

Minutes of the Work Session of the Town Board of the Town of Durham held October 7, 2003, at the Town Building in Oak Hill, N.Y.

Present: Robert Young – Supervisor
 Robert Elpel - Councilman
 Gary Hulbert - Councilman
 Linda Sutton – Councilwoman

Absent: William A. Carr, Jr. – Councilman

Recording Secretary: Chris Kohrs – Deputy Town Clerk
 Others Present: Wesley Moore - Highway Superintendent
 Tal Rappleyea – Attorney for the Town
 Charles Soderblom – Town Clerk

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

Representatives for the Durham Woods Subdivision reviewed with the board the findings of the independent consultant Lamont Engineering. No problems were found though certain areas were identified as perhaps needing additional clarification. The board reviewed these items and offered the following comments. Prior to issuance of a building permit for each individual lot, a proposed grading plan would need to be approved by the office of the CEO. The Cul de sac is not an actual Cul de sac it is actually a turn around which is 200' in diameter. It was also noted that the two back lots require 50' of road frontage by town regulations and the current plan does not reflect this. The center of the turn around will be left natural and the roadway will be pitched to promote drainage. It was clarified that there will be no wells within 200' of the lot lines. The CEO should be given and monitor a notice of intent pertaining to soil erosion plans while the property is being developed.

The board amended the original SECOR short form to read nine lots from the original nineteen. The original acreage has not changed just the size of the individual lots due to perk test results. The board completed the form at that time and no issues were identified.

Mr. Elpel made the motion seconded by Mrs. Sutton with all in favor that a negative declaration be found.

Mr. Hulbert made the motion seconded by Mr. Elpel with all in favor, that a second public hearing be waived, as there were no objections at the first. Mr. Rappleyea reminded the board that they have up to sixty days to render a decision to accept or reject the application. **Mr. Hulbert made the motion seconded by Mr. Elpel to accept the subdivision application with the conditions noted; all were in favor.**

The Moore Subdivision was submitted for review. It is their intent to subdivide four acres from their property. Letters have been sent to the adjoining neighbors. Mrs. Sutton made a motion seconded by Mr. Hulbert, with all in favor, that a public hearing be scheduled for October 21, 2003.

The board reviewed a minor subdivision application for James Baron. Discussion followed regarding the road frontage access from McCafferty Road. The ordinances require fifty feet and there is only twenty-five. It is unclear if when the property was originally divided if a variance was issued or if it was done prior to the adoption of the ordinance. The office will research and it will be up to Mr. Baron to either obtain the additional frontage or put a right away through his property to allow the access to the parcel.

The board received a request from REMO to name a private road off State Route 145 on the south end of town "Colewood Lane". **Mrs. Sutton made the motion seconded by Mr. Hulbert will all in favor to approve the request.**

Mr. Arnone asked the board for an update on the investigation into adopting a noise ordinance/law. Mr. Rappleyea handed the board copies of the laws adopted in the Town of Lexington and the City of Buffalo as well as drafts from Jewett and Ashland that have not been adopted. The board will review and be prepared to discuss at the October 21, meeting. Mr. Arnone suggested that the board consider making 11:00 p.m. a quiet time for all, regardless of how many people are at a gathering.

Mrs. Greer asked if she could be put on the agenda for the October 21, meeting she would like an opportunity to address the board concerning the noise issue and needed to gather some additional information. Her request was granted.

Mr. Bennett provided the board with copies of his Annual Reassessment Plan. It is a six-year plan that outlines the guidelines that need to be followed to remain in compliance. This plan needs the signature of the town Supervisor. Mr. Bennett explained that if we opt not to approve the plan we would lose \$11,000 that is given to the town from the state for participating. We also stand the chance of losing our 100% evaluation rate and having the state tell us what our assessments should be. With the plan, the assessor has a say in the assessments and if the state disagrees, the assessor can validate their findings and work the state to reach an agreement. **Mrs. Sutton made the motion seconded by Mr. Hulbert with all in favor to authorize the supervisor to sign the Annual Reassessment Plan.** Additional discussion followed and it was determined that the assessors should provide the taxpayers with a simplified explanation of the sustaining equity program to help them understand the assessment and its relationship to the budgets and taxes.

The board discussed the Humane Society contract that is up for renewal. Mr. Rappleyea will investigate as to whether or not we can take the strays to Albany or Schoharie County. It was also suggested that the contract be amended to read that the town will only be charged for animals that are turned in by the Dog Control officer of the town.

As Mr. Carr was absent, the discussion pertaining to the Cairo Library was postponed until the next meeting.

The board discussed the need to reappoint Roger Vaughn to the Assessment review board. Mr. Soderblom will contact Mr. Vaughn to see if he wished to remain on the board and report at the next meeting.

Mr. McQuillen expressed his concern to the town with resorts being sold to religious organizations and then taken off the tax roll. Mr. Rappleyea explained that the town and the assessor do not have the ability to determine how much of a property is used for worship and how much isn't. If it is determined that none of it is used for commercial gain than the property is exempt. The state is reviewing this law and there may be a change in the future.

Mr. Hulbert inquired how the financing was proceeding for the new trucks. It was explained that the bookkeeper surveyed the commercial banks in the area and Fleet bank offered the best finance rate. The paper work is being processed.

A budget workshop was scheduled for October 16, 2003 at 7:00 p.m.

Mr. Elpel made the motion to adjourn at 9:33 p.m.

Minutes approved:

Chris Kohrs, Deputy Town Clerk