

FEBRUARY 16, 2010

MINUTES OF THE FISCAL AND REGULAR MEETING OF THE TOWN BOARD OF THE TOWN OF THURMAN HELD FEBRUARY 16, 2009 2010 AT THE TOWN HALL, 311 ATHOL ROAD, ATHOL NEW YORK, FISCAL MEETING COMMENCING AT 6:30 P.M., REGULAR MEETING COMMENCING AT 7:00 P.M.

PRESENT: MR. CHARLES BILLS
MR. LAWRENCE [RED] PITKIN
MR. AL VASAK

ABSENT: MR. LEON GALUSHA
MR. JAMES LIGON

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

The meeting was called to order by **Supervisor Lawrence [Red] Pitkin**

FISCAL MEETING: The Town Board reviewed all claims.

Questions asked were:

1. Why is insurance so expensive for town trucks when they are not liable for damages?
2. With all this insurance that we are paying for do we have glass coverage?

The electric usage at the landfill has gone up because of the town truck that is plugged in there.

REGULAR MEETING:

Pledge of allegiance to the flag of the United States of America...

A moment of silence for our troops

APPROVAL OF THE MINUTES: On a motion by **Councilman Vasak**, seconded by **Councilman Bills**, the minutes were approved.

MOTION CARRIED: 3 AYES ~ BILLS, PITKIN, VASAK

PAYMENT OF CLAIMS: On a motion by **Councilman Vasak**, seconded by **Councilman Bills** payment of claims from abstract # 86 General fund[\$6,641.94], and abstract # 94 Highway fund [\$34,194.39] were approved.

MOTION CARRIED: 3 AYES ~ BILLS, PITKIN, VASAK

The idea of sharing a garbage truck with Stony Creek is still pending. **Councilman Vasak** asked if there were detailed receipts for Occupancy Tax spending. **Supervisor Pitkin** said yes and that they were filed here and at the county.

MEDICARE REIMBURSEMENT: In the late 1990's in the Town of Thurman four Highway Department retirees and their spouses were receiving Medicare reimbursements. In January of 1999 reimbursement payments stopped for two of the spouses [who were still legally eligible] but continued for the other two spouses. The reason given for the discontinued payments was **the town can't afford it any more.** One of the spouses passed away in 2008, having been denied 9 years of reimbursement payments. The other spouse was denied payments from January 1999 thru December 2008. Payments to the surviving spouse were started up again in February of 2009 after new Account Clerk **Susan Shepler** and Deputy Town Clerk **Paula Hubert** uncovered records proving that she was eligible. More researched conducted by the Deputy Town Clerk and the new Account Clerk revealed that **\$8,122.00** in reimbursement payments had been **withheld** from one of the spouses and **\$7,448.00 withheld** from the spouse who passed away in 2008. The present Town Board agreed to pay [out of the fund balance] these back Medicare reimbursement payments to the surviving spouse and the family of the spouse who has passed. On a motion by **Supervisor Pitkin**, seconded by **Councilman Vasak** the Town Board agreed to pay a total of **\$15,570.00** in back **Medicare** reimbursement payments.

MOTION CARRIED: 3 AYES ~ BILLS, PITKIN, VASAK

SUPERVISOR'S REPORT: County, **Supervisor Pitkin** discussed the tourist train and cuts in the Warren County Social Service department.

TAX COLLECTOR'S REPORT:

1. Total parcels paid through 02/12/2010 ~ 722
2. Total taxes collected and deposited \$414,158.86
3. Total penalties collected and deposited \$151.03

LETTER FROM THE ASSESSORS: **Supervisor Pitkin** read a letter from the Town of Thurman Assessors. (Attached)

This letter prompted discussion regarding tax exempt property and a Town Master Plan.

The suggestion was made that letters to the board be accompanied by the letter's author in case an explanation is needed.

RESOLUTION # 30:
RESOLUTION TO AMEND RESOLUTION # 105 of 2009

BE IT RESOLVED, that the Town Board of the Town of Thurman authorizes amendment to Resolution #105 of 2009 to read the following:

RESOLUTION TO APPOINT ROBIN CROISSANT TO REPLACE EILEEN BAKER AS TAX COLLECTOR UNTIL DECEMBER 31, 2010 PER TOWN LAW.

BE IT RESOLVED, that the Town Board of the Town of Thurman does hereby appoint Robin Croissant to the position of Tax Collector this appointment to extend from this day until December 31, 2010 per Town Law.

On a motion by **Councilman Vasak**, seconded by **Councilman Bills**
MOTION CARRIED: 3 AYES ~ BILLS, PITKIN, VASAK

Supervisor Pitkin said that the Town Board was looking at the possibility of giving the tax collection duties to the Town Clerk. **Pitkin** stated that Thurman was one of only two towns in Warren County where the Town Clerk wasn't also the Tax

Collector. **Pitkin** also said that the level of service [availability] isn't as good as it would be with the Town Clerk's office, which is open most of the week.

RESOLUTION # 31:
RESOLUTION TO ENTER INTO CONTRACT WITH THURMAN VOLUNTEER FIRE
COMPANY

BE IT RESOLVED, that the Town Board of the Town of Thurman authorizes the Town Supervisor to enter into a contract for fire protection for the Town of Thurman for the period from January 1, 2010 to December 31, 2010 and to pay the Thurman Volunteer Fire Company the sum of Seventy Four Thousand Five Hundred Dollars (\$74,500) for that service.

On a motion by **Councilman Bills**, seconded by **Councilman Vasak**

MOTION CARRIED: 3 AYES ~ BILLS, PITKIN, VASAK

DISCUSSION ~ Discussion ensued regarding the **EMS** in Thurman. Some thoughts voiced were:

1. Our town is not being covered the right way.
2. The responders are often Warrensburg's EMS.
3. Communication seems to only take place between attorneys.
4. Why not abolish the EMS and organize with other towns. This would relieve the tax payer's burden.
5. Local EMT's aren't Thurman EMS members anymore because of internal strife caused by out of town members.
6. We have drivers but need EMT's.

LETTERS: The Town Clerk read a letter from **Dexter Baker** and a letter from **Spencer Laflure**. (See attached)

REPORT FROM COUNCILMAN VASAK: **Vasak** reported that Landfill Superintendent **Charlie Dingman** suggested that all recyclables be picked up each Friday. Currently each Friday is a different type of recyclables.

Vasak asked if a town truck could be used to transport metals to Plantys once every month. Metal prices are down making it uneconomical for Planty's to come to the landfill to pick up metals. **Supervisor Pitkin** suggested checking with other metal companies.

FOOD PANTRY: Councilman Vasak said that the food pantry needs volunteers to form a food pantry committee, **Vasak** also said he was impressed with the efficiency of the gleaning volunteers.

MORE ON METAL: Councilman Bills said that when there had been past trouble with landfill metal he called Cohen and they came and picked the metal up.

SPRING CLEAN UP: There was discussion about town wide spring clean up possibilities.

CEMETERY: Evelyn Wood, Cemetery Superintendent said there would be a cemetery restoration workshop the 5th of June. The tentative plan is to use Pendell Cemetery; Wood hopes to generate outside interest in this cemetery workshop. Weather permitting people would have hands on lessons cleaning headstones (the headstones would be getting a free restoration in the bargain). In the case of inclement weather a lecture will be given inside.

ADJOURNMENT: With no further business on a motion by **Councilman Vasak** seconded by **Councilman Bills** the meeting was adjourned at 8:50 pm.

MOTION CARRIED: 3 AYES ~ BILLS, PITKIN, VASAK

Respectfully Submitted,

Cynthia R. Hyde, Town Clerk

Attached:

1. Letter from **Dexter Baker**
2. Letter from **Spencer Laflure**

FEBRUARY 16, 2010

Dexter Baker

450 High Street

Athol, NY 12810

Town of Thurman

311 Athol Road

Athol, NY 12810

Dear Thurman Town Board and Residents,

During the Town Board meeting of last month I expressed my concerns in regards to the operations performed within the Thurman Emergency Squad. Simply put, such concerns entailed the injustices taken against my mother, Susan Baker, resulting in a breach of her constitutional and due process rights, along with filing a police report on questionable grounds. Unfortunately, these injustices have now spread to me. On February 6, 2010 I received a letter from the squad indicating the Board of Director's, with the exception of Bob Russell to my knowledge, had me put on an Administrative Leave. According to our Bylaws, this action, as well as the one taken against my mother, was allowed to be appealed before the full voting membership of our squad, a meeting held on February 14, 2010. However at this meeting there was little discussion about these events. At this meeting it was also unclear to all Board Members present what an Administrative Leave exactly was.

According to John Kindred, an Administrative Leave entails relieving someone from duty within the agency as a means to protect that person from getting into trouble. This concept was linked to the current actions taken against my mother and as such the Thurman EMS Board believed I was unable to be objective about this situation and thus possibly through investigating it cause trouble. Two concepts are interesting in regards to this Administrative Leave. First, such action is not even depicted within our Bylaws and would thus seem to be an action not allowed to occur. Second, it appeared through the consensus of the Thurman EMS Board and as stated by President Jim Desourdy, that the main initiator of this Administrative Leave was George McKinney.

It is unclear whether this Administrative Leave was initiated due to my recent exposure of the business being currently performed by the Thurman EMS agency through my letter at the last Town Board meeting or if it was initiated due to the reasons explained by the Thurman EMS Board. What is

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clear is that two dedicated, trustworthy and current residents within the Town of Thurman have been expunged from the ability to help their townspeople.

The mission of Thurman EMS "is to provide emergency medical services to residents of the Town of Thurman and...to nearby communities in a timely and professional manner." As the personnel at the last squad meeting were unable to identify the current call volume, I would like to briefly explain those results myself. Currently Thurman EMS has been called 16 times this year, 13 of which were calls within just Thurman and 3 calls for neighboring towns. Thurman EMS transported only 3 of the 13 calls within the Town and none of the calls for neighboring towns. The question now is whether or not this agency is fulfilling its mission and such question appears to yield the answer no. Furthermore, Thurman EMS finds it necessary to stock not only the ambulance with Advanced Life Support medications, but also two fly cars for the members residing in Warrensburg. Thurman has been called on 9 times this year for Advanced Life Support services; however those services were only provided 2 out of the 9 times. The question to ask here is whether or not Thurman taxpayers should be asked to support these services. The answer to this question appears to be no and would thus show more support for running only a Basic Life Support agency.

I have found it irresponsible of the Thurman EMS Board to eliminate the volunteer services of both my mother and I and the Thurman residents have a right to know that by not fulfilling our mission and by purchasing some items that are not being utilized efficiently, they should not have to be called upon to fund these services. I hope this letter has been informative and shows that there exists outside forces controlling a community-based, volunteer organization within the Town of Thurman. Not only are members from outside this community in charge, but members from within the community are being alienated. A volunteer organization should thus not be allowed to run in this manner. I appreciate you all for listening and once again ask this letter be included within the minutes so that those not present tonight can also be informed about this issue.

Sincerely,

Dexter J. Baker

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Town Board,

It has come to our attention that there may or may not be continuity in all members of the emergency Squad as to knowing when meetings are to be held. This has led to some pretty inappropriate actions such as calling the Sheriff's Dept. to acquire the Treasurer's records, when simple parliamentary procedures could have produced the same results through in house sanctions.

No need to drag good people down! This "He said" "She said" mentality can not be tolerated. For "40,000" plus or minus a year that we as taxpayers contribute to the EMS Squad, perhaps we need a member or members of the town board to oversee these meetings that involve taxpayer money.

Because we quite frankly, are fed up with incompetency of the way in which finances of this town and the volunteer parts are managed with no accountability.

In closing, it is nice to see the changes that have come about in the management of the town government financially speaking, and would like to see that same change in our Fire Dept. and Emergency Squad.

Sincerely,

Spencer LaFlure

Former Supervisor Town of
Thurman

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February 16, 2010

Dear Supervisor Pitkin and Members of the Town Board:

Enclosed is a statement made at the 12/2/2008 public hearing regarding the purchase of Finch Pruyn land on Mud St.

This represents a future loss of viable home sites in Thurman, one of the only remaining areas designated for 1.3 acres per home site.

A Town Board resolution to NOT allow transfer of this land to the State of New York would prevent The Nature Conservancy from selling this land to the State, and symbolically, it would be a statement from Thurman that this town supports privately-owned land in the Adirondacks to remain in private hands, for future generations.

When the State bought the property of the Smiths on Mud Pond Road, they demolished the buildings, and pay taxes only for the land, with no prospect for future development and future taxes on this very desirable piece of property.

We would ask that you consider a resolution to keep this property privately owned. New York State already owns upwards of 27,000 acres in Thurman.

Respectfully,

Tommy Birdall

Ed Baker

Susan Baker