

Minutes of the meeting of the Town Board of the Town of Durham held March 2, 2004 at the Town Building in Oak Hill, N.Y.

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

Recording Secretary Chris Kohrs – Deputy Town Clerk

Others Present: Wesley Moore - Highway Superintendent
Charles Soderblom – Town Clerk

Absent Attorney Tal Rappleyea

The Supervisor called the meeting to order at 7:35 P.M. with the Pledge to the Flag. Twelve people were present.

The Irish Cultural Center had submitted an application for a mass gathering permit. It would have been voted on this evening, but additional information has been received. It will be reviewed and discussed at the next meeting. Mr. Carr noted that there was not a copy of the first page of the insurance policy.

Mr. Carr made a motion, which Mr. Elpel seconded, to amend the minutes of August 19, 2003 to include a resolution for the bond anticipation note with Fleet Bank.

BOND RESOLUTION OF THE TOWN BOARD AUTHORIZING ISSUANCE OF STATUTORY INSTALLMENT BOND OF TOWN OF DURHAM, GREENE COUNTY, NEW YORK IN THE AMOUNT OF \$120,000 (ONE HUNDRED AND TWENTY THOUSAND) DOLLARS

WHEREAS, the Town Board of the Town of DURHAM, New York by Resolution duly adopted on the 19th day of August in the year 2003 authorized the Town of to solicit bids for the purchase of two new dump trucks, and

WHEREAS, following the solicitation and advertising for bids, the lowest bid submitted was in the amount of \$120,000 (One Hundred and Twenty Thousand Dollars).

NOW, THEREFORE, BE IT RESOLVED:

SECTION I: The specific object or purpose for which obligations are to be issued pursuant to this resolution is to finance the purchase of said dump trucks.

SECTION II: The maximum cost of such purchase is \$120,000 (One Hundred and Twenty Thousand Dollars) and the plan of financing such cost is as follows: \$120,000

(One Hundred and Twenty Thousand Dollars) is to be provided by the issuance of an installment bond in the amount of \$120,000 (One Hundred and Twenty Thousand Dollars) pursuant to this resolution.

SECTION III: The following determinations are hereby made:

(a) The period of probable usefulness of such dump trucks are determined to be 10 (Ten) years.

(b) The subdivision of paragraph a of Section 11.00 of the Local Finance Law which is applicable in the circumstances of subdivision "29".

(c) The proposed maturity of the obligations authorized by this resolution will not be in excess of 5 (five) years.

SECTION IV: The Town of shall issue its installment bond in the amount of \$120,000 (One Hundred and Twenty Thousand Dollars) to finance such cost in accordance with the financial plan set forth above. Such bond shall be dated approximately as of the 26th day of February 2004 and the power to fix and determine the exact date of such bond is hereby delegated to the Town Supervisor.

SECTION V: Said installment bond shall obligate the Town to pay to the registered owner the principal sum of \$120,000 (One Hundred and Twenty Thousand Dollars) in equal installments of \$60,000.00 each on the 26th day of February of 2005 and 2006, respectively and to pay interest on the unpaid balance of such principal sum at the rate of 2.10% per annum, annually from the date of the bond until it matures at Fleet Bank, Durham, New York.

SECTION VI: This Board expressly reserves the power on any interest payment date prior to maturity to call in and redeem said bond by payment of all interest due to that date plus the remaining unpaid balance of the principal.

SECTION VII: When said bond shall have been duly sold, the same shall be delivered by the Town of DURHAM Town Clerk to the purchaser upon payment to it of the purchase price including accrued interest, and the receipt of the Town of DURHAM shall be a full acquittance to said purchaser who shall not be obligated to see to the application of the purchase money.

SECTION VIII: The faith and credit of said Town of DURHAM are hereby pledged to the payment of the principal of said bond and interest thereon when due. An amount sufficient to pay the principal and interest on said bond as the same becomes due each year shall be included in the annual budget of such Town of DURHAM for the year, and the said bond shall not be renewed.

SECTION IX: The validity of the bond herein authorized may be contested only if (1) such obligation is authorized for an object or purpose for which the Town of

DURHAM is not authorized to expend money, or (2) the provisions of law which should be complied with at the date of the publication of this resolution or summary thereof, are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such issuance or (3) such obligations are authorized in violation of the provisions of the Constitution.

SECTION X: Pursuant to the provisions of the Tax Reform Act of 1986, this Board expressly represents that the Town will not issue more than ten million dollars of tax exempt obligations in any calendar year and directs that a copy of this Resolution be furnished to the bond purchaser.

SECTION XI: This resolution shall take effect immediately.

I HEREBY CERTIFY THE ABOVE TO BE A TRUE AND EXACT COPY OF THE RESOLUTION WHICH WAS DULY ADOPTED AT A MEETING OF THE TOWN BOARD OF THE TOWN OF DURHAM, NEW YORK ON August 19, 2003.

**(Signed) Charles G Soderblom
CLERK OF THE TOWN OF DURHAM**

THE resolution having received at least a two-thirds vote of the members of the Town Board of the Town of DURHAM was declared by the Supervisor to be duly adopted by the following votes:

	AYE	NAY	ABSENT
SUPERVISOR YOUNG	X		
COUNCILMAN CARR			X
COUNCILMAN HULBERT	X		
COUNCILMAN ELPEL	X		
COUNCILMAN SUTTON	X		

Mr. McAree submitted a sketch for a minor subdivision on Stonebridge Road Extension. Letters will be sent to adjoining property owners and a Public Hearing scheduled for April 6.

The Second Meeting of Public Input Informational Hearing for Proposed Noise Control Law in the Town of Durham was opened. Bonnie Greer gave her views of noise control. Doug Thomsen said that continuous engine running bothers him. Mr. Carr asked if the homeowners from the concert area last year attended the first meeting. Mr. Hulbert said weather may have stopped them last time, but they were not in attendance. Bonnie had spoken to residents from that area and they would be at the next meeting. Mr. Thomsen asked for clarification in the Lexington Noise Law, on "unreasonable noise". Mr. Carr said that Table 1 showed a definition as "if you are in your personal property between the hours of 11 pm and 7 am with doors and windows closed, that a noise level of 50 decibels would be objective able or a commercial property would be 60 decibels. A resident

asked how well this law works in other towns. Lexington is the only one in the area and is relatively new. Mr. McAll asked if there isn't strong input do we have to act on this. Mr. Hulbert said if there is not enough input, it would be put off for a future date. The public hearing closed at 7:55 p.m.

Legislature Ohm reported on the activities of the Greene County Legislature. New York State has been urging the county to address the outdated county jail facility. It is their opinion that the facility is not acceptable and is in need of updating. Our current jail has 80 cells and is currently housing 56 inmates. The majority of the inmates are detained due to arrests made on the NYS Thruway, which passes through the county. When we exceed our capacity, we out source our prisoners to other facilities at an average cost of \$75 per person per day. If we need to send a prisoner to Orange county the rate increases to \$125. In 2003, it cost the county \$45,581 to Board out prisoners. The in house cost is \$59 per person per day. The legislature has established a committee to look into our options. The state has recommended that we build a 200-bed facility. The county is looking at 160-bed facility at an estimated cost of \$35-\$40 million dollars. If a section of the facility is designated for federal use, the federal government will contribute \$2 million towards the project. There is no immediate action planned and the committee has promised to exhaust all possible options. Mr. Carr commented that doing some quick calculations it is his opinion that it is cheaper to source out our overflow than build a new facility. In addition, it was pointed out that with the surrounding counties having new facilities that are not at capacity they would have room to handle our overflow. Mr. Carr also expressed his wish that the county would approach this as a business venture and have a detail plan of how the project would be executed including the funding.

The posting for a Dog Enumerator has produced no applicants only inquires as to what the job entails and pays. The Board decided to rerun the ad stating that we will pay \$5.00 for each dog counted and thirty cents per mile.

The Board received a communication from the Code Enforcement office suggesting the following:

- 1) Increase fees for building permits from \$.10 per square foot to \$.15 per square foot.
- 2) Increase the flat fee for researching title searches from \$10.00 to \$25.00
- 3) Consider requiring contractors of all types to submit letters of reference, certificates of insurance, and any other supporting paperwork prior to submitting an application for any work proposed. We could then provide these contractors with a certificate of registration with the Town of Durham Building Department. Many surrounding Towns do as such, and this paperwork should be made available to any resident who requests such.
- 4) If any building project appears to be more sophisticated than usual, we should reserve the right to hire a competent engineer to review the plans submitted. This is not something we should expect to require of routine home inspections, but should be a right reserved for more involved commercial applications, which require expertise outside of our usual area of expertise.

Discussion raised the question of liability to the town should we create a “registry”, and are the cost of inspections covered by the current fees collected. The Board will have the attorney review the proposal and will discuss the topic at the next meeting.

Mr. Carr made a motion seconded by Ms. Wood to authorize the Highway Superintendent to purchase 210 feet of aluminized arch pipe and 5 bands. All were in favor and the motion carried.

Supervisor Hulbert will announce a public meeting with the Board and the Historic Commission to clarify what their intentions are regarding the proposal for a Historic District for Oak Hill.

Highway Superintendent Moore reported that the bonds obtained for two years for the two new dump trucks came in at 2.1%.

Mr. Carr made the motion seconded by Mr. Elpel to adjourn at 8:50 p.m.

Minutes approved:

Chris Kohrs, Deputy Town Clerk