

DECEMBER 13, 2011

MINUTES OF THE FISCAL MEETING, REGULAR MEETING AND PUBLIC HEARING OF THE TOWN BOARD OF THE TOWN OF THURMAN HELD DECEMBER 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. LEON GALUSHA, COUNCILMAN
MR. AL VASAK, COUNCILMAN
MRS. REBECCA HITCHCOCK, 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

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

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

CLAIMS: On a motion by **Councilman Bills**, seconded by **Councilman Vasak**, payment of vouchers # 20110800, 20110802 thru 20110829 for a total of \$16,462.06 General fund and vouchers # 20110787thru 20110799, 20110801 and 20110830 for a total of \$22,282.82 Highway fund were approved.

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

THE FLORENCES: Bob and Peggy Florence were honored with a plaque showing appreciation for their dedicated volunteerism.

SNOWMOBILE TRAIL ACCESS: Jon Rolf, representative for area snowmobile clubs, spoke to the Town Board about the negative impact of the closing of the train tracks for snowmobile use. Discussion ensued regarding alternative access for snowmobiles. Thurman connects southern trails to northern trails. When the Thurman tracks were closed to snowmobiles, access between north trails and south trails were severed.

RESOLUTION # 116:

Resolution to Temporarily Allow Snowmobile Use

WHEREAS the snowmobile season has begun and the Thurman Snowmobile Club has no trail to connect and provide access to large portions of the snowmobile trail system throughout the state, and

WHEREAS the Town Board understands that connection is necessary for the overall success of the snowmobile trail system, and

WHEREAS the Town Board has concerns regarding the safety of the use of this particular section of town road, be it

RESOLVED that the Town Board of the Town of Thurman hereby permits temporary use of the section of River Road beginning at or near the property of Phillip Carpenter, continuing generally north and east to Bowen Hill Road, and then generally north and west along Bowen Hill Road to George's Knoll Road, be it further

RESOLVED that this permission is only granted until April of 2012, and that any complaint arising concerning the use of this section of roads by snowmobiles shall result in the Town closing the road and sending notification of such to the Thurman Connection Snowmobile Club.

On a motion by **Councilman Galusha**, seconded by **Supervisor Wood**, Resolution # 116 was approved.

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

1 NAY ~ HITCHCOCK,

OPEN PUBLIC HEARING:

NOTICE is hereby given that the Thurman Town Board will conduct a public hearing regarding proposed Local Law # 3 2011 a Local Law Prohibiting Dumping and Littering, on Tuesday December 13, 2011 at 7:00 pm at the Town Hall 311 Athol Road, Athol, New York. At that time, all interested parties will be given the opportunity to be heard.

*By the order of the Thurman Town Board
Cynthia Hyde, Town Clerk
Town of Thurman
December 06, 2011*

With the reading of the legal notice by the Town Clerk, **Supervisor Wood** opened the public hearing regarding Local Law # 3 2011, a local law prohibiting dumping and littering in the Town of Thurman, at 7:00 pm. The hearing was left open.

REPORTS:

Food Pantry: **Councilman Vasak** said that the food pantry was well stocked and that there was a good turnout for gleaning.

Land Fill: **Councilman Vasak** said details about the landfill are still being worked out.

Occupancy Tax Committee: See attached

Youth Commission: See attached

Christmas Baskets: See attached

EMS: **Councilman Galusha** said that he attended the Thurman EMS meeting and that they are working hard.

Highway: **Councilman Bills** said the highway contract was being worked out.

CLOSE PUBLIC HEARING: With no further questions, **Supervisor Wood** closed the public hearing on Local Law #3 2011 at 7:04.

Supervisor's Report: **Supervisor Wood** said that...

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The old truck sold for parts is gone and paid for.

The town received \$1639.32 from FEMA.

Thank you to the local government review board for asking Albany to review our town.

She attended Association of Towns and Villages and was elected director at large.

Newly elected officials need to be sworn in.

EXECUTIVE SESSION: On a motion by **Councilman Galusha**, seconded by **Councilman Vasak**, the Town Board went into executive session at 7:08 pm to discuss the service of a potential provider and matters pertaining to an individual.

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

On a motion by **Councilwoman Hitchcock**, seconded by **Councilman Galusha**, the Town Board came out of executive session at 7:38 pm with no action being taken.

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

EMS: Supervisor Wood said that the Town Board has some concerns about contracting with the Thurman EMS but is willing to work something out. **Wood** stated that the town's interest needed to be protected. Thurman EMS President **Jean Coulard** said that Thurman EMS would guarantee the Town's collateral.

RESOLUTION #117:

Resolution to Enter EMS Contract

WHEREAS the Town Board wishes to contract for EMS services in the year 2012, and

WHEREAS the Town Board is concerned with the safety of the public and the Board's fiscal responsibilities, be it

RESOLVED that the Town Board of the Town of Thurman hereby authorizes the supervisor to enter into a contract with Thurman EMS Inc. for the year of 2012.

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On a motion by **Councilman Galusha**, seconded by **Councilman Bills**, resolution # 117 was approved.

MOTION CARRIED: 3 AYES ~ WOOD, GALUSHA, BILLS

1 NAY ~ HITCHCOCK

1 ABSTAIN ~ VASAK

RESOLUTION #118:

Resolution to Send Letter of Intent to Contract

WHEREAS the Town Board of the Town of Thurman intends to enter into a contract with the Thurman EMS Inc for the year 2012, be it

RESOLVED that the Town Board hereby authorizes the Town Supervisor to send Thurman EMS Inc., a letter stating the Town intends to negotiate a contract with Thurman EMS Inc. On a motion by **Councilman Galusha**, seconded by **Councilwoman Hitchcock** , resolution # 118 was approved.

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

GARBAGE BAGS: The Town Board discussed options for Thurman garbage bags.

RESOLUTION #119:

Resolution to Accept Proposal

WHEREAS the Town of Thurman requested three quotes concerning garbage bags for the Town's Pay As You Throw program, and

WHEREAS the quotes from three companies have been received and evaluated, be it

RESOLVED that the Town of Thurman has selected Tags-Bags-Containers to provide the garbage bags necessary for the program.

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On a motion by **Councilman Vasak**, seconded by **Councilwoman Hitchcock**, resolution #119 was approved.

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

C+D: The Town Board decided to close the landfill C+D for the winter starting January 1, 2012.

NEW BUSINESS:

The 2012 Organizational meeting will be held January 03, 2012.

Supervisor Wood said that the town needs to look into web design solutions for a Town Website.

RESOLUTION #120:

Resolution to Accept Snow and Ice Contract with Warren County for the Year of 2012

BE IT RESOLVED that the Town of Thurman does hereby resolve to enter into a contract with Warren County for the removal of snow and ice, and also the sweeping and mowing of County roads in the Town of Thurman for fiscal year 2012. On a motion by **Councilwoman Hitchcock**, seconded by **Councilman Bills**, resolution #120 was approved.

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

RESOLUTION #121:

Resolution to Adopt Local Law #3 of 2011

WHEREAS Local Law #3 of 2011 concerning the prohibiting of Dumping and Littering in the Town of Thurman was advertised and a public hearing was held on December 13, 2011 at 7:00pm, and

WHEREAS all those being heard were for and against Local Law # 3, be it

RESOLVED that the Town Board of the Town of Thurman enacts Local Law #3 of 2011 entitled A Local Law Prohibiting Dumping and Littering in the Town of Thurman. Be it further

RESOLVED that the enactment of Local Law #3 of 2011 shall be effective immediately upon filing with the Secretary of State. On a motion by **Councilman Vasak**, seconded by **Councilman Galusha**, resolution # 121 was approved.

MOTION CARRIED: ROLL CALL ~ WOOD - YES, HITCHCOCK - YES, GALUSHA - YES, BILLS - YES, VASAK – YES

RESOLUTION #122:

TOWN OF THURMAN

RESOLUTION # 122 OF 2011

Resolution to Adjust 2011 Budget

HIGHWAY FUND

Increase Expenses

DA5110.4	General Repairs-Contractual	\$25,000.00
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Decrease Expenses

DA5140.1	Brush and Weeds -Personnel	\$8,900.00
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DA5142.1	Snow Removal -Personnel	\$16,100.00
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\$25,000.00 \$25,000.00

GENERAL FUND

Increase Expenses

A1110.4	Justice Contractual	\$170.00
A1220.4	Supervisor's Contractual	\$230.00
A1650.2	Central Communications	\$7,500.00

Decrease Expenses

A1990.4	Contingency	\$7,900.00
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\$7,900.00 \$7,900.00

On a motion by **Councilman Galusha**, seconded by **Councilwoman Hitchcock**, resolution # 122 was approved.

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

LETTERS: The Town Clerk read a letter from **Dexter Baker** and a report from **Joan Harris, Town Historian**. See attached

PRIVILEGE OF THE FLOOR:

Mary Eddy asked if the whole board had looked at the route proposed by the snowmobile club and suggested they meet there.

Supervisor Wood answered that they all had seen it and that the whole board couldn't meet without out an open meeting.

Bob Farrell said that he was glad Thurman EMS and Town of Thurman were working together. **Farrell** hoped the Town Board would agree to the full amount that Thurman EMS had requested be put into the 2012 budget. **Farrell** also said that Warrensburg EMS would not answer Thurman calls starting on January 01, 2012.

Joyce Eddy was concerned about the snowmobile club being granted access to the section of River Road near the property of Phillip Carpenter, to Bowen Hill Road, and along Bowen Hill Road to George's Knoll Road. **Mrs. Eddy** said that many accidents have occurred there and that their decision may cause an innocent person to have an accident. **Eddy** felt it was a terrible decision to allow the snowmobiles to use this route.

Dexter Baker stated that he thought the Town had filed the wrong copy of Local Law # 1.

Supervisor Wood said that the correct one had been filed.

Jim Mosher was worried that Thurman EMS would not be totally ready to answer calls when Warrensburg EMS stopped answering them.

Tonight's meeting was the first time that the Thurman Town Board had been told of Warrensburg EMS's plan to discontinue service to Thurman.

Discussion ensued regarding Warrensburg EMS's announcement. **Supervisor Wood's** response became heated. This discussion brought out a possible communication gap between the Thurman Town Board and the Warrensburg EMS.

ADJOURNMENT: On a motion by **Councilman Galusha**, seconded by **Councilman Vasak**, the meeting was adjourned at 8:21 pm.

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

Respectfully Submitted:
Cynthia R. Hyde, Town clerk

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ATTACHED: Local Law #3 2011, reports and a letter.

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one.)

of Thurman

Local Law No. 3 of the year 2011

A local law PROHIBITING DUMPING AND LITTERING IN THE TOWN OF THURMAN
(Insert Title)

Be it enacted by the THURMAN TOWN BOARD of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of THURMAN

as follows:

BE IT ENACTED BY THE THURMAN TOWN BOARD AS FOLLOWS:

1. Title and Authority - This Local Law shall be known as the Town of Thurman Dumping and Littering Law. It is adopted pursuant to Municipal Home Rule Law §10.
2. Purpose – Dumping and littering of trash and garbage creates an unsightly and unsanitary condition and is detrimental to the health, safety and welfare of both residents of and visitors to the Town. This Local Law is intended to discourage dumping and littering and emphasize accountability for these actions.
3. Definition – For the purposes of this Local Law, "trash, garbage or refuse of any kind" includes, but is not limited to, (a) waste food including, but not limited to, fruit, vegetables, meat, dead animals, birds or fish or parts thereof, or any kind of waste material capable of decomposition or decay and (b) paper and paper products, rags, furniture, cans, bottles, crockery, plastics, cartons, chemicals, paint, grease, sludges, oils and other petroleum products, wood, sawdust, demolition materials, metals, appliances, equipment, tires, automobiles and other vehicles and parts.
4. Dumping and Littering Prohibited; Exception – No person, corporation or other entity may dump or deposit any trash, garbage or refuse of any kind upon any lands in the Town of Thurman except in areas specifically designated by the Town for such purpose. Any information found in or on trash, garbage or refuse deposited in violation of this Local Law may be used to identify the person responsible for the violation. This prohibition does not include residential composting of vegetative matter including, but not limited to, leaves, woodchips, pine needles, sawdust, coffee grounds, lawn clippings, vegetable and/or fruit matter on the residential property where it was generated and maintained in a sanitary manner for noncommercial purposes.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

5. Penalties – Any person, corporation or other entity which violates any of the provisions of this Local Law shall be guilty of a misdemeanor and liable to a fine of at minimum \$250 and not more than \$950 for a first offense and by a fine of at minimum \$250 and not more than \$950 or imprisonment for a term not exceeding one year, or both, for each succeeding offense.

6. Severability - The invalidity of any clause, sentence, paragraph or provision of this Local Law shall not invalidate any other clause, sentence, paragraph or part thereof.

7. Repealer - All Local Laws or Ordinances or parts of Local Laws or Ordinances in conflict with any part of this Local law are hereby repealed.

8. Effective Date - This Local Law shall take effect upon filing in the office of the New York State Secretary of State or as otherwise provided by law.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 3 of 2011 of the (County)(City)(Town)(Village) of THURMAN was duly passed by the TOWN BOARD on DECEMBER 13, 2011, in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. of 20 of the (County)(City)(Town)(Village) of on 20, and was (approved)(not approved) (repassed after disapproval) by the and was deemed duly adopted on 20, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. of 20 of the (County)(City)(Town)(Village) of on 20, and was (approved)(not approved) (repassed after disapproval) by the on 20.

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on 20, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. of 20 of the (County)(City)(Town)(Village) of on 20, and was (approved)(not approved) (repassed after disapproval) by the on 20. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of 20, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

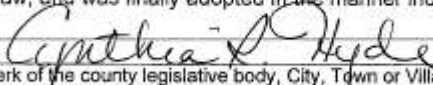
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____ above.


Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

(Seal)

Date: 12/16/2011

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF WARREN

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.


Signature
Town Counsel
Title

County
City of Thurman
Town
Village

Date: _____

Occupancy Tax Report for December 13, 2011

Occupancy Tax Committee met on November 4, 2011. Many events were discussed. They have many ideas for the upcoming yr. There were 5 people in attendance. The next meeting is on January 6, 2012 at 10 AM at the Thurman Town Hall. The public is welcome to attend.

Christmas Basket Report For December 13, 2011

45 Christmas baskets were made for people in the town. I need to give thanks to Beth Galusha, The Thurman Station Assoc, Grand Union, Stewart Shops, Hannaford, Price Chopper, Wal-Mart for their donations. Also I need to give a Personal thanks to the following people who shopped, helped pack and deliver the baskets they are: Paula Hubert, Karma Smith, Gracie Flynn, Myrna Keeler, Ursula Morrasso, Shirley Wendling, Gail Needham, Barbara Farrell, Bob Hitchcock. Special Thanks goes out to everyone who baked, made items, gave items for the baskets. Also I would like to give a special thanks to Mrs. Backus third grade class and to Jody Curtis and her 4-H club The Clover Buddies for the decorations they made for the baskets.

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Dexter J. Baker
450 High Street
Athol, NY 12810

Town of Thurman
311 Athol Road
Athol, NY 12810

Dear Thurman Town Board,

With the year coming to an end there are still questions about EMS for the upcoming year. The 2012 budget shows a sum of \$20,000 for EMS services. However, both squads that have shown interest in providing services appear to need more than this amount. Prior to contracting with an agency there are questions that need to be answered and research done concerning facts and figures. According to Warren County, thus far this year the Town of Thurman has received 73 EMS calls, of which Thurman handled 41, Warrensburg 28, Johnsbury 3 and Stony Creek 1. This means only 56.16% of the time residents could expect Thurman EMS to handle their call. In addition to Warrensburg's 28 calls they have also responded to many more.

Earlier this month the President of Thurman EMS stated from April to June they responded to 92% of their calls. This is true, but there is another way to describe the calls during this time. From April to June the Town of Thurman received 15 calls for service, of which Thurman handled 12 and Warrensburg 3. However out of those 15 calls, Warrensburg began a response to the scene prior to Thurman 86.67% of the time. So while Thurman responded to most of the calls, Warrensburg showed more efficiency in responding first.

Legally EMS services are not mandated, however morally it seems the town should provide them. Thus a contract should be sought with a more stable and reliable agency. The Town of Warrensburg over the past 4 years has received an average of 1,031 calls and the Town of Thurman an average of 125 calls. The Town of Warrensburg contracts with their squad for \$30,000 to handle these calls. What's intriguing is why Warrensburg would need \$50,000 from Thurman to handle a lower call volume. So why is \$20,000, in addition to billing and donations, not enough for Warrensburg to handle our calls and to be compensated for such.

On the other side Thurman EMS requested \$40,000. If Thurman EMS uses the towns ambulance for that year they will have \$27,315. Out of this amount they need to cover building expenses, paid staff, medical supplies, etc. With this amount of money that feat seems almost unlikely and even Joe Farrell from the Dept. of Health agrees this number seems inadequate.

As money budgeted for 2012 will only support one agency, the town has to assess this situation. If the ambulance factors in with the \$20,000 budgeted, there could be a possibility of Warrensburg reigniting an interest in providing services. In regards to the ambulance, individuals need to understand that when the payments are completed on the vehicle it's still owned by the Town and it's still the Town's decision to whom it's granted. If Warrensburg would consider a contract with this vehicle, the town should likewise consider it.

Some people say they don't want the Warrensburg agency in Town, yet it's only the same handful of people supporting this. When someone calls 911 they expect an ambulance and regardless of the name, service provided remains the same. Squad officials have stated they have new administration, yet the Town judges them on past history. Earlier I mentioned research needs to

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December 12, 2011

Year End report

Board Members:

2011 is coming to an end and I feel I have given proper time and energy in fulfilling my position as Town Historian.

I have had meetings with those who needed to see the Historian's files. I have followed up on inquiries asked of me by the town clerk's office and those who have contacted me through the computer. I have continued to file and organize boxes of papers and pictures. There are more to do. I have prepared a picture inventory of items in my care at the office; it is attached. I am in the process of handing out genealogy forms to certain families in order to update and expand their files. I am still researching pending items.

When I was contacted by mail, which some information was missing from the town requested by the Warren County Bicentennial Committee, I discussed it with Perky. I notified the Chairperson on the county bicentennial committee as to who should have received the information from each of the town representatives. He checked and did find the information that both Perky and Supervisor Wood shared with the committee. Then he asked for a summary of the history of our town. I wrote it and sent it to him and he acknowledged that he received it and was pleased.

This job is interesting and I enjoy it. I know and I am willing to help build roads in this town, so I didn't even mind when you cut my salary in half; but I believe all of you flunked Management 101. The basic skill is to notify an employee before the decision is made and placed in the public budget. I learned a lot about this board by this situation and education is always useful.

If you need to discuss my job or performance, please contact me. I am most always available.

Thank you,
Joan Harris
Town Historian

Note: semi-annual report already submitted

**Town of Thurman
Historian's Office
Inventory
12-1-2011**

1:	Misc. tools			
2:	Butter Churn	2011	Myrtle Buyce	On loan from JTTHS
3:	School Desk			
4:	"Thunder Pot"			
	Kerosene container			
	Misc hand tools			
	Light fixture			
5:	Light fixtures			
	Carrying Cans			
6:	two decorative pictures			
7:	Shingle shaver	2011	Myrtle Buyce	On loan from JTTHS
8:	Misc garden tools			
9:	Wooden box & Misc. garden tools			
10.	Wash board & garden tools			
11:	Leather pouch-garden tools			
12:	Shelf in office containing misc. booklets			
13:	File cabinet; Map file case: Thurman Patent map; wooden chair			
14:	Table holding Misc. town information books, phone and answering system			
15:	Computer, CPU; printer; desk; and cabinet; office chair			
16:	portrait picture			
17:	Misc. pictures on a wall			
18:	Misc. pictures on the wall (duplicate)			
19:	Spinning wheel	2011	Myrtle Buyce	on loan from JTTHS
20:	Yarn Winder	2011	Myrtle Buyce	on loan from JTTHS
21:	manual garden plow			
22:	boxes of misc paper items			
23:	trunk of news items			
24:	trunk of unidentified pictures			

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