

APRIL 20, 2010

MINUTES OF THE FISCAL AND REGULAR MEETING OF THE TOWN BOARD OF THE TOWN OF THURMAN HELD APRIL 20, 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. JAMES LIGON

MR. LAWRENCE [RED] PITKIN

MR. AL VASAK

ABSENT: MR. CHARLES BILLS

MR. LEON GALUSHA

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. An invoice from North Country Computer will be charged to A1680.4. The budget at this time for this fund is 0; Supervisor Pitkin said that A1680.4 would need to be loaded. Also questioned were two help wanted ads put in the Post Star for the Youth Program.

Supervisor Pitkin and **Councilman Vasak** have asked that the Town Clerk prepare the abstract of claims before the day of the meeting to give them time to look it over. The Town Clerk said that she would like to check the legality of preparing the abstract in advance to be sure it was acceptable. The Town Board asked the Clerk to look into it.

REGULAR MEETING: Pledge of allegiance to the flag of the United States of America ~ Roll Call ~ A moment of silence for our troops

APPROVAL OF THE MINUTES: On a motion by **Councilman Ligon**, seconded by **Councilman Vasak**, the minutes from the March Fiscal, Regular and Special meetings were approved.

MOTION CARRIED: 3 AYES ~ LIGON, PITKIN, VASAK

PAYROLL: **Councilman Vasak** said that he thought the town would save money by outsourcing the payroll, however because the linkages to the town accounting software are missing there isn't a savings.

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CLAIMS: On a motion by **Councilman Ligon** seconded by **Councilman Vasak** the claims were approved, with the exception of the Post Star invoice for two Youth Commission help wanted ads.

MOTION CARRIED: 3 AYES ~ LIGON, PITKIN, VASAK

EMS: Discussion ensued regarding the contract between the **Thurman EMS** and the **Thurman Town Board**. The Town Board is still awaiting an audit report and concrete numbers, which they need to see before considering a contract.

SAFTY: **Delila Walters** made suggestions to the town board regarding unsafe intersections. **Mrs. Walters** also pointed out that the stop sign at the intersection of Glen Athol road and Valley road was in the wrong place.

EMS: Internal strife within the **EMS** was the next topic discussed.

LETTER: The Town Clerk read a letter from **Dexter Baker** (see attached).

RESOLUTION # 41: A resolution to authorize the Supervisor to enter into a contract with the EMS from today until June 30, 2010 for the sum of \$1.00. On a motion by **Councilman Ligon** seconded by **Councilman Vasak**

MOTION CARRIED: 3 AYES ~ LIGON, PITKIN, VASAK

HANDICAP ACCESS: **Supervisor Pitkin** had plans for the new handicap access to the town hall for everyone to look at.

FLAMINGOS: **Supervisor Pitkin** thanked the cemetery committee for the flock of flamingos that circulated about town raising money for Town of Thurman cemeteries.

COMMITTEES: **Supervisor Pitkin** said that there had been a capital spending committee meeting. **Pitkin** said that because Thurman had a sizable reserve fund he would do a questionnaire that would list spending possibilities.

GARBAGE TRUCK: The Board decided to move the Garbage truck from behind the highway garage to prevent dumping.

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REPORT FROM COUNCILMAN VASAK: Councilman Vasak said that the landfill had a new sign, is getting another dumpster and needs a new gate. He also said that the food pantry committee had another meeting.

REPORT FROM COUNCILMAN LIGON:

The committee met on Friday April 16.

Thank you Al Vasak for attending.

Implementing of Heritage Hill Nature Trail Phase II is still on hold pending action by the Town Board on the maintenance of the trail system. The grantees feel parts of the trail system are not in shape for public use.

Final Reports were received from the Christmas Bazaar and Thurman Maple Days.

Christmas Bazaar drew 75 this year, attendance was down presumably because of the economy. The event had more vendors with a bigger variety of goods and crafts. Some very nice homemade crafts were available.

Grant amount \$250.00

Amount spent \$165.65

Amount returned \$84.35

Thurman Maple Days estimated attendance was 1,700 with over 200 attending the Maple Sugar party.

Grant amount \$5,000.00

Amount spent \$4,993.78

Amount returned \$6.22

New applications received:

Thurman Fall Farm Tour \$5,000.00

(present resolution/discussion/vote= __tabled__)

Reminder: Grantees and/or their vendors will promote all Thurman events as a whole, not the just single event at hand. Brochures and card racks will be provided, and announcements should be made where practical (concerts, movies, jamboree, etc).

Rumors have been heard about grant recipients receiving pay-

Explained and showed in-kind services using apps/final reports.

OccTax grant recips do not receive compensation, nor would the committee recommend it if someone were to apply for it.

Please contact me personally if you have any questions.

Next meeting is Friday June 4, 10 AM at the Glen Lodge.

YOUTH COMMISSION: The Easter party was a huge success and the summer youth program is coming together. Councilors are needed for the youth program.

FIRE COMPANY: The Fire Company held their elections and is planning a summer fun day.

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RESOLUTION #35:

**RESOLUTION TO APPROVE PAYMENT OF \$27,000 OF COUNTY GRANT TO THURMAN
SNOWMOBILE CLUB FOR SNOWMOBILE TRAIL MAINTENANCE.**

BE IT RESOLVED, that the Town Board of the Town of Thurman hereby authorizes the Town Supervisor to enter into a contract with the Thurman Snowmobile Club for maintenance of snowmobile trails in Thurman. Funds are to be provided in full from Warren County and are to be “passed through” the Town of Thurman to the Snowmobile Club. The Thurman Snowmobile Club has agreed to provide the Town with receipts from 2009 showing expenditure of previous year’s grant by April 30, 2010.

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

MOTION CARRIED: 3 AYES ~ LIGON, PITKIN, VASAK

RESOLUTION #36:

**RESOLUTION TO AWARD CONTRACT FOR RECYCLED METAL AT THE TOWN LANDFILL
TO NH KELMAM RECYCLING OF COHOES, NEW YORK**

BE IT RESOLVED, that the Town Board of the Town of Thurman hereby authorizes the Town Supervisor to enter into a contract with NH Kelman Scrap Recycling for the period of 1 year to provide the Town of Thurman with a metals recycling container at the Town Landfill and to take recycled metal on a “will call” basis from the Town. Market rates will be paid to the Town of Thurman within 48 hours of materials pickup.

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

MOTION CARRIED: 3 AYES ~ LIGON, PITKIN, VASAK

RESOLUTION # 37 :

**RESOLUTION TO AUTHORIZE SUPERVISOR PITKIN TO ATTEND ASSOCIATION OF TOWN SCHOOL
“MANAGING COSTS AMONG SHRINKING REVENUES”**

BE IT RESOLVED, that the Town Board of the Town of Thurman hereby authorizes the Town Supervisor to attend an Association of Towns school in Saratoga Springs on May 13 and 14. Registration for this school is \$200.

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

MOTION CARRIED: 3 AYES ~ LIGON, PITKIN, VASAK

RESOLUTION #38:

RESOLUTION TO RATIFY THE PAYMENT OF OCCUPANCY TAX FUNDS

BE IT RESOLVED, that the Town Board of the Town of Thurman hereby authorizes the payment of \$300 to Nettle Meadows Goat Farm and \$1,000 to the Thurman Station Farmer's Market. These funds were discussed but, by oversight, never authorized by resolution in 2009.

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

MOTION CARRIED: 3 AYES ~ LIGON, PITKIN, VASAK

RESOLUTION #39:

RESOLUTION TO AMEND 2010 BUDGET

BE IT RESOLVED, that the Town Board of the Town of Thurman authorizes the following journal entries be made to reflect receipt of funds:

Debit UNCLASSIFIED REVENUES A2770	\$10.72
Credit YOUTH CONTRACTUAL A7310.4	\$10.72

To reflect return of funds from Easter Party.

Debit UNCLASSIFIED REVENUES A2770	\$84.35
Credit TOURISM CONTRACTUAL A6989.4	\$84.35

To reflect return of funds from Christmas Bazarre.

Debit TAX COLLECTION PERSONAL SERVICES A1330.1	\$780.25
Credit CEMETERY PERSONAL SERVICES A8810.1	\$780.25

To reallocate funds to the proper budget code

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

MOTION CARRIED: 3 AYES ~ LIGON, PITKIN, VASAK

RESOLUTION #40:

BE IT RESOLVED, the Thurman Town Board hereby authorizes an Occupancy Tax grant of \$1,500 (one thousand five hundred dollars) for the Upper Hudson River Waterfront Map.

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

MOTION CARRIED: 3 AYES ~ LIGON, PITKIN, VASAK

DISCUSSION RESOLUTION #40: Resolution # 40 originally included \$5,000.00 for the Thurman Fall Farm Tour. Due to an objection by **Councilman Vasak**, the Board passed only the \$1,500.00 for the Upper Hudson River Waterfront map. **Vasak** couldn't understand why the Board would agree to spending \$2,000.00 on advertising for the farm tour and then complain

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about spending \$603.00 on Youth Commission ads. **Vasak** said that the \$2,000.00 was to be spent on an ad in a fancy magazine circulated in local Bed and Breakfasts. **Vasak** stated that spending \$2,000.00 on advertising is ridiculous.

ACCOUNTANT: The Town Board discussed hiring an accountant who had experience with the Impact accounting software to help the accounting department. **Supervisor Pitkin** advised a ceiling be put on the amount of money spent. **Councilman Vasak** said that we are going to have to pay for it and that it has to be done. **Councilman Ligon** asked to be notified when it was time to renew Impact. **Councilman Ligon** also suggested using an accounting program everyone was familiar with. **Supervisor Pitkin** talked about possibly using new accounting software and suggested Williamson Law accounting software (of which he obtained a quote). **Supervisor Pitkin** said that the board needs to get training for **Nancy Beadnell** and get her involved in the government accounting training class. In general the **Town Board** feels the town is using a little known, user unfriendly, undesirable accounting software. The **Town Board** also felt it was difficult to find anyone who knew how to use Impact. The **Town Clerk** disagreed saying that the Impact accounting software used by the bookkeeper and the town clerk was excellent accounting software and that past problems had been caused by the computer skills of the users. The **Town Clerk** also suggested that the reason the Impact software was not well known was because it was designed specifically for municipalities which use an accounting system that is different from private business accounting systems.

RESOLUTION #41:

RESOLUTION TO HIRE RICHARD H. DINOLFO, CPA FOR CONSULTING

BE IT RESOLVED, that the Town Board of the Town of Thurman hereby authorizes the Town Supervisor to hire Richard H. Dinolfo for up to 16 hours of work at an hourly rate of \$95 to advise the Town of Thurman on bookkeeping and accounting software issues.

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

MOTION CARRIED: 3 AYES ~ LIGON, PITKIN, VASAK

LETTER: The Town Clerk read a letter of resignation from the youth commission from **Cheryl Kenyon**.

ACCUSATIONS: **Supervisor Pitkin** said that an unidentified caller made some serious accusations. He asked that people keep their mouths shut unless they have sincere facts.

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QUOTE: Town liability insurance came in \$194.00 less than our budgeted amount and it is more comprehensive.

PRESENTATION: Peter and Carol LaGrasse did a presentation on the Nature Conservancy tax-exempt loan to pay for the purchase by TNC of Finch Pruyn land in the Adirondacks, New York State and encouraged the Town Board to pass a resolution opposing it.

ADJOURNMENT: On a motion by **Councilman Ligon** seconded by **Councilman Vasak** the meeting adjourned at 9:45 pm.

MOTION CARRIED: 3 AYES ~ LIGON, PITKIN, VASAK

Respectfully Submitted,

Cynthia R. Hyde, Town Clerk

ATTACHMENTS:

Letter from Dexter Baker

Resolution from Stony Creek

Resignation letter

TOWN OF STONY CREEK

YEAR 2010

RESOLUTION NO. 053

DATE: Feb. 23

INTRODUCED BY: Supervisor Thomas

SECONDED BY: Councilman Ross

TEXT:

WHEREAS, the Town of Stony Creek has limited area for development because of State land ownership for the Forest Preserve and Adirondack Park Agency (APA) zoning restrictions,

WHEREAS, the Nature Conservancy (TNC) has an option to acquire conservation easements ("easements") on the former Finch Pruyn lands in the Town of Stony Creek and sell these easements to the State of New York, which would foreclose all future development on these lands,

WHEREAS, among these former Finch Pruyn lands, TNC has an option to acquire easements on 507.24 acres along Hilderbrandt Road in the Town of Stony Creek, with the publicized intention to sell the easements to the State of New York,

WHEREAS, under the APA zoning, this land would be allowed development of the level of 42 acres per house, yielding a total of twelve (12) dwelling units,

WHEREAS, if TNC were to acquire the easements on this land, which would prohibit all future development, twelve housing right units would be lost,

WHEREAS, in the adjacent Town of Thurman, where Hilderbrandt Road continues and is named "Mud Street," the land along that road under APA zoning is designed for a very significant area of development namely 3.2 acres per housing unit applied to the potential easement land (plus a single 42 acre parcel), and 1.3 acres to the immediate north,

WHEREAS, Hilderbrandt Road and Mud Street are maintained by the Towns of Stony Creek and Thurman and are, in effect, a connecting "through highway" linking the Town of Thurman and Stony Creek to roads that lead through these two towns to the rest of the state,

WHEREAS, if the easements contemplated by TNC on Mud Street in Thurman adjacent to the easements referenced above in Stony Creek were sold to the State of New York a total of 71 potential housing units would be lost,

WHEREAS, the potential loss of housing rights on land on Mud Street could effect the maintenance of the continuation of Hilderbrandt Road as it becomes Mud Street, effecting emergency and fire access and through traffic to Stony Creek,

WHEREAS, if the easements contemplated in Stony Creek on land on Hilderbrandt Road were sold to the state, the potential loss of housing rights in Stony Creek would have a significant impact on the tax base and the future of the town,

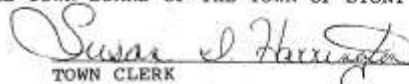
BE IT HEREBY RESOLVED, the Town Board of Town of Stony Creek is opposed to the acquisition by the State of New York of conservation easements in any land along Hilderbrandt Road and Mud Street.

Copies of this resolution be sent to: Governor David Paterson, DEC Commissioner Alexander Grannis, Senator Elizabeth Little, Assemblywoman Teresa Sayward, APA Commissioners, Town of Thurman, Warren County Board of Supervisors, Adirondack Association of Towns and Villages, NYS DEC Regional Director Elizabeth Lowe.

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ROLL CALL VOTE:	Supervisor Thomas	Yes
	Councilman Aldrich	Yes
	Councilman Ross	Yes
	Councilman Liebl	Absent
	Councilman Gill	Yes

I HEREBY CERTIFY THAT THIS IS A TRUE AND EXACT COPY OF THE RESOLUTION AS PASSED BY THE TOWN BOARD OF THE TOWN OF STONY CREEK.


TOWN CLERK

APRIL 20, 2010

Dexter Baker

450 High Street

Athol, NY 12810

Town of Thurman

Athol Road

Athol, NY 12810

Dear Thurman Board and Residents,

What do think of when you hear Emergency Medical Service? According to the New York State Department of Public Health this means providing "initial emergency medical assistance" (NYS DOH, 2009) for a vast array of emergencies. The Town of Thurman is looking to contract with Thurman EMS in order to provide this ambulance service to the residents of Thurman. So what then is an ambulance service? The New York State Department of Public Health defines this service as some type of organization "engaged in providing emergency medical care and the transportation of sick or injured persons by motor vehicle...to, from, or between general hospitals or other health care facilities" (NYS DOH, 2009).

So you are probably wondering why I am mentioning the definitions of both emergency medical service and ambulance service. Simply put, Thurman EMS does not provide emergency medical services nor is it a viable ambulance service. Why do I say this? As of April 18, 2010, the night of the supposed public meeting of the Thurman EMS, my mother, father and I were notified in writing by President Jim Desourdy, Vice President Rick Ovitt and Secretary Scott Mosher that the Thurman EMS will no longer be able to provide my father, my mother or even I with medical assistance. You are probably thinking this is quite absurd, however it is quite the contrary. The letter signed by the above three individuals stated my father, my mother and I are no longer permitted on any property owned by Thurman EMS and furthermore if we chose to violate those terms we would be prosecuted in court for trespassing. Thus because the ambulance is property of the squad the three of us would not be permitted on such property.

When we as taxpayers go to a squad meeting with the understanding it is open to the public, we do not want to be met by Captain George McKinney before we even exit our vehicles and handed a letter stating we are not permitted to do so. Furthermore, my mother and I were thus not afforded the right provided by the squad to appeal our expulsion at this month's squad meeting. Thurman EMS is funded currently 90 percent, if not more, by taxpayer money and everyone contributing to that source should be permitted and allowed to see how the agency is operating. For the town to fund an agency that is denying medical services to legal residents of the town seems quite farfetched.

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Aside from being denied medical care by this agency, my mother, father and I are also denied the services of this building should there ever arise a town wide emergency, as the Thurman EMS building is to serve as a shelter for those in need.

The final issue arises in regards to the three of us as taxpayers. Through open communication with the Committee on Open Government, I have reserved some opinions from the executive director Robert Freeman. Through his various letters, what seems quite evident is that Thurman EMS appears to be an entity that must abide by both the Freedom of Information Law, as well as the Open Meetings Law of New York State. This means because Thurman EMS is considered a public body, meaning it consists of two or more members, requires a quorum to take action and performs a governmental function; such agency would have to abide by the Open Meetings Law.

Furthermore, it was also found by Mr. Freeman that if the ambulance agency provides services solely for a municipality, as in this case services provided specifically to the Town of Thurman, it likewise “conducts public business and performs a governmental function for a municipality and that, therefore, the meetings of its governing body would be subject to the Open Meetings Law” (Freeman, 2002). While this may be merely opinion by Mr. Freeman, he did find specifically that both these laws applied to Volunteer Fire Companies and likewise those Ambulance Squads fitting the same criteria would similarly apply.

Finally, there is one more intriguing aspect to present here. In 1988 the Albany Supreme Court found that fire companies formed based on the consent of the Town Board were subject to “control over the membership of the companies, as well as many other aspects of their structure, organization and operation” by the Town Board and furthermore, “The municipality clearly has by law, control over these volunteer organizations which reprovide a public function”(Freeman, 1995). Seeing as Thurman EMS provides both a public function and would be contracted through the consent of the Town Board, it appears through this legal precedent that the Town Board of Thurman would have some governing control over the membership and operation of that agency.

It is hard to believe that the Town Board would contract with an agency that denies medical assistance to legal residents of Thurman, but if they so choose, based off the decision of the Albany Supreme Court they could instill some changing factors within the agency. A recommendation for the Town in the event they choose to fund Thurman EMS would be to look very closely at its current membership and to see if they truly want the people currently in charge to continue handling the operations of that agency. Please include this letter in the minutes of tonight’s Board meeting. Thanks very much.

Sincerely,

Dexter J. Baker – 4-20-2010

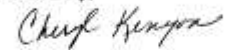
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April 19, 2010

To the Town Board,

I, Cheryl Kenyon have resigned from the Youth Commission due to conflict with faculty.

Sincerely,


Cheryl Kenyon

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