

SEPTEMBER 13, 2011

MINUTES OF THE FISCAL AND REGULAR MEETING OF THE TOWN BOARD OF THE TOWN OF THURMAN HELD SEPTEMBER 13, 2011 AT THE TOWN HALL, 311 ATHOL ROAD, ATHOL NEW YORK, COMMENCING AT 6:30 P.M...

PRESENT: **MRS. EVELYN WOOD, SUPERVISOR**
MR. CHARLES BILLS, COUNCILMAN
MR. AL VASAK, COUNCILMAN
MRS. REBECCA HITCHCOCK, COUNCILWOMAN

ABSENT: **MR. LEON GALUSHA, COUNCILMAN**

Recording secretary: **Cynthia R. Hyde**, Town Clerk

FISCAL MEETING: The Town Board reviewed all claims.

BOARD MEETING: The regular town board meeting was called to order by **Evelyn Wood**, Supervisor.

PLEDGE ALLEGIANCE TO THE FLAG

ROLL CALL

RESOLUTION # 99:

Resolution to Amend Resolution #98 of 2011

BE IT RESOLVED that resolution 98 of 2011 be amended to reflect the correct purchase price of \$46, 799.00. On a motion by **Councilman Vasak**, seconded by **Councilwoman Hitchcock**, **Resolution # 99** was approved.

MOTION CARRIED: 4 AYES ~ WOOD, HITCHCOCK, BILLS, VASAK

APPROVAL OF THE MINUTES: On a motion by **Councilman Bills**, seconded by **Councilwoman Hitchcock**, the minutes from the August 9, 2011 regular meeting were approved.

MOTION CARRIED: 4 AYES ~ WOOD, HITCHCOCK, BILLS, VASAK

CLAIMS: On a motion by **Councilman Vasak**, seconded by **Councilman Bills**, payment of vouchers #20110614 thru 20110632 also 20110636 Highway fund for a grand total of \$70,550.54 and vouchers # 20110588 thru 20110613 also 20110638 General fund for a grand total of \$11,945.17.

MOTION CARRIED: 4 AYES ~ WOOD, HITCHCOCK, BILLS, VASAK

JUSTICE DEPARTMENT: A new NYS mandate dictates that Town Court financials must now be performed by the Judge instead of the Court Clerk. Town Justice **Filomena Riviello** took over the financial duties and discovered (through reconciling the Justice Department bank account) that a \$250.00 deposit was missing. The former Court Clerk could not be reached for clarification on this matter. Town Justice **Filomena Riviello** believes the shortage may have been due to an oversight. The \$250.00 was bail that will have to be returned.

On a motion by **Councilman Vasak**, seconded by **Councilman Bills**, the town Board approved the reimbursement of \$225.50 to the Town Court bank account which will come out of A1110.4. Town Justice contractual.

MOTION CARRIED: 4 AYES ~ WOOD, HITCHCOCK, BILLS, VASAK

PUBLIC HEARINGS:

Prior to next month's regular board meeting there will be a public hearing for the Richard Baker subdivision and Local Law #1, an Animal Control Law.

MEETING:

There will be a Special meeting on October 3, 2011 at 6:00 pm for the presentation of the tentative 2012 budget.

EXECUTIVE SESSION: On a motion by **Councilwoman Hitchcock**, seconded by **Councilman Vasak**, the town board went into executive session at 7:10 pm.

MOTION CARRIED: 4 AYES ~ WOOD, HITCHCOCK, BILLS, VASAK

On a motion by **Councilwoman Hitchcock**, seconded by **Councilman Bills**, the town board came out of executive session at 7:29 pm with no action taken.

MOTION CARRIED: 4 AYES ~ WOOD, HITCHCOCK, BILLS, VASAK

REPORTS FROM THE BOARD:

YOUTH: See attached

Supervisor Wood said that an Occupancy Tax meeting was needed.

FOOD PANTRY: **Councilman Vasak** reported that the food pantry had been hit pretty hard. Once every month the town receives an order from Community Action. Some of the food is perishable so it can be given out as gleaning. **Vasak** said that gleaning would now be held on the first Monday of every month. If the first Monday is a holiday then gleaning will be on the second Monday. The next gleaning will be at 1:00 pm October 3, 2011.

LANDFILL: **Councilman Vasak** reiterated that Friday was recycling day and that all recyclables could be put out for pickup as long as they were separated.

SUPERVISOR'S REPORT: **Supervisor Wood** said that...

Every department had been given budget sheets.

The 2012 budget will look different than prior year budgets.

She (**Supervisor Wood**) and Bookkeeper **Les Losaw** attended training to prepare for the new budget requirements.

There is a new law establishing a 2% Tax Levy limit (or tax cap) on the 2012 budget. **Wood** hopes to keep the budget flat. **Supervisor Wood** proposed a local law to over ride the tax cap. A tax cap over ride would provide a safeguard against town funds being forced (by the NYS Comptroller's office) into a reserve account in the event the actual levy exceeds the levy limit or a mistake is made.

The NYS Comptroller's Office website has information on unclaimed funds; **Wood** suggested residents check to see if they are owed unclaimed funds.

Thurman will get funds for Sky High road (because of Hurricane Irene damage), the town will pay for labor costs. Town of Thurman and Warren County Soil and Water will work together to fix Sky High road.

Supervisor Wood reviewed Town of Thurman consolidated reports with present town board members. **Wood** pointed out revenues that were coming in under budget and an overage in highway capital outlay.

CAPITAL PLANNING WORKSHOP: A capital planning workshop was set for October 12, 2011 at 4PM.

GLEANING: Gleaning will be October 3, 2011 at 1:00 pm.

AMBULANCE: Due to a liability issue (concerning the ambulance owned by the Town of Thurman) determined through communications with the Warren County Sheriff's Office, it was decided that a certified letter would be sent to the Thurman EMS asking that the ambulance be returned to the town.

OLD BUSINESS:

SNOWMOBILE CROSSING: The **Thurman Connection Snowmobile club** is asking permission to cross River Road. Previously snowmobiles used the train tracks to gain access to certain areas, currently the tracks are unavailable, hence the need to reroute. The Town Board tabled this matter due to the need for further investigation.

MEALS ON WHEELS: Drivers are needed for meals on wheels.

DONATION WANTED: Because of funding cuts the Local Government Review Board is requesting a donation from each town; the suggested amount is \$300.00.

ADIRONDACK PARTNERSHIP: The **Adirondack Partnership** is looking for a representative from **Town of Thurman**. It was decided that **Supervisor Wood** would be the Thurman representative.

RESOLUTION #100:

Resolution to adjust 2011 Budget:

Increase Expenses

DA5110.1	General Repairs/personnel	105,100.00
DA5120.2	Bridges - Capital Outlay	9,800.00
DA5130.2	Machinery - Equipment	46,779.00

Increase Revenue

DA5031	Interfund Transfer	46,779.00
--------	--------------------	-----------

Decrease Expenses

DA5112.4	Bridges/Contractual	4,800.00
DA5142.1	Snow/Personnel	25,100.00
DA5148.1	Service other Gov't/Personnel	50,000.00
DA5148.4	service other Gov't/Contractual	35,000.00

161,679.00	161,679.00
------------	------------

HIGHWAY FUND:

On a motion by **Councilwoman Hitchcock**, seconded by **Councilman Vasak**, **Resolution # 100** was approved.

MOTION CARRIED: 4 AYES ~ WOOD, HITCHCOCK, BILLS, VASAK

RESOLUTION #101:

Resolution to Enter into Easement with SUNY Albany Student Association

WHEREAS Camp Dippikill, owned by the Student Association of SUNY Albany wishes to construct a cabin on its property and will need to place a sewer line under Dippikill Road, a town road, and

WHEREAS the Town's Engineer has reviewed the plans at the expense of Camp Dippikill and issued a recommendation on the plans,

BE IT RESOLVED that the Town of Thurman authorizes the Supervisor to enter into an easement to permit the sewer line to be placed under the Town road provided that the line be installed following the recommendation of the Town's Engineer, all liability and cost of installation, future use, damage, and the

attorney's fees associated with the drafting of the easement be paid by the SUNY Albany Student Association.

On a motion by **Councilman Vasak**, seconded by **Councilwoman Hitchcock**, **Resolution # 101** was approved.

MOTION CARRIED: 3 AYES ~ WOOD, HITCHCOCK, VASAK

1 NAY ~ BILLS

RESOLUTION #102:

Resolution to Accept Audit Findings

Whereas the Town of Thurman has completed an audit of the Chief Fiscal Officer, the Town Clerk, the Justice, and the Tax Collector,

BE IT RESOLVED that the Board accepts the findings of the attached audits. On a motion by **Councilman Bills**, seconded by **Councilman Vasak**, **Resolution # 102** was approved.

MOTION CARRIED: 4 AYES ~ WOOD, HITCHCOCK, BILLS, VASAK

RESOLUTION #103:

Authorization to Sign Adirondack Partnership MOA and Naming Evelyn Wood at the Town of Thurman Designee

WHEREAS, many organizations within the Adirondacks have identified planning resources, a regional planning structure, and a strong regional voice as a need, and

WHEREAS, AATV through a partnership with ANCA , was successful in creating a great deal of meaningful data and information through APRAP, and

WHEREAS, it is important that the data gets utilized and updated, and

WHEREAS, one of the first planning priorities needs to be the development of successful economic strategies for the Adirondack Park, and

WHEREAS, the local governments at the grassroots level are best equipped to lead this effort, and

WHEREAS, it has been determined that such a process must include; Towns, Villages, Counties, State Agencies and other partners, and

WHEREAS, the Adirondack Partnership is structured to accomplish this, and

WHEREAS, through the funding of Adirondack Community Trust this can be accomplished with no costs to the partners. Now, therefore, be it

RESOLVED, that the Supervisor of the Town of Thurman is hereby authorized to enter into Adirondack Partnership MOA, and be it further

RESOLVED, Evelyn Wood be named as the Town Representative to the Adirondack Partnership, and be it also

RESOLVED, that a certified copy of this resolution be forwarded to the Adirondack Association of Towns & Villages.

On a motion by **Councilwoman Hitchcock**, seconded by **Councilman Vasak**, **Resolution # 103** was approved.

MOTION CARRIED: 4 AYES ~ WOOD, HITCHCOCK, BILLS, VASAK

RESOLUTION #104:

Resolution to Require Return of Ambulance

BE IT RESOLVED that the Town Board of the Town of Thurman hereby directs the Supervisor to send a certified letter to the Thurman EMS, Inc. requiring that the ambulance, which is owned by the Town, be returned to the Town on or before September 30, 2011.

On a motion by **Councilman Vasak**, seconded by **Councilwoman Hitchcock**, **Resolution # 104** was approved.

MOTION CARRIED: 4 AYES ~ WOOD, HITCHCOCK, BILLS, VASAK

LETTERS: The Town Clerk read a letter from **Jean Coulard, Thurman EMS President (see attached)**.

SEPTEMBER 13, 2011

PRIVILEGE OF THE FLOOR:

Jim Mosher Complimented **Supervisor Wood** and the Town Board on the good job they were doing. **Mosher** also asked about flu shots, driving class for seniors and dealing with problem beavers.

FLU SHOTS AVAILABLE OCTOBER 20, 2011 AT THE THURMAN TOWN HALL FROM 11:00 –NOON.

Pierre Cyr asked about plans for Combs Road.

Brian Hall asked about culverts on Dippikill Road.

Mary Eddy brought up the problems with Sky High Road.

ADJOURNMENT: On a motion by **Councilman Bills**, seconded by **Councilman Vasak**, the meeting was adjourned at 8:43 pm.

MOTION CARRIED: 5 AYES ~ WOOD, HITCHCOCK, GALUSHA, BILLS, VASAK

Respectfully Submitted:

Cynthia R. Hyde
Town Clerk

ATTACHED:
Letter from Jean Coulard, President EMS
Thurman Youth Commission report

TAKE NOTE:
Rural Broadband Symposium
September 29 at 9:30am – Queensbury High School

Gleaning
October 3rd at 1pm

Tentative Budget Presentation
October 3rd at 6 pm

SEPTEMBER 13, 2011

*Occupancy Tax Committee
October 7th at 10 am*

*Columbus Day Offices Closed
October 10, 2011*

*Regular Town Board Meeting
October 11 at 6:30 pm*

*Capital Planning Meeting
October 12th at 4pm*

**THURMAN YOUTH COMMITTEE
SEPTEMBER 13, 2011 REPORT**

The Thurman summer program went very well. Fun was had by all. They had Christmas in July, Tie dyed tee shirts, made wind socks, and tended to the garden. They went on six trips to Schroon Lake Beach, The Fun Spot, and Liberty Ridge Farm. They had 32 registered children and approximately 22 each day. The next meeting will be held on September 23 at 7 p.m. at the Town Hall. The next one after that is October 7, at 7 p.m. at the Town Hall to get started on the Halloween Party that is scheduled for the 29th of October from 1 to 3 pm at the Town Hall. The public is invited to attend all meetings.

SEPTEMBER 13, 2011

FOLLOWING LAST MONTH'S TOWN BOARD MEETING I SENT A LETTER TO SUPERVISER

WOOD, FROM WHICH I NEVER RECEIVED A REPLY.

NOR HAVE I EVER RECEIVED REPLIES FROM PREVIOUS CORRESPONDENCE.

SINCE THE TOWN BOARD DOES NOT EXTEND THE COURTESY OF RESPONDING TO

QUESTIONS AND INQUIRIES FROM IT'S CITIZENS OR CONTRACTURAL AGENCIES, NOR DOES

IT FEEL THE NEED TO INFORM THE RESIDENTS OF THE TOWN OF THURMAN WHAT IS

ACTUALLY BEING DECIDED REGARDLESS OF THEIR INPUT, I FEEL IT INCUMBENT ON ME

TO REQUEST MY RECENT LETTER TO SUPERVISOR WOOD BE READ ALOUD TO THE

RESIDENTS AND THEREFORE BECOME A PART OF THE RECORDS OF THIS MEETING.

THANK YOU ALL FOR YOUR INDULGENCE AND SUPPORT.

JEAN F COULARD, PRES

THURMAN EMS

SEPTEMBER 13, 2011



THURMAN EMERGENCY MEDICAL SERVICES INC.

P.O. BOX 114
572 HIGH STREET
ATHOL, N.Y. 12810

PRESIDENT JEAN F. COULARD
CAPTAIN Matthew O'Toole
TELE. 518-623-9014

Aug. 11, 2011

Thurman Town Supervisor

Evelyn Wood

Ms. Wood

You refused to acknowledge my attempts to respond last night when you made a succinct point that "...Jean refused to sign the contract....". This is blatantly untrue. I have never 'refused' to sign any contract.

Upon assuming the office of President of the Thurman EMS in April, I requested a revision of the original contract for the year 2011 to address the issues of a 80% mandated response, allowing the squad to hire paid responders, and to bill patients. These items should not have been provisions of the contract. As you stated last night at your meeting ".....the squad is a separate entity and certainly allowed to manage their corporation as they wish.....". Such mandates are unusual in EMS contracts. I notice that no such mandates were included in your contract with Warrensburg.

When I approached you in April about the revisions, the Board finally agreed to revise the original contract with regard to paid responders and patient billing. However, the revised contract included the words ".....transport...to the Warrensburg Health Center.....", and I informed you that I could not legally sign it with that stipulation. The Warrensburg Health Center does not allow patients to be brought to their facility via ambulance. They are not an emergency care center. I returned the revised contract to you for correction. I have yet to get it back. I DID NOT REFUSE TO SIGN ANY CONTRACT!

Are you aware that the revision of the original contract constitutes a new contract, and the original 80% response was calculated from Jan 1, 2011. The revised contract in April replaces the original contract, but mandating again an 80% response rate, that was met from that time on. You never mentioned to the public last night that since the revision we have responded to 92% of calls, and when you were asked, you gave the wrong percentage. When I raised my hand to respond to that, once again I was ignored. You continually return to the original contract entered into with the previous squad members, and put the onus of unresponsiveness by that squad against our current record.

I now have a very hard decision to make. One that could affect this town and it's residents for a long time to come. I would prefer not to go that course, but I am not one to avoid responsibility, and if asked to, I will do what I have to, especially when I see that my squad is being treated so unfairly.

This squad has served this Town for many, many years, honorably and efficiently. We have sacrificed our time with our families, we endangered our own lives, we have given so much and asked very little in return. And now, you have slapped us in the face. You have cut our legs out from under us. WHY??

I and my squad and officers have worked tirelessly, above and beyond, to return this squad to its' original status of respect and honor; a squad that the Town residents have been extremely proud to call their own. We are steadily regaining that status. Why are you cutting us off at this point?

The Warrensburg EMS contract has been signed by their Treasurer. As part of this contract why is there not a resolution by the Warrensburg EMS Board of Directors authorizing Mrs. Ross to enter into this contract. Since they are without a President, the Secretary should be the 'acting president', and if the secretary cannot serve, then the Treasurer would be the acting President. In any case, you should have asked for the corporate resolution authorizing Mrs. Ross to enter into this contract. I question its' legality based on the signature of the Treasurer. This contract appears to come from the office of Robert T. Farrell, ATTY, and Board Chairman of the Warrensburg EMS. Where is the Thurman Town Attorney? Has the Town of Thurman entered into such a far-reaching and important document, that could affect the lives of its' citizens, without counsel representing it's citizens interests?

It appears that the Thurman Town Board refuses to take into consideration the outstanding performance of the current squad for the past four months. And why have two of your Board members refused to accept a certified letter mailed to them from the squad? This behavior is very unprofessional and immature, and is taken as an insult.

I further question the fact that the Notary was also a signer of the contract as the Town Clerk. A notary should not witness their own signature. Please refer to Notary Public License Law of the Dept of State, New York, Division of Licensing Services, page 7, section 138.

Jean F. Coulard, President

THURMAN EMS INC.

SEPTEMBER 13, 2011