

**MINUTES OF THE REGULAR MEETING OF THE TOWN BOARD OF THE TOWN OF THURMAN, NY HELD MAY 09, 2018 AT THE TOWN HALL, 311 ATHOL ROAD, ATHOL, NEW YORK, COMMENCING AT 6:30 PM....**

**PRESENT:** Mrs. Brenda Ackley, Councilwoman  
Mr. Douglas Needham, Councilman  
Mrs. Gail Seaman, Councilwoman  
Mrs. Cynthia Hyde, Supervisor

**ABSENT:** Mrs. Joan Harris, Councilwoman

**RECORDING SECRETARY:** Susan E. Staples

The meeting started at 6:30 with the reading of the claims.

The meeting was called to order at **7pm**.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

**ROLL CALL**

A moment of silence was observed for **Eileen Annis** and **Evelynn Brokaw**.

**REPORTS:** **Supervisor Hyde** read a report for **Councilwoman Harris** on the audit of the garbage stickers that she performed at the Landfill and the office of the Town Clerk. See attached report. **Councilwoman Seaman** noted it was the responsibility of the Town Clerk to do the audit as per the State of New York. The **Supervisor** noted that anybody receiving money should not be doing the auditing, and that it was the responsibility of the Town Board.

**OLD BUSSINESS:**

**White Space:** It was noted that no bids were received. **Councilwoman Seaman** noted that she had a letter that was sent out to the different companies to solicit responses and bids in 2016. It was noted that the Town Clerk had prepared the ad as the Town Board had requested. It was also noted that at the last meeting that the **Supervisor** had supplied an old bidding proposal for the White Space to be used again.

**C&D:** It was noted that the Landfill Attendant had opened the C&D. Board members voiced concern about who had authorized it to opened. **Councilwoman Seaman** noted that the board had closed the C&D. She wanted to know if the permits were up to date, and if there was a need for a change in the rules for use of the C&D. It was noted that the Board did want it opened. **Councilwoman Seaman** had concerns about the C& D filling up and wanted to limit use to Thurman residents only, with construction debris from their primary

residence only, no contractors. The **Supervisor** asked if they knew the footprint for the landfill or if they knew how close it was to being full. **Councilwoman Seaman** said no, and **Councilman Needham** said that it was very full. The **Supervisor** asked how you would determine if someone was a local resident when they came to the landfill. She noted that if this was something that they wanted to do that they check with the DEC and come up with a game plan before proceeding. **Councilman Needham** noted that he just wanted to discuss the situation tonight, and **Councilwoman Seaman** noted that she wanted to discuss rules this month. It was noted driver's license could be used as proof of residency. It was noted that out of part time residents may not have a local address on their licenses. It was noted that a tax bill or piece mail could prove residency. The **Supervisor** noted that the attendants at the Landfill were busy, and that the board would have to come up with a policy for this. **Councilwoman Seaman** stated that the use of the C&D should be restricted to Town of Thurman residents only, for C&D construction on their primary residence, no contractors from outside of town or inside of town, must show proof of residency and a log should be kept of who uses the C&D and where it came from. The **Supervisor** asked if this meant that second home owners could not use the C&D. **Councilwoman Seaman** thought that was splitting hairs. The **Town Clerk** asked about people with rental properties. That they would be paying taxes for services that they could not use. **Councilwoman Seaman** asked how many rental properties there was in town, and the clerk replied she didn't know the exact number, but that there was several that she knew of. **Councilwoman Seaman** said she didn't know of anyone that would have 3,4,5 or 6 houses. The clerk noted that she could think of residents who had multiple properties, and **Councilwoman Seaman** replied well that's his problem. The **Supervisor** asked how the board proposed to get the information out to the residents about the proposed changes for the landfill. **Councilwoman Seaman** said it could be put on the town's website. The **Supervisor** asked about residents who didn't have computers. It was noted that it could be posted at the Landfill and Town Hall also. It was asked how you could prove that the C&D came from their residence. **Councilwoman Seaman** said that if they had to sign for it and, if the town board was auditing it then they would know if work had permits for it. **Councilwoman Seaman** noted that if someone had enough to use the C&D then they most likely would have to have a permit. The **Supervisor** noted that not all construction required a building permit. The **Supervisor** asked who would audit this. **Councilwoman Seaman** said a monthly report could be submitted. That they could send in a copy of their logs for this purpose. The **Supervisor** suggested that in the future if they were going to bring something like this up that we are supposed to, to the best of our ability, we are supposed to alert the public as some of things that we might talk about. If you have been thinking about this for a while, which it sounds like you had, that she would appreciate it if they would inform her that this is something that you want to speak about so she can put it on the agenda. **Councilwoman Seaman** noted that this just

came up because of the discussion on the C&D. **Supervisor Hyde** noted that there are emergencies, but that other than emergencies to please let her know so something can be written up for the agenda. The **Supervisor** suggested that to the best of their ability issues need to be brought up and made available to the public. She noted that this was fair and transparent to the rest of the Board and the residents of the town. **Councilwoman Seaman** then requested that a vote be taken on this resolution so that it can be binding. The **Supervisor** asked the board to remember what she had just said about proper notification being given about resolutions. The **Supervisor** stated that from now on that they submit any resolution(s) that they owe it to the public to submit them for the website, and to be included in the agenda. The **Supervisor** stated that the **Board** was not following proper procedure by bringing up resolutions with no prior notice. She noted that all of the other resolutions were part of the agenda. She noted that last month they had brought up quite a few resolutions that no one, including the Supervisor, knew anything about. **Councilwoman Seaman** then asked to have a vote on this resolution.

**RESOLUTIONS:**

**Resolution # 64**

On a motion introduced by **Councilwoman Seaman** and seconded by **Councilman Needham**

**RESOLUTION TO LIMIT USE OF THE C&D TO RESIDENTS OF THURMAN ONLY**

THE THURMAN TOWN BOARD RESOLVES that the C&D at the town landfill be limited to residents of the town only, from their primary residence in town only, proof of residency will be required, no contractors are to be allowed. The attendants at the Landfill shall keep a log and send in a monthly report.

**Motion Carried: Ayes~3 Ackley, Needham, Seaman, Nays~1 Hyde**

**OLD BUSINESS CONTINUED:** The **Supervisor** spoke about **Highway Law 284**. She noted that this was something that had to be signed by the board, and that it was something that had not been signed in past years. She noted that there was a resolution for this. That it had to do with CHIPS money, and that this should have been done in past years and was not.

**Councilwoman Seaman** stated that she wanted to know that she would have a chance to speak with Pat Wood before signing, and that she would not sign.

The **Supervisor** read a quote of \$286.18 for installing a phone line at the Landfill. She then asked the board if they were in agreement with proceeding with installing the phone line. They all were. **Councilwoman Seaman** asked if a resolution was needed for this. The **Supervisor** stated none was needed because of the cost.

**NEW BUSINESS:** **Councilwoman Seaman** stated that she would like to make a motion to give 30 days' notice to the current town law firm of **Miller, Mannix, Schachner, and Hafner**.

At the March regular meeting **Mr. Schachner** stated that he would not or could not represent the Board in addressing issues brought to him over the (alleged) actions of the current Supervisor. **Mr. Schachner** advised the Board that they would have to find other council. Due to the fact that the town attorney is supposed to work for the Board, and that he has stated that he could not or would not fulfill that obligation. We will take his advice and seek other council to represent the town board on issues. Thirty days notice can be given to him and I would like to make a motion to do that, and asked if she had a second. **Supervisor Hyde** noted that **Councilwoman Seaman** was not the Chairman, and that there had been no discussion on this matter. She noted that the town attorney has been acting in a professional matter as would any other attorney. The **Supervisor** noted that they did not break the contract. **Councilwoman Seaman** stated that we don't have to use them because it was not an exclusive contract, and that they had declined to do what the board had asked them to do. **Supervisor Hyde** said that they were acting in a professional manner, and doing what any town attorney would do. She noted that it was not the attorney's fault that the Board was trying to get him to do something that he professionally could not do. She also noted that no other attorney would either. She noted that you couldn't just break the contract. **Councilwoman Seaman** said of course we can with 30 days notice. The **Supervisor** asked **Councilman Needham** if he was in agreement with this, and he replied yes. She then asked him about his reason for it, and he replied that he didn't have to give any reason that he just thought the attorney should be replaced. The **Supervisor** then asked **Councilwoman Ackley** if she was also in agreement, and she replied that yes, she was. The **Supervisor** then asked her for what reasons, and **Councilwoman Ackley** replied her reason was everything that Gail had just said. The **Supervisor** if they could prove any of that, and did they know what they were talking about.

#### **Resolution # 65**

On a motion introduced by **Councilwoman Seaman** and seconded by **Councilman Needham**

#### **RESOLUTION TO GIVE 30 DAYS NOTICE TO THE CURRENT LAW FIRM**

THE TOWN BOARD MOVES to give 30 days' notice to the current town law firm of **Miller, Mannix, Schachner, and Hafner**. At the March regular meeting **Mr. Schachner** stated that he would not or could not represent the Board in addressing issues brought to him over the (alleged) actions of the current Supervisor. **Mr. Schachner** advised the Board that they would have to find outside council. Due to the fact that the town attorney is supposed to work for the Board, and that he has stated that he could not or would not fulfill that obligation. We will take his advice and seek other council to represent the town board on issues.

**Motion Carried: Ayes~3 Ackley, Needham, Seaman, Nays~1 Hyde**

**NEW BUSINESS CONTINUED:** The **Supervisor** asked if there was any other new business. **Councilwoman Seaman** said that she would like to make a motion to not bring forward the two resolutions that have already been voted down four times. One resolution in regard to the Secretary /Bookkeeper, and one resolution in regard to the Clerk Assessor. She then asked if she had a second. The **Supervisor** stated that we are not voting on that. That when that resolution comes up later that they could vote on it then. **Councilwoman Seaman** stated that they had a second, and it could now be discussed. **Supervisor Hyde** pointed out that the Board was not following the rules. That we are not doing resolutions now and that it would come up to vote when they did resolutions. **Councilwoman Seaman** talking over **Supervisor Hyde** noted that we have a motion and a second now so we can discuss this. She then called for a vote. The **Supervisor** stated that we are not doing resolutions then told the Clerk to not record the vote. **Councilwoman Seaman** said that the clerk did have to record it. The **Supervisor** asked if there was any other new business. **Councilwoman Seaman** went on to discuss what should be in the minutes, and when they should be posted. The **Supervisor** noted that it was not true that statements had to be included verbatim, and that the board would have to hire a stenographer to do so. Discussion then ensued regarding what should be included in the minutes. It was again pointed out that the Board cannot direct the Town Clerk what to include in the minutes.

**CORRESPONDANCE:** The **Supervisor** stated that there were two letters that had been received. **Councilwoman Seaman** stated that there would be no correspondence, and that they are not to be entered into the minutes. When the **Supervisor** stated that she had correspondence from the **North Country Gazette**. At this point **Councilwoman Seaman** made a motion to adjourn.

**ADJOURNMENT:** On a motion made by **Councilwoman Seaman** and seconded by **Councilman Needham** the meeting was adjourned at 7:37pm.

**Ayes~3 Ackley, Needham, Seaman, Nays~0, Abstain~0**

Please see attachments for the rest of the agenda with the resolutions that were prepared for the meeting, and did not have a chance to be presented.

Respectfully Submitted:

Susan E Staples, Town Clerk

May 15, 2018

Attachments:



May 09, 2018 Regular Board Meeting

AGENDA

MAY 09, 2018 CALL TO ORDER PLEDGE

ROLL CALL

MOMENT OF SILENCE FOR EILEEN ANNIS REPORTS

OPEN WHITE SPACE OPERATOR BIDS

OLD BUSINESS

C&D

SECTION 284 HIGHWAY LAW PHONE LINE TRANSFER STATION

NEW BUSINESS CORRESPONDANCE PRIVLEGE OF THE FLOOR RESOLUTIONS

ADJOURN

**Town of Thurman**

**RESOLUTION# 2017**

**Introduced By:**

**Seconded By:**

**Councilman Douglas Needham                    yea    nay**

**Councilwoman Brenda Ackley                    yea    nay**

**Councilwoman Gail Seaman                    yea    nay**

**Councilwoman Joan Harris                    yea    nay**

**Supervisor Cynthia Hyde                    yea    nay**

**RESOLUTION TO RESCIND THE DECISION TO DELETE THE ASSESSOR CLERK**

**POSITION**

WHEREAS the assessor needs the help of a clerk and

WHEREAS this is an important and needed position in the assessor's office in order to adequately serve the public and

WHEREAS without the assessor clerk the assessor is unable to meet all the demands of his office and

WHEREAS the 2018 Thurman Town Budget has funds in the amount of \$11,000.00 supported by revenue to fund the assessor clerk position and

WHEREAS the residents of this town have paid their taxes and expect to get the services they paid for and

WHEREAS one of the services the residents have paid for is having Susan Baker taking care of their needs in the assessor's office and having Susan Baker help them with Star and enhanced star forms and having Susan Baker in the assessor's office when the assessor is out in the field and the many other services Susan Baker provides for them in the assessor's office and



May 09, 2018 Regular Board Meeting

WHEREAS the assessor is currently being paid a yearly salary of \$11,000.00 and then expected to perform duties that assessors from other nearby towns are paid \$38,000.00 to \$40,000.00 a year to do (often with the help of a clerk) and

WHEREAS the majority of public coming to the town hall have expressed their displeasure with the decision to delete the assessor clerk position now

BE IT RESOLVED that the town board of the Town of Thurman rescinds the decision to delete the assessor clerk position

**Town of Thurman**

**RESOLUTION# 2017**

**Introduced By:**

**Seconded By:**

**Councilman Douglas Needham            yea    nay**

**Councilwoman Brenda Ackley            yea    nay**

**Councilwoman Gail Seaman            yea    nay**

**Councilwoman Joan Harris            yea    nay**

**Supervisor Cynthia Hyde            yea    nay**

**RESOLUTION TO RESCIND DECISION TO CUT HOURS AND HOURLY RATE**

WHEREAS the town supervisor needs a full time confidential secretary to do secretarial work and bookkeeping and

WHEREAS this is an important and needed position in the Office of the Town Supervisor in order to fulfill the fiscal and administrative duties of that office and

WHEREAS the 2018 Thurman Town Budget has funds in the amount of \$24,336.00 supported by revenue to fund the confidential secretary position at the rate of \$13.00 per hour and

WHEREAS the 2018 Thurman Town Budget has funds supported by revenue to provide benefits to this full time position of confidential secretary and

WHEREAS the residents of this town have paid their taxes and expect to get the services they paid for and

WHEREAS one of the services the residents have paid for is to have a full time confidential secretary to the supervisor that takes care of the town bookkeeping and

WHEREAS the supervisor's office always had either a part time secretary **AND** a part time bookkeeper or a FULLtime confidential secretary/bookkeeper except

for a period of time when a former supervisor could not find anyone willing to fill this full time position and

WHEREAS all the duties and reports that the supervisors office is responsible for cannot be completed with the confidential secretary working part time and the supervisor serving on 8 committees at the Warren County Municipal Center now be it

RESOLVED that the town board rescinds its decision to cut the hours and the hourly rate of the confidential secretary.

**RESOLUTION# 2017**

**Introduced By:**

**Seconded By:**

<b>Councilman Douglas Needham</b>	<b>yea</b>	<b>nay</b>
<b>Councilwoman Brenda Ackley</b>	<b>yea</b>	<b>nay</b>
<b>Councilwoman Gail Seaman</b>	<b>yea</b>	<b>nay</b>
<b>Councilwoman Joan Harris</b>	<b>yea</b>	<b>nay</b>
<b>Supervisor Cynthia Hyde</b>	<b>yea</b>	<b>nay</b>

**RESOLUTION TO ACCEPT MINUTES**

The town board of the Town of Thurman accepts the minutes from the following meetings

Organizational January 04, 2018 January

19, 2018 Annual Audit Meeting February

14, 2018 Regular Meeting March 14,

2018 Regular Meeting

**Town of Thurman**

**RESOLUTION# 2017**

**Introduced By:**

**Seconded By:**

<b>Councilman Douglas Needham</b>	<b>yea</b>	<b>nay</b>
<b>Councilwoman Brenda Ackley</b>	<b>yea</b>	<b>nay</b>
<b>Councilwoman Gail Seaman</b>	<b>yea</b>	<b>nay</b>
<b>Councilwoman Joan Harris</b>	<b>yea</b>	<b>nay</b>
<b>Supervisor Cynthia Hyde</b>	<b>yea</b>	<b>nay</b>

**RESOLUTION TO APPROVE AND SIGN AGREEMENT**

The town board of the Town of Thurman approves the agreement between the Thurman Town Board and the Thurman Highway superintendent (Highway Law section 284) for expenditures of Highway moneys. This agreement will be signed by the Thurman Highway superintendent, each Thurman board member, the Thurman supervisor and the Warren County superintendent of highways.

Town of Thurman

RESOLUTION # 2017

Introduced By:

Seconded By:

Councilman Douglas Needham

Councilwoman Brenda Ackley

Councilwoman Gail Seaman

Councilwoman Joan Harris

Supervisor Cynthia Hyde

RESOLUTION TO PAY CLAIMS

The Town Board of the Town of Thurman approves

Vouchers Numbers " 2018- \_\_ thru 2018- \_\_

General Fund ,, \$ \_\_\_\_\_

Highway Fund " \$ \_\_\_\_\_

Enterprise Fund ... \$ \_\_\_\_\_

**Town of Thurman**

**RESOLUTION # 2017**

**Introduced By:**

**Seconded By:**

<b>Councilman Douglas Needham</b>	<b>yea</b>	<b>nay</b>
<b>Councilwoman Brenda Ackley</b>	<b>yea</b>	<b>nay</b>
<b>Councilwoman Gail Seaman</b>	<b>yea</b>	<b>nay</b>
<b>Councilwoman Joan Harris</b>	<b>yea</b>	<b>nay</b>
<b>Supervisor Cynthia Hyde</b>	<b>yea</b>	<b>nay</b>

**RESOLUTION TO APPROVE BUDGET ADJUSTMENT**

DECREASE DA5120.2 \$5,000.00

DECREASE DA5120.4 \$5,000.00

DECREASE DA5140.1 \$5,600.00

INCREASE DA5242.1- \$1,382.18

INCREASE DA5242.4 \$14,217.82

To pay for remainder of 2018 salt that was ordered to comply with the county contract and get the best rate.

May 09, 2018 Regular Board Meeting

DATE	PCR #	PRIORITY	CHIEF COMPLAINT	DISPATCH TO ENROUTE	ENROUTE TO ONSCENE
4/9/2018	18-11749	BLS	DIFFICULTY BREATHING	3 MINUTES	15 MINUTES
4/9/2018	18-11757	BLS	WEAKNESS	2 MINUTES	13 MINUTES
4/11/2018	18-12032	BLS	PEDIATRIC FALL	2 MINUTES	12 MINUTES
4/12/2018	18-12091	BLS	WEAKNESS	2 MINUTES	8 MINUTES
4/15/2018	18-12536	BLS	ASSAULT VICTIM	5 MINUTES	14 MINUTES
4/18/2018	18-12783	BLS	MVA	NO TIMES	NO TIMES
4/18/2018	18-12834	BLS	ANKLE INJURY	0 MINUTES	16 MINUTES
4/30/2018	18-14280	BLS	LIFT ASSIST	0 MINUTES	22 MINUTES

NOTES
PTRMA
PTRMA
STAND BACK POLICY IN EFFECT
2nd call for WEMS- Turned over to JEMS



Town Board Members:

While at the Town Landfill the following request was asked of me to convey to us all.

The gate to the landfill and sign needs to be fixed. The posts are rotting and gate is a problem to line up in order to be locked . The Superintendent request that they need 2 6<sup>11</sup> X 6<sup>11</sup> by 10' treated poles and 2 4<sup>11</sup> X 4<sup>11</sup> by 12<sup>11</sup> treated poles and possible help from the maintenance man to help rebuild and implant said items.

Next it needs a new sign that post fees, times,dates and rules. The one they have the information is peeling off.

Last don't forget the phone line.

Beware of the guard dog-can't remember its name. (ha Ha)

Thank you,

~~~  
JoanHarris

Audit of Town of Thurman landfill stickers and income.

April 28, 2018 & May 1, 2018

Per standard operating procedures adopted 3-15-2017 by the Thurman Town Board this audit was accomplished.

Receiving and dispensing of garbage bag stickers are being handled by the Landfill Superintendent and Town Clerk per SOP. Inventory of stickers by number and cash amounts are being documented daily and records are on file at both locations.

The landfill Superintendent has a good manual system of receiving stickers, sales transaction and all financial income and deposit to Town Clerk. The Town Clerk maintains a computer program that records all similar transactions. Copy attached. When checked, sticker numbers could be accounted for and *monies* recorded accurately at both areas. Inventory as of May 1<sup>st</sup> was 11 full boxes secure in town hall cellar. Correct number of stickers secured in the safe at the landfill.

The garbage bag sticker system seems to be doing well and both the landfill Superintendent and Town clerk are pleased.

Again, I was asked to do this audit because of the Town Board member who was chosen to be responsible for this audit either did not have the time, ability, or desire to do it. This and other audits are a requirement in fulfilling the commitments to the New York State's Comptroller's office and to prevent past problems that have occurred.

I want to thank both Landfill Superintend and Town Clerk for being available to an unplanned visit and time consuming audit.

Joan Harris



Town Board Member

05/01/2018

10:09:02

**Town of Thurman**  
**TS-TS Transaction Report**

For the period 01/01/2018 through 04/30/2018

| Type   | Date       | Comment                       | Name                   | Quantity | Fee    |
|--------|------------|-------------------------------|------------------------|----------|--------|
| I.TS   | 01/02/2018 | 0126--1330                    | LANDFILL CHARLIE BILLS | 60       | 60.00  |
| 2.TS   | 01/05/2018 | STICKERS 00191 - 0210         | JEFF TYLER             | 20       | 20.00  |
| 3.TS   | 01/08/2018 | STICKERS SALES                | LANDFILL CHARLIE BILLS | 150      | 150.00 |
| 4.TS   | 01/16/2018 | STICKERS 01481-01781          | LANDFILL CHARLIE BILLS | 137      | 137.00 |
| 5.TS   | 01/19/2018 | STICKERS002 I1-0021 S         | BERNADETTE WINTER      | 5        | 5.00   |
| 6.TS   | 01/22/2018 | 01618-01777                   | LANDFILL CHARLIE BILLS | 160      | 160.00 |
| 7.TS   | 01/22/2018 | STICKERS 0216-0235            | SARE HALL              | 20       | 20.00  |
| 8.TS   | 01/29/2018 |                               | LANDFILL CHARLIE BILLS | 151      | 151.00 |
| 9.TS   | 01/30/2018 | SICKER #S 00236---245         | SHELIA PALMER          | 10       | 10.00  |
| JO.TS  | 01/31/2018 | STICKER #S 00246-00255        | ERNIE HAMMOND          | 10       | 10.00  |
| I.L.TS | 02/05/2018 | STICKER 3 01930-02117         | LANDFILL CHARLIE BILLS | 188      | 188.00 |
| 12.TS  | 02/05/2018 | #S 00256-00265                | FRANK RUSSELL JR       | 10       | 10.00  |
| 13.TS  | 02/06/2018 | #S 00266-00285                | MARTHA TERRELL         | 20       | 20.00  |
| 14.TS  | 02/06/2018 | #S 00286-00305                | MR. SHULER             | 20       | 20.00  |
| 15.TS  | 02/06/2018 | #S 00306-003 15               | NORMA GALUSHA          | 20       | 20.00  |
| 16.TS  | 02/09/2018 | #S 00316-00325                | BERNADETTE WINTER      | 10       | 10.00  |
| 17.TS  | 02/12/2018 | SLAES #S 02118-02208          | LANDFILL CHARLIE BILLS | 91       | 91.00  |
| 18.TS  | 02/20/2018 | STICKER SALES 02228-02330     | LANDFILL CHARLIE BILLS | 122      | 122.00 |
| 19.TS  | 02/22/2018 | STICKER #S 00326-00345        | DAN BILLS              | 20       | 20.00  |
| 20.TS  | 02/22/2018 | STICKER #S 00346-00355        | GARY GAZAILLE          | 10       | 10.00  |
| 21.TS  | 02/23/2018 | STICKER #S 00356-00365        | ALAN BROKAW            | 10       | 10.00  |
| 22.TS  | 02/26/2018 | STICKER SALES #02331-02460    | LANDFILL CHARLIE BILLS | 130      | 130.00 |
| 23.TS  | 02/28/2018 | STICKER #S 00366-00385        | CYNTHIA MUNITURI       | 10       | 10.00  |
| 24.TS  | 03/01/2018 | STICKER #S 00386-00405        | EDWIN BAKER            | 20       | 20.00  |
| 25.TS  | 03/05/2018 | STICKER SALES #S 02461-02610  | LANDFILL CHARLIE BILLS | 150      | 150.00 |
| 26.TS  | 03/05/2018 | STICKER #S 00406-00425        | SALLY WALLACE          | 20       | 20.00  |
| 27.TS  | 03/12/2018 | SHCKER #S 02611-02700         | LANDFILL CHARLIE BILLS | 90       | 90.00  |
| 28.TS  | 03/14/2018 | STICKERS# 00426-00435         | ERNIE HAMMOND          | 10       | 10.00  |
| 29.TS  | 03/14/2018 | STICKER #S 00436-00445        | NORMA GALUSHA          | 10       | 10.00  |
| 30.TS  | 03/15/2018 | STICKERS # 00446-00448        | AL CORTEZ              | 3        | 3.00   |
| 31.TS  | 03/19/2018 | STICKERS# 00469-00478         | JOHN DRNGMAN           | 10       | 10.00  |
| 32.TS  | 03/20/2018 | STICKERS #00449-00469         | KELLY BESSAW           | 20       | 20.00  |
| 33.TS  | 03/20/2018 | STICKERS SALES #S 02701-02792 | LANDFILL CHARLIE BILLS | 92       | 92.00  |
| 34.TS  | 03/21/2018 | STICKER #S 00479-00488        | BERNADETTE WINTER      | 10       | 10.00  |
| 35.TS  | 03/26/2018 | STICKER SALES 02793-02852     | LANDFILL CHARLIE BILLS | 60       | 60.00  |
| 36.TS  | 04/02/2018 | STICKER SALES# 02853-02938    | LANDFILL CHARLIE BILLS | 86       | 86.00  |
| 37.TS  | 04/03/2018 | STICKER #S 0489-0508          | GARY GAZAILLE          | 20       | 20.00  |
| 38.TS  | 04/06/2018 | STICKERS SALES #S 00509-00528 | CYNTHIA HYDE           | 20       | 20.00  |
| 39.TS  | 04/06/2018 | STICKER SALES 0509-0528       | CYNTHIA HYDE           | 20       | 20.00  |
| 40.TS  | 04/09/2018 | STICKRE #S 03301-03340        | LAURA HATCH            | 40       | 40.00  |
| 41.TS  | 04/09/2018 | STICKER SALES# 02939-03100    | LANDFILL CHARLIE BILLS | 162      | 162.00 |
| 42.TS  | 04/13/2018 | STICKER #S 00529-00538        | BERNADETTE WINTER      | 10       | 10.00  |
| 43.TS  | 04/16/2018 | STICKERS# 03101-03210         | LANDFILL CHARLIE BILLS | 110      | 110.00 |
| 44.TS  | 04/18/2018 | STICKERS #S 00539-00558       | JIMDESOUY              | 20       | 20.00  |
| 45.TS  | 04/23/2018 | STICKER #S 00559-00568        | HOLLY HIGHTOWER        | 10       | 10.00  |
| 46.TS  | 04/24/2018 | STICKER #S 00569-00578        | ERNIE HAMMOND          | 10       | 10.00  |
| 47.TS  | 04/24/2018 | STICKRE # 00579-00618         | REX REYNOLDS           | 40       | 40.00  |
| 48.TS  | 04/25/2018 | STICKER #S 00619-00638        | JERRY MACDUFF          | 20       | 20.00  |
| 49.TS  | 04/27/2018 | STICKER #S 03211--03430       | LANDFILL CHARLIE BILLS | 180      | 180.00 |

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***Robert Russell***  
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*221 Don Potter Road*  
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*bobruss@yahoo.com*

To: All Thurman Town Board Members

4-14-2018

Re: Whitespace

Having had Hughes.net as my internet provider for many years (because they were the only available option), I found Hughes.net had reliability issues, was very restrictive for data usage (bandwidth), and was overpriced (for the service provided). That being said I very much welcomed the Whitespace project as a promising alternative for getting internet service as we are very much involved in using the internet on a daily basis. Unfortunately, we were not in the initial area to get hooked up, because the pole installation and transmission equipment was delayed for my area. Following that there was the falling out between the town board and Fred Engleman which left our installation in limbo.

Eventually Supervisor Evelyn Wood made an attempt at setting up an antenna, modem and getting us connected. It worked to a point in that we were able to connect however the upload/download speeds were only about 20-25% of what the other customers getting. While we could connect and do basic stuff even though slow, there were some items that were (and still are) problematic or not able to use: Anything involving streaming, such as Youtube, live broadcasts, Netflix, etc.

Then we had a situation where there was an equipment problem on the pole on Mountain Road which resulted in our having no service for about a month, which necessitated daily trips to the town hall in order to connect to the internet and take care of things needing to be done. Eventually this got fixed, but we still had the slow speed issue which Evelyn could not resolve. Eventually Viking Electric was hired to maintain Whitespace, but it turned out they did not have the expertise to fix our problem either.

Last fall, Fred Engleman was contacted to look at my system to see what the problem was with my setup. After he and Domenic Jude inspected my setup, the first thing discovered was that the setup was not registered properly with the FCC. Apparently when Evelyn registered the GPS coordinates of the system she somehow used the coordinates for some other location (in the Old Forge, NY area), not the coordinates for my location. This was not a problem that affected how the system operated, but according to Fred, using the wrong coordinates was illegal and could have caused consequences for those involved. The second thing was that my antenna should be moved to a different location with the idea being to get the best signal possible, then Fred could look into the problem of the slow speeds that are affecting our system. Plans were for Domenic to come back and set up a new antenna and go from there.

At this point things came to a standstill, because some town board members do not want Mr. Engleman to perform the work, who without a doubt, is THE most qualified person to do setup and maintenance since he designed the system. I understand the desire and need to have some one to operate the Whitespace system as well as doing setup and maintenance. To that end, I


implore the board to make certain that whoever gets the job is capable or we will be in the same situation we were in previously. My Whitespace system installation/problems has been going on for far too long and need to be resolved. I am paying the same cost as the rest of the Whitespace subscribers yet I am getting a much less capability. Currently my service has slowed down even further, so I am getting impatient to get my system problems resolved.

I chastise the board members that are delaying this process over the technical specifications needed for the job. It is important that specific qualifications be met. Whitespace is a relatively new technology and as such I assume that there are not many available people currently with the technical expertise to do *some* aspects of the work required. Whitespace seems to be a good system, one which I think we should continue with, but we must get the proper people on board to operate and maintain it

Get it done right so we don't have more problems.

It is also nice to see that we have some other options such as Slic Networks which was recently awarded broadband money for providing service to our area. I recently contacted them to find out what they plan to offer and when and was told by their customer service representative *"We are still ironing out the details of the routes awarded under the grant. We will be able to answer questions like this very soon."*

At this point in time, I am still in favor of Whitespace, IF we get qualified people to operate it.

A handwritten signature in black ink, appearing to read "Robert Brumley". The signature is written in a cursive, flowing style with some loops and flourishes.

**THE NORTH COUNTRY GAZETTE Box**  
**408**  
**Chestertown, NY 12817**  
**news@northcountrygazette.org**

April 12, 2018

Thurman Town Board ATT:  
Thurman Town Clerk Town  
of Thurman  
311 Athol Road, PO Box 29  
Athol, NY 12810

RE: Abstracts-Payments To Warren County SPCA  
Contract SPCA of Warren County NY

Supervisor Hyde and Members of the Thurman Town Board:

I would like this letter to the town board included in the official records of the town as well as made part of the communications presented at the next town board meeting.

Additionally, please be advised I am forwarding a copy of this letter to the Office of State Comptroller and to the Public Integrity Bureau of the Attorney General's office

I also understand that Gail Seaman, Douglas Needham and Brenda Ackley have allegedly engaged in obstruction of governmental administration, official misconduct and attempting to tamper with public records in attempting to remove a public document/public record from the official minutes of the Thurman Town Board at the last meeting of the board on April 11, 2018.

If you will recall, a previous Thurman town official was indicted and convicted for altering public records.

I also understand that Seaman, Needham and Ackley have intentionally refused to comply with both the town's dog control law and Article 7 of the Agriculture and Markets Law as well as Public Health Law, Article 21, Title 4, Rabies--Compulsory Rabies Vaccinations, a public safety issue, by knowingly and intentionally refusing to license and vaccinate their dogs and that the town has taken no action against them for these alleged violations.

This has been reported to Warren County Health Services and NYS Department of Agriculture and Markets.

I herewith challenge your payments and expenditure of taxpayer funds as follows:

G/L Number: 035014.01.000.000 from 35.10 Dog Control CE General Fund A

Warren County SPCA 2018-85 dog control service Dec. 2017/12/2018 \$416.67 13 777 Warren

County SPCA 2018-86 dog control January 2018 2/ 12/18 \$404.17 13 777 TOTAL \$820.84

G/L Number: 035104.01.000.000 from 35 I 0.4 Dog Control CE General Fund A

to Warren County SPCA for 2018-165 dog control services on 3/9/2018 in the amount of \$404.17 13825

TOTAL \$404.17

The abstracts showing the payments can be viewed here

<http://www.thurmaninformer.com/uploads/1/0/2/8/102861364/february.pdf>

<http://www.thurmaninformer.com/uploads/1/0/2/8/102861364/march 2018.pdf>

Warren County SPCA is NOT the entity with whom you are contracted to provide dog control services and therefore I don't believe you have any legal authority to issue payments to this entity.

The entity with which you are contracted to perform dog control services, the SPCA of Warren County NY, is not a legal entity, is not registered with the state and cannot enter into contracts or conduct business in the state. It is allegating operating in violation of Sections 130, 133, 135, 349 and 350 of General Business Law as well as Section 202 of the Not-for-Profit Corporation Law.

I believe such payments are unlawful as the contract is not with a lawful entity and is invalid. I have requested the state agencies to investigate this matter as well as the actions of Gail Seaman as a town board member.

I have been reporting on the operations of the Warren County SPCA Inc. for several years and had a particular interest in the town's contract for animal control services.

Such prompted me to find the video of the Jan. 4 organizational meeting and watch same. I was appalled at the wholly improper demeanor of Gail Seaman and the fact that she seems to act without supporting documentation, just taking whatever someone tells her to be gospel as she allegedly did with the Warren County SPCA as she provided absolutely no support for her comments.

I am also aware that Gail Scaman attempted to block a communication to the board about this issue dated Feb. 15, 2018 from being presented at the March, 2018 town board meeting and that she, Needham and Ackley have now voted to have the public document removed from the minutes.

Gail Seaman's demeanor at town board meetings is reprehensible, outrageous and just totally unacceptable. I have covered a lot of public meetings in the 50+ years of journalism and have NEVER seen any public officer act like Gail Seaman. She is an embarrassment to the town. I can't imagine what people from other towns think when they view a video of the Thurman Town Board.

And she's a hypocrite. She repeatedly accuses Supervisor Hydge of not being accountable. However, it is Seaman who is not accountable.

After a month of refusing to provide public documents as requested, Seaman finally decided to comply with the Freedom of Information Law after I informed the town that she could be forced to compel to comply through litigation against the town, her lack of accountability and transparency costing the taxpayers unnecessary legal fees.

For nearly a month after a FOIL request had been submitted to the Town of Thurman by The North Country Gazette requesting copies of communications between Seaman and the Warren County SPCA, Seaman refused to respond.

On Friday, Feb. 9, Town Clerk Susan Staples told NCG that she had made several requests to Seaman about the FOIL request filed in early January but that Seaman had not acknowledged the requests. Staples said she was unsure when she would be able to fulfill the FOIL request.

Seaman has hypocritically accused Thurman supervisor Cynthia Hyde, with whom she repeatedly clashes and seems to enjoy initiating and further the public abuse and slander, of withholding information

But apparently Seaman decided to become accountable after NCG published an article about her lack of accountability and transparency as she quickly produced some of the communications requested between herself and Darlene Hayes who calls herself the executive director of the SPCA although the

## May 09, 2018 Regular Board Meeting

organization has refused to publicly identify its officers.

Seaman was copied on a email sent Friday, Feb. 10, to Thurman officials by NCG that in view of Seaman's failure to comply with FOIL, an Article 78 proceeding would be filed to compel her response which would result in legal expense for the town.

On Saturday, Feb. 10, she produced emails between herself and SPCA officers James Fitzgerald and Darlene Hayes.

Seaman claims to be a member of the Warren County Board of Ethics although that body has its own ethics issues as one of the three purported members has not filed an oath of office as required by state law and the state Constitution.

In that such an ethics board is required to have three members, by law the board is not legally constituted and cannot conduct business as such Seaman had been in office as a Thurman

councilperson only three days before Darlene Hayes of the SPCA singled her out to lobby for renewal of a contract for dog control services for the town.

But the thing is, the contract is with an entity called SPCA of Warren County NY which doesn't legally exist and which Darlene Hayes cannot legally claim to represent.

According to records obtained by The North Country Gazette, Hayes and the Warren County SPCA intentionally sought out Seaman by phone on Jan. 4 rather than town supervisor Cynthia Hyde, town clerk Susan Staples or other board members to discuss the town's contract for dog control services.

In November, 2016, before Seaman was ousted from town government and former supervisor Evelyn Wood resigned, Seaman led the town board in contracting with an entity unregistered to do business in New York State.

Such unregistered entries cannot advertise, cannot enter into contracts and simply cannot do business in the state and to do so, constitutes a fraud and deceptive business practices.

There is no such organization, profit or non-profit, known as the SPCA of Warren County NY of which James Fitzgerald claims to be president authorized to do business in the state and for Hayes and Fitzgerald to do so is a violation of not-for-profit corporation law and General Business Law.

In other words, in 2016, Seaman and former supervisor Evelyn Wood approved a fraudulent contract and could not legally expend any town tax dollars to fulfill that contract---but they did.

Section 202 of Not-for-Profit Corporation Law states (f) no corporation shall conduct activities in New York state under any name, other than that appearing in its certificate of incorporation, without compliance with the filing provisions of section one hundred thirty of the general business law governing the conduct of business under an assumed name.

<http://codes.findlaw.com/ny/notforprofit-corporation-law/npc-sect-202.html>

The certificate of incorporation on file with the Department of State is in the name of Warren County Society for the Prevention Of Cruelty to Animals Inc. and that's the ONLY name that they can legally use to conduct business including the execution of contracts.

According to legal experts, the signing of any contract by anyone claiming to be an officer of the nonexistent entity constitutes a fraud.

At the time Wood and Seaman chose to replace former DCO Dexter Baker, he was serving the town at an annual salary of \$2,675 and was additionally a certified nuisance wildlife operator but under the "leadership" of Wood and Seaman, the board voted 4-1 to pay an illegal entity \$5,000 to perform less services as well as a duplication of some services that were already being provided the town under a



## May 09, 2018 Regular Board Meeting

contract with the county with the Warren County SPCA for animal control services.

As soon as Hyde brought up the subject of the animal control contract at the Jan. 4 organizational meeting, Seaman quickly attacked it, saying that she, a new board member, had received a phone call from the Warren County SPCA., claiming that they had been unable to reach Supervisor Hyde.

<https://www.youtube.com/watch?v=181iBAEeULI> (starting about minute 28)

Seaman was emphatic that the contract with the SPCA be renewed at a cost nearly double what Baker had been paid and to provide fewer services. While Baker was ACO, he was handling dog bite calls and followups at no additional cost to the town, as part of his job.

But because of the antics and demands of Fitzgerald and the Warren County SPCA who refused to handle the followup bite checks unless they were paid \$75,000 more by the county to do so, the Warren County Health Services is now in complete control of the county's rabies plan and use appointed animal control officers to conduct the followup calls at \$40 each plus mileage. [http://www.northcountrygazette.org/2018/02/10/seaman\\_foil/](http://www.northcountrygazette.org/2018/02/10/seaman_foil/)

It had also been alleged that Fitzgerald and the SPCA were not conducting the bite checks following the 10-day quarantine period as required.

Additionally, it appears that Thurman taxpayers are being forced by Seaman and the other two new board members, Douglas Needham and Brenda Ackley who supported Seaman in turning back Hyde's attempt to reappoint Baker, to pay double for some services.

The contract should be for dog control only---Article 7 of the state Agriculture and Markets Law and the town's own dog control ordinance

There should be nothing in the town contract about animal cruelty, cats, wildlife or farm animals as none of that is covered under Article 7. Such services are already provided to the town under the county contract for animal control services or by statutory law such as Section 3 71 of Article 26 and the town taxpayers should not have to pay twice for the same coverage.

Farm animals are not covered under Article 7 nor should they the town be paying separately for "humane officer enforcement pursuant to any contractual arrangement between the SPCA and Warren County". That too is presumably covered under the county contract.

Under Article 7, a dog control or animal control officer can ONLY handle dogs. They have no authority to impound or pick up farm animals. The only legal cause to pick up a farm animal would be in an animal cruelty case and under Article 7, animal control and/or dog control cannot handle animal cruelty calls.

Any animal cruelty call in the town MUST be handled Under Article 26 of the Agriculture and Markets Law, Section 3 71 by either the State Police or Warren County Sheriffs Office and the town cannot be separately charged. If the State Police or sheriffs office calls upon the SPCA to help with the investigation, that's at no cost to the town, it's covered under the county contract.

Hayes and Fitzgerald routinely tout certification by National Animal Care and Control Association but according to the NYS Division of Criminal Justice Services, any such "certification" is NOT recognized in NYS and does not address New York statutes. The contract in the name of the unlawful entity contains absolutely no provision for the licensing of dogs or dog enumerations. In fact, Seaman doesn't want to comply with state law and Article 7 in regard to conducting a routine dog census.

Town clerk Staples had explained at the Jan. 4 meeting that dog control officers should go door to door to conduct an enumeration and find out if the dogs being harbored are licensed and have been vaccinated for rabies.

Seaman's sarcastic response was "who in town wants someone knocking on their door?".

Staples responded, "actually its state law, it has to be done every so many years".

Seaman said she knew of no town where anyone goes door to door to "check your dogs. That's a little intrusive in my mind", again clearly demonstrating her ignorance of the situation and laws governing dog control.

A dog enumeration is undertaken in the town of Chester about every five years.

Staples said it had been done previously in the town of Thurman to which Seaman belligerently responded, "No it hasn't" and then said, "it doesn't matter" Hyde said revenues for dog licensing had decreased since Baker had been discharged and that claim of declining revenues seems to be persistent in each of the six towns that the "SPCA of Warren County NY" is contracted.

Neither Thurman's 2017 contract nor the current one with SPCA of Warren NY appears to be valid and the contract is not in compliance with Article 7, Ag and Markets Law, a copy of which can be found here.

<https://www.agriculture.ny.gov/AI/AILaws/article7.pdf>

No one, not even the Warren County SPCA, can supercede state law.

The contracts obligate Thurman taxpayers to pay for the transport of farm animals if impoundment is necessary at the sole expense of the town.

However, not only are farm animals not covered under Article 7 but the Warren County SPCA is legally obligated under the current contract with Warren County to provide not only the transport but all boarding costs and medical care of farm animals if they are called in by police to seize such animals during an animal cruelty investigation. It's not a town expense

Farm animals are not covered under Article 7 which addresses dogs only and the costs of seizure is not the legal responsibility of Thurman taxpayers. Seaman decided Saturday to produce some emails with the SPCA, providing a copy of an email dated Jan.4 sent by Hayes to Seaman at 9:40 a.m. with a copy to Fitzgerald and herself under the subject line of "WC SPCA Contract 2018". <http://www.northcountrygazette.org/documents/SeamanSPCA.pdf>

Hayes made no effort to provide a copy of her communications to Supervisor Hyde or other board members. The communications included a copy of the proposed contract and Hayes continues to fraudulently act as the unregistered entity of SPCA of Warren County NY which violates Not-ForProfit Corporation Law and could be cause to revoke the tax exempte 501 c3 status of Warren County SPCA Inc.

In what has become known as the standard method of operation for Hayes and the SPCA, she made claims of calls and other service for which she could not and did not substantiate, referring to animal cruelty calls which would not be covered under the town contract or Article 7 and the town's dog ordinance and should not be part of any "negotiations" for renewal.

Hayes claimed that there were multiple calls after business hours for pitbulls "locked in trailers" but provided no substantiation in her rambling diatribe.

According to the "reports" presented to the town by Hayes and the SPCA for the mine month period of Jan. 1 to Sept. 30, a total of 28 calls were answered albeit most of those were phone calls listed as "informational" requiring no action, calls to report a lost dog, a dog running at large or adoption inquiries and resulted in no response to the town.

According to call logs submitted by the Warren County SPCA to the county, from Oct. 1 to Dec. 31, 10 other inquiries were answered involving Thurman, only two which resulted in a response indicating that Thurman taxpayers paid about\$ 125 each time the SPCA to answered their phone.

There were no reports found on the SPCA call logs for Thurman about any pit bulls left in any trailers

in Thurman.

At 10:21 a.m. on Jan. 4, Fitzgerald emailed Seaman a copy of a "reference" letter dated Dec. 29 and signed by Libby Post representing the Animal Protection Federation of Albany. Organizations have to pay for membership in this organization which appears to include perks such as such reference letters. Fitzgerald has been busy circulation this letter to various municipal outlets including the county and several towns.

But once again, someone's telling a story.

Fitzgerald and the Warren County SPCA keep parading this letter signed by Post claiming that the Warren County SPCA answers 3,000 animal cruelty calls per year and adopts out 100 dogs.

Well, I hope he doesn't plan on auditioning for To Tell The Truth because the records just don't support those claims and he's never produced any viable records to the county or any where else that I know of about how many dogs and cats are seized, impounded, vaccinated and their disposition. According to the 2016-990 tax information return filed with the IRS which Hayes signed under penalty

of perjury as "chairperson of the B", excluding contributions (\$14,382), governmental funding and investment income, their "other income" was listed at \$3,899 in 2015 and \$6,658 in 2016.

Hayes and the SPCA identify that \$6,658 as being income from fundraisers. The 990 indicates absolutely nothing reported to the IRS as income from adoptions which would purportedly be about \$20,000 if you believe their claim as they advertise adoptions at \$195 per dog and claim, per Libby Post, that they adopt out 100 animals a year.

Once again, they still haven't provided any supporting documentation for their claims.

Libby Post writes about hoarding situations and how Warren County SPCA is providing "humane law enforcement services" and SPCA is there to rescue the animal".

Bulloney. Why was a cow (that the SPCA and Sheriff Bud York call a bull) and all the other animals left on the Rambone property in Horicon for nearly 30 days after being found to be malnourished and neglected as reported in the SPCA's own call log?

Why wasn't the cow removed from the property on Dec. 2 after the SPCA recorded that they and the State Police located a cow on the property that had ice hanging off from it from not being properly sheltered and appeared to be malnourished?

The cow was not removed until Dec. 31 until AFTER 2 pigs, a duck and a chicken were found frozen to death and why, even then, all the ducks, chickens and other animals including four dogs were allegedly left on the property by Fitzgerald. That's not humane treatment.

Does Libby Post want to explain to the public why, after Casey and Brenda Prosser were recently arrested in Pottersville and charged with seven counts of animal cruelty and five counts of not providing proper shelter for dogs involving nine dogs and two pigs the animals were NOT seized and removed from the property by Fitzgerald although the State Police wanted them seized')

Of course if the SPCA did remove the animals, they by contract with the county and the law, they would have to pay for the boarding and treatment of those animals.

According to the four quarters of the call logs supplied by the SPCA to the county for 2017, they simply did not handle 3,000 bonafide cruelty calls as Post claims.

In fact, according to a FOIL request submitted to the Warren County Sheriffs office, their agency only answered less than a 100 "animal cruelty" calls in the county all last year, most of which were for a dog supposedly locked in a vehicle, most of which were found to be unfounded.

In her Jan.4 email to Seaman, Hayes also stated that she had "facilitated" a December meeting with all the town clerks and Agriculture and Markets when it was "brought up about the difficulty in collection of fees in your town for Dog at Large fees, redemption, licensing etc".

There has been a chronic repetitive problem with SPCA accountability and not only not complying with reporting requirements under the county contract but under Article 7 of the Agriculture and Markets Law. In the past, when Fitzgerald was employed as an animal control officer for the town of Queensbury, he received an unsatisfactory rating from the state due to his failure to maintain and produce the required records concerning seizure and disposition of dogs as well as the redemption fees which, by law, are the property of the town.

Town clerks in most of the six towns with which the non-existent SPCA of Warren County NY contracts says there are no DL 18s on file at the town, the seizure and disposition record required by state law to be completed and filed with the town by the dog control officer for all seizures, redemptions and dispositions.

The absence of the required records appears to be a violation of state Agriculture and Markets Law and raises yet more financial and legal issues concerning the SPCA.

Article 7, Section 113 requires that every dog control officer, peace officer, when acting pursuant to his special duties or police officer shall promptly make and maintain a complete record of any seizure and subsequent disposition of any dog. Such record shall include, but not be limited to, a description of the dog, the date and hour of seizure, the official identification number of such dog, if any, the location where seized, the reason for seizure, and the owner's name and address, if known.

Upon seizing a dog, the DCO must promptly make and maintain a complete record of the seizure and subsequent disposition of any dog.

After the record is complete and an attempt has been made to notify the owner, if known, by phone, the DCO will deliver the dog to the town's contracted place of impoundment with the completed town for DL 18 for distribution by the adoption agency to the seizing dco the owner of the seized dog and the town and file copy for the adoption agency. The DCO will deliver the dog to a vet if the dog appears seriously injured or sick and in need of emergency measures

Upon payment of the town fee, the town will issue a copy of the Agriculture and Markets Department Form DL-18 to the dog owner or designee which will evidence that the town has received all town reclaim/redemption fees.

Apparently Fitzgerald and the SPCA are not complying with the law and its unknown how the towns track or account for the fees.

This could create an issue with the state comptroller's office as there appears to be no record of fees collected for redemptions and impoundments.

Every dog control officer shall file and maintain such records for not less than three years following the creation of such record, and shall make such reports available to the commissioner upon request.

The governing body of any municipality in which licenses are issued, may, either individually or in cooperation with other municipal entities, require its dog control officer or animal control officer or any other authorized agent to ascertain and list the names of all persons in the municipality owning or harboring dogs, or in lieu thereof, such municipality may contract to have the same done.

In that the town clerk says no DL 18s or other seizure and disposition records are on file with the town, it appears that the town is in violation of the Agriculture and Markets Law due to the alleged malfeasance of Fitzgerald and the SPCA.

According to an investigation conducted by The North Country Gazette, only one of the six towns with whom Fitzgerald and the SPCA is contracting for dog control could provide the required records.

The seizure and disposition record of dogs in the municipality must be completed and filed, subject to

review by the NYS Department of Agriculture and Markets DOAM at any time and in particular, during the municipality's annual inspection.

According to several town clerks, a meeting was held Dec. 7 at the Queensbury Town Hall with town clerks of the towns that are currently claiming a valid contract with the Warren County SPCA for dog control services. The meeting was held several days after Hayes and her husband, Michael who is employed by the Warren County SPCA Inc., had returned from a five day vacation in the Caribbean with the Queensbury at large supervisor Rachel Seeber and her husband Kevin Conine who is employed as an investigator with the Warren County Sheriffs Office.

Through the efforts and demands of Seeber, the oversight of the SPCA had been removed from the clerk of the board of supervisors last year and placed under the Warren County Sheriff's Office. Seeber had persistently been the face before the county board of supervisors seeking more money to fund the SPCA. Seeber, SPCA's Darlene Hayes and Conine are partners in a business venture known as Lake George Premium Brands, water bottled not in Lake George but rather Pennsylvania.

Attending were town clerks from Queensbury, Warrensburg, Lake George and Thurman as well as Thurman's town justice who has also expressed a concern about paperwork and fee issues regarding the SPCA.

A representative from Warren County Health Services also attended as well as Elizabeth Holmes and Annette Holowka from the NYS Department of Agriculture and Markets.

Assistant health director Ginelle Jones said public health was present on invite from the clerks, not the SPCA, to help clarify the county's role regarding rabies.

Several clerks said they were seeking answers from the SPCA why revenues in their towns were down concerning dog control and why forms were not being filed. They were also looking to Ag and Markets to clarify requirements.

Also attending were Queensbury town supervisor John Strough and deputy town clerk Rose Mellon. While Fitzgerald and the SPCA had claimed that the Glens Falls Animal Hospital would no longer be involved with the boarding of animals seized in the towns and that he was going to be boarding dogs at Glens Falls K-9 in Glens Falls with whom he's associated, the towns objected.

Glens Falls Animal Hospital had also stated that they would no longer deal with Fitzgerald.

As a result of protests from the clerks and the towns, that all seized dogs would once again go to the Glens Falls Animal Hospital rather than GFK-9 which is solely a boarding and day care facility and not a veterinarian.

Please base your decisions on facts, not the uniformed propaganda, hyperbole and angst of Gail Seaman.

In the best interest of the town, the taxpayers and certainly the animals, the contract with the illegal entity SPCA of Warren County NY must immediately be terminated, no monies expended to Warren County SPCA and Dexter Baker reappointed to the position of Thurman animal control officer.

Very truly yours,

June Maxam, Publisher

CC: Office of State Comptroller, Investigations Division  
Office of Attorney General, Public Integrity Bureau NYS  
Department of Agriculture and Markets

