

**MINUTES OF THE SPECIAL MEETING OF THE TOWN BOARD OF THE TOWN OF THURMAN HELD AUGUST 06, 2014 AT THE TOWN HALL, 311 ATHOL ROAD, ATHOL NEW YORK, COMMENCING AT 6:00 P.M...**

**PRESENT:     MRS. EVELYN WOOD, SUPERVISOR**  
**MR. LEON GALUSHA, COUNCILMAN**  
**MR. DANIEL SMITH, COUNCILMAN**  
**MRS. GAIL SEAMAN, COUNCILWOMAN**

**ABSENT:     MR. MICHAEL EDDY, COUNCILMAN**

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

**PLEDGE TO THE FLAG**

**ROLL CALL**

**Supervisor Evelyn Wood** called this special meeting to make a statement to the public.

**SUPERVISOR'S ADDRESS:**

**Supervisor Wood** gave her personal account of matters pertaining to salt storage.

**Supervisor Wood** also shared with the public her personal opinion of prior board members and current board members. Upon completion of her address

**Supervisor Wood** ended the meeting, without a vote by the town board, at 6:17 pm thereby avoiding any further comment from town board members.

**Respectfully Submitted: Cynthia R, Hyde 08/12/2014**

**As requested by the Town Board > Attached: Supervisors Address**

Supervisor's Address Aug 6, 2014

Good Evening everyone, thank you for coming tonight. I called this special meeting because it has become imperative that I inform the public regarding serious issues facing our town which could ultimately affect every taxpayer in the town. Before I begin with my remarks I want to point out that I will not be entertaining comment or discussion tonight. I will be making this statement and we will be adjourning. Next week I will be placing specific time on the regular Board meeting's agenda to take comment on the information I am speaking about tonight. I would also ask that the audience refrain from chatting with your neighbors to make it easier for everyone to hear.

To begin let me say that since I've come in to office I have had a change in Board members nearly every year. The one consistent thing was that although Board members frequently changed, every Board worked for the betterment of the town. They were active in the operation of the town and they were conscientious about the budget and the tax rate. As the Chief Fiscal Officer I was understandably pleased. We did not always agree, but we did always achieve consensus. The result of that was a series of conservative budgets that enabled the Town to maintain little or no tax increase over the last few years. Tonight I am here to inform the taxpayers of the town that this is no longer the case and as a result there is the distinct possibility it will cost us all a lot of money.

This town has an expansive and unfortunate history of failing to follow the laws and guidelines in place at any given time, and now the citizens are paying for it. Literally. For decades the town stored salt on this property in a number of locations, culminating in the 1997 construction of what was advertised as a sand shed. In actuality, it was a building constructed to store salt at this location. No permits were obtained, no preventative measures or best management practices were implemented with regards to salt storage. There isn't even a board resolution authorizing the construction of a salt shed.

In 2012 the Town received a Notice of Violation from DEC for a number of violations. One of which was a very simple fix, the others were more serious and required development of a plan acceptable to DEC for the correction of the problems. In addition to the violations listed there are a number of other problems that the Town could have been fined for and made to correct. Through many conversations and meetings, and multiple drafts of plans I worked very hard to keep the town from being fined. Fines from DEC could be as high as 37,500 per day and quite frankly we don't have that kind of money. I was also extremely concerned that we not have to complete all of the work in a single year as we did not have the funds for that available in the budget.

The end result was favorable to the Town, no fines, two years to do the work, no delineation of the plume through the drilling of test wells, and our plan still addressed the issues of bringing the town into compliance concerning the violations. The estimated cost of the project was \$100,000, a big number but substantially less than I was afraid we would have to pay. With the use of our own staff and equipment we would be able to hold costs down substantially. It was a win-win. I prepared resolutions and the Town Board passed the resolutions. We transferred the \$100,000 out of our reserve fund into a capital project and prepared to move forward. \$11,000 was spend on materials for the construction of a new salt shed and we received the materials in the later part of last year. The previous Board accepted a bid for well drilling, and a new well was drilled. However, after the first of the year the progress has stopped.

①

As it stands right now, we have \$11,000 worth of lumber laying on the site where the new Salt shed is to be constructed. We spent the winter storing salt in the boxes of our trucks and at another unpermitted salt shed built under similar circumstances to the one that we had so much trouble with here. The capping that is required on the hill behind the hall has not commenced. The well has not been completed or hooked up. The Highway Superintendent has informed me he does not have time to do the work and has recommended that we bid the job out, which will substantially increase the cost. Additional impacts to homeowners have occurred, and despite my urging, your Board has not taken action.

Which leads us to why I originally called this meeting. I want the public aware that if the Town continues to be inactive, we will be fined. Three of the violations have not been addressed and the town has had ample time to do so. Three violations at 37,500 per day is \$112,500 every day. That's \$787,000 per week. That is about half our annual budget in one week, or a 157% increase in your taxes in one week. That is just for three violations. I can't tell you if the fines will go retroactive or not, but if they do that is a huge number. In addition to that, there is the number of additional items we could receive violations for and since we now have a history of being slow to comply I wouldn't hope for leniency. Once a Notice of Violation is issued we have to comply, and there are a lot of other things that have been done here over the years that all of you could end up paying for.

Up until this year we were moving right along according to plan, but after January things slowed to a crawl. No construction, no asphalt cap, no remediation for affected homes. At a May Special Meeting when the engineer was here and we were supposed to focusing on the additional impacted wells and how best to proceed the gentlemen of this Board openly stated that they had decided to build a new highway complex on River Rd, rather than follow the remediation plan approved by DEC.

There's a number of issues here and none of them reflect favorably for the town. The message we are sending to the DEC is not one of being proactive and fixing the problem, which is contrary to the previously adopted resolutions. I have tried to reach consensus and get the project moving forward again through a number of methods. In January I appointed Mr. Galusha the Board liaison to the project, I sent him copies of the plans for the salt shed. I have suggested that we go out to bid and have professionals come in and get the work done if our highway staff do not have the time, I have suggested we hire a temporary laborer to do the work, I have even suggested offering to allow the Highway Superintendent to hire additional temporary help so that the town's equipment can be used and keep costs down. I have consulted with the Highway Superintendent and the Town's Engineer. I went back and met with the gentlemen at DEC who are involved in the project. It has been to no avail, and so we are at a standstill.

For me this has been a difficult position to be in, I know that telling you this tonight may infuriate the Board and they could refuse to work with me to keep the Town moving forward. But as I reflected on that I realized they aren't really working with me now anyway. The Board liaison to this project has done nothing to move the remediation forward all year. While I'm agonizing over how to keep us compliant and out of a situation where fines could seriously impact your taxes, most of your Board only shows up for our monthly meeting. It is vital that we move forward, if we don't the Town will be fined, and it is likely to increase taxes dramatically. Additional wells have been impacted and not only are we failing in our duty to ensure the health and safety of the public, these additional impacts are going to add to the expense. The town also has hidden costs, such as the expense of new truck boxes at \$30,000 each because storing salt in them will eventually ruin the equipment, or the \$11,000 in materials that lays in

(2)

the weather on the hill as I speak. I despise wasting your money, and I am deeply concerned that this will end in a tax hike.

My purpose tonight is to make you all aware that continued gridlock on this Board will cost you the taxpayers. I am determined to do all I can to prevent that from happening.

With that in mind I am going to bring a number of resolutions forward at the next Board meeting to keep this and our other projects moving forward. I firmly believe that no one here in town can afford a substantial tax increase and that you all deserve a Board that works for the betterment of the town.

Finally, I learned very troubling information late last week. For those of you who did not attend last month's meeting, Mr. Eddy made a motion to build a new highway complex on River Rd. No notice to the public, no discussion by the Board, no public hearings, no answers to any of the list of questions that came up in May when the gentlemen on the Board said they had already discussed it and decided they wanted to build a highway complex rather than continue with the adopted DEC remediation plan.

The Board did not comment on Mr. Eddy's motion last month, and discussion returned to the topic on the floor at the time. After I called this meeting last week, at approximately 11 am on Thursday morning Mr. Eddy met again with the Highway Superintendent. At 2:30 that afternoon during a meeting with the town's engineer I was informed that the Town's Engineering firm had been contacted by the Highway Superintendent to draft plans for a 6 bay highway garage compete with meeting room and so on, and that the cost of the garage alone would be 700,000 – 800,000. Site work, fuel facilities, salt storage, mixing pad, permits, engineering, railway crossings and so on would be additional fees. The cost would be in excess of a million dollars. That would mean your taxes would go up at least 12% right there.

I want you to be aware of this because there is no Board resolution to build a garage, much less to draft plans or move forward with a project like this. This is not the first time our current Board has used email or meetings on the side to conduct town business in a manner that subverts the Open Meetings Law requirements. It was done out of the eyes of the public, without authorization of the Town Board. Neither myself, nor the Highway liaison Mrs. Seaman were ever informed about it, if the engineer had not brought it up, no one would even know plans had been ordered. Yet someone has to pay for this work, and there's no money in the budget for it. It's the second time this year Mr. Eddy has met with the highway superintendent and the result is an expense the Board didn't authorize, and has no money budgeted to pay for. That isn't transparency in government, and it's a misuse of public funds in my eyes.

Having elected officials running up significant bills when they lack the authority to spend the money is an enormous problem. It violates a number of laws and policies and you could all be left footing the bill. So in addition to the serious issues before us in relation to the DEC problems, it seems we also have Board members making decisions that will cost millions without following the proper processes, out of the eyes of the public. There has been a systematic method employed by some of our elected officials to subvert the Open Meeting Law to conduct town business out of the eyes of the public this year and I am appalled by it. This behavior is obviously unacceptable, and you need to be aware of it.

So where do we go from here? We need to complete the work necessary in regard to the Notice of Violation from DEC before there are fines. Next we need to finish the grant projects which are still ongoing.

(3)

Then and only then will we be in a position to publicly assess what future projects are priorities for our town as a whole and make informed decisions regarding future expenditures. We need to get the back door politics stopped. The Board needs to stop trying to conduct business by emails and private discussions on the side. They need to focus on resolving the challenges facing our town in a fiscally responsible manner and they need to start doing the work they were assigned. Most of all they need to start doing it where to public can see the process.

When I took office I swore to uphold the laws of the State. I swore to serve you with honesty, and with the Town's best interest at heart. No matter what comes my way I intend to continue doing just that. I will do everything in my power to keep your taxes down, and when I see instances like these that could substantially impact your taxes at a time when many people can least afford it I strongly believe it is my duty to make you aware of the potential for tax increases.

We can prevent fines, we do not need a 12% increase in our taxes that the public never even knew was coming. I am asking you to think about it. This is your money, it is your tax dollars. Is this how you want them spent? I have a hard time thinking it is. I called this meeting thinking I would be addressing the town's compliance issues, and yet there is so much more going on behind the scenes. I implore you, if you do not want to pay for the fines, if you do not want a 12% increase in your taxes, contact your Board members. The costs are preventable. It is my sincere hope that if the Board intends to ignore my warnings, if they will not heed my pleas to conduct business openly and to be mindful of the finances, they may just listen to the people who pay the bills.

Thank you.

As we have reached the end of our agenda for this evening, this meeting is adjourned.

4

Special August 06, 2014