every town of Thurman officer and employee shall disclose interests in contracts with The town of Thurman at the time and in the manner required by section 803 of the General Municipal Law.

#### SECTION 16. Nepotism. Except as otherwise required by law:

(a) No town of Thurman officer or employee, either individually or as a member of a board, may participate in any decision specifically to appoint, hire, promote, discipline or discharge a relative for any position at, for or within the town of Thurman or a town of Thurman board.

(b) No town of Thurman officer or employee may supervise a relative in the performance of the relative's official powers or duties.

#### SECTION 17. Political Solicitations.

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(a) No town of Thurman officer or employee shall directly or indirectly to compel or induce a subordinate town of Thurman officer or employee to make, or promise to make, any political contribution, whether by gift of money, service or other thing of value.

(b) No town of Thurman officer or employee may act or decline to act in relation to appointing, hiring or promoting, discharging, disciplining, or in any manner changing the official rank, status or compensation of any town of Thurman officer or employee, or an applicant for a position as a town of Thurman officer or employee, on the basis of the giving or withholding or neglecting to make any contribution of money or service or any other valuable thing for any political purpose.

#### SECTION 18. Confidential Information.

No town of Thurman officer or employee who requires confidential information in the course of exercising or performing his or her official powers or duties may disclose or use such information unless the disclosure or use is required by law or in the course of exercising or performing his or her official powers and duties.

#### SECTION 19. Gifts.

(a) No town of Thurman officer or employee shall solicit, accept or receive a gift in violation of section 805-a(1)(a) of the General Municipal Law as interpreted in this section.

(b) No town of Thurman officer or employee may directly or indirectly solicit any gift.

(c) No town of Thurman officer or employee may accept or receive any gift, or multiple gifts from the same donor, having an annual aggregate value of seventy-five dollars (\$75) or more when:

(1) the gift reasonably appears to be intended to influence the officer or employee in the exercise or performance of his or her official powers or duties;

(2) the gift could reasonably be expected to influence the officer or employee in the exercise or performance of his or her official powers or duties; or

(3) the gift is intended as a reward for any official action on the part of the officer

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or employee.

(d) For purposes of this section, a “gift” includes anything of value, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or in any other form. The value of a gift is the gift’s fair market value, determined by the retail cost of the item or a comparable item. The fair market value of a ticket entitling the holder to food, refreshments, entertainment, or any other benefit is the face value of the ticket, or the actual cost to the donor, whichever is greater. Determination of whether multiple gifts from a single donor exceed seventy-five dollars (\$75) must be made by adding together the value of all gifts received from the donor by an officer or employee during the twelve-month period preceding the receipt of the most recent gift.

(e) (1) A gift to a town of Thurman officer or employee is presumed to be intended to influence the exercise or performance of his or her official powers or duties when the gift is from a private person or organization that seeks the town of Thurman action involving the exercise of discretion by or with the participation of the officer or employee.

(2) A gift to a town of Thurman officer or employee is presumed to be intended as a reward for official action when the gift is from a private person or organization that has obtained town of Thurman action involving the exercise of discretion by or with the participation of the officer or employee during the preceding twelve months.

(f) This section does not prohibit any other gift, including:

(1) gifts made to the town of Thurman;

(2) gifts from a person with a family or personal relationship with the officer or employee when the circumstances make it clear that the personal relationship, rather than the recipient's status as a town of Thurman officer or employee, is the primary motivating factor for the gift;

(3) gifts given on special occasions, such as marriage, illness, or retirement, which are modest, reasonable and customary;

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(4) unsolicited advertising or promotional material of little intrinsic value, such as pens, pencils, note pads, and calendars;

(5) awards and plaques having a value of seventy-five dollars (\$75) or less which are publicly presented in recognition of service as a town of Thurman officer or employee, or other service to the community; or

(6) meals and refreshments provided when a town of Thurman officer or employee is a speaker or participant at a job-related professional or educational conference or program and the meals and refreshments are made available to all participants.

#### SECTION 20. Posting and distribution.

(a) The Town Clerk or his or her designee must promptly cause a copy of this policy, and a copy of any amendment to this policy, to be posted publicly and conspicuously in each building under the town of Thurman's control. The code must be posted within ten (10) days following the date on which the policy takes effect. An amendment to the policy must be posted within ten (10) days following the date on which the amendment takes effect.

(b) The Town Clerk or his or her designee must promptly cause a copy of this policy, including any amendments to the policy, to be distributed to every person who is or becomes an officer and employee of the town of Thurman.

(c) Every town of Thurman officer or employee who receives a copy of this policy or an amendment to the policy must acknowledge such receipt in writing. Such acknowledgments must be filed with the Town Clerk of the town of Thurman of who must maintain such acknowledgments as a public record.

(d) The failure to post this policy or an amendment to the policy does not affect either the applicability or enforceability of the policy or the amendment. The failure of a town of Thurman officer or employee to receive a copy of this policy of ethics or an amendment to the policy, or to acknowledge receipt thereof in writing, does not affect either the applicability or enforceability of the policy or amendment to the policy.

#### SECTION 21. Enforcement.

Any town of Thurman officer or employee who violates this policy may be censured, fined, suspended or removed from office or employment in the manner provided by law.

#### SECTION 22. Severability.

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In the event that any provision of this policy shall be determined by a Court of Law to be illegal and/or unenforceable, the policy, to the extent the Courts have determined practical shall continue in full force and effect as if the said illegal or unenforceable provision were not contained a part thereof.

SECTION 23. Effective date. This policy shall take effect immediately.

APPENDIX "A"

The following town of Thurman officers and employees shall file a financial disclosure statement as provided by the town of Thurman Code of Ethics:

Town Supervisor

Town Board member

Town Clerk

Deputy Town Clerk

Deputy Supervisor

Highway Superintendent

Board of Assessment Review Member

APPENDIX "B"

ANNUAL STATEMENT OF FINANCIAL DISCLOSURE

Town of Thurman

FOR 20\_\_\_\_\_

1. Name and Address

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Last Name	Middle Initial	First Name
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Title

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Department or Agency

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Town Address

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Town Telephone

## 2. Spouse and Children

Provide the name of your spouse (if married) and the names of any dependent children:

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Spouse

Child / Age

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Child / Age

Child / Age

## 3. Financial Interests.

“Reporting Category” for the purpose of completing the financial disclosure reports. Do not report exact dollar amounts in the completion of the statements of financial disclosure; instead, report categories of amounts, using the following categories:

“A” \$0 - \$5,000

“B” \$5,001 - \$10,000

“C” \$10,001 - \$25,000 “D” \$25,001 - \$50,000

“E” \$50,001 - \$100,000

“F” Over \$100,001

a. Business Positions. List any office, trusteeship, directorship, partnership, or other position in any business, association, proprietary, or not-for-profit organization held by you, your spouse, and your dependent children, if any. Indicate whether these businesses are involved within the town of Thurman.

Family Member, Position, Organization, Town Department or Agency, and Nature of Involvement

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b. Outside Employment. Describe any outside occupation, employment, trade, business, or profession providing more than \$1,000 per year for you, your spouse, and your dependent children, if any, and indicate whether such activities are regulated by any State or local agency.

Family Member, Position, Organization, State or Local Agency, & Category

(Name / Address) Nature of Involvement of Amount

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c. Future Employment. Describe any contract, promise or other agreement between you and anyone else with respect to your employment after leaving your Town office or position.

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d. Past Employment. Identify the source and nature of any income in excess of \$1,000 per year from any prior employer, including deferred income, contributions to pension or retirement fund, profit sharing plan, severance pay, or payments under buy-out agreement.

Description of Income Category

Name and Address of Income Source (i.e., pension, deferred, etc.) of Amount

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e. Investments. Itemize and describe all investments in excess of \$5,000 or five percent (5%) of the value in any business, corporation, partnership, or other assets, including stocks, bonds, loans, pledged collateral, and other investments, for you, your spouse, and dependent children, if any. List the location of all real estate within the town, or within five (5) miles thereof, in which you, your spouse, or dependent children, if any, have an interest, regardless of its value.

Name / Address of Category

Family Member, Business or Real Estate, Description of Investment of Amount

_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

f. Trusts. Identify each interest in a trust or estate or similar beneficial interest in any assets in excess of \$2,000, except for IRS eligible retirement plans or interests in an estate or trust of a relative, for you and your spouse and dependent children.

Name Family Member Trust / Executor, Description of Trust / Estate, Category of Amount

_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

g. Other Income. Identify the source and nature of any other income in excess of \$1,000/year from any source not described above, including teaching income, lecture fees, consultant fees, contractual income, or other income of any nature, for you and your spouse and your dependent children, if any.

Name / Address of Category

Family Member, Income Source, Nature of Income of Amount

_____	_____	_____	_____
_____	_____	_____	_____

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4. Interest in Contracts

Describe any interest of you, your spouse, or your dependent children, in any contract involving the town of Thurman.

Family Member, Contract Description, Category of Amount

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5. Political Parties.

List any position you held within the last five (5) years as an officer of any political party, political committee, or political organization. The term "political organization" includes any independent body or any organization that is affiliated with or a subsidiary of a political party.

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6. Debts.

Describe all debts you, your spouse or dependent children in excess of \$5,000 as of the date of filing of this statement, other than liabilities to a relative. Do not list liabilities incurred by or guarantees made by a reporting individual, or such individual's spouse, or by any reporting proprietorship, partnership, or corporation in which the reporting individual or such individual's spouse has an interest, when incurred or made in the ordinary course of the trade, business or professional practice of the reporting individual or such individual's spouse. Do not list any obligation to pay maintenance in connection with a matrimonial action, alimony or child support payments. Revolving charge account information shall only be set forth if such liability is in excess of \$5,000 at the time of filing. Do not list any loan by a financial institution to finance

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education costs, the cost of home purchase or improvements for a primary or secondary residence or purchase of a personally owned motor vehicle, household furniture or appliances.

Name of Debtor, Name of Creditor, Category of Amount


7. Third-Party Reimbursements.

Identify and describe the source of any third-party reimbursement for travel-related expenditures in excess of \$250 of any matter that relates to your official duties. The term "reimbursement" includes any travel-related expenses provided by anyone other than the Town for speaking engagements, conferences, or fact-finding events that relate to your official duties.

Category, Source, Description of Amount


8. Gifts and Honorariums.

List the source of all gifts aggregating in excess of \$250 received during the last year by you, your spouse or dependent child, excluding gifts from a relative. The term "gifts" includes gifts of cash, property, personal items, payments to third parties on your behalf, forgiveness of debt, honorariums, and any other payments that are not reportable as income.

Category, Source, Description of Amount


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The requirements of law relating to the reporting of financial interests are in the public interest and no adverse inference or unethical or illegal conduct or behavior will be drawn merely from compliance with these requirements.

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Signature of Reporting Individual

APPENDIX "C"

Town of Thurman

Outside Interest Form

This form is to be filled out if you or any immediate family member is currently or plans to be in the future, an employee, board member, consultant, owner, contractor or even a passive investor of an entity that: (i) engages in any business or maintains any relationship with the town of Thurman (The Town); (ii) provides to, or receives from The Town any client referrals, or (iii) competes with The Town. The completed form must be submitted to the Town Clerk.

Name: \_\_\_\_\_

Job Title: \_\_\_\_\_

If not an employee, describe the nature of your relationship with The Town:

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Describe the nature of your outside activities in any entity that engages in any business or maintains any relationship with The Town.

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Describe the nature of your outside activities in any entity that provides to, or receives from, The Town any client referrals.

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Describe the nature of your outside activities in any entity that competes with The Town.

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Date completed and signature

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Signature

Date

Date reviewed by Compliance Officer and signature

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January 4, 2016

Signature

Date

On a motion by **Councilman Youngblood**, seconded by **Councilwoman Seaman**, Resolution #10 was approved.

**MOTION CARRIED: 3 Ayes ~ Youngblood, Wood, Seaman; 1 Nay ~ Eddy**

**SWEARING IN: Albert Vasak, Deputy Supervisor**

**Gail Seaman, Councilwoman**

**ADJOURNMENT:** On a motion by **Councilman Youngblood**, seconded by **Councilwoman Seaman** the meeting was adjourned at 7:35 P.M.

**MOTION CARRIED: 4 Ayes ~Youngblood, Wood, Seaman, Eddy**

Respectfully Submitted:

Jeanie M. Sprague, Town Clerk

January 16, 2016