

Minutes of the Meeting of the Town Board of the Town of Durham held September 16, 2003, at the Town Building in Oak Hill, N.Y.

Present: Robert Young - Supervisor  
 William A. Carr, Jr. – Councilman  
 Gary Hulbert – Councilman  
 Linda Sutton – Councilwoman  
 Robert Elpel – Councilman

Recording Secretary Charles Soderblom - Town Clerk  
 Others Present: Tal Rappleyea – Attorney for the Town

The Supervisor called the meeting to order at 7:30 P.M. with the Pledge to the Flag. Twenty-four people were present.

Mr. Young asked for a motion to approve the minutes of August 5 and August 19. Mr. Elpel asked what the town law was for unregistered vehicles. Mr. Young said it was two or more. Mr. Soderblom said it was right from the State Law, two or more. Tal confirmed that was correct; one was ok, but you could not have two. The minutes will be changed to show not two in one location. **Mr. Elpel made a motion and seconded by Mrs. Sutton to approve the minutes with the appropriate changes. All were in favor.**

Mr. Young asked Mr. Soderblom to explain the closing of an account. Mr. Soderblom explained that it was a brand new account for the subdivision fees. The town board has to make a resolution. Tal explained that the resolution allows the town to reopen a different account and whoever is on that resolution will be a signer for it. The following resolution was approved:

RESOLVED: That Fleet (the "Bank") be, and hereby is, designated a depository of funds of the Depositor, with authority to accept at any time for the credit of the Depositor deposits in checking, savings, money market savings, term or any other account, by whomsoever made in whatever manner endorsed; and

RESOLVED: That the Bank shall not be liable in connection with the collection of such items that are handled by the Bank without negligence and the Bank shall not be liable for the acts of its agents, subagents or for any other casualty; and

RESOLVED: That the Depositor assumes full responsibility for and shall indemnify the Bank against all losses, liabilities and claims resulting from payments, withdrawals or orders made or purported to be made in accordance with, or from actions taken in good faith and in reliance upon, these Resolutions; and

#### **Payment Orders**

RESOLVED: That the Bank be, and hereby is, authorized and directed to certify, pay or otherwise honor all checks, drafts, notes, bills of exchanges, acceptances, undertakings and other instruments or orders for the payment, transfer or withdrawal of money for whatever purpose and to whomsoever payable when such instruments and orders are properly made, signed, or endorsed by the signature, the actual or purported facsimile signature or the oral direction of any of the authorized signers below; and

RESOLVED: That any authorized signer acting alone be, and hereby is, authorized on behalf of the Depositor to endorse, negotiate and collect any and all checks, drafts, notes, bills of exchange, acceptances undertakings and other instruments and to open and close and update information on any account of the Depositor at the Bank; and

### **Fund Transfers**

RESOLVED: That any of the authorized signers below acting alone be, and hereby is, authorized on behalf of the Depositor to instruct, orally or by such other means as the Bank may make available to Depositor, the Bank to initiate the transfer of funds by wire, telex, automated clearinghouse, book entry, computer or such other means, and to execute agreements with the Bank for the transfer of funds from any of Depositor's accounts and to delegate from time to time to other persons the authority to initiate the transfer of funds from any such account; and

### **Additional Resolutions**

RESOLVED: That the Bank may rely on any signature, endorsement or order and any facsimile signature or oral instruction reasonably believed by the Bank to be made by an authorized signer, and the Bank may act on any direction of an authorized signer without inquiry and without regard to the application of the proceeds thereof, provided that the Bank acts in good faith; and

RESOLVED: That the Depositor assumes full responsibility for and shall indemnify the Bank against all losses, liabilities and claims resulting from payments, withdrawals or orders made or purported to be made in accordance with, or from actions taken in good faith and in reliance upon, these Resolutions; and

RESOLVED: The Bank may rely on this document and on any certificate by an authorized representative of the Depositor as to the names and signatures of the authorized signers of the Depositor until the Bank has actually received written notice of a change and has had a reasonable period of time to act on such notice; and

RESOLVED: That the Depositor agrees to notify the Bank promptly and in writing of any change in (a) these Resolutions, (b) the identity of persons authorized to sign, endorse or otherwise authorize payments, transfers or withdrawals, (c) ownership of the Depositor or the Depositor's legal structure or status, including the Depositor's dissolution or bankruptcy; and

RESOLVED: That any of the following named persons, or persons from time to time holding the following offices of the Depositor be, and hereby are, designated as the authorized signers to act on behalf of the Depositor in accordance with the above resolutions (fill in names of individuals or titles of officers):

Robert Young  
William A. Carr, Jr.

The undersigned does further certify that the Depositor is duly organized and in good standing in the jurisdiction in which it is organized and that the signatures below represent the true and accurate signature of the person named below and that such person holds the title corresponding to such person's name:

Signature: Robert Young, Supervisor  
Signature: William A. Carr, Jr., Deputy Supervisor

Mr. Young had a letter from the treasurers department that informed the town board that we have some students attending college and he had filled out the paperwork and returned it to the treasurers department.

Mr. Young had a letter from the Town of Durham Volunteer Ambulance that they would be unable to finish their budget until September 18.

Al Schmidt, unable to attend, had submitted quotes from two engineering firms for site evaluations for buildings which are in questionable structural condition.

KEA	\$300 per building; unless 2 or more are done the same day then the price would be \$200 each
Carl A. Zoccola	\$200 per building

Mr. Young didn't know which buildings. When he went through Oak Hill, there were two buildings, one a roof had fallen in and a porch roof that was settling. He didn't know if Al had written a letter, but nothing had been done as of a couple days ago. Mr. Young did not know why Al wanted to get an engineer. Mr. Elpel said it had been brought up last month. Mr. Carr said it seems that Mr. Schmidt wants to make sure an appropriate credentialed individual agrees with his preliminary assessment of a building with violations. Mr. Carr thought it was money well spent, in case an individual decided to take the town to court, we would have a licensed engineers report. Mr. Young suggested that Mr. Schmidt make a note of what he is talking about and give it to the board and we go from there. He did not want Al to go around writing down numbers and having the engineer to look at them. Mr. Young knew of only two. Mr. Young wanted a letter written to each individual and to go from there. Mrs. Sutton said we did approve the hiring of an engineer. Mr. Carr said since the board had approved it, Mr. Schmidt is free to move ahead with either of these companies. Mr. Carr said in the future, Mr. Schmidt could come before the board again and the board would very likely grant permission based on a precedent that has been established not only at last months meeting, but previously. Mr. Carr did not think there was anything more to discuss. Mr. Young said "I think there is. I think we should get a letter sent to the people and a letter back to us and go from there." Mr. Carr said that it was approved last month, it is done. There was further discussion.

Wesley Moore read the Highway Superintendents Report for August. They have been finishing the summer work. They used approximately 542 tons of blacktop on Stiehl Road and on some rough sections of road on Hervey St. Sunside Road, Pierson road, Old Plank Road and Allan Teator Road. Item #4 from Carvers was used on a large culvert project on Sutton Road. The material from Molters gravel bank was mostly large rock that we used to fill in an erosion problem along a stream channel on Cochrane Road. The crew also finished the last oil and stone work for the year. The MC-70 prime oil was used on Elliott Place and the CRS-2 was used to finish sealing Stone Bridge Road and 2 sections of Hervey Street and Sherwood Forest Road and Elliott Place. They rented a rubber tire excavator from Fink & Sons for a month starting the 11<sup>th</sup> of August for some large projects. We are on our 3<sup>rd</sup> unit now and lost 2 weeks of work because of break

downs. Wesley had a request from residents from Old Plank Road that would like a speed limit sign put up. The road has never been designated by the State. Greenville did their part of the road a few years ago and has posted 40 MPH signs. The residents were wondering if the town could post 40 MPH signs. There is a 30 MPH sign, but it is not legal. The troopers said it is not posted; therefore, people can go 55 MPH. **Mr. Carr made a motion and seconded by Mrs. Sutton to proceed with the request for Old Plank Road. All were in favor.**

The Building Inspectors Report was filed.

The Justice Report was filed.

The Assessors Report was filed.

The Police Department was filed. There were 46 complaints.

Tal Rappleyea, attorney did not have anything new to report other than a new lawsuit for a foreclosure where the town is named as a defendant simply because we have a judgment for back taxes. He will discuss it with Cindy tomorrow and we will make an appearance in the law suit and make sure we get all the paperwork. Eventually the town will recoup the money, as it is taxes, from either the current or the new owners.

No Tax Collector Report.

The Task Force Report was read by Mr. Cullie. The Chamber of Commerce met on August 25 and discussed the Durham Satellite Library project. It was agreed that we would call Mr. Keefe, Cairo Town Supervisor, and explain our situation and try to establish a meeting. Mr. Cullie and Mrs. Sutton did meet and explained our situation and lack of communication. Mr. Cullie received a phone call this evening from Mr. Keefe and he said the Cairo librarian and Board of Directors refuses to deal with the Durham Committee. They would only deal with the Town Board. Mr. Cullie explained to Mr. Keefe that back in July, Mr. Young wrote a letter to them asking them to attend a town board meeting, but they had not replied to his knowledge. Mr. Cullie was told by Mr. Keefe, that Mr. Young has been having discussions with the librarian, but didn't know what the discussions were about. Mr. Young said he did not talk to them; he just went to get the letters back that had been sent. Mr. Young said they did talk about the location. Mr. Young said they were going to attend a meeting. Mr. Carr asked if Supervisor Keefe offered any more details on why, Mr. Cullie said Mr. Keefe said he was just the messenger. Mr. Cullie said it is costing us \$300 a month to hold the location. Mr. Young said we are going to have to discuss that. Mr. Carr said was there any reason that they would be reluctant to work with the library committee? Mr. Cullie said they had not answered any of his inquiries in the last six months. Mr. Carr said if they would like to delegate him to call Mr. Keefe, he would be happy to do that. Mr. Young agreed. Mr. Cullie said if Cairo does not want to cooperate, maybe Greenville will. Mrs. Lanzilotta inquired about the money she pays on her school tax bill for the library. It was explained that the money collected on the school tax bill is paid to the Town of Cairo library so that

the residents of Durham can use it. In addition, the Town of Durham budgets \$1,000 for the Town of Cairo library each year. Mr. Perzanowski said that he had donated to the library fund and wanted to know if the rent was coming out of donations or was the town paying. Mr. Young assumed that the town was paying. Mr. Cullie said donations were not for rent but for supplies.

Mr. Cullie read the Historic Preservation Committee Report. The meeting was September 13. The meeting discussed the local law Historical Preservation. The Commission decided to create a document to mail to residents explaining what is meant by a historic designation. They have been informed of the status of our application with New York State Parks Dept. & Historical Preservation for a grant to create a historical map of Durham. They have agreed to apply for the same type of grant through the Hudson Valley Greenway. The commission is asking for the Town Board's approval that the Code Enforcement Officer advise the Commission whenever any building has been slated for demolition. This would allow the Commission to verify if these buildings are on our historical register. Mrs. Sutton asked if a letter could be added to the demolition permit to inform the historical committee. Mr. Carr suggested that it be said that it is the intention of the town board that the CEO also notify the historical commission and come forward next month with the mechanism by which he will do that. Tal pointed out that it is written into the local law for historic preservation section four, that no person shall carry out a demolition without first obtaining a certificate of appropriateness from the Historical Preservation Commission.

Mr. Ohm, Greene County Legislature spoke to Senator Seward and Assemblyman Hooker's offices about member items and the fact that they are not set in stone and will be reviewed in October. Mr. Ohm further explained that he had discussed the side walk issue in East Durham. The offices would like to see details on the construction and cost so that it could be considered for the member items. It is also very likely that the amount of the member items could be cut back do to the economy. It was also suggested that we apply for grants if the department of Parks and recreation were to continue the grant program. Mr. Young stated that he is working on gathering the information necessary for the project and will present it at the next work session. Mr. Elpel questioned if a state easement would be necessary. Mr. Cullie added that two years ago information was gathered with the assistance of DOT. They provided the Task Force with a file of all the information and an estimate of \$750,000 for the project. The sidewalk would run from Furlongs to the Catholic Church. Neil Kellegher and Jim Cullie attended a meeting with DOT in Washingtonville and it was told to them that the town would have to come up with half the funding for the project. Do to the cost of the project no further action was taken. Mr. Cullie offer to provide Mr. Young with the information that was previously researched so he would not need to redo the work that has been done. Mr. Young felt that the estimate given was too high and that the project could be done for considerably less. Mr. Elpel asked that the board members be provided with the information for review. Mr. McCall asked if East Durham was the only hamlet being considered for sidewalks. Additional discussion followed.

Mr. Young opened the truck bids from the following companies:

Tracey Freightliner of Albany, Inc. \$91,720.00 each  
 As specified with the following exceptions

1. Unable to supply Aeon rubber auxiliary springs, will supply 20,000 lb. flat leaf
2. Will supply CAT C13 Acert engine @ 430HP, 1620 lb. ft. torque
3. Will supply Delco Remy 39MT HD starter
4. Will supply TRW TAS 65 power steering with RCS55 Aux. gear
5. Will supply 18" leather wrapped steering wheel

\*T&T Body King, Inc will install truck bed

Ben Funk, Inc. Bid#1A \$95,995.00 each  
 A stock International Model 5500i 6x4, 2003, Paystar cab and chassis, installed (by Ben Funk) with a stock R/S, 16" dump body

Bid#1B \$95,402.00 each  
 Same stock vehicle, but with a 16' Beau-Roc LLT dump body installed by T&T, availability would be up to T&T

Bid#2A \$97,992.00 each  
 New factory order International 7600 SFA 6x4, Model year 2004, cab and chassis as per our specs. An R/S body, Model CS 16' dump body installed by R/S Body CO.

Bid#2B \$98,932.00 each  
 Same vehicle, but with 16' Beau-Roc LLT dump body installed by T&T

Albany Volvo Truck Sales \$96,595.00 each  
 2004 Volvo VHD64B Cab & Chassis, with a 16' dump body

Discussion followed, Wes will review the bids for compliance and report back to the board.

Mr. Young opened the sand bids from the following companies:

Rockwater LLC (Bedrock sand & Gravel)

\$5.70 per yard FOB

Carver Sand & Gravel

\$4.75 per ton FOB

\$7.75 per ton delivered

Discussion followed. **Mr. Carr made the motion seconded by Mrs. Sutton that the bid awarded to Carver Sand & Gravel, all were in favor.**

Mrs. Lanzilotta reported to the board that the merchants/residents of East Durham are in favor of the street banners for their village. She has commitments for twenty-five banners and asked the board if they are interested in paying half the cost as discussed at the previous meeting. It was reported that at this time the village of Oak Hill was not interested in participating. **Mr. Carr made the motion seconded Mrs. Sutton that the town pay half the cost of the banners, all were in favor.**

One of the partners of the Durham Woods project addressed the board regarding DOT approval. DOT acknowledged receipt of a letter stating that the board is great potential for approval, however, they will not give them a permit until the plan is approved and it is his understanding that the board would like to have the plan approved before they give their approval. It was suggested that when we reach the preliminary plat approval that it could be conditioned on the approval of the DOT permit. Mr. Carr suggested that a motion be made to approval based on the previous conditions having been met and DOT's approval before it becomes a fully accepted plat. A concern was expressed by Durham Woods that it has been a couple of weeks since the independent engineer has had the plans and they have not heard anything. Mr. Rappleyea explained that the town and the developer are eager to move ahead and will follow up with the engineer. The third concern is why the board found a negative declaration on a 19 site sub-division and is somewhat reluctant to find the same now that it has been reduced to 9 sites. Mr. Rappleyea explained the negative declaration on the 19-site subdivision was a preliminary and the negative declaration on the 9-site subdivision will be a final. Being it is final he is taking care to ensure that everything is accurate. The question was raised as to why SEQR was being mixed with preliminary plat when there are actually two different issues, and asked again, why they could not have the negative declaration on the 9-site subdivision. Mr. Carr expressed that it is his hope that both issues could be addressed at the next workshop so that the project could move ahead without needing to be done piece meal and with the appropriate parties present to address questions. Durham Woods encouraged the town to contact the engineer to have a report ready and allow them significant time to respond by the next board meeting. It was agreed that Mr. Rappleyea would contact the engineer regarding their findings so that Durham Woods could be put on the agenda for the October 7 workshop.

Mrs. Sutton asked if anyone has heard from the Dog Control Officer regarding the enumeration project. Mr. Hulbert reported that no additional progress has been made we are still at 10 dogs. It was suggested that the pay structure for the project be revised to offer an incentive to get the project completed. No decision was reached.

Mrs. Sutton asked if there was anything new to report regarding the 911 signs. Mr. Young explained that it is his plan to get the signs from Steve Erickson and to go down one road and then the other and put the signs up. Mrs. Sutton explained that she thought the fire companies had been designated to put the signs up. Mr. Young agreed. Mrs. Sutton then stated that Mr. Young needs to let the fire companies put up the signs. Mr. Beechert, Fire Chief of Oak-Hill stated that he is unaware of where Mr. Erickson obtained the list to make the necessary numbers. The Fire Company has not received a

finalized list from the county and has not authorized Mr. Erickson to proceed with making the numbers. Additional discussion followed.

Mrs. Sutton asked if the board is going to approve paying Doreen's Hair Saloon back rent for the space that has been held for the purpose of the library. Mr. Young stated that he was not going to approve it but perhaps the board would. It is his view that we never received a bill and the library never opened. Mrs. Sutton stated that the board previously stated that they agreed to rent the space for the library and the rent should be paid. **Mr. Carr made the motion that the rent be paid seconded by Mr. Hulbert. All were in favor, except Mr. Young.**

Mrs. Sutton asked if the noise ordinance would be worked on at the next workshop meeting. Mr. Young asked the board what their pleasure was. Mr. Carr stated that information should be gathered regarding the other towns ordinances for review to see if it could be adapted to the concerns of the residents of the town of Durham. Mr. Young stated that he was in agreement with that.

The following transfers were approved:

From: A1990.400 Contingent	\$2,000.00
To: A1420.400 Attorney	
From: A1990.400 Contingent	\$ 85.00
To: A1910.400 Liability Allotment	
From: A1990.400 Contingent	\$ 440.00
To: A3510.400 Dog Control	

**Mr. Hulbert made a motion and seconded by Mrs. Sutton to approve the above transfers. All were in favor.**

Wesley Moore reviewed the bids and low bidder was Tracey Freightliner. A stipulation needed to be added that within 30 days of the date that the cab and chassis is delivered to T & T that the dump body is to be installed and returned to Tracey Freightliner, otherwise a \$100 per day penalty would be deducted from the agreed purchase price. If they do not want to accept this condition, it will be rebid with that specific condition. Mr. Carr said that with the conditions accepted, we could approve it tonight and we could get the show on the road. Mr. Young asked if Mr. Carr was ready for approval and he replied yes. Mr. Young said "I am not". Wesley asked why, and Mr. Young replied "I would like to look into it a little closer, that's all." Wesley said "I've have been talking about this for four months and you had a chance to stick your head in it all this time and now you do". Mr. Young, "I was asked by different people." **Mr. Carr made a motion to accept the bids with the added condition and seconded by Mr. Hulbert to approve. All were in favor except Mr. Young.** Mr. Young said he was asked by the taxpayers to fix the trucks they have. Wesley explained he would like to borrow \$180,000 and spread it over

three years, the interest will be next to nothing and it will lower his budget by about \$40,000 by doing this, per year. Wesley couldn't believe Mr. Young's comments and said he "hadn't seen anyone so stupid in my life". Mr. Young said "I have never seen anybody as lazy in my life as you, really." There was further discussion.

**Mr. Carr made a motion seconded by Mrs. Sutton to adjourn the meeting at 9:20 pm. All were in favor.**

Minutes Approved:

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Charles G. Soderblom  
Town Clerk