

MINUTES OF THE FISCAL AND REGULAR MEETING OF THE TOWN BOARD OF THE TOWN OF THURMAN HELD MARCH 10, 2015 AT THE TOWN HALL, 311 ATHOL ROAD, ATHOL NEW YORK, COMMENCING AT 6:30 P.M...

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

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

FISCAL MEETING: The Town Board reviewed all claims.

BOARD MEETING: The regular town board meeting was called to order by **Evelyn Wood, Supervisor.**

PLEDGE ALLEGIANCE TO THE FLAG

ROLL CALL

APPROVAL OF THE MINUTES:

On a motion by **Councilman Smith**, seconded by **Councilman Eddy**, the February 10th meeting minutes were approved.

MOTION CARRIED: 5 AYES ~ WOOD, GALUSHA, EDDY, SMITH, SEAMAN

CORRESPONDANCE:

Letters were read from **McPhillips, Fitzgerald & Cullum L.L.P., Donald T. Moeller, Winefred Martin** and **Ellen Kenney**. Attached

REPORTS:

Reports were given by the following Town Officials: **Councilman Smith, Councilman Galusha, Councilwoman Seaman** and **Supervisor Wood.**

OLD BUSINESS:

Board of Assessment Review Appointment:

RESOLUTION # 25: BAR

On a motion by **Councilwoman Seaman**, seconded by **Councilman Galusha**, the Town Board appointed John Youngblood to the Thurman Board of Assessment Review.

MOTION CARRIED: 5 AYES ~ WOOD, GALUSHA, EDDY, SMITH, SEAMAN

MINUTES:

Some of the board members gave the clerk a list of suggestions for previous minutes.

NEW BUSINESS:

Tax Freeze Law: **Supervisor Wood** discussed the tax freeze law.

Request for MOU regarding Aquatic Invasive Species: **Supervisor Wood** said that the Town Board will receive a memorandum of understanding regarding aquatic invasive species to review and then decide whether to sign on.

POINTS OF INTEREST:

Thurman Maple days March 14-15, 21-22, 28-29 10-4pm

Jack Wax party 14th March

PRIVILEGE OF THE FLOOR:

The following people spoke during privilege of the floor... Keith Parent, Mary Eddy, Joyce Eddy, Al Harrington and Winefred Martin.

RESOLUTION #26:

RESOLUTION AUTHORIZING

DECREASE IN CAPITAL RESERVE FUND

WHEREAS, the Town has \$174,024.50 plus accrued interest in its general-type

Capital Improvement Capital Fund (the "Fund"); and

WHEREAS, the Town Board has determined that, based on its expectations for the foreseeable future, the Town needs to have \$10,000.00 in the Fund and that the Fund should be decreased by the amount of \$164,024.50;

NOW, THEREFORE, BE IT

RESOLVED, that the Thurman Town Board hereby finds that the Fund has more money in it than the Town is expected to need in the foreseeable future for the purpose for which it was established; and be it

FURTHER RESOLVED, that the Town Board hereby determines that the Fund shall be decreased in amount to \$164,024.50; and be it

FURTHER RESOLVED, that any monies currently held in the Fund in excess of such amount shall be returned to the General Fund from which they originated; and be it

FURTHER RESOLVED, that this Resolution is subject to Permissive Referendum as provided by General Municipal Law Section 6-c and Town Law Article 7, and shall not take effect until as provided in such sections; and be it

FURTHER RESOLVED, that the Town Clerk is authorized and directed to post and publish the Notice required for Resolutions subject to Permissive Referendum; and be it

FURTHER RESOLVED, that the Town Supervisor, Town Bookkeeper and Town Clerk are hereby authorized and directed to take all actions necessary to effectuate this Resolution.

On a motion by **Councilwoman Seaman**, seconded by **Councilman Smith**, Resolution # 26 was approved.

MOTION CARRIED:

ROLL CALL ~ WOOD-YES, GALUSHA-YES, EDDY-NO, SMITH-YES, SEAMAN-YES

RESOLUTION #27: RFP

Resolution to Request Proposals

WHEREAS the town currently uses IT Services by contract, and

WHEREAS the current IT provider indicates they are no longer able to continue providing services, and

WHEREAS the town does have a need for IT services, be it

RESOLVED that the Town Board is requesting proposals for providers of IT services for the performance of information technology work including, but not limited to basic troubleshooting with office computers, maintenance of local networks, server maintenance, and security system maintenance. Proposals should be marked 'IT Proposal' and sent sealed to the Town Clerk at PO

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Box 29, Athol, NY 12810. Proposals must be received no later than April 10, 2015. The Town reserves the right to reject any or all proposals. Questions or inquiries should be made to the Supervisor's Office at 623-9649, and be it

FURTHER RESOLVED the town board directs the Town Clerk to advertize the Board's request for proposal in the town's designated newspaper.

On a motion by **Councilwoman Seaman**, seconded by **Councilman Galusha**, Resolution #27 was approved.

MOTION CARRIED: 5 AYES ~ WOOD, GALUSHA, EDDY, SMITH, SEAMAN

RESOLUTION #28: HITS

Resolution Approving HITS Triathlon

WHEREAS the HITS Triathlon has been a yearly event which passes through the Town of Thurman, and

WHEREAS the New York State Department of Transportation requests to know if the Town has any objection, be it

RESOLVED the Town has no objections to the HITS Triathlon passing through the Town of Thurman.

On a motion by **Councilman Smith**, seconded by **Councilwoman Seaman**, Resolution #28 was approved.

MOTION CARRIED: 5 AYES ~ WOOD, GALUSHA, EDDY, SMITH, SEAMAN

RESOLUTION #29: Gore Electric

Resolution to Authorize Contract with Gore Electric

WHEREAS the town contracts with Gore Electric for the servicing of generators at the Town Hall and Highway garage, and

WHEREAS Gore Electric is requesting to renew the contract for these services at a rate of \$250 pergenerator, be it

RESOLVED that the Town Board authorizes the contract with Gore Electric and authorizes the Supervisor to sign any necessary documents.

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On a motion by **Councilman Galusha**, seconded by **Councilman Smith**, Resolution #29 was approved.

MOTION CARRIED: 5 AYES ~ WOOD, GALUSHA, EDDY, SMITH, SEAMAN

RESOLUTION #30: Training

Resolution to Authorize Training

Be it resolved that the Town Board authorizes attendances at the Annual Town Finance School May 7-8, 2015 in Saratoga Springs, NY for Evelyn Wood and Sally Feihel.

On a motion by **Councilwoman Seaman**, seconded by **Councilman Smith**, Resolution #30 was approved.

MOTION CARRIED: 5 AYES ~ WOOD, GALUSHA, EDDY, SMITH, SEAMAN

RESOLUTION #31: Declare Surplus

Resolution to Declare Surplus

WHEREAS the town currently has the following surplus items which have been determined not to have any significant value, and therefore be it

RESOLVED that the Town Board declares them surplus and authorizes their disposal:

1 HP keyboard

P/N: 643691-001 Rev. B

S/N: BBXAF0BCPOY61C

1 Compaq keyboard

P/N: 5188-0989

S/N: BD65208084

1 Acer Monitor

61100400040

UPC: 99802-37506 S

1 HP Printer

C8970A

S/N: MY62P7ROM9

1 HP Printer

Model: M1522nf

S/N CNG8B3G259

1 Compaq Monitor

S/N: CNC7040682

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On a motion by **Councilman Galusha**, seconded by **Councilwoman Seaman**, Resolution #31 was approved.

MOTION CARRIED: 5 AYES ~ WOOD, GALUSHA, EDDY, SMITH, SEAMAN

RESOLUTION #32: Amerigas

Resolution to Authorize Contract with Amerigas

WHEREAS the town contracts for the supply of propane to town facilities and

WHEREAS it is necessary to renew the town's contract, and

WHEREAS the Office of General Services has listed Amerigas as a successful bidder on State Contract (PC66617) now therefore be it

RESOLVED that the Town Board authorizes a contract with Amerigas for the supply of propane to the town facilities and authorizes the Supervisor to sign any necessary documents.

On a motion by **Councilman Galusha**, seconded by **Councilman Smith**, Resolution #32 was approved.

MOTION CARRIED: 5 AYES ~ WOOD, GALUSHA, EDDY, SMITH, SEAMAN

RESOLUTION #33: To Amend Resolution

Resolution to Amend Resolution

WHEREAS the Highway Department currently has a temporary appointment filling a medical leave, and

WHEREAS after discussions with the Civil Service Officer it has been decided there is a need to clarify and amend the language in resolution 86 of 2014 to better reflect the action of the Board, be it

RESOLVED that the town Board amends resolution 86 of 2014 as follows. Changes are shown in italics.

BE IT RESOLVED that the Town Board ratifies the actions of the Highway Superintendent and approves the temporary *appointment* of David Binder at a rate of \$15.73 per hour *for the length of the medical leave.*

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On a motion by **Councilwoman Seaman**, seconded by **Councilman Galusha**, Resolution #33 was approved.

MOTION CARRIED: 3 AYES ~ WOOD, GALUSHA, SEAMAN

2 NAYS ~ EDDY, SMITH

RESOLUTION #34: Adopt Highway Inventory

Resolution to Adopt Highway Inventory

WHEREAS the town Highway Superintendent has requested a resolution from the Board reflecting the clarification of the length of Bear Pond Rd, and

WHEREAS the town attorney has reviewed the issue and informed the Town Board that the resolution from 2004 shortening the length of Bear Pond Rd was not legally effective, now therefore be it

RESOLVED that the Town Board approves the Highway Superintendent's filing of the road inventory with Bear Pond Rd listed at 1.68 miles.

On a motion by **Councilman Seaman**, seconded by **Supervisor Wood**, Resolution #34 was approved.

MOTION CARRIED:

ROLL CALL ~ EDDY-NO, SEAMAN-YES, WOOD-YES, GALUSHA-YES, SMITH-NO

RESOLUTION #35: Adjust 2015 Budget

Resolution to Adjust 2015 Budget

BE IT RESOLVED that the town Board approves the following budget adjustments for the 2015 budget:

For the Receipt of Snowmobile Funds

Increase:

A2770 \$27,000

Increase:

A6989.4 \$27,000

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On a motion by **Councilwoman Seaman**, seconded by **Councilman Smith**, Resolution #35 was approved.

MOTION CARRIED: 5 AYES ~ WOOD, GALUSHA, EDDY, SMITH, SEAMAN

RESOLUTION #36: Adjust 2014 Budget

Resolution to Adjust 2014 Budget

BE IT RESOLVED that the town Board approves the following budget adjustments for the 2014 budget:

Decrease:

DA5110.1 - General Repairs Personal Services: \$796.94

DA 9055.8 Disability: \$0.39

Increase:

DA5110.4- General Repairs Contractual: \$796.94

DA5130.4- Machinery Contractual: \$0.03

DA5142.4- Snow Removal: \$0.36

On a motion by **Councilman Galusha**, seconded by **Councilman Smith**, Resolution #36 was approved.

MOTION CARRIED: 5 AYES ~ WOOD, GALUSHA, EDDY, SMITH, SEAMAN

RESOLUTION #37: Potties

The town board approves renting two portable toilets out of 6989.4 for the Jack Wax Party held March 14, 2015

On a motion by **Councilman Smith**, seconded by **Councilwoman Seaman**, Resolution #37 was approved.

MOTION CARRIED: 5 AYES ~ WOOD, GALUSHA, EDDY, SMITH, SEAMAN

APPROVAL OF CLAIMS:

On a motion by **Councilwoman Seaman**, seconded by **Councilman Smith**, the town board approved vouchers #'s 2015-141 thru 2015-171 for a highway, general fund and capital fund grand total of \$84,465.35.

MOTION CARRIED: 5 AYES ~ WOOD, GALUSHA, EDDY, SMITH, SEAMAN

ADJOURNMENT: On a motion by **Councilman Galusha**, seconded by **Councilwoman Seaman**, the meeting was adjourned at 8:10 pm.

MOTION CARRIED: 5 AYES ~ WOOD, GALUSHA, EDDY, SMITH, SEAMAN

Respectfully Submitted:

Cynthia R. Hyde
Town clerk
03/18/2015

Attached:

Warrensburg EMS Report and letters from **McPhillips, Fitzgerald & Cullum L.L.P.**,
Donald T. Moeller, Winefred Martin and **Ellen Kinney**



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*

March 10, 2015

Thurman Town Board Members,

Attached you will find the run totals for February 2015. We handled a total of 2 calls in Thurman in February and our average response time was 13 ½ minutes to arriving on-scene. One of the calls was a serious MVA and we had 2 ALS staffed ambulances on scene at approximately 3am. The other call was a "good intent" call that turned out to be unfounded so no times were available.

I just wanted to remind everyone to please make sure that your homes are well marked so all emergency responders can find you when you need us. Also, if there are "landmarks" of any kind near you, please let the dispatcher know so they can relay that information to us. If you need help with this please let me know.

Please do not hesitate 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.

THURMAN CALLS HANDLED BY WARRENSBURG EMS
FEBRUARY 2015

DATE	PCR	PRIORITY	CHIEF COMPLAINT	DISPATCH TO ENROUTE TIME	ENROUTE TO ON SCENE TIME	OTHER
2/12/2015	15-05083	BLS	GOOD WILL CALL	NO TIMES	NO TIMES	
2/21/2015	15-06085 (A)	ALS	MVA~ COLD EXPOSURE	9 MINUTES	12 MINUTES	
2/21/2015	15-06085(B)	BLS	MVA~ HEAD PAIN	13 MINUTES	15 MINUTES	2ND Ambulance for MVA

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McPHILLIPS, FITZGERALD & CULLUM L.L.P.

ATTORNEYS AT LAW

288 GLEN STREET

P.O. BOX 299

GLENS FALLS, NY 12801-0299

PHONE: (518) 792-1174

FAX: (518) 792-1675 or (518) 761-9810

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ESTABLISHED 1911

DENNIS J. PHILLIPS
WILLIAM E. FITZGERALD
JAMES E. CULLUM
DANIEL J. HOGAN
JOHN E. FITZGERALD, JR.*
TIMOTHY S. SHULER
MELISSA DWYER LESCAULT
DENNIS J. O'CONNOR*
EDWARD P. FITZGERALD
COURTNEY M. HASKINS

BERNARD F. McPHILLIPS
(1915-2001)

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*ALSO ADMITTED IN FLORIDA

Our File No.:219596

March 5, 2015

Cynthia Hyde, Town Clerk
Thurman Town Hall
P.O. Box 29
Athol, NY 12810
via Hand Delivery

**Re: Beard Pond Road Extension
The Moeller Family Trust**

Dear Ms. Hyde:

I represent The Moeller Family Trust, which owns several parcels of land along the private Bear Pond Extension Road. I write because my clients have learned that the Deer Creek Hunt Club, Inc. wrote to the Town several months ago to request that this private road be opened as a public highway. My clients have asked me to express their opposition to the club's request.

My clients and related family members have owned their properties along the road since 1949, and during this time they never had reason to believe that the dirt road on their property was anything other than a private road. In 2004, the Town confirmed my client's understanding when it corrected its records to show the correct end point of the public portion of the road, and thereafter built a turn-around for the public there. The term 'correction' is apt because the Town had long considered the dirt road across my clients' property to be a private road. Its lack of maintenance after 2004 was no change from its lack of maintenance during the years prior. From 1949 to the present, my clients have spent tens of thousands of dollars of their own money maintaining the dirt road across their property for their personal access and use. This maintenance would never equal what would be considered "town road quality" but the maintenance allowed light access for the family.

Opening Bear Pond Extension as a public road across my clients property would merely provide alternate access for a handful of properties that are already accessed from other roads. No currently inaccessible lands would become accessible if the Town acts on the club's request.

McPhillips, Fitzgerald & Cullum L.L.P.

March 5, 2015

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Moreover, the road across my client's property is extremely rugged, steep and rutted in places. Surely, it would not be in the Town taxpayers' interest to spend tens of thousands of dollars to bring this section of private dirt road up to the standards required of public roads, let alone to continue that spending year in and year out.

Therefore, my clients respectfully request that the Town decline to act on the club's request. If you would like to discuss my client's concerns further, please do not hesitate to contact me.

Very truly yours,

McPHILLIPS, FITZGERALD & CULLUM L.L.P.

A handwritten signature in cursive script that reads "Edward Fitzgerald".

Edward P. Fitzgerald
efitzgerald@mfcllp.com

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DONALD T. MOELLER
31 WINDY HILL ROAD
GLENS FALLS, NY 12801
518-793-9271
mardon@nycap.rr.com

March 5, 2015 and February 6, 2015

Town Clerk
Town of Thurman
P.O. Box 29
Athol, NY 12810

Re: Extension of Bear Pond Road

My property in Thurman includes the south end of Bear Pond and part of the section of road being discussed. The following is the history of the roads around Bear Pond as best we know it:

Prior to 1927, the property on the north side of Bear Pond was accessed by a road along the east side of the pond. In 1927 a dam was constructed to increase the pond which flooded the above access road. Access was then established around the west side of the pond, maintained primarily by the Moeller family with the exception of Town work done in compensation for gravel given to the town for other highway construction (including Drexel Road in 1960).

I don't recall the Town maintaining the road beyond the 405 Bear Pond Road driveway (to house at south end of pond) since 1978. However, the family has always permitted property owners access to their land via the road on the west side of the pond, maintaining the road to a condition we could use without serious damage to our vehicles. I see no reason to change this accommodation for neighboring property owners.

For the benefit of the Town budget, I would suggest total (legal) abandonment of the road past the turnaround at the 405 Bear Pond Road driveway. Access would continue to be provided for neighboring property owners although we would not intend to maintain the road past the gate leading to a logging header. Maintenance there would be done only for logging purposes.

My father kept detailed notes in his ledger books about the property. Attached is a list of items I've found that relate to the road and its maintenance. Please note that August 28, 1978 is the last time that any member of my family has seen any evidence of the town working any part of the old road on the west side of the pond. I'll be happy to provide any other information required to help with the Board's decision.

Please read this letter and attachment at the March board meeting and include it in the minutes.

Respectfully,



Donald T. Moeller

Attachment to March 5 and Feb. 6, 2015 letter to Thurman town board about the old road west of Bear Pond

Copied from notes made by Walter F. Moeller, owner of property around Bear Pond starting in 1927
Submitted by Donald Moeller

April 28, 1951 - Discussed with Mr. Hap Osborne, County Supervisor of Highways, purchase of used iron bridge for use to replace bridge at dam. None available. Mr. Osborne recalled request by Monroe some years ago to put road to his cabin in condition which was denied. Osborne said that it was mandatory for Town to abandon any town road that had not been worked for 6 years and hence the Bear Pond-Thurman road should be abandoned. It has not been worked by town since at least 1927 when we acquired Davis property.

June 20, 1960 - Gave town several hundred loads of gravel from knolls at Combs place and Bulls place for use in hard surfacing road from Northwoods Inn to Lee Bakers. Town repaired damage done by trucks to our road. Dennis Parker, Road Supervisor

May, 1964 - Town Highway Dept. took fill from gravel pit to repair town road out to Knolls. Repaired damage to our road by their equipment. In payment for gravel, town hauled 5 loads of fill for ramp to barn extension.

May 24, 1967 - part of notes about conversation with Douglass Crockwell of Glens Falls, whose family was interested in the Monroe property beyond Moeller lands:
(Crockwell) Saw road up to Monroes - poses a real problem. Talked with Don Smith about the area - Smith told him town abandoned road some fifty years ago.

Told Crockwell status of our road, built in 1920s and maintained at our expense. Let people having camps up Monroes road use it, principally in hunting season.

Aug. 28, 1978 - Town crew scraped and raked road around pond from our corner to gravel pit beyond Bulls place.

12/24/1976 - notes about an old map:

"Map of Warren County, NY #135

Copyright 1941 by William R. Munger, 36 N Water St, Rochester, NY

Showing: State highways - completed

" - proposed

County roads - completed

" - proposed

Town roads

Shows town road terminating at south end of Bear Pond. Also shows town road up what is now Buckley Road to what is now Erving Baker Road and on to Mountain Road."

Locations mentioned above:

Monroe - owned property on the old road between Bear Pond and Henry Westcott Rd

Combs - clearing along road on west side of pond

Bulls - green cabin on road on west side of pond

Davis - former owner of property at north end of pond

Lee Baker - lived at corner of Drexel Rd. and High Street

Knolls - lived at corner of Bear Pond and Drexel Roads

Our corner - area where town road ends at driveway to house at south end of pond

Thurman Town Board
Athol, NY 12810

March 10, 2015

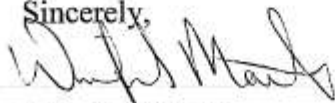
To the Thurman Town Board,

Thank you for the Whitespace!! I am so grateful to have high speed internet. I can not even begin to express the extent of my appreciation for the efforts of those who have been instrumental in getting it up and running.

I want to thank those, both on this board and the previous one who pursued this project, making it a reality. You understood the need and frustration of those in Town unable to obtain this needed modern technology and you did something about it. You looked to our needs and our children's and took a daring step into the future for us.

The Whitespace is everything I had hoped it would be and again, thank you!

Sincerely,

A handwritten signature in black ink, appearing to read "Winefred Martin", written over a horizontal line.

Winefred Martin

Please include this in the board minutes

please include in the minutes.

3/10/15
Dear Supervisor Wood and the
Thurman Town Board,

Thank you for all your work
on our Whitespace Project.

It works, and we are saving
\$90⁰⁰/month
because of it.

Sincerely,
Ellen Kenney