

The Theresa Town Board held a Public Hearing and Regular meeting July 13, 2011 at 7:00 p.m. in the Town Office at 215 Riverside Ave. and the following were present:

|                  |                        |
|------------------|------------------------|
| Clinton Coolidge | Supervisor             |
| Nellie Kelsey    | Councilmember          |
| Timothy Busler   | Councilmember          |
| Charles Folsom   | Councilmember          |
| Gary Haller      | Councilmember          |
| Kim Delles       | Town Clerk             |
| Gerald Reynolds  | Highway Superintendent |

Others present: Daren Morgan, Pam Brown Kevin Liponcott, Roger Duvall, Terry McKeever & Channel 7 Reporter – Jessica Lang.

The meeting was called to order by Supervisor Coolidge at 7:00 p.m.

Reports received and placed on file:

Town Clerk's & Building & Zoning June 2011 report  
Transfer Site June 2011 report

Discussion:

Daren Morgan spoke for the Indian River Ambulance Service. He told the Board that there have been 356 calls since it started. There is now a paid Records of Operations employee. Also, when Obama Care starts, electronic reporting is required. An investment of \$1,800.00 per tablet will have to be purchased for each ambulance.

Judge Duvall addressed the Board about some questions and concerns:

\*First - he told the Board that (2) desk were being custom made by Curtis Furniture through the JCAP Grant at a cost of \$4,090.00.

\*Second – he stated that he knew that some in the room were eagerly awaiting his resignation, but he would like to address his list (see attached).

Supervisor Coolidge had a concern about revenue from fines. Judge Duvall anticipated \$27,000.00 for revenue for 2011 and the way it looks it is going to be well below that level. Judge Duvall stated that some Police Officers are choosing to take cases somewhere else because of employees not getting along at the office. Also, people are not paying fines.

Judge Duvall letter stated it is not a good working environment and at least could be considered a hostile environment and at worst grounds for harassment or slander aimed against persons empowered to represent the people of the State of New York. Supervisor Coolidge did not understand the hostile statement. He stated that the conversations between the Judge and himself have become limited because he felt it was inappropriate and unethical to discuss cases that Judge Duvall was involved with.

Judge Duvall asked the following questions, which in return were addressed by the Supervisor:

*\*Who on this Board authorized the hot water being turned off to the Staff/public bathroom that is used by the Court?* Supervisor Coolidge stated that no one did. The furnace works against the air in the summer. So, ever since the building has been used (2002), the furnace has been turned off in April or May. Boiler and furnace are working together, one comes on, both are on.

*\*Who on this Board authorized the Town cleaning staff to discontinue cleaning the Court portion of the Town building? (Judge Roberts was informed by the Supervisor she could clean the bathroom if it was not clean enough for her and also she was advised that she could vacuum the floor if it was not clean enough for her.)* Supervisor Coolidge stated that the Transfer Site personnel clean the Town Offices each Wednesday. On the second complaint, he had them do spring cleaning in the bathroom. The third time he had Judge Roberts show him what she considered to be the problem. He saw nothing wrong.

Town Board meeting held July 13<sup>th</sup>, 2011 cont'd.

*\*Who on this Board authorized the cleaning staff not to empty the trash in the court room? (The trash receptacle was removed from the courtroom and only returned recently.) (Judge Roberts spoke to the Town Supervisor and requested the trash be removed to which members of the Highway Crew responded to the building and removed the trash.)* Supervisor Coolidge stated no one. Their offices are locked and they have the only key. Otherwise, all of the waste baskets are emptied each Wednesday. Supervisor Coolidge suggested on his many trips to Watertown he could pick up a new trash can for the main courtroom.

*\*Judge Roberts has had to request from the Town Supervisor several times to have chairs returned to the courtroom for court nights. (July 28, 2011 Judge Roberts spoke to the Supervisor and according to Judge Roberts he told her he wants her to encourage Judge Duvall to use funds from JCAP grant to buy chairs for the Town building. Funds from the JCAP grant can NOT be used to buy chairs for the building as the request for this was denied by the State and funds from the grant cannot be used for items that have been denied.)* Supervisor Coolidge asked that the Town Board be showed where it is stated in his JCAP Grant. He asked for a copy of this over two months ago and has yet to see it. Supervisor Coolidge was under the impression that the main reason for securing the grant was to get chairs for the courtroom, not to upgrade and enhance the Judge's offices.

*\*Who on this Board authorized the placement of controls on the heating and air conditioning controls? (Judge Roberts had to call the Town Supervisor at his house on a DA night due to the fact that the temperature in the courtroom was unbearable and complaints were being received from the gallery. The Supervisor in turn called the Clerk who came to the building and adjusted the thermostat thus alleviating the situation. When Judge Duvall spoke to the Supervisor concerning the situation he was informed by the Supervisor that he could get a fan or open a window but that he could not have access to the controls.)* Supervisor Coolidge stated that it was April 30<sup>th</sup>. He authorized the controls be placed on the heating and air conditioning. Several times he discovered the heat had been left on high settings over weekends. Not wanting to waste any more of the Town's money, he had them installed after coming in on a Monday and finding the temperature at 85 degrees.

Councilman Haller asked Judge Duvall how Police Officers would know about the problems in the Town Office. Judge Duvall said they hear rumors.

Councilman Folsom stated that this is the first time the Town Board had heard about any of these issues. Mr. Folsom also said that he thought there was a good rapport with the Judges and didn't understand why he didn't come to them first before contacting the television. Judge Duvall said he did not know the news was going to be there. He also stated that he had called Councilman Busler several times and thought he would bring it to the Boards attention.

Judge Duvall told the Board that he was not going to resign.

Supervisor Coolidge said he hated to say it, but all of it sounds like an internal problem that can be easily solved with a little conversation. He told Judge Duvall that he should feel free to address the Town Board anytime. He stated that he thought it was very unprofessional to air the concerns through the media.

Res. #61

Motion by: Timothy Busler  
Seconded by: Nellie Kelsey

**RESOLVED**, that the minutes of June 8, 2011 be accepted as read.

VOTE: Mrs. Kelsey – aye, Mr. Busler – aye, Mr. Folsom – aye, Mr. Haller – aye,  
Mr. Coolidge - aye. Motion carried.

Res. #62

Motion by: Gary Haller  
Seconded by: Timothy Busler

Town Board meeting held July 13<sup>th</sup>, 2011 cont'd.

**RESOLVED**, that the following bills be paid:

|             |                  |             |
|-------------|------------------|-------------|
| General     | Voucher #277-329 | \$62,956.61 |
| General O/S | 44-49            | \$2,133.26  |
| Highway     | 150-194          | \$27,890.49 |
| Cemetery    | 1-18             | \$2,959.59  |

VOTE: Mrs. Kelsey – aye, Mr. Busler – aye, Mr. Folsom – aye, Mr. Haller – aye,  
Mr. Coolidge - aye. Motion carried.

Res. #63

Motion by: Charles Folsom  
Seconded by: Gary Haller

**RESOLVED**, that the Supervisor be authorized to transfer \$3,200.00 from General Appropriation Fund, Contingency Account, A-1990.4 to General Appropriation Fund, Town Justice, Personal Service Account, A-1110.10.

VOTE: Mrs. Kelsey – aye, Mr. Busler – aye, Mr. Folsom – aye, Mr. Haller – aye,  
Mr. Coolidge - aye. Motion carried.

Res.#64

Motion by: Timothy Busler  
Seconded by: Nellie Kelsey

**RESOLVED**, that the Supervisor be authorized to transfer \$28.81 from General Outside Appropriation Fund, Zoning, Contractual Expense Account, B-8010.4 to General Outside Appropriation Fund, Police, Contractual Expense Account, B-3120.4.

VOTE: Mrs. Kelsey – aye, Mr. Busler – aye, Mr. Folsom – aye, Mr. Haller – aye,  
Mr. Coolidge - aye. Motion carried.

Discussion:

Terry McKeever, Building & Zoning Officer, told the Board that he has been very busy. The permits for building are up.

Repair of the Town Barn roof will be starting next week. The Town trucks will be used to draw material away. Bernier Carr will pay all tipping fees to the County and the rate of the truck will be paid to the Town.

There was damage to the McNickle Field fence be a hit and run driver. Officer Kenny Clyde is investigating.

There was another break in at Transfer Site. Nothing seems to have been taken.

The Board discussed the Milfoil problem present in the Town's Lakes. Indian River Conservancy is involved with trying to obtain grants for the treatment of the invasive species.

Kayla Cardinale received the Verne A. Sweet Scholarship for the 2011-2012 academic year at JCC.

Res. #65

Motion by: Timothy Busler  
Seconded by: Charles Folsom

Town Board meeting held July 13<sup>th</sup>, 2011 cont'd.

**RESOLVED**, that the Town Board go into Executive Session at 8:05 p.m. to discuss Zoning Violations and Union Negotiations.

VOTE: Mrs. Kelsey – aye, Mr. Busler – aye, Mr. Folsom – aye, Mr. Haller – aye,  
Mr. Coolidge - aye. Motion carried.

Executive session closed at 8:58 p.m.

Res. #66

Motion by: Timothy Busler  
Seconded by: Nellie Kelsey

**RESOLVED**, that the meeting be closed at 8:58 p.m.

VOTE: Mrs. Kelsey – aye, Mr. Busler – aye, Mr. Folsom – aye, Mr. Haller – aye,  
Mr. Coolidge - aye. Motion carried.

Respectfully submitted,

Kim A. Delles  
Town Clerk