

**MINUTES OF THE REGULAR MEETING OF THE TOWN BOARD OF THE TOWN  
OF THURMAN, NY HELD AUGUST 8, 2018 AT THE TOWN HALL, 311 ATHOL  
ROAD, ATHOL, NEW YORK, COMMENCING AT 6:30 PM**

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

**ABSENT:** Gail Seaman, Councilwoman

**ALSO PRESENT:** Pat Wood, Highway Superintendent; Gina Mintzer, Lake George Regional Chamber of Commerce.

**RECORDING SECRETARY:** Susan E. Staples

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

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

**PLEDGE OF ALLEGIANCE TO THE FLAG**

**ROLL CALL**

**MOMENT OF SILENCE:** A moment of silence was observed for **Tina Parker.**

**Gina Mintzer** gave a presentation outlining tourism, and the upcoming events planned for the area. She noted the impact they have had working with our town for events. She noted that they are targeting their advertising and that tourism is up this year. They are also going to trade shows to distribute the travel guides. She also noted the work being done on the new rest stop on I87 which will promote local business and sell local products in the vending machines. She noted that there has been more promotion this year, and that they use all social media outlets to promote tourism.

**Pat Wood** the **Highway Superintendent** was there to speak about a resolution authorizing a intermunicipal agreement with Warren County for snow and ice removal and mowing. **Supervisor Hyde** noted that she would like to table the resolution, but wanted to speak to **Pat** about it. She noted that she was talking to Pat, and that they were being offered \$8,000.00 less this year to do the work. They had discussed the impact this could have on his budget. He thought that this may be a good year to look at asking for an increase in the budget for these services. If they

can do it cheaper maybe they should. With the possibility of some employees retiring this year it may make sense to make some changes. It was noted that they would never cut someone's position to do this. Discussion on this topic continued covering cost, and the timeliness of the roads being cleared. **Councilman Needham** asked about the possibility of approaching the county to give us a raise instead of an decrease in the contract. **Supervisor Hyde** noted that they were going to have to do some more homework on this matter. **Councilwoman Harris** asked about **River Road** because we don't have a lawyer. You told me that was all solved, and you have done a great job doing that. **Pat** replied yes, the guy is fine. He gave us the property for basically free. The only thing he asks is before we open the road that we give him something in writing that they are not liable for people using the road. He noted that there was a standard form available online to use for this purpose. He noted that there was less than ½ an acre involved. He also noted that work was progressing faster than expected. **Supervisor Hyde** noted that the original plan to fix the road would have cost more than \$3,000,000.00 so this was a better solution for the town.

**BIDS:** It was noted that there was one bid for **Whitespace**. The **Town Clerk** then opened and read the one bid for Whitespace that was submitted by **Adirondack Internet**.

**Discussion:** After reading the bid the **Town Clerk** then made copies of the bid for the **Town Board**. **Supervisor Hyde** then noted that they would need some time to digest that. She also noted that as of today there was only 14 paying subscribers at \$50.00 a piece. She noted that we are not supposed to use general fund money to fund this. So we are going to have to figure out how to pay for it. I guess we are going to have to call a special meeting. Read this over carefully, ask questions, we can all ask questions of Fred. Maybe we can get him to come in. She asked the other board members what they thought noting that she didn't think it had to be signed tonight. **Supervisor Hyde** noted that she had mentioned earlier that her husband saw a white truck out on the road by their house with a yellow light on top, and that they were doing something. She note that he had gone out to speak to them asking if he could help them. They had maps and were mapping and other things on their laps and that they were mapping Combs Road for **Fiber** Optic Cable She said that he had not asked what company they were working for. She then noted that this scared her too because once that's an option what's going to happen. **Councilman Needham** noted that if some company taps into that that we could be in trouble. It was noted that we would still **have** to maintain the Whitespace system. And we do have to have the subscribers pay the bills. **Supervisor Hyde** then noted that we read it and digest it then come up with a day to have a Special Meeting to delve into this a little closer.

**REPORTS: Councilwoman Harris** noted that she had a report from the **Historical Society**. See the attached report. She then noted that she had a list from the **Warrensburg Historical Society and the Warren County Historical Society** listing upcoming events in the area. **Supervisor Hyde** then thanked **Councilman Needham** for helping with the clean up at the **Harris House**. She then read a flyer from the Thurman Free Store which was held earlier in the year. She then noted that there was another event planned the weekend of August 18 and 19<sup>th</sup>. She noted the many volunteers who made this possible and a success.

**LETTER OF INTEREST: Supervisor Hyde** noted that we had one letter of interest for a Animal Control Officer. She noted that the letter was from **Brett Moulton**. She noted that the SPCA had given us 30 days notice, but then they had decided that they couldn't give us that so we have no ACO. She went on to say that we had been contacted by **Elizabeth Holmes** from **New York State Agriculture and Market**. She then asked the **Town Clerk** who had spoken to her for a report. The **Town Clerk** explained that they wanted to know who the ACO is going to be, and that they were very anxious for us to appoint a ACO as soon as possible. That they need me to contact them as soon as we make the appointment. The **Clerk** also noted that there was a situation with the Court where they needed a ACO, and they needed to also be notified as soon as an appointment was made. **Supervisor Hyde** noted that the way they did it with the **SPCA** was just the amount budgeted because they have all the equipment. With **Dexter**, he had a salary plus some money for equipment and some contractual money for things he may need. **Councilman Needham** asked what the pay for **Dexter** had been. **Supervisor Hyde** noted that we would have to have money for any equipment that he might need. **Pat Wood** noted that he had some equipment that he could donate to **Brett** for use including a catch pole, and some kennels. It was then noted that the salary for the rest of year would be \$1,114.60. She noted that she had not written up a resolution, but that they could when they did resolutions.

**OLD BUSINESS:**

**PRIVILEGE OF THE FLOOR:** The following people spoke during privilege Kathy Templeton, Karma Smith, Susan Shepler, Doris Baker, Brian Angel, Rich Morrassey, Paula Hubert, Mary Eddy, Sue Shepler, Kristen Constineau, Pat Wood, Wini Martin and Paula Hubert. Privilege closed at 8:13 pm. **Councilwoman Ackley** asked about **Debra Runyon** and her unemployment. It was noted that she had filed for unemployment and that the town had to pay for that. She noted that the difference that the town was saving was only \$65.00 a week. **Councilwoman Ackley** wanted to know what the bill was for, was it for her insurance. It was noted that the town does

not pay benefits for part time employees. That they could however elect to pay out of pocket for coverage. **Councilwoman Ackley** then asked about a report with **Debra Runyon's** name on it for insurance. It was pointed out that her name was on it because she is the one who had prepared this report, and signed the report. She wanted to know if the bill could be clarified to better reflect who was covered for this. It was noted that Debra does not receive benefits.

**RESOLUTIONS:**

**Resolution # 92**

On a motion introduced by **Councilwoman Ackley** and seconded by **Councilwoman Harris**

**RESOLUTION TO REINSTATE CONFIDENTIAL SECRETARY HOURS AND PAY RATE**

**WHEREAS** the town supervisor needs a 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 important full time position of confidential secretary and

**WHEREAS** the supervisor's office always had either a part time secretary AND a part time bookkeeper or a FULL time confidential secretary/bookkeeper except for a period of time when a former supervisor could not find anyone to work full time and

**WHEREAS** all the duties and reports that the supervisors office is responsible for cannot be completed without the confidential secretary and

**WHEREAS town accounting records cannot not be kept current without the confidential secretary now be it**

**RESOLVED that the town board reinstates Debra Runyon Confidential Secretary to the Supervisor to full time status with benefits.**

**Discussion: Supervisor Hyde** noted that they had been in contact with the Comptroller's Office about not having a Bookkeeper. She noted that they were falling further behind with reports and bookkeeping. That no town operates without a bookkeeper. She noted that **Councilwoman Seaman** had contacted the Comptrollers Office about not receiving reports from the **Supervisor. Supervisor Hyde** then noted that they were actually giving the Board more reports than what was required by law. She then noted that without a bookkeeper she would no longer **be** able to produce these reports. **Councilwoman Harris** also spoke about the need for any business to have a bookkeeper. **Supervisor Hyde** went on to note some of the work that needed to be done noting that we were so far behind that she needed to be hired back full time. She then noted that if she is full time we have to pay her benefits. She also noted what other town's were paying their bookkeepers. Stating that Debra was willing to come back at this pay because she loves the town.

**A Roll Call Vote Was Called**

**Motion Carried: Ayes~4 Ackley, Harris, Needham, Hyde, Nays~0**

A resolution pertaining to snow and ice removal was tabled.

**Resolution # 93**

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

**RESOLUTION TO ATTEMPT TO RE HIRE LAW FIRM**

The town board of the Town of Thurman authorizes the supervisor to contact Miller, Mannix, Schachner and Hafner and to ask them to consider representing the Town of Thurman again.

**Discussion: Councilman Needham** noted that he had called **Mark Schachner** today to see if he would be interest in. What did he say asked **Supervisor Hyde**.

**Councilman Needham** stated he said that they would consider it, they don't know. He noted that he told them he would bring it up tonight and see what everybody else thought. **Supervisor Hyde** noted that this is something that she has been worried about all along. **Councilman Needham** noted that we need a lawyer, we've got to have a lawyer, and nobody else is going to take this. They see Thurman and they start laughing he stated. Yes, **Supervisor Hyde** noted. It's pretty bad **Councilman Needham** noted.

**Motion Carried: Ayes~4 Ackley, Harris, Needham, Hyde, Nays~0**

#### **Resolution # 94**

On a motion introduced by **Councilwoman Harris** and seconded by **Councilwoman Ackley**

##### **RESOLUTION TO PAY CLAIMS FROM THE JULY 11, 2018 MEETING**

The town board of the Town of Thurman approves Vouchers # 2018-479 thru # 2018-508

General Fund ~ \$ 6,935.98

Highway Fund ~ \$ 9,695.70

**Motion Carried: Ayes~4 Ackley, Harris, Needham, Hyde, Nays~0**

#### **Resolution # 95**

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

##### **RESOLUTION TO PAY CLAIMS FROM THE AUGUST 8, 2018 MEETING**

The town board of the Town of Thurman approves Vouchers # 2018-543 thru # 2018-573

General Fund ~ \$ 6,553.49

Highway Fund ~ \$ 29,290.09

Enterprise Fund ~ \$ 81.79

August 08, 2018 Regular Board Meeting

### 8-8-18 Town of Thurman Historian' Report

The last few weeks have been busy researching 3 requests.

Research was for genealogy on the Ellen McDonald, an off branch of the Magee Clan. William C. Harris was also requested and seems he is part of the Lane family from whom the Town of Thurman purchased the Harris House.

The Harris house has a postal sorting box from the old Garnet Lake Post Office donated by the Metzger family. With the help of volunteers this sorting box was hung in the Historian's office. This item was donated to the JTHS a while back.

The JTHS also received two large photos which will be hung in the Historian's office. They are portraits of Thurstan Ingraham and Fanny Ingraham donated by Charles and Maria Harris.

**Motion Carried: Ayes~4 Ackley, Harris, Needham, Hyde, Nays~0**

On a motion introduced by **Councilwoman Harris** and seconded by **Councilman Needham** the meeting was adjourned at **8:28 pm.**

**Respectfully Submitted,**

**Susan E Staples, Town Clerk**

**August 21, 2018**

**Attachments**

Carol Pearsall is also researching information concerning "Buff" mittens. She came to the Historian's office and looked through the files and found a photo of a Mrs. Tucker who made them. Now we are looking to find the original photo that was used in the Bicentennial booklet in 1992. Many worked on that booklet if you were one of them and can help us find the picture, let me know.

Last but not least I want to thank all who came to clean and straighten up the Harris House and moved heavy files, it was very much appreciated and certainly made a better impression when people come.

The ramp needs to be repaired or replaced for safety.

Thank you

Joan Harris Town Historian

## **August 8, 2018**

### **To the Thurman Town Board**

#### **Whitespace**

In 2017 Fred Engelmann was brought back to maintain Whitespace. As a result the system was working and five new subscribers were added. Your decision to go out to bid and no longer have Fred has resulted in a broken down system with no one to make the necessary repairs. In the month of June seven subscribers have cancelled. There are now only thirteen subscribers paying for Whitespace, for a total of \$650 per month. Whitespace had been operating with a positive cash flow for the first five months of 2018. Now we will be in the negative as the costs of Whitespace are \$950 for Frontier, approximately \$200 for electric to the poles, and \$50 per month to Joe Groff for the pole on his property ... netting a \$550 loss each month. The Comptroller's office has stated numerous times that General Fund money cannot be used to fund an Enterprise Fund's expenses. What are your plans to rectify this situation? You have suggested the Supervisor market Whitespace. I was surprised to learn that there are still Thurman residents who believe that Whitespace is available to all residents. It is not. In order for it to work you need to have adequate signal strength at your location. And who would be willing to purchase the equipment when there is no one to install, maintain or repair it? Thurman now has a perpetual negative cash flow situation in the Enterprise Fund. You need to find a solution.

#### **Payment of Claims**

The refusal to pay the valid claims has resulted in a very negative consequence for the town's credibility with vendors. There is no logical reason for your refusal. There is sufficient money in the bank to pay these claims. If you have an issue on one invoice it should not prevent all invoices from being paid. Letters and phone calls from vendors' legal departments are starting to arrive. Thurman will be incurring interest and penalties, as well as possible legal fees, for these late payments. The highway department is having trouble making necessary purchases. In three out of the past six months you have refused to pay the claims, so 50% of the time the bills have gone unpaid. What is the reasoning for this? Please get the town back on track and caught up with its financial obligations.

#### **Secretary to the Supervisor Position**

In the beginning of the year you voted to cut the pay and the hours of the Secretary to the Supervisor position. Then you voted to stop the pay of all hourly employees, on a temporary hold. Then you voted to eliminate their positions. Your justification for this was to somehow raise funds to pay back a \$300,000 bond ... by taking the pay away from the lowest paid part time employees? I want you to know that I have filed for unemployment. My weekly amount will be \$185.00. The town of Thurman has a reimbursable unemployment policy, which means that the \$185.00 will be billed directly to the town. It is not paid by the state. It will come directly out of the General Fund.

All you are saving is \$65.00 per week, but at what cost? You seem to believe that if the work is not done by the Secretary to the Supervisor, then the Supervisor is responsible for this work to be done as she is the "fiscal officer". You are mistaken. The responsibility of the work being accomplished rests on the entire board. As Supervisor Hyde and Town Board member Joan Harris have repeatedly voted to ensure the necessary hours are available to complete the work they will not be held accountable for the work not being completed. However, the three remaining board members who have consistently voted to prevent the work from being completed will be held accountable. The residents of this town have had their taxes levied and paid to ensure sufficient hours were available to complete the work. You have taken away what they have paid for, with no other reason than a dislike of the Supervisor. The work is getting behind, and with budget time coming up and year end only four months away, you are putting this Town in a serious situation. I wish you would reconsider.

#### **Town Attorney**

What was the reason for firing the town attorney ... because they would not do something that by law they could not do? You were asking them to represent one town board member against another. That is not ethical, practical, or legal for them to do. They represent the TOWN. So now we are without an attorney, which leaves Thurman in a very precarious position. The town is now vulnerable. It is also unable to conduct any legal business, such as the BOND work that may need to be done or the work on River Road that the highway department needs to complete. The bid for an attorney went unanswered. No surprise there. Our town is the laughing stock once again, with a history of not paying valid claims. Who in their right mind would want to take the job?

#### **In Conclusion**

Your decisions in the past six months have hurt this town tremendously. People who have lived here all their lives are saying they have never seen it this bad. It is toxic dysfunction. Please take this opportunity to make the necessary adjustments to restore this town. Please find a way to work together. Benjamin Franklin once said that whatever begins in anger ends in shame. That is true for our town as well. Stop the anger towards Supervisor Hyde and start making decisions that are best for the residents. Supervisor Hyde will not quit, and is not doing anything that will be cause for removal. It's best to be professional and positive. It's best to pay the bills. It's best to work together to make sure what needs to be done is accomplished. It's best to restore our image in the community. Please stop working against each other and start making smart decisions.

Please enter this letter in the minutes of the August 8<sup>th</sup> meeting. Thank you.

Sincerely,

Debra Runyon

August 1, 2018  
**COMMITTEE ON OPEN GOVERNMENT** STATE OF  
NEW YORK  
DEPARTMENT OF STATE  
ONE COMMERCE PLAZA  
99 WASHINGTON AVENUE  
ALBANY, NY 12231-0001  
TELEPHONE: (518) 474-2518  
FAX: (518) 474-1927  
WWW.DOS.NY.GOV/COOG/

1.

**COMMITTEE MEMBERS**  
ROANN M. DESTITO PETER  
D. GRIMM M. JEAN HILL  
KATHY HOCHUL HADLEY  
HARRIGAN ROBERT  
MUJICA, JR.  
ROSSANA ROSADO  
DAVID A. SCHULZ  
STEPHEN S. WATERS  
MEREDITH S. WEILL  
**CHAIRPERSON**  
FRANKLIN H. STONE  
EXECUTIVE DIRECTOR  
ROBERT J. FREEMAN

July 2, 2018

Susan E. Staples, Town Clerk  
Town of Thurman  
PO Box 29, 311 Athol Road  
Athol, NY 12810

The Staff Staples Committee on Open Government is authorized to issue advisory opinions. The ensuing staff advisory opinion is based solely upon the information presented in your correspondence, except as otherwise indicated.  
This is in response to your e-mail dated July 2, 2018 regarding the application of the Open Meetings Law (OML) by the Thurman Town Board.

You express concern that some of the Town Board members have proposed resolutions at their meetings "without making them available to the other Board members, the public, or myself." You also clarify that, in your opinion these are not time sensitive resolutions.

In this regard, I point out that §103(e) of the OML requires:

"Agency records available to the public pursuant to article six of this chapter, as well as any proposed resolution, law, rule, regulation, policy or any amendment thereto, that is scheduled to be the subject of discussion by a public body during an open meeting shall be made available, upon request therefor, to the extent practicable as determined by the agency or the department, prior to or at the meeting during which the records will be discussed. Copies of such records may be made available for a reasonable fee, determined in the same manner as provided therefor in article six of this chapter. If the agency in which a public body functions maintains a regularly and routinely updated website and utilizes a high speed internet connection, such records shall be posted on the website to the extent practicable as determined by the agency or the department, prior to the meeting. An agency may, but shall not be required to, expend additional moneys to implement the provisions of this subdivision."

In short, when a public body schedules a document, such as a resolution, for discussion during an open meeting that is required to be made public pursuant to the Freedom of Information Law, it is required to make the record available to the public, to the extent practicable, on line and prior to or at the meeting during which the record is discussed.

You also express concern that the resolutions are introduced and voted on prior to "privilege of the floor" so that, in your view, "no one from the public can comment on them before they vote." Although the OML provides the public with the right "to observe the performance of public officials and attend and listen to the deliberations and decisions that go into the making of public policy" (see Open Meetings Law, §100), the Law is silent with respect to public participation. Consequently, by means of example, if a public body, such as the Thurman Town Board, does not want to answer questions or permit the public to speak or otherwise participate at its meetings, we do not believe that it would be obliged to do so. On the other hand, a public body may choose to answer questions and permit public participation, and many do so. When a public body does permit the public to speak, we believe that it should do so based upon reasonable rules that treat members of the public equally.



Department  
of State

August 08, 2018 Regular Board Meeting

Finally, you also advise that Board members have "refused to forward their board related emails to [you) for *record* retention." While record retention is not specifically addressed by either the *Freedom* of Information Law or the Open Meetings Law, *and*, as such, is outside of the Committee on Open Government's advisory jurisdiction, I point out that §30( 1) of New York State Town Law states, in part, that the Town Clerk "[ s )hall have the custody of all the records, books **and papers of the town.**" **If you wish to obtain more specific guidance and, perhaps, "best practices" regarding record retention, I recommend that you contact the Capital District-North County Region Regional Advisory Officer for the New York State Archives: <http://www.archives.nysed.gov/directories/rao>.**

I hope this information proves useful.

~~41/

Kristin O'Nefti  
Assistant Director

August 08, 2018 Regular Board Meeting  
**Susan Staples**

**From:** Maria McCashion [Maria.McCashion@nysed.gov]  
**Sent:** Friday, June 8, 2018 3:46 PM  
**To:** Susan Staples  
**Subject:** RE: email retention question  
**Attachments:** Email policy Town ofVictor.pdf; Email Policy\_Anytown\_2016\_draft.docx

Hi Susan,

Does the Town have a documented policy for managing email?  
If the Town does not have a documented policy for managing email, there is nothing to enforce your request for their emails. That said, their board business emails must be retained for their full retention period according to the MU-1 schedule, which is the Town policy for managing records, as it was adopted by resolution.

Are the board members using personal devices for their town board business emails?  
If board members are using personal devices for board business emails, hopefully they are aware that should there be any legal action and email is requested for discovery purposes, their personal devices could be confiscated for review.

I suggest sharing the email you sent me with the Committee on Open Government.  
<https://www.dos.ny.gov/COOG/contact.html> They might have a related advisory opinion and/or additional guidance regarding the current arrangement with board emails and FOIL.

We have a publication on developing an email policy, it has some samples in the back:  
<http://www.archives.nysed.gov/common/archives/files/mrpub85.pdf>

I also attached a sample policy and an actual policy created by Town of Victor.

I hope this helps.

Maria

**From:** Susan Staples <ThurmanTownClerk@verizon.net>  
**Sent:** Friday, June 08, 2018 2:26 PM  
**To:** Maria McCashion <Maria.McCashion@nysed.gov>  
**Subject:** email retention question

Hi Maria, I am having some trouble with Board members emails. They are refusing to forward them to me, and insist that they will be made available if they are FOI'ed. I sent them to reference Local Government Record Law, Article 57-A. I got the following response:

The law you referenced is a general reference, it says no where that I or anyone has to send them to you. I need to retain them, if there is a FOI request, please send it to me, make sure it is specific in what they are looking for and give exact dates. If I find anything in my records I will forward them to you.

Thank you

Any help and or guidance that you could give me on this matter would be much appreciated. Thank you. Susan

Susan E Staples

August 08, 2018 Regular Board Meeting

Town Clerk  
POBox 29  
311 Athol Road  
Athol NY 12810  
518-623-4588  
[thrumantownclerk@verizon.net](mailto:thrumantownclerk@verizon.net)  
[www.thurmanny.com](http://www.thurmanny.com)

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August 08, 2018 Regular Board Meeting

<b>DATE</b>	<b>PCR#</b>	<b>PRIORITY</b>	<b>CHIEF COMPLAINT</b>	<b>DISPATCH TO ENROUTE</b>	<b>ENROUTE TO ONSCENE</b>
7/3/2018	18-23371	ALS	OVERDOSE	4 MINUTES	11 MINUTES
7/4/2018	18-23415	ALS	STROKE	3 MINUTES	8 MINUTES
7/11/2018	18-24678	BLS	MEDICAL ALARM ACT.	2 MINUTES	12 MINUTES
7/14/2018	18-25052	BLS	DIABETIC -PT RMA	5 MINUTES	13 MINUTES
7/21/2018	18-26050	ALS	DEHYDRATED	6 MINUTES	15 MINUTES
7/24/2018	18-26448	ALS	LOW SUGAR	3 MINUTES	16 MINUTES
7/30/2018	18-27385	ALS	DIFFICULTY BREATHING	4 MINUTES	16 MINUTES