

Minutes of the meeting of the Town Board of the Town of Durham held September 21, 2004 at the Town Building in Oak Hill, N.Y.

Present: Gary Hulbert - Supervisor
Linda Sutton - Councilwoman
Robert Elpel - Councilman
Jodi Wood – Councilwoman
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 G. Soderblom – Town Clerk
Al Schmidt – Code Enforcement Officer
Guenther Ohm – County Legislator
Ken Dudley – County Legislator

The Supervisor called the meeting to order at 7:00 P.M. with the Pledge to the Flag. Thirty-one people were present.

Mr. Warren Hart and Mr. Karl Heck representing the Greene County Department of Planning & Development were guest speakers tonight. They were here to discuss revitalization of the towns main streets. They provide assistance to developers that are looking to site a business in town, help municipalities update their comprehensive plan, zoning codes, mapping services, grant writing assistance, Mr. Hart suggested that every town should establish a rapport with a professional grant writer, many who reside within the county. The Departments web page is: greenebusiness.com or greeneeconomicdevelopment.com. There was discussion on East Durham sidewalks. Karl spoke on the existing main street revitalization program that the county has sponsored locally for the last two years and the program the state has initiated. The state program has 20 million dollars. It wouldn't cover sidewalks, but lighting and sidewalk furniture. The importance of successful street revitalization is partnerships. Mr. Carr suggested that we have a plan that can be completed in segments as funding is obtained. There was further discussion on a comprehensive plan. Mr. Fried asked if Greenway offered funding. Greenway usually offers \$10,000. Mr. Hart will return at a later date to go over a comprehensive plan for the town. Mr. Hulbert will work out a date.

The regular meeting was called to order at 7:55 P.M.

Ms. Wood made a motion and seconded by Mrs. Sutton to approve the minutes of August 3 and August 17. All were in favor.

Supervisor Hulbert read correspondence from Charlie Bocklett praising the efforts of the residents of Durham, fire company, ambulance squad, police department and the highway crew and Ralph Borwegen for their help when his dam was leaking. Mr. Hulbert also

thanked everyone for their help. Marty McGuire was traveling home from work the next morning and heard the announcement of the dam breaking on 810 am and praised the town government and fire company for all their work. Mr. Ohm said we should find out why the dam failed. Mr. Hulbert said engineers have met and they are going to create a runoff out of the area for the winter. Mr. Carr asked if there was a compelling environmental need for the pond and if not, should they be allowed to rebuild. Ms. Wood said the dam is under the DEC. Mrs. Sutton suggested that a meeting be organized with the Town's Health Officer and the rest of the Emergency Preparedness members to review the response of all agencies to the dam leak.

Mr. Ohm reported that the County is reviewing two bridges within the town of Durham, one on Stone Bridge Road and the other on Rockwell Road. They will determine if the bridges can be rehabilitated or should be replaced. The work on County Route 67 has begun. The County will be erecting two new highway facility buildings; one in Athens and one in Hunter. The Grand Opening for the new County Office Building will be held Thursday, September 23, 2004 and State and Federal dignitaries have been invited. It is estimated that the over-run is expected to be recouped through lack of performance litigation. The committee is still working on the plans for a new jail and the majority of the cost will most likely be bonded.

Wes Moore reported that the highway department has been stock piling Item #4 for fall roadwork. The following roads were blacktopped to cover rough areas: Old Plank, O'Hare, Pierson, Morrison, Hervey St Sunside, and Moore Road. Morrison Road, the upper end of Sutton Road and Cochrane Road as well as sections of Brand Hollow Road and Alan Teator Road were damaged by the five inches of rain we received September 17 and 18, 2004. The repairs were made and the estimated cost was \$10,500.

Al Schmidt reported that the building department has issued 23 building permits and 15 certificates of occupancy and compliance.

There was no report from the Judges or the Police Department.

Attorney Tal Rappleyea explained that the court case involving a violation at the trailer park has an appeal pending.

Mr. Hulbert asked the Board to review the need to have a moratorium on adult entertainment. Many towns within the County are taking action on this topic. There are various options available to the Town to address this concern. Additional discussion followed and the Board will revisit this at the next meeting.

The report of the Dog Control Officer was received.

The Task Force did not have a meeting, therefore there was no report.

The Historic Commission reported that they held a second public hearing on the “Tremain House” (Fabbri Estate) for the designation as an Historic Landmark. The Board voted six in favor and on abstention to declare the property an Historic Landmark.

Nick Nahas spoke on behalf of the Historic Commission urging the Board to take steps to protect the “Tremain House” from demolition. As the brothers have been at an impasse for 30 years regarding the estate. It is the wish of the commission that the Town ask the court to appoint an administrator to settle the estate. The administrator could facilitate the sale of the property and ensure fairness to all parties. Additional discussion followed. Attorney Rappleyea will research the criteria for such action and report to the Board at the next work session. Mr. Schmidt will review the original engineer report for demolition to see if all structures on the property were included. If not he will need to have the additional structures evaluated for safety.

Mr. Hulbert reported that the Town has renewed its contract for internet service with Suferz.net at a cost of \$6.00 per computer per month and \$120 per year for the web site.

Mr. Hulbert requested and received permission from the Board to have the fence along the first base line repaired at Brandow Park. This has been previously discussed and approved but keeps being put off.

Mrs. Benson of Stonitch Road requested that speed limit sign be posted on her road. There was a recent accident attributed to speed, which put a car on her front lawn and destroyed her children’s toys. The road currently does not have a posted speed limit, which by law makes 55 mph the speed limit. This may be the legal limit but she felt it is far from safe. **Mr. Carr made a motion seconded by Mrs. Sutton to submit the paper work to have the road evaluated for a speed limit. All were in favor and the motion carried.**

Mrs. Queen asked for an update on the extended 35 mph speed limit zone for Oak Hill. Mr. Hulbert explained that he has received confirmation from the State that the request was received. They have not contacted him as to when they will assess the situation and make a determination.

Mrs. Sutton made the motion seconded by Ms. Wood to approve the following transfers:

From:	Contingent A1990.400	\$ 59.48
To:	Court, Contractual A1110.400	\$ 59.48
From:	Police, Contractual A1320.400	\$ 100.00
To:	Police, Equipment A3120.200	\$ 100.00

From:	Highway Surplus	\$10,000.00
To:	Hwy, Roads Contractual DA5110.400	\$10,000.00
From:	Highway Surplus	\$ 6,000.00
To:	Equipment Contractual DA5130.400	\$ 6,000.00

Abstract #417, consisting of Vouchers #745 through #802 for \$101,486.53 was reviewed and approved for payment. The total amount was broken down as follows:

General Funds	\$22,224.23
Highway Funds	\$78,742.21
Street Lighting	\$ 520.09

Ty Haller and Reay Mahler reviewed with the Board the desire for the Ambulance Squad to erect a transmission tower at their building on County Route 27. The Board discussed the project and gave them permission to go forward. The Squad will need to file the necessary paper work for a building permit. The fee for the building permit will be waived.

The Board scheduled a budget workshop for October 14, 2004 at 7:00 P.M.

Mrs. Sutton made the motion which Ms. Wood seconded to adjourn the meeting at 10:05 P.M.

Minutes Approved:

Chris Kohrs, Deputy Town Clerk