

Minutes of the regular meeting of the Town of Durham held November 18, 2003, at the Town Building in Oak Hill, N.Y.

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

Recording Secretary: Charles Soderblom - Town Clerk

Others: Wes Moore  
 Tal Rapplelea

The Supervisor called the meeting to order at 7:30 P.M. Twenty-two people were present.

The board reviewed the minutes from 10/2/03, 10/7/03, 10/16/03, 10/21/03, 10/21/03, 10/28/03, 10/30/03. The following corrections were made: 10/02/03 part time employees monthly salary should read annual salary (pg 89), board agreed to allow \$8000 for the library budget, with \$1000 going to the Cairo Library (pg 100).

**Mr. Elpel made the motion seconded by Mr. Carr with all in favor to approve the minutes as corrected, all were in favor.**

The Supervisor referred to correspondence received from Senator Schumer that he copied board on.

The Highway Superintendent reported that his crew has been busy preparing for snow removal and also assisted the East Durham Vol. Fire Co with an on going drainage problem with their firehouse and parking lot. They are also identifying dead trees and marking them so that they can be cleaned up before they fall and create a hazard. He has purchased a 5-ton army truck with wrecker for \$2,500. He intends to clean it up and use it when the town trucks are disabled. Mr. Moore requested authorization to issue a public notice regarding the traffic law as it pertains to car removal during a snowstorm.

**Mr. Carr made the motion seconded by Mr. Elpel to authorize the public notice of Traffic Law authorizing the Superintendent of Highways to remove and store vehicles parked or abandoned on town roads during snowstorms, at the owner's expense. All were in favor.**

The Code Enforcement officer reported that they have issued 17 permits. He provided the board with copies of the review conducted by an independent engineer regarding the three residences slated to be demolished in the town of Oak Hill. The board will review the findings and make a decision at the next board meeting. Mr. Carr asked if any of the properties were an imminent hazard. Mr. Schmidt felt that the house next to the original Glenn Royal presented a imminent hazard. The first floor has fallen in and the roof is falling and appears it could push the walls out. He asked permission to contact the electric provided to have the power disconnected from the building. **Mr. Carr made**

**the motion seconded by Mr. Hulbert that the Code enforcement officer have the power disconnected on all three properties, all were in favor.**

Mr. Young requested that Mr. Schmidt contact the owner of Blue Seal Seed on Route 145 about removing the junk cars that are continuing to accumulate. Mr. Carr added that he has noticed a significant number of unregistered vehicles accumulating within the town and would like to see the Code Enforcement office aggressively address this as we have a junk yard ordinance in the town. Additional discussion followed. The board authorized the Code Enforcement office to issue summons to violators.

Assessor Office – no report.

Police Department – has handled 54 complaints for the month of October.

Attorney – The Humane Society of Schoharie and Mohawk are interested in sending us a proposal to handle our stray dog needs. He has contacted the Comptroller's office regarding the escrow account for the cell tower. They will research and advise us as to our next course of action.

Dog Control – No report

Tax Collector – Reported that the office is preparing for the collection of the 2004 tax receipts.

Task Force – Mr. Cullie reported that the Chamber of Commerce met and discussed the Library project. As the Cairo Library has withdrawn their support, the committee has decided to proceed with a Reading Room program. They would not need a library charter but could still provided many of the same functions as a library. Their next meeting is Monday November 24, 2003 at 7:30 to review the budget developed when they were considering partnering with the Cairo Library and revise it to fit the new project. Invited all interested parties to attend.

Historical Commission – Mr. Cullie reported that the commission reviewed and approved the certificate of appropriateness application submitted by Mr. McClure. At the request of a property owner in Oak Hill, their residence has been removed from the local historical designation list. The commission is developing a pamphlet to explain what local historical designation means and the process one would follow to obtain such a designation.

Mr. Ohm reported on the Greene County Budget. The county is looking at an increase in tax rate of approximately 16%. This is primarily driven by the increase in the social service area of the budget. In addition, the state mandated increases in retirement system funding, the increase in health insurance and liability insurance have also largely affected the increase in the proposed tax levy. Mr. Ohm stated that he has attended most of the budget hearings for the various departments and in his opinion their budget requests are within reason with the exceptions of the previously mentioned areas which are not negotiable. During the current year, there have been six capital projects going simultaneously and to date only two have been completed. The county is over budget on the sales tax revenue year to date, by \$1,194,188. He is going to ask the Legislature if

they wouldn't consider taking a reasonable amount of the over budget money and apply it to the proposed 16% tax levy. Mr. Carr asked if there was a reason that the Legislature would not want to apply the money as suggested. Mr. Ohm explained that there is a strong opinion among the legislature that you can never have too much money in reserve. The proposed budget already has applied \$2,750,000 towards the proposed tax levy and still is at 16%.

Mr. Ohm urged anyone who is looking for employment to be watching the papers of help wanted ads as the Save-A-Lot is slated to open soon. Mrs. Sutton inquired about the proposed power line running along the river, she understood that it will now run under ground. Mr. Ohm explained that it may or may not run underground. They are anticipating that during the construction they may run into geological findings that would force the power line to be run above ground.

Bonnie Greer requested to extend her request to address the board regarding the noise ordinance, as she has not finished preparing. The board granted her request and she will address the board at the December 2, work session. Mr. Hulbert requested that Mr. Rappleyea follow up on the missing pages of the noise ordinance from the Town of Lexington.

The board discussed the variance submitted by Mr. Baron for his property boarding McCafferty road. Mr. Hulbert explained that he as spoken with Mr. Baron and the property owner boarding Mr. Baron's property is not willing to sell additional footage to Mr. Baron. **Mr. Carr made the motion seconded by Mr. Elpel to approve the variance requested submitted by Mr. Baron. All were in favor.**

There has been no communication from the state regarding the request to study the speed limit on Old Plank Road. We have received authorization to reduce the speed limit on 67A to 35 mph.

Mrs. Moore requested that the board authorize the Supervisor to sign a letter notifying the Worker Compensation Carrier that the Town of Durham is shopping for rates. There has been an approximate increase of \$5,000 in the premium for 2004. A large percentage of the increase is due to the Fire companies and Ambulance as well as certain road projects. In the shopping process our agent is looking for coverage as a package as well as separating the Fire and Ambulance into their own policies.

**Mr. Hulbert made a motion seconded by Mrs. Sutton to approve the following transfers, all were in favor.**

From:	A1990.400	Contingent	\$1,518.75
To:	A1430.400	Attorney	\$1,518.75
From:		General Surplus (Major Subdivision Acct)	\$1,546.00
To:	A8020.400	Planning Contract	\$1,546.00
From:	DA5130.200	Machinery – Equipment	\$8,550.00
To:	DA5130.400	Machinery – Contractual	\$8,550.00

From:	DA5112.01.250	\$7,800.00
To:	DA5110.400 Road Improvements Contract	\$7,800.00
From:	Highway Surplus	\$12,000.00
To:	DA5142.400 Snow Contractual	\$12,000.00

Mr. Hulbert asked Mr. Schmidt to make some clarifications on the septic system requirements. Mr. Schmidt explained that NYS as of 1/1/03 now requires that a licensed engineer design all new systems and perform all perk tests. Upon completion of the system the Code Enforcement Office receives a letter stamped complete and approved. This relieves the town of any liability should a system be inadequate or present a hazard in the future. The law has been on the books, and now the Education Department has instructed the Board of Health to enforce the law. Greene County does not have a Board of Health we have a Health Officer. In the Counties that have a board of health the Board usually has an engineer on staff to design the systems. In our case, we need to instruct owners to hire an engineer. Additional discussion followed.

Minutes Approved:

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Chris Kohrs, Deputy Town Clerk