

Minutes of the Regular Monthly Meeting of the Town Board of the Town of Durham held March 1, 2016 at the Town Hall commencing at 7:30 p.m.

Present: William Carr, Supervisor
Shawn Marriott, Deputy Supervisor
Joan Breslin, Council Member
Jerry Cunningham, Council Member
Nick Nahas, Council Member

Recording Secretary: Chris Kohrs, Town Clerk

Others Present: Joe van Holsteyn-Highway Superintendent
David Cunningham-Building Inspector
Cindy Moore- Bookkeeper
John Van Tassel – Animal Control Officer
Patti Fetty-Deputy Clerk/Collector
Thomas Sutton-Police Sgt.
Lois Rockefeller-Bldg & Code Clerk
Tal Rappleyea-Attorney 7:41
Aiden O’Connor – Legislator
20 community members

Supervisor Carr called the meeting to order at 7:28 p.m.

Supervisor Carr stated we had received a follow up visit from PESH, our insurance carrier regarding the audit results and the actions taken to correct areas of concern. Their follow up audit found the town in compliance as all issues were corrected as indicated.

There was a meeting of the Greene County Supervisors last week where the topic of discussion was the need for high speed internet service thorough out the town. The Governor has a program to assist providers with funding however, as of this date no one has signed up to improve and expand the service in our county. It is felt that the program needs to be redrawn to attract providers to rural communities such as those of Greene County.

Supervisor Carr explained he had spoken with a representative of Good Energy a company that works with municipalities to examine their energy needs and use to determine what alternatives are available to help offset the cost.

Supervisor Carr received a call from NY State regarding the local law #2 of 2015 Modifying the Building Law which was adopted last fall. They let him know that they are reviewing the law for compliance with state law and will respond with their comments as soon as they have completed their review.

Supervisor Carr received the final contract for the Durham Community Center and upon review of the document stated he still was concerned with open ended items that are left to the school's discretion specifically where they are to determine what incremental fees they will charge the town for additional electric, heat, cleaning etc.

Councilmember Nahas reminded everyone that the contract can be terminated by either party with 30 days written notice. Both the school attorney and the town attorney have reviewed the contract and are satisfied with how it is written. Supervisor Carr will sign the Facility Use Contract as the board approved at the February 19 meeting. The town will need to secure the liability insurance as directed in the contract.

Supervisor Carr received a letter from DEC regarding an amendment to the Borwegen's Mining permit for the quarry located off of County Route 20. The DEC will be the lead agency in this matter and will perform all SEQR actions.

Councilmember Cunningham motioned to approve the following:

AGREEMENT TO SPEND TOWN HIGHWAY FUNDS

Pursuant to the provisions of Section 284 of the Highway Law, we agree that moneys levied and collected for the repair and improvement of highways, and received from the state for the repair and improvement of highways, shall be expended as follows:

- 1 **GENERAL REPAIRS.** The sum of **\$190,000** may be expended for general repairs upon 84 miles of town highways, including sluices, culverts and bridges having a span of less than five feet and boardwalks or the renewals thereof.
- 2 **IMPROVEMENTS.** The following sums shall be set aside to be expended for the improvements of town highways:
 - a.) On the road commencing at Cty Rte 20 to Dead End (**Hyland Rd**), the complete length, there shall be expended the sum of **\$6,500.00**

Type	Oil & Stone	Width of traveled surface	- 18 feet
Thickness	2 coats	Subbase	Existing road pavement
 - b.) On the road commencing at State Rte 81 to Albany County Line (**McCafferty Rd**), the complete length, there shall be expended the sum of **\$52,000.00**

Type	Oil & Stone	Width of	
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traveled surface - 18 feet **Thickness** 2 coats **Subbase** Existing road pavement

- c.) On the road commencing at State Rte 81 to Albany Cty Line (**Lee Rd**), there shall be expended the sum of **\$12,500.00**
Type Oil & Stone **Width of traveled surface** - 18 feet
Thickness 2 coats **Subbase** Existing road pavement
- d.) On the road commencing at State Rte 23 to Town Line (**High Peak Rd**), the complete length, there shall be expended the sum of **\$6,000.00**
Type Oil & Stone **Width of traveled surface** - 18 feet
Thickness 2 coats **Subbase** Existing road pavement
- e.) On the road commencing at Intersection Linda Ln to Intersection Sutton Rd (**Cunningham Rd**) the complete length, there shall be expended the sum of **\$75,000.00**
Type Blacktop **Width of traveled surface** - 18 feet
Thickness 3" **Subbase** Existing road pavement
- f.) On the road commencing at Hervey St to Dead End (**Stiehl Rd**), the complete length, there shall be expended the sum of **\$3,000.00**
Type Oil & Stone **Width of traveled surface** - 18 feet
Thickness 2 coats **Subbase** Existing road pavement
- g.) On the road commencing at County Rte 23 to End of Rd (**Durso Rd & Loop**), the complete length, there shall be expended the sum of **20,000.00**
Type Oil & Stone **Width of traveled surface** - 18 feet
Thickness 2 coats **Subbase** Existing road pavement
- h.) On the road commencing at Hyland Rd to Dead End (**Park Ln**), there shall be expended the sum of **\$10,000.00**
Type Oil & Stone **Width of traveled surface** - 18 feet
Thickness 2 coats **Subbase** Existing road pavement
- i.) On the road commencing at State Rte 23 to State Rte 23 (**Fruitney Rd**), there shall be expended the sum of **\$5,000.00**
Type Oil & Stone **Width of traveled surface** - 18 feet
Thickness 2 coats **Subbase** Existing road pavement
- J.) On the roads commencing on all Town roads, there shall be expended the sum of **\$135,000.00**. These improvements will consist of patching, grading, ditching, brush removal, storm damage and any other improvements needed.

No moneys set aside for such improvements shall be expended, nor shall any work be undertaken on such improvements, until the County Superintendent approves the plans, specifications and estimates for such construction. This agreement shall take effect when it is approved by the County Superintendent of Highways.
Executed in duplicate this **1st March, 2016**.

Motion seconded by Councilmember Nahas all in favor motion carried. (5-years, Carr, Breslin, Cunningham, Nahas, Marriott)

Highway Superintendent van Holsteyn requested permission from the board to purchase a new snow plow truck.

Hwy Superintendent van Holsteyn explained this request is a part of our Equipment Replacement Program. This new vehicle would replace our 2000 International Tandem Dump/Snow Plow. The International is sixteen years old and has been showing signs of wear with computer and mechanical problems. It would be utilized as a spare vehicle. The Equipment would be financed with a \$100,000 BAN Note payable in two \$50,000 installments, \$100,000 from Highway Surplus and \$19,989 from his 2016 Equipment Budget.

Highway Superintendent van Holsteyn provided the board with his 4-year plan for equipment and road work from 2015 to 2018:

ROAD WORK SCHEDULE:

Pave approximately 1 to 2 miles of road surface a year and oil and stone approximately 4 to 6 miles a year.

2015 Pave Cunningham, Oil & Stone Linda Ln, Moore, Sutton and Hulls Corners

2016 Oil & Stone Hyland Rd, Park Ln, Rockwell, Loops, McCafferty Rd and Pave Cunningham

2017 Pave Cunningham, Oil & Stone Hervey St, Elliot Place, Hannah and Durso

2018

He would like to try and slowly work on upgrading the dirt roads in the Town. The base and width of the roads would need to be brought up to spec along with improving the surface in order to be eligible to receive CHIPS funding for the improvements.

Each year 2 to 3 miles of roads are sealed to maintain the surfaces. This part of the improvements required to maintain our CHIPS funding which has seen minimal increase in the last 5 years.

Under the CHIPS program roads are to receive capital improvements over a 10 year time span. We have approximately 61 miles of improved roads and 19 miles of gravel. This means we should be maintaining and improving approximately 6 miles of improved road surfaces each year in accordance with the CHIPS program. Due to the cost of materials and lack of increase in funding

Snow Plow Package -

\$ 85,126

Tenco U-Combo 15' Dump Body
12- 14 Cubic Yard
W/Live feed Sander
Tenco 11' One Way
Plow Tenco 12' Wing

Total Estimated Equipment Purchase

\$219,989

Motion seconded by Councilmember Breslin all in favor motion carried. (5-yeas, Carr, Breslin, Cunningham, Nahas, Marriott)

Legislator O'Connor stated the Legislator's had issued six Greene County Students with commendations for their participation in the regional spelling bee held in Schenectady – two students were from Cairo-Durham. A member from the East Durham Vol. Fire Co. and a member from the Oak Hill Fire Co. have been appointed to the Greene County Fire Advisory Board. Walt Bennett of Oak Hill was appointed to the Fish and Wildlife Advisory Board. The Legislators also presented the Mini Mustangs Basketball team with \$1,000 check to assist with their youth program. He has requested a bulletin board to be placed in the town hall for his legislative updates, as well as, a quarterly newsletter.

Supervisor Carr explained Pattison Koskey, Howe and Bucci CPA, submitted an invoice for an additional \$5,000 over the original bill of \$12,500. The audit was performed as required whenever a municipality receives federal funds over \$500,000. The town was lead agency for a Home and Community grant secured by the Greene County IDA for GSK. The grant was for \$750,000 and GSK had many criteria that needed to be met in order for the funds to be disbursed. Greene County IDA hired Shelter Planning Consulting to be the grant administrator on behalf of the IDA and the Town of Durham. When the PKHB performed the audit there were several supporting documents that they needed to track down to prove that the funds were administered properly. This added additional time to the budget process that had not been anticipated in the original quote. Supervisor Carr emphasized that the actual time spend was significantly more than the \$5,000 additional bill would cover, however, due to the long time working relationship and the understanding that the lack of documentation was not the fault of the client they haven't billed us for the

entire time that was actually spent doing the audit which is estimated to be around \$33,000. Members of the board expressed an interest in seeking assistance from the IDA with payment of the bill. Supervisor Carr agreed that it would not hurt to ask and that we have all learned that in the future the town will take a more active role in ensuring that the IDA and their representatives are following up closer on the recipient's requirements and documentation.

Councilmember Marriott motioned to approve the additional \$5,000 payment to Pattison, Koskey, Howe and Bucci CPA for the GSK Home and Community Grant, seconded by Councilmember Breslin. All in favor motion carried. (5-years, Carr, Breslin, Cunningham, Nahas, Marriott)

At 8:11 Councilmember Nahas motioned to open the public hearing for the Wachter subdivision. Gary Harvey, Surveyor for Wachter presented an application which will take parcel 50.00-3-34 located at 1590 Route 145. They would like to make the 16.10+/- acre parcel three parcels: Lot 1 3.3 +/- acres, Lot 2 3.9 +/- acres and Lot 3 8.9 +/- acres. Lots 1 & 2 have existing driveways off of State Route 145 and Lot 3 has sufficient road frontage off of Wachter Blvd to construct an entrance.

All those wishing to be heard, having been heard the public hearing was closed at 8:18 p.m.

Upon review of the SEQR Supervisor Carr motioned for a Negative Declaration seconded by Councilmember Nahas. All in favor motion carried. (5-years, Carr, Breslin, Cunningham, Nahas, Marriott)

Councilmember Cunningham motioned to approve the Wachter Subdivision application for parcel 50.00-3-34 consisting of 16.10 +/- acres into three lots: Lot 1 3.3 +/- acres, Lot 2 3.9 +/- acres and Lot 3 8.9 +/- acres. Motion seconded by Councilmember Nahas all in favor motion carried. (5-years, Carr, Breslin, Cunningham, Nahas, Marriott)

Dan Benoit with the law office of Ralph Lewis presented a request to abandon the Stivala/Bogardus lot line adjustment which was originally approved May 2, 2006. The Stivala's are selling their property and a title search shows the acreage conveyed with the lot line adjustment is encumbered with a mortgage. The bank is unwilling to release the 4.25 acres. The abandonment of the lot line adjustment will allow the Stivala's to move forward with the sale of their property and return the 4.25 acres to the Borgardus' and the bank. Discussion followed.

Supervisor Carr motioned as the legal time requirement of five years has passed there is no objection to the abandonment of the Stivala/Bogardus subdivision of 2006, as the required legal time requirement of five years has passed. Councilmember Breslin seconded the motion all in favor motion carried. (5-years, Carr, Breslin, Cunningham, Nahas, Marriott)

Ken Dudley with Emerald Square provided the board with engineered plans for his site plan application. Supervisor Carr will speak with Code Enforcement Officer Asaro to see if the submission has met the necessary requirements for the board to move forward with the Site Plan Review.

A member of the audience inquired if there will be back ground checks performed on the applicants hired for the data collection for the Assessor's scratch inventory? Supervisor Carr explained the Assessor is conducting the interviews and he is of the understanding that the candidates, under consideration at this time, have a past or current working relationship with him. If he considers hiring someone whom he has not worked with previously then the back ground check would be prudent.

The question was raised as to why the designated smoking signs were not yet placed at Brandow Park. Supervisor Carr explained he had not yet met with the Hwy Superintendent to determine where they should be placed. As the weather is getting warmer he will move forward with this task so the signs can be made and placed.

Councilmember Cunningham expressed a concern regarding the increasing inquiries by solar companies and their representatives for viable parcels to house solar farms. As the Town of Durham does not have zoning the process is a Site Plan Application and if approved a building permit. Attorney Rappleyea explained many other towns have zoning and have made amendments to their zoning laws to permit solar farms and or panels if they weren't previously permitted. Councilmember Cunningham clarified that he is not for or against solar; he would like to see the board and residents educated so they can make informed decisions as the opportunities to obtain solar energy arrive. Discussion followed; suggestions were to hold a forum inviting solar experts, residents, and environmentalists to educate all who are interested on the pros and cons of solar farms and energy. What you should ask if you are considering solar energy, what are the tax advantages, what is the advantage to leasing or owning etc.? Jan Perlin offered to reach out to her contacts to obtain some viable dates to have this forum.

Councilmember Cunningham motioned to adjourn at 8:53 p.m., seconded by Councilmember Nahas.

Respectfully Submitted,

**Chris Kohrs,
Clerk/Collector**