

Minutes of the meeting of the Town Board of the Town of Durham held August 5, 2003 at the Town Building in Oak Hill, N.Y.

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

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

The Supervisor called the work session to order at 7:03 P.M. with the Pledge to the Flag. There were thirty-seven people present.

Mr. Carr made a motion to open the public hearing for the proposed Mass Gathering Law at 7:05 p.m. seconded by Mr. Hulbert.

Mr. Young requested that Mr. Carr conduct the meeting for summary and review. Mr. Carr stated that the purpose of the meeting was to present the final draft to the residents, offer them a chance to comment and then for the Board to vote on the law. He explained that there still may be some areas that will need to be amended after the law has been in place but the goal was to get it into place and work with event holders and residents on issues as they became obvious.

Mr. McGoldrick was the first to address the Board and began by complimenting the Board on the final draft, commenting that they did a fine job listening to both sides of the issue and arriving at an agreeable compromise. A gentleman from the audience also complimented the Board on behalf of the neighbors who originally brought the issue to the Board's attention.

The following areas were clarified or reviewed and it was agreed these areas would be reviewed as the need arose and amended as needed:

- the time frame for filing for a permit, the minimum is one month and the maximum could be up to a year
- it may be difficult to fulfill all areas when the permit is initially filed, ie) law enforcement approval eight months ahead of the event date
- clarified that fifty square feet per person included the event area and the continuous parking
- plan for emergency preparedness could include arrival and departure signage, fire and EMS protection, etc.
- clarified that when a permit is issued to sell beer it includes the sale of wine also
- clarified that the event holder is not required to provide a camping area however, if the event holder did provide camping the guidelines used were the same as the state would enforce
- suggested that a decibel limit be set for operational hours as well as quiet hours
- the boundary area of 500 feet from adjacent property may be too close
- defined refuse collection of surrounding properties as adjoining properties

Mr. Carr concluded with the statement that it is necessary to point out that the event holders that initially prompted this law did a commendable job in handling the difficulties that they were faced with. They acted in a responsible manner to try to rectify the problems as they arose. It is the town's intention through this law to aid others as they try to have events in the town and to assist them in the permit process, not to make it difficult.

Mr. Young made the motion to close the public hearing on the Mass Gathering Law seconded by Mrs. Sutton.

Mr. Young made a motion to open the work session at 7:40 p.m.

Mr. Carr made a motion seconded by Mrs. Sutton that the proposed Mass Gathering Law be approved and filed with the state, all were in favor.

**Roll Call: Mr. Hulbert Yea
 Mr. Carr Yea
 Mr. Elpel Yea
 Mrs. Sutton Yea
 Mr. Young Yea**

Mr. Carr made the motion, seconded by Mrs. Sutton to open the public hearing for the Suwara subdivision at 7:45 p.m.

Mr. Meehan an abutting property owner asked if the Board knew the purpose of the subdivision. It was explained that information is not required by the Board. The Board reviewed the plans again. As no one was present to represent the Suwaras, on the advice of the town attorney a decision was postponed until they could be present. The town clerk will contact the Suwaras and request that they attend the next workshop September 2, 2003 with the proper number of plans for approval and to answer questions from the abutting neighbors.

Mr. Carr made the motion seconded by Mr. Elpel to close the public hearing on the Suwara subdivision.

Mr. Carr made the motion to reopen the work session seconded by Mrs. Sutton.

Mr. and Mrs. Moore presented a boundary change, which the Board reviewed. **Mrs. Sutton made a motion seconded by Mr. Hulbert to schedule a public hearing for September 2, 2003.**

Mr. Ebers of Susquehanna Tpk presented the Board with a request for a boundary change. It is his intent to deed approximately 120 feet to this neighbor. The Board will revisit the request once a copy of the deed indicating the change has been supplied with the application.

Mr. Lamb provided the Board with plans for his proposed subdivision on Kennedy Lane. The application was previously filed. A public hearing was set for September 2, 2003.

Wes Moore asked for feedback pertaining to his proposal presented at the last meeting regarding the possibility of obtaining a three year bond to purchase two trucks. The intent is to maintain the replacement schedule of the trucks and reduce the Highway Department's budget. Wes contacted other towns to find out how they were financing their equipment and maintaining acceptable budgets and he found that many towns were using bonds. Wes explained if the Board should approve he would put the trucks out for bid which would be opened at next month's meeting. He would contact the banks for the lowest interest rates. Mr. Carr stated that he agreed with the concept. Mr. Young admitted that he had not yet reviewed the proposal. No decision was reached.

Mr. Fried complimented the highway department on the excellent job they did on repairing Goff Road.

Mr. Nahas complimented the police department with the assistance they provided with the village wide yard sale in Oak Hill.

Mrs. Moore asked Mr. Young to confirm or deny the statement that he was said to have made concerning Town employees ... that he was going to ask for the resignation of Mr. Moore, Mrs. Moore, Mr. Schmidt and Mr. Sutton. Mr. Young denied that he made any such statement and stated that the individual who said it was a liar and he would like to speak with them about it. Mrs. Moore also asked why Mr. Young hasn't been in the office the last two weeks. He failed to show up to sign a payroll and did not call to say he wouldn't be in. It was necessary for her to contact Mr. Carr to sign the payroll. The reason he had not been in was that he was busy going to other towns to find out how things are done, was how Mr. Young responded to Mrs. Moore's inquiry. Mrs. Moore again asked if Mr. Young wanted her resignation and he replied that he didn't.

Mr. McCall disagreed with Mr. Young and asked if Mr. Young was on his property last week. Mr. Young responded to Mr. McCall that he was not on his property but near it and he had received a complaint from Mr. McCall's neighbor regarding the trailer he was dismantling on the property. Mr. Young said that he was looking at the law and would visit him in the morning with the Code Enforcement Officer.

Mrs. Moore inquired if the video tapes of the office could be requested under FOIL and if so she would request that the cameras be removed due to the sensitive items that are discuss between the Bookkeeper and the Town Clerk. Attorney Rappleyea explained that the tapes could be requested, however, they could be reviewed prior and any sensitive items that are not allowable under FOIL could be redacted. He further explained that the FOIL officer, (Town Clerk), has three days to respond to the request and a "reasonable" amount of time to provide the requested information. The information requested has to specific in nature and the purpose for the request must be made known.

Mr. Carr stated that the reason the video cameras were put into place were to address a harassment complaint and that in fact the harassment appears to have stopped, wherefore, he believes that they are serving a purpose and should remain in use. He also suggested that the

videos be maintained for no more than five days unless a situation occurred that required the Board's attention.

Mr. McCall asked Mr. Rappleyea how complaints are handled by the Town officials and Board. It was explained that anyone who expects action should put their complaint in writing in order for the Board to act.

Mr. Carr explained that he personally doesn't respond to verbal complaints made to him; however, he asks the individual to submit their complaint in writing so that the Board could review and address the situation together.

Mr. Carr stated that he hopes that any employee of the town wouldn't act on a complaint as nebulous as just discussed. If an employee should perform that type of activity they would be accountable to the Board. It would be foolish of the individual to under take any type of visit or inspection that was not properly substantiated.

Mr. Young stated that he took on the job of Health Officer when Dr. Goldstein resigned and as Health Officer he could go up there anytime to inspect the holes from the rodent emergency. Mr. McCall stated that Mr. Young was incorrect; the emergency was no longer in existence and offered to provide Mr. Young with a letter from Mr. Pierce of the NYS Dept. of Health stating this fact.

Mr. Carr made the motion seconded by Mr. Hulbert to adjourn at 8:40 p.m.

Minutes approved:

Chris Kohrs, Deputy Town Clerk