

January 12, 2016

**MINUTES OF THE REGULAR MEETING OF THE TOWN BOARD OF THE TOWN OF THURMAN HELD JANUARY 12, 2016 AT THE TOWN HALL, 311 ATHOL ROAD, ATHOL, NEW YORK, COMMENCING AT 6:37 P.M...**

**PRESENT: Mrs. Evelyn Wood, Supervisor**

**Mr. Michael Eddy, Councilman**

**Mrs. Gail Seaman, Councilwoman**

**Mr. John Youngblood, Councilman**

**RECORDING SECRETARY: Jeanie Sprague, Town Clerk**

**OTHERS PRESENT: Jamiee Ross, Tax Collector**

**PAYMENT OF CLAIMS**

The Meeting was called to order by **Evelyn Wood, Supervisor**

**PLEDGE ALLEGIANCE TO THE FLAG**

**ROLL CALL**

**MOMENT OF SILENCE FOR HANS WENKER**

**CORRESPONDENCES:** Animal Control Report from **Dexter Baker**, Letter of Resignation from **Marc Kenyon**, Letter from **Michael Eddy**.

**COMMITTEE ASSIGNMENTS:** **Gail Seaman** – Food Pantry, Youth and Point Person on Grants; **John Youngblood** – Highway and Summer Concert Series; **Michael Eddy** – Organize the Memorial Day Parade

**Supervisor Wood** reported that **Thomas Birdsall** will stay on as **Chairman of the Assessors**.

**Committee Reports:**

**Councilman John Younblood: Highway Report**

**Concert Series Report**

**Councilwoman Gail Seaman: Youth Report** – Valentine’s Day Party scheduled for Saturday February 6, 2016 at the Thurman Town Hall from 1 p.m. to 3 p.m.

**Gleaning**

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**Food Pantry** - Donation from The Thurman Station Association for \$85.50. Thank you from Ellen Kenny for the Friends of Thurman Food Baskets.

**Councilman Michael Eddy** asked if the letter he wrote was going to be addressed. Discussion ensued.

**Councilman Michael Eddy** exited the Meeting at 7:11 p.m.

**SUPERVISOR'S REPORT: Grant Opportunities**

**River Road Grant**

**OLD BUSINESS:** **Water Project** update given letter to be sent to homeowners.

Office Move discussed

Judge's move discussed

**RESOLUTION #11:**

On a motion by **Councilwoman Seaman**, seconded by **Councilman Youngblood**, the Town Board approved the payment to Jeanie Sprague for work performed in December as Deputy Clerk.

**Motion Carried: 3 Ayes ~ Youngblood, Wood, Seaman**

**WARRENSBURG EMS REPORT**

**PREVILEGE OF THE FLOOR: Paula Hubert, Cynthia Hyde, Jim Ligon, Winifred Martin, Mary Eddy and Marilyn Hoy-Youngblood**

**RESOLUTION #12**

**Resolution to Set Date for Annual Accounting**

WHEREAS the town is required to conduct a meeting for the purposes of an annual accounting, and

WHEREAS at this meeting those officers or employees who receive and distribute funds, except the town justice, shall file detailed statements with the Town Board of all receipts and disbursements for the 2015 fiscal year, and the town justice shall produce their dockets for examination by the town board, be it

RESOLVED that the date for this meeting will be January 20, 2016 at 7 pm and be it

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FURTHER RESOLVED that the statements filed with the town board shall be entered into the minutes and it shall also be entered into the minutes of the meeting that the dockets of the town justice have also been examined.

On a motion by **Councilman Youngblood**, seconded by **Councilwoman Seaman**, Resolution #12 was approved.

**MOTION CARRIED: 3 Ayes ~ Youngblood, Wood, Seaman**

**RESOLUTION #13:**

**Resolution Adopting Town Attorney Contact Policy**

WHEREAS the Town Board wishes to contain costs related to the use of the town's attorney by town board members, and

WHEREAS the Town Supervisor needs access to the town's attorney on occasion as part of the day to day operations of the town, and

WHEREAS the town board members have the ability to use the attorneys at the New York State Association of Towns at no cost to the town as part of the town's membership with that organization, now therefore

BE IT RESOLVED that the town board's policy for board members who wish to contact the town attorney shall be as follows:

Board members may continue to make use of the Association of Towns attorneys as they find necessary. If a board member finds they need specific legal advice from the town's attorney the board member must obtain authorization by resolution of the Board at a town board meeting. The Town Supervisor shall be permitted to access the town's attorney as necessary for the day to day operation of the town.

On a motion by **Councilman Youngblood**, seconded by **Councilwoman Seaman**, Resolution #13 was approved.

**MOTION CARRIED: 3 Ayes ~ Youngblood, Wood, Seaman**

**RESOLUTION #14:**

**Resolution to Establish Machinery Reserve**

WHEREAS the Town Board wishes to establish a machinery reserve for the purposes of saving for future machinery purposes,

BE IT RESOLVED that the Town Board hereby establishes a Machinery Reserve.

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On a motion by **Councilwoman Seaman**, seconded by **Councilman Youngblood**, Resolution #14 was approved.

**MOTION CARRIED: 3 Ayes ~ Youngblood, Wood, Seaman**

**RESOLUTION #15:**

**Resolution for Final 2015 Budget Adjustments**

General Fund: Increase –		Decrease –	
A1010.4	Town Board CE \$ 96.00	A5132.4	Garage CE <u>\$ 5,131.00</u>
A1330.4	Tax Collector CE\$ 543.00		\$ 5,131.00
A1410.1	Town Clerk PS \$ 1.00		
A1420.4	Attorney \$ 177.00		
A1620.4	Buildings CE \$2,591.00		
A3510.1	Dog Control PS \$ 1.00		
A5010.1	Hwy Supt PS \$ 1.00		
A6772.4	Prog. For Aging \$ 580.00		
A8160.4	Garbage CE \$ 508.00		
A8810.1	Cemeteries PS \$ 150.00		
A8989.1	Meals On Whe. \$ 433.00		
A9010.8	State Reti. <u>\$ 50.00</u>		
	\$5,131.00		
Highway Fund: Increase –		Decrease –	
DA5130.4	Machinery CE \$8,298.00	DA9010.8	State Reti. \$8,298.00

On a motion by **Councilwoman Seaman**, seconded by **Councilman Youngblood**, Resolution #15 was approved.

**MOTION CARRIED: 3 Ayes ~ Youngblood, Wood, Seaman**

**RESOLUTION #16:**

**Resolution to Designate a Delegate to the Association of Towns**

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**WHEREAS**, the Association of Towns requests that the town board appoint a delegate to represent the town at the Annual Association of Towns meeting, be it

**RESOLVED** that the town board appoints Evelyn Wood as the town's delegate, and Gail Seaman as the alternate.

On a motion by **Councilwoman Seaman**, seconded by **Councilman Youngblood**, Resolution #16 was approved.

**MOTION CARRIED: 3 Ayes ~ Youngblood, Wood, Seaman**

**RESOLUTION #17:**

**APPROVAL OF CLAIMS:** 2015 Abstract from Enhanced 2015-805 through 2015-857 in the amount \$46,968.19 (General Fund - \$3,480.53; Highway Fund - \$29,191.63 and Capital Fund \$14,296.03); Abstract 1 for 2106 in the amount \$28,033.81 General Fund \$22,214.80 and Highway Fund \$5,819.01)

On a motion by **Councilwoman Seaman**, seconded by **Councilman Youngblood**, the Board approved payment of the claims.

**MOTION CARRIED: 3 Ayes ~ Youngblood, Wood, Seaman**

**ADJOURNMENT:** On a motion by **Councilwoman Seaman**, seconded by **Councilman Youngblood** the meeting was adjourned at 7:52 p.m.

**MOTION CARRIED: 3 Ayes ~Youngblood, Wood, Seaman**

Respectfully Submitted:

Jeanie M. Sprague, Town Clerk

January 26, 2016

Dexter J. Baker  
450 High Street  
Athol, NY 12810

Town of Thurman  
311 Athol Road  
Athol, NY 12810

Dear Thurman Town Board,


The following is a report of animal control services for the year 2015. All together for the year 86 calls were reported. These 86 calls are broken down as follows:

- 26 Stray Dog Calls.
- 20 Lost Dog Calls.
- 13 Loose Dog Complaints.
- 6 Animal Neglect Complaints.
- 3 Dog Bite Cases.
- 3 Wildlife Calls.
- 3 Administrative Calls.
- 3 Cat Calls.
- 2 Dog Attacking Other Animal Calls.
- 2 Dog Shooting Calls.
- 1 Dangerous Dog Complaint.
- 1 Dog Abandonment Call.
- 1 Dog Retrieval for Law Enforcement.
- 1 Barking Dog Complaint.
- 1 Possible Animal Theft Call.

Of these 86 calls, 7 total tickets were written for last year, 4 for loose dog complaints, 2 for dog neglect complaints and 1 for no dog license. Also, 21 new dog licenses were created based off complaints. Of the 26 stray dog calls, 10 were unfounded, 13 owners were located and 3 were adopted out. All in all the year was steady with calls and about twice as many calls were seen this year than last year.

Once again I thank the board for continuing my services and look forward to serving again for the 2016 year. Thanks very much.

Sincerely,



Dexter J. Baker - 1-1-2016

COPY

Dear Thurman Town Board

Jan 10 2016

Please be advised that as of December 31 , 2015 I am resigning my position as Chairman of the Thurman Cemetery Committee. Due to personal reasons I will no longer be able to fill this position. All items such as Maps, Books, Letters, ect: have been returned to the town clerk. Thank you for the past opportunities.

Sincerely,

Marc Kenyon

Michael L. Eddy  
P. O. Box 9  
Athol, NY 12810

To: Thurman Town Board and Public

January 12, 2016

As a member of the Town Board of the Town of Thurman I am requesting a resolution rescinding the appointment of Gail Seaman as a Town Board Member made on January 4, 2016. We have sworn to uphold the law and that is why I am making this request. I am not attempting to be an obstructionist; rather, I believe that it was improper.

First, upon my recollection of the January 4, 2016 organizational meeting, Gail Seaman was allowed to vote upon her own appointment. However, upon my own research, I have discovered that an Appellate Court, The Third Department, has stated "it would be contrary to public policy to permit the hold-over respondent to vote upon the question of filling the vacancy of his own office" (In re Crosby, 265 AD 92, 93 [3rd Dept 1942].) This opinion has been echoed by the Attorney General who has offered an informal opinion that a public official cannot vote to appoint himself or herself.

I also believe, upon my own research, that the votes of Supervisor Wood, and Town Board member Youngblood were not enough to appoint Ms. Seaman. Again, the Appellate Court has stated:

"Subdivision 5 of section 64 of the Town Law provides that a vacancy in a town office may be filled by 'the town board or a majority of the members thereof. **A majority of the Town Board in question here cannot be less than three members thereof.** This not only appears from the plain wording of the portion of the section quoted, but is clarified by section 63 of the same law when read in connection with section 64. Section 63 provides, in part, '[e]very act, motion or resolution shall require for its adoption the affirmative vote of a majority of all the members of the town board.' The foregoing does not provide for vote by a majority of eligible members but specifically by vote of all members. Even making allowance for the vacancy caused by the tie in the vote for Councilman in 1941, there were four members of the Board, including respondent as hold-over, when the purported designation of petitioner took place. **Clearly, a majority at that**



**time could not be less than three members.**"(In re Crosby, 265 AD 92, 93-94 [3rd Dept 1942](emphasis added)).

Gail Seaman is sitting as a board member after improperly voting for herself and without proper majority board approval.

I am asking our Town Board to follow the law and the ethical requirements set forth by our town board. That is all. As suggested by our own Town Counsel, the Town Board should, at the very least, take a conservative approach and wait for a special election or the next general election in the fall of 2016. The other members of our Town Board cannot continue ignoring our Town Counsel's advice and the law.

Sincerely,

*Michael Eddy*  
Michael Eddy

*Included in January 12<sup>th</sup> 2016 Board meeting minutes*

# WARRENSBURG



## EMS

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*

January 12, 2016

Thurman Town Board Members,

Happy New Year. I sincerely hope that 2016 is an excellent year for everyone. Attached you will find the run totals for December 2015. We handled a total of 6 calls in town. 4 of the calls were Advanced Life Support and 1 of the calls was Basic Life Support. 1 Call was a good intent call. Our average response time to being on scene was 12 minutes. Johnsburg EMS assisted us and handled 2 additional calls in Thurman in December. Those calls were second out calls for us. In all, we handled 74 calls in town in 2015.

I would like to remind everyone to please make sure that their house numbers can be easily seen. This will help aid all emergency responders find you when you need help.

All Thurman Town Board Members and residents are more than welcome 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

December 2015

DATE	PCR #	PRIORITY	CHIEF COMPLAINT	DISPATCH TO ENROUTE	ENROUTE TO ONSCENE
12/2/2015	15-43033	ALS	ACTIVE LABOR	3 MINUTES	16 MINUTES
12/17/2015	15-44790	ALS	DIFFICULTY BREATHING	1 MINUTE	8 MINUTES
12/19/2015	15-44940	ALS	HEAD INJURY	3 MINUTES	11 MINUTES
12/22/2015	15-45294	BLS	FALL	1 MINUTE	13 MINUTES
12/26/2015	15-45633	BLS	MEDICAL ALARM	NO TIMES	NO TIMES
12/27/2015	15-45776	ALS	ECHO~CARDIAC ARREST	1 MINUTE	12 MINUTES