

MINUTES OF THE FISCAL AND REGULAR MEETING OF THE TOWN BOARD OF THE TOWN OF THURMAN HELD OCTOBER 14, 2014 AT THE TOWN HALL, 311 ATHOL ROAD, ATHOL NEW YORK, COMMENCING AT 6:30 P.M...

PRESENT: **MRS. EVELYN WOOD, SUPERVISOR**

 MR. MICHAEL EDDY, COUNCILMAN

 MR. LEON GALUSHA, COUNCILMAN

 MR. DANIEL SMITH, COUNCILMAN

 MRS. GAIL SEAMAN, COUNCILWOMAN

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

Supervisor Wood had a statement to make before starting the board meeting and said that she was trying to think of the best and most diplomatic way to say it.

Supervisor Wood said that over the summer she had received a number of complaints, such as difficulty hearing the meeting and disruption from the audience at meetings. **Supervisor Wood** said that we've asked a couple of times that folks try to tone it down, it's difficult to hear, if you have a conversation if you could just please step outside or out back so we don't disrupt the meeting. **Supervisor Wood** continued saying that it works for about maybe a month, if we're lucky, and then we slide back. **Wood** stated that the culmination of these problems was quite an experience (at the Monday October 06, 2014 special meeting).

Supervisor Wood said that she thought about that Monday night meeting and was deeply concerned. **Wood** said that we were in a small space, there were some elderly and not as agile (as younger folks are) people at the meeting; if you don't know something is going to happen you could easily be injured even if you were agile.

Supervisor Wood said that she thought about it all night and that her biggest concern is the safety of the public who have the right to feel comfortable at meetings; they should not have to worry about their neighbor thumping their feet, disruptive conversation or comments from the floor. **Wood** added that Monday night's meeting (October 06, 2014) was exceptionally out of hand and that it is never pleasant for her to call the police and she was not pleased that she had to do it. **Supervisor Wood** said that we're all grown adults here and are able to act like that; and while some people might say emotions get high, I do expect as adults we're able to control ourselves a little bit.

Supervisor Wood said that she met with the (Warren County) sheriff, the undersheriff and some of their staff and went over what had gone on at Thurman Town Board Meetings this summer and what some of her concerns were regarding safety and general courtesy. **Supervisor Wood** said that they covered what she could do to make this (meetings) a good environment to conduct the business of the town, which is why we are here. **Supervisor Wood** stated that we are not here to get into fights, arguments, screaming matches or general disruption. **Wood** said that she discussed this with the sheriff and learned that she has a lot more authority than she had chosen to use and that some of it was a surprise even to her, "needless to say I'm not real thrilled that I could go down some of these avenues". **Supervisor Wood** said that the sheriff reviewed our situation and made some recommendations and that she intends to take those into serious consideration and implement them.

Supervisor Wood said *"Just so everybody knows and everybody's clear and it's on the record going forward, every single meeting we have in this room is going to be videotaped. You know, anybody can come in here with a video camera anyway, it's a public room. The sheriff advises me that while the audios are excellent, we*

did not happen to video tape the special meeting. And he advised me that he recommends that we video tape all of our meetings and preferably from a couple of different angles. So we will be implementing that by next month. It was a little short notice, I couldn't get it done in time for tonight, they have some excellent staff down there that were able to offer some guidance as to what we might do. I'm not extremely happy that we have to go down that route. But on the other hand I wanna make sure that if people come here they're safe and that also if we do have disruptive folks that refuse to abide by my requests to sit down or to come to order we're gonna start having those folks removed. It's again, I'm, for those of you who come here and are civil and just listen and you know are just here for your own information, I apologize. You shouldn't be subjected to this and I do feel bad that we have to go down this route. But, the sheriff has strongly advised me, as has the undersheriff that it would be wrong to allow this to continue, that I am just, you know, essentially letting it get worse and worse by not addressing it. And so going forward that's what we're going to do. So please, if I'm asking you to come to order, and that applies to everybody, it's going to be the citizens, it's going to be the elected officials, that's everybody. If you're not sitting down if you're not yielding the floor you're going to be removed and I was hesitant to do so, but you know on the advisement of the sheriff, I am the supervisor and you folks did elect me and you do expect me to lead and that's exactly what I'm gonna do going forward. It's not my first choice, but it's what we're going to do. So with that being said we'll trundle on into the old meeting here"

APPROVAL OF THE MINUTES:

Supervisor Wood said that there were a number of minutes to approve we are back about six sets and would the board like to wait until next month. Approval of the August 12, 2014 regular meeting minutes, August 27, 2014 special meeting minutes, September 08, 2014 regular meeting minutes, September 30, 2014 special meeting minutes and the October 06, 2014 special meeting minutes were put off until next month.

REPORTS:

Buildings: Councilman Smith said that we were in a holding pattern regarding buildings.

EMS: Councilman Galusha read the Warrensburg EMS report.

Youth Commission: Councilwoman Seaman reported that the Halloween party would be held October 25, from 1-3 and the Christmas party would be held December 13.

Highway: Councilwoman Seaman said that paving on Bowen Hill Road was complete.

Veterans Roll: Councilman Eddy said he brought the vets list up to 106.

Supervisor Wood asked how long Eddy needed to finish. **Councilman Eddy** said he expected to be done next month.

Supervisor's Report:

THURMAN STATION ASSOCIATION:

Supervisor Wood said that the Thurman Station Association is getting ready to do the applications for next year's events and wanted a tentative confirmation from the board that we intend to continue a contractual relationship.

On a motion by **Councilman Galusha**, seconded by **Councilwoman Seaman**, the town board gave Thurman Station Association a tentative conformation

MOTION CARRIED: 5 AYES ~ WOOD, GALUSHA, EDDY, SMITH, SEAMAN

CHANGE MEETING DATE:

On a motion by **Councilman Galusha**, seconded by **Councilwoman Seaman**, the November regular meeting date was changed to Monday November 10, 2014 due to Tuesday being a holiday. (Veterans' Day)

MOTION CARRIED: 5 AYES ~ WOOD, GALUSHA, EDDY, SMITH, SEAMAN

OLD BUSINESS:

Supervisor Wood reviewed the 2015 tentative budget with the help of a power point presentation.

ADOPT PRELIMINARY BUDGET:

On a motion by **Councilwoman Seaman**, seconded by **Councilman Galusha**, the town board adopted the 2015 preliminary budget.

MOTION CARRIED: 5 AYES ~ WOOD, GALUSHA, EDDY, SMITH, SEAMAN

PUBLIC HEARING:

On a motion by **Councilman Smith**, seconded by **Councilman Galusha**, a public hearing regarding the preliminary budget was set for October 28, 2014 at 7 pm.

MOTION CARRIED: 5 AYES ~ WOOD, GALUSHA, EDDY, SMITH, SEAMAN

POINTS OF INTEREST:

Election coming up in November

Town Hall closed for Veterans Day

PRIVILEGE OF THE FLOOR:

The following people spoke during privilege of the floor.

Brian Angell, Richard Kline, Jean Coulard, Barbara Farrell, Winnie Martin, Avis Russell, Cynthia Hyde, Joyce Eddy and Mary Eddy

RESOLUTION #72:

Resolution to Authorize Contract

WHEREAS the John Thurman Historical Society has requested storage for their various items, records, and files, and

WHEREAS the Town Board is willing to provide the requested storage and has had a contract agreeable to both parties developed, be it

Regular October 14, 2014

RESOLVED that the Town Board authorizes the Supervisor to sign a five year contract with the John Thurman Historical Society and take any other actions necessary to effectuate this resolution.

On a motion by **Councilman Smith**, seconded by **Councilwoman Seaman**, Resolution # 72 was approved.

MOTION CARRIED: 5 AYES ~ WOOD, GALUSHA, EDDY, SMITH, SEAMAN

RESOLUTION #73:

Resolution to Fill Position

BE IT RESOLVED that the Town Board authorizes the filling of the Part Time Recycling Center Attendant. This position is 16 hours per week at a rate of \$8.78 per hour with no benefits.

On a motion by **Councilman Galusha**, seconded by **Councilman Smith**, Resolution # 73 was approved.

MOTION CARRIED: 5 AYES ~ WOOD, GALUSHA, EDDY, SMITH, SEAMAN

RESOLUTION #74:

Resolution to Adjust budget

BE IT RESOLVED that the Town Board authorizes the following budget adjustments:

General Fund:

<i>From</i>		<i>To</i>	
7140.1 Playgrounds PS - \$2,616.00		6772.4 –Programs for the Aging	\$200.00
		7310.4 – Youth Programs CE	\$200.00
		8810.4 – Cemeteries CE	\$235.00
		1420.4 – Attorney CE	\$1,581.00
		1440.4 – Engineer CE	<u>\$400.00</u>
	<hr/>		
	\$2,616.00		\$2,616.00

Highway Fund:

From *To*

Regular October 14, 2014

5110.4 – General Repairs CE \$4,272

5130.2 – Machinery EQ - \$9,155
\$9,155

5130.4 – Machinery CE \$4,883
\$9,155

Reserve Fund – Road Repair - \$49,152

5112.2 – Perm. Improvements - \$49,152

BE IT FURTHER RESOLVED that upon receipt of the Multi Modal Funds reimbursement for the Bowen Hill Paving Project those funds will be used to reimburse the Road Repair Reserve.

On a motion by **Councilwoman Seaman**, seconded by **Councilman Smith**, Resolution #74 was approved.

MOTION CARRIED: 5 AYES ~ WOOD, GALUSHA, EDDY, SMITH, SEAMAN

RESOLUTION #75:

Resolution to Authorize Application for Grant

WHEREAS the town Justice would like to apply for a JCAP Grant in the amount of \$9,700, now therefore be it

RESOLVED that the Town Board authorizes the Justice to apply for a JCAP grant.

On a motion by **Councilman Galusha**, seconded by **Councilwoman Seaman**, Resolution # 75 was approved.

MOTION CARRIED: 5 AYES ~ WOOD, GALUSHA, EDDY, SMITH, SEAMAN

RESOLUTION #76:

Resolution for Interfund Advance

WHEREAS the town of Thurman has undertaken a project to construct a White Space Internet System, and

WHEREAS construction has commenced on the project, including the use of fiber backhaul, and

WHEREAS the monthly fee for that backhaul will commence before all subscribers are able to enroll in service, be it

RESOLVED that the Town Board authorizes and interfund advance from the general fund unappropriated fund balance to the enterprise fund not to exceed \$3,000, and be it

Regular October 14, 2014

FURTHER RESOLVED that the enterprise fund shall repay the general fund the total amount advanced and interest at a rate of four percent.

On a motion by **Councilwoman Seaman**, seconded by **Supervisor Wood**, Resolution #76 was approved.

MOTION CARRIED: 4 AYES ~ WOOD, GALUSHA, SMITH, SEAMAN

1 NAY ~ EDDY

APPROVAL OF CLAIMS:

On a motion by **Councilman Galusha**, seconded by **Councilman Smith**, the town board approved vouchers #'s 2014-585, 2014-589 and 2014-614 thru 2014-660 for a highway fund, general fund and capital project fund grand total of \$223,962.72.

MOTION CARRIED: 5 AYES ~ WOOD, GALUSHA, EDDY, SMITH, SEAMAN

CORRESPONDANCE: A letter from **Richard Bardi** and a letter from **Sally Wallace** were read. Attached

ADJOURNMENT: On a motion by **Councilwoman Seaman**, seconded by **Councilman Smith**, the meeting was adjourned at 9:08 pm.

MOTION CARRIED: 5 AYES ~ WOOD, GALUSHA, EDDY, SMITH, SEAMAN

Respectfully Submitted:

Cynthia R. Hyde
Town clerk
10/27/2014

Attached:

The **Warrensburg EMS** report, a letter from **Richard Bardi** and a letter from **Sally Wallace**.



Stephen W. Emerson
Operations Manager

Phone ~ (518) 232-0817
Fax ~ (518) 623-3651
Email ~ tek910@nycap.rr.com

*Our Patients Are Our First Priority
Our Members Are Our Greatest Asset*

October 14, 2014

Thurman Town Board Members,

Attached you will find the run totals for September 2014. We handled 4 calls in Thurman in September and our average response time was 16 minutes to arriving on-scene. 3 of those calls were ALS and 1 was BLS. We did have 1 extended response time for a priority 2 (non-urgent) call at the Crane Mountain Trail Head.

I have been informed that there have been inquiries to Mountain Lakes Regional EMS Council regarding the number of calls that we have taken in Thurman so far this year. From January through September WEMS has handled 51 calls. There was also some concerns on how I am reporting our response times to the calls in Thurman. I will adjust my report to show you the times from the initial dispatch tone to the time we go enroute to the call, and I will continue to show you our actual response time from the time we go enroute to the call, to the time that we arrive on-scene. These times are verifiable on the Warren County Sheriff's Office Communications EMS website page. If you would like I can attach to my monthly report the actual printout of our times to every call that we take in Thurman so there is no doubt as to our actual response times. Please let me know if you would like those attached. Also, I just wanted to remind you that we have providers in station 24 hours a day so our out of station time is usually less than three minutes. If any member of the Town Board or any resident of Thurman has any questions regarding our operations, please feel free to contact me at any time. I would be happy to answer your questions or discuss any concerns that you may have.

We still have tickets for the quilt that was graciously donated by Lilly Cameron as a fundraiser for WEMS. The tickets are \$2.00 each or 3 for \$5.00. We will be drawing for the quilt on December 7th at the "Christmas in Warrensburg" festivities. If you would like tickets please let me know.

Please do not hesitate to contact me at any time if you have any questions, comments, or concerns. I can be reached on my cell phone at 232-0817. I would like to thank the Town Board and the Thurman residents for their continued support.

Respectfully Submitted,
Stephen W. Emerson
Stephen W. Emerson
Operations Manager
Warrensburg EMS, Inc.

Warrensburg Emergency Medical Services, Inc
PO Box 157
Warrensburg, New York 12885

Thurman Calls Handled by Warrensburg EMS
September 2014

ENROUTE TO ONSCNE
12 MINUTES
8 MINUTES
16 MINUTES (SKY HI RD)
28 MINUTES (CRANE MTN TRAIL HEAD)

October 13, 2014

Town of Thurman
P.O. Box 29
Athol, NY 12810

Madam Supervisor and Thurman Town Board Members:

In a letter dated May 12, 2014, I noted that the White Space spreadsheet included in the workshop meeting packet omitted all expenses except the monthly charge for Frontier Communications. Submitted with my letter was a cost-payback analysis of the project showing that in the first five years taxpayers would incur approximately \$40,000 of costs not covered by subscriber fees.

The Supervisor criticized that letter as having "numerous errors", and specifically denied any responsibility for the 'spreadsheet included in the meeting packet', claiming it was prepared by others, and that she had only included it in the workshop packet so that it would be available in case anyone wanted to discuss it. But at the workshop, she had told the Board that Mr. Engelmann was present to answer technical questions; and that their financial questions would be discussed at future White Space workshops.

Two weeks later, on May 26, 2014, I simultaneously sent my open spreadsheet to all five Board members. By "open spreadsheet", I mean they each had unrestricted access to view, or change, the contents of every cell, every formula, and every calculation. Each Board member could independently check and verify the calculations, change or modify any parameter, insert their own best estimate of expenses, the number of subscribers, the monthly service fee, etc. I gave it to the Board with the simple request:

I understand that you will be meeting soon to discuss the white space project; and at that meeting, the public will not be able to comment. My hope is that each of you will spend an hour 'playing with the numbers', and be able to find a plan that you can suggest to your fellow board members when you meet to discuss the financial aspects of the project.

To my knowledge, the promised workshops to discuss the financial aspect of the project have not yet been held.

On August 27, 2014, I submitted a Freedom of Information request [FOIL] for copies of the contract(s) with Rainmaker, and:

All documents showing the estimated monthly expenses, and/or the estimated monthly income of the white space project. Any statements or spreadsheets showing the projected cash flow of the white space internet project.

In response, I received copies of two contracts, and this statement from the Supervisor:

In regards to his other requests for documents, all of the documents he has requested were provided in the meeting packet for the White Space Workshops held earlier this year.

In other words, the very spreadsheet that she went on about at considerable length to thoroughly disavow, is the *only* document she had that answered my FOIL request for *her* financial analysis of the project.

Just to clarify, I requested the Supervisor's estimates of the expenses, costs, and cash flow, but more than a year into the project, the Supervisor had not prepared *any* financial analysis of the project.

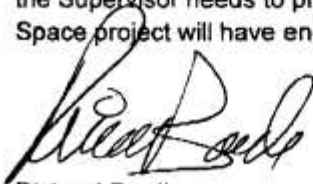
The 2015 tentative budget contains an "enterprise fund" with \$15,000 expenses offset by \$15,000 income. The Supervisor will have to explain how she arrived at *those* numbers without any of the documents asked for in my FOIL request. For the Town to actually receive \$15,000 income from the proposed rate of \$50 per month per subscriber, there would have to be 50 subscribers in every one of the twelve months. Even Mr. Engelmann doesn't believe that will happen.

The Supervisor's message describes the 2015 budget as having "no additional funding to cover any increases in fuel, heating, or electrical costs", and omitting many "requests for software, raises, staffing, repairs, and additional services . . . because it was impossible to add them and remain within the tax cap."

As the Board now considers that proposed budget, I'd like to remind them of a sentence from my June 10th letter to the Board:

Keep in mind, that *any* expense not covered by white space subscribers will be a cost to the Town, and will have to be paid with tax money from some Town fund. The money won't magically appear, it will have to be taken away from something else the Town needs.

The Supervisor has repeatedly promised that tax money will not be used to pay the expenses of the White Space project. To prove that her promise was not just a political campaign ploy, the Supervisor needs to produce a thorough financial analysis showing exactly how the White Space project will have enough income to pay all of its expenses.



Richard Bardi

Sally Jo Wallace
254 Mountain RD
Athol, NY 12810

Sept. 9, 2014

ATTN: Thurman Town Board AND Public;

I have Belonged to many organizations
And Attend many meetings.

I have never Attended A meeting which
Contained so many Rude remarks within
The Board.

I Feel That Because Ms. Wood and Ms.
Seaman have Thier name plates in front
of Them During A meeting, IT gives Them
Power to "Role Thier EYES" And to Publicly
"BeLittle" Everyone Especially Thurman Town
clerke Cynthia Hyde. Your meeting on Mon.
night 9-8-14 You Ms. Wood Publicly Announced
That You had found 13 mistakes THAT Cynthia
had made on ~~Friday~~ Last months minutes.
Now could you Ms. Wood have Spoke to Ms.
Hyde on any other Day in Person (since you
Both work out of the same building) or even
on The Phone, instead of waiting until the
meeting? We All know You could have.

AFTER You would BeLittle Ms. Hyde you CUT
her off AS Quick AS you could when she
would try to Answer your Accusations.
I do Realize That you are The "chairman"
of The Board and you "run" The meetings.

BUT you need to Stop Being A "Show"
Person And running your meetings AS A

"Ringmaster" and run them for the people
of Thurman.

The Thurman people respect each other
and when we have a problem with someone.
we do not invite the press, have a special
podium made or run after we speak our peace.
we listen to each other and figure out
together what can be done to fix it.

Sally Jo Wallace

Please attach this with your meeting
minutes.