

Minutes of the meeting of the Town Board of the Town of Durham held August 19, 2003 at the Town Building in Oak Hill, N.Y.

Present: Robert Young – Supervisor
 Gary Hulbert - Councilman
 Robert Elpel - Councilman
 Linda Sutton – Councilwoman

Absent: William A. Carr, Jr. – Councilman

Recording Secretary: Charles G. Soderblom – Town Clerk
 Others Present: Wesley Moore - Highway Superintendent
 Tal Rapplelea – Attorney for the Town

The Supervisor called the meeting to order at 7:30 P.M. with the Pledge to the Flag. There were thirty people present.

Mr. Elpel made a motion to approve the minutes of the meetings held July 1, July 15, and July 22, 2003, seconded by Mr. Hulbert and carried.

Mr. Young shared correspondence received from Mr. Maldonado pertaining to a concert scheduled at East Durham Performing Arts Center August 23 and 24. He expects approximately 500 people to attend.

Mr. Young stated that he is working on the 911 signs with John Farrell and two women in his office. Mrs. Sutton asked if the fire departments were aware of that Mr. Young was taking on this project as they were the ones who initially asked to do it. Mr. Young stated that yes the fire departments were aware. Mr. Beechert, Fire Chief of Oak Hill-Durham Fire Co., stated that this was the first he had heard of this. Mr. Young stated, “Well you know it now.” Mr. Young stated that he plans to do one street in East Durham and then one street in Oak Hill. Mr. Young claims that he is going to work with the fire departments and that this has gone on too long. Mr. Young stated that he has spoken with the Chief of East Durham, Mr. Sala and when it comes time to do Oak Hill’s roads he will speak to Mr. Beechert and he spoke with Mr. Moore the Highway Superintendent and they will help him.

Mr. Moore reported that they have completed culvert and roadwork on Old Tyler and Goff Roads. He pulled 648 yards of gravel from Eric Molter’s gravel bank. He plans on using 750 yards of item 4 on the shoulders of the roads that were paved, Cornwallville Road and Hannah Drive. They have sealed Cornwallville Road and Hannah Drive and started on Stone Bridge Road. They also will be completing the end of Elliott Road near Stiefels. The bridge on Stiehl Road has been replaced; the concrete abutments were fine, they installed new steel I-beams, new deck and guardrails and will finish the aprons to the bridge Wednesday. Mr. Moore requested permission to solicit bids for snow sand. Mr. Young complimented Mr. Moore for the work done on the bridge.

Mr. Schmidt read the Building Inspectors report and requested permission to hire an engineer for a couple of houses in Oak Hill slated for demolition. Mr. Young responded with, "You have never hired one before." Mr. Heller rebutted with, "Yes we have twice before, for a house in Oak Hill and the old Post Office in East Durham." Mrs. Sutton asked if the property owner incurs the cost. Mr. Schmidt stated that yes the cost would be applied to the tax bill. Mr. Young asked if he received a written complaint regarding the properties or is he reacting to something, he saw. Mr. Schmidt replied that he was responding to a complaint that Mr. Young had made. Mr. Young stated that he did not believe an engineer was needed. Mr. Schmidt stated that an engineer was needed in order to proceed with the next step of the condemnation process. Mr. Young stated that he wanted to look at the buildings better himself. **Mr. Elpel made the motion to approve the hiring of an engineer seconded by Mrs. Sutton. Mr. Young requested a roll call vote.**

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

The motion was approved with three yeas and one nay and one absent.

Received report from the Judges.

Received report from the Assessor.

Officer Sutton reported that there were 84 complaints for the month of July

Attorney Rappleyea reported that the Mass Gathering Law is filed with the state and requested that the Board call an executive session to discuss pending litigation.

Received Dog Control Officer report. Mr. Tripp was not present to discuss the status of the dog enumeration.

Tax Collector reported that the books were returned to the County Treasurer August 8, 2003.

Chamber Of Commerce reported that there was no meeting in July and they were still waiting for a copy of the letter sent to the Cairo Library Board.

Mr. Hulbert asked Mr. Cullie to update the Board on the process of the Durham Library. Mr. Cullie reported that the committee had not received a copy of the letter and were still waiting to hear from Cairo. Mr. Young stated that he had correspondence from the Cairo Library and the other Board members should also have the same correspondence. Mr. Cullie asked the Board to consider paying the owner, who has been holding space in East

Durham for the library, the agreed upon rent even though the library still is not in place. Mr. Elpel asked if the project was considered a worthwhile project to continue to pursue. Mr. Cullie responded that he felt it was and if Cairo was not interested in partnering with Durham than we could ask Greenville. Mr. Cullie explained that we would have paid the property owner \$900 in rent for the library space had we been able to get the library organized, and recommended that we pay it. He also added that the property owner has not asked for it but he feels that it is the proper thing to do considering that other people have expressed interest in renting the space and they have been turned away. Mr. Young stated he had spoken to Neil Fox of the Irish Cultural Center, and if we were to get a letter together he would present to their Board about possible space. Additional discussion followed. The Board asked Mr. Cullie to talk to the property owner to regarding the past rent and report back at the next business meeting.

Received a report from the Historical Commission.

Mrs. Sutton made the motion seconded by Mr. Hulbert for the Town to ask for bids on snow sand, with all in favor.

The Board received an application for a mass gathering permit, from the Irish Cultural Center. The event is scheduled for September 6, 2003. On a preliminary review it appears that all the information requested is present except for the certificate of insurance and a copy of the beer and wine permit. **Mr. Elpel made the motion seconded by Mr. Hulbert that the permit be approved pending receipt of the afore mentioned items, with all in favor.**

Mr. McCall discussed the review process of the cable contract. He has had a conversation with Milestone Communications and they are confused as to who the contact for the Town. Mr. McCall explained that Milestone is requesting a letter from the Board stating who the contact for contract negotiations will be. Mr. Young explained that the committee he originally appointed was Mr. Holt, Mr. McCall and himself. Mr. Holt has since resigned. Mr. Young stated that he has spoken with Mr. Drake of Milestone and he indicated he is willing to attend a meeting to discuss the contract. Mr. Young continued to state that he has been checking around and has found no problems with Milestone and as they own all the lines in the Town it is his recommendation that they sign the contract and move on. Mr. McCall reminded Mr. Young that there is a state-mandated procedure for this requiring a public meeting. Mr. Young commented that he wasn't aware of it but it was his intention to discuss the matter with Attorney Rappleyea. Mr. McCall requested to be removed from the committee. Mr. Young stated that he would handle the contract negotiations himself.

Mr. Ohm reviewed a recent law allowing Korean Veterans to receive service medals which had previously been issued and then withdrawn due to a statue in the US stating that American Servicemen couldn't wear service medals from a foreign country. He left the information to applying for the medal with the Town clerk. He also pointed out that families of the deceased service men could apply for the medals as well.

Mrs. Lanzilotta approached the Board about purchasing banners welcoming travelers to the Town of Durham. She proposed that the business owners would pay half of the cost and the Town would pay the other. The banners would be placed on the telephone poles on the main road and would be secured on the top and bottom to reduce wear and tear. She has a quote of approximately \$100 per banner and estimates about 20 banners would be purchased. The Board authorized her to approach the business owners about participation and report back at the next meeting. It was also requested that each hamlet be approached not just the East Durham.

Mr. Hulbert asked Mr. Ohm for an update on the reports of Home Depot coming to Greene County. Mr. Ohm explained that the negotiations of this project do not involve the county and are being handled between Home Depot, the Town of Catskill and The NYS Thruway (due to proposed location). To date no date has been released as to when the project will start; however, a public hearing has been scheduled for September 9, 2003 in the Town of Catskill.

Mrs. Sutton asked for an update on the proposed reduction of speed limit on county route 67A. Mr. Young stated that there was nothing to report. The speed signs on Golden Hill Road have been put up as well as the sign for the handicapped child on Susquehanna Turnpike.

Mrs. Sutton requested that the fire companies fill out the town form for submitting their budgets. Mr. Soderblom explained that the forms have been sent.

Mrs. Claire asked the Board if there are any laws in the Town governing noise, dumpster location as to abutting properties and idling of busses. The answer was that there are no noise laws on the books and issues pertaining to noise should be addressed to the NY State Police and Greene County Sheriffs. NYS Department of Health would cover the placement of dumpsters on a property and the condition in which they are kept. There is a State law governing the idling of busses, Officer Sutton offered to assist Mrs. Claire in finding the reference to the law.

A resident asked if what she read in the papers is true, the bickering, and the cameras. Mr. Young replied that there are some things in the paper that are not right, but there are cameras in the office. She asked that Mr. Young take on the paper and sue them. Mr. Young replied that the trouble in the beginning had come to a head and was now done.

Mr. Young moved for an executive session at 8:32 to discuss pending litigation and personnel problems. Mrs. Sutton seconded the motion. All were in favor.

The regular meeting was called back to order at 8:50.

Attorney Rappleyea noted that the only action taken in executive session was that the attorney for the Town was authorized to possibly negotiate a settlement on a tax certiorari case.

Mr. Young made a motion to get rid of Fred Heller and Al Schmidt. He also had a couple of other people that were interested in working for the Town and Fred Heller could break them in. He asked what the Board's feelings were on that. Mr. Hulbert asked what the reasoning was to get rid of them. Mr. Young said "well, this stuff that is in the paper and a lot of stuff, more will be brought up to us, but I don't know if I can bring up the one case, but there is some cases, this stuff that is in the newspaper, that is all wrong, about the firewood and all different things. That is all out of proportion and about a bus." Mr. Fried replied that he doesn't usually get involved in personnel issues, but had to say that he has had a lot of dealings with newspapers many times. The local newspapers are horrendous in getting the facts straight. He thought that to use the papers as a source of accuracy to make a decision whether to keep someone or let them go, was a big mistake. You cannot trust what you read in the papers. He recently had work done on his property and Al came. He said Al was really helpful and gave him a lot of guidance and publicly thanked him. Mr. Fried and Mr. Young further discussed the newspaper article.

Mr. Cullie said if you were to believe the newspapers according to the Greenville Local, the Durham Library is open. Mr. Hulbert asked if the article in the paper had taken place at the Town Board meeting. Mr. Young said he didn't know when they had talked to the reporter. The reporter had to talk to Jimmy or Al Schmidt. Mr. Karkheck replied, "Why are you bringing me in to this for. Being you have, actually the basis of this is that you were pressuring Al Schmidt to write a violation on a property owner that there was at least some sort of discussion, the details of which I don't care, ok that is probably which you are upset about, the paper. But as a result of that, it was my understanding that the Board can, tell me if I am wrong on this, that some point there was a discussion with the Board that you had a worse violation on your own property for at least six or eight months and he had asked you to set a good example and take care of that and you didn't and you haven't to this day, correct? And he wrote you a violation and you threatened him amongst a group of people that you would fire him as a result of it." Mr. Young replied, "No, I didn't." Mr. Karkheck said, "You told other people in the Town and then you said that was a lie and here you are doing it, excuse me, but once again you are making threats in front of witnesses that you later denied and now its taking place, hey, maybe it's a coincidence." Mr. Young said, "When I beat you in the election, he come to my house and I cleaned up my house where I live and in the meantime on 145, he told me I had five vehicles and he wrote me up, I cleaned them vehicles up, right away, there is one there yet, that the guy didn't pick up, so I am out of his hair, I did what I was supposed to do, but for him to say this about me in the paper, that's dead wrong." Mr. Karkheck said, "I read the paper and I believe from my recollection, that what the paper reported was a claim by the owner of the property, maybe you should take issue with that. Nevertheless, the bottom line is, my understanding is that the state codes state, that 2 or more unregistered vehicles are illegal and in which case you were in violation." Mr. Young replied, "Yes, Yes I was." Mr. Karkheck then commented, "You got to do what you got to do and when he wrote you the violation, the very next day, you told him he was out of here." Mr. Young said, "No, no, no, no, this has been going on for a time, time and time, I got complaints and lawsuit." Mr. Karkheck then said, "Keep me out of it." Mr. Young replied, "Ok, I will keep you out of it, no, no, this guy is a born liar, I want it in writing." Mr. Karkheck repeated, "Just leave me out of this." Mr. Young then

said, "This annoys me, really, there is a school bus involved here, I had nothing to do with a school bus, nothing." Mr. Hulbert said, "Apparently the information in the paper did not come from here." Mr. Young said, "Well it came from Al Schmidt's mouth, it says right there if you read the paper, like I told you." Mr. McAll said, "There is a quote from several people in there." Mr. Young then said, "Well you were there too, I expect it from you, but this is wrong Bob, this is wrong." Mr. Karkheck pointed out to Mr. Young that the reporter of the article quoted the property owner not Mr. Schmidt.

Mr. Malone spoke out against Mr. Lucas stating that what was reported in the paper was not remotely correct. He stated that he has been familiar with Mr. Lucas for many years, in fact, the bus referenced was actually on Mr. Malone's property, and he had been after Mr. Lucas to have it removed for quite sometime. Mr. Malone stated that in November Mr. Young was going to have the bus removed at no cost to the town. Mr. Malone had notified Mr. Lucas that he was having the bus removed by a garage in Cairo. When the garage owner found out who was involved they denied ever wanting to have anything to do with it and would not touch it. They didn't want to be involved with anything to do with John Lucas. It was after that that Mr. Malone approached Mr. Young regarding how to get the bus removed. Mr. Lucas removed some of the items from the bus, took them to his building, and stashed the rest of it under Mr. Malone's barn, which he was not aware of until after the bus was removed. Mr. Young had the bus taken away by George Henderson. Mr. Malone stated that the reference to the paper regarding Mr. Young and Mr. Lucas is inaccurate and to disregard whatever Mr. Lucas said.

Mr. McCall stated that it appears to him that Mr. Young's actions have confirmed it; "You told me several months ago you were going to try and get me and it hasn't happened yet although you have tried." Mr. Young stated, "I never said that, never said that, you are a liar, never said that to you." Mr. McCall referenced the minutes of the meeting that quote Mr. Young as saying, "What goes around comes around." Mr. Young rebutted with, "They wrote the minutes wrong I guess." Mr. Young stated that he did not say that he would get Mr. McCall he said he would get the mess straightened out. Mr. Young stated that he was in Oak Hill and that the smoke from the building being torn down is going all through the trailer park and the people are complaining yet they don't want to sign a complaint so he doesn't bring it up. Mr. McCall continued by saying, "It now appears that Mr. Young is treating Mr. Schmidt the same way he has tried to treat him. A person who is not Mr. Schmidt quotes you in the paper, and trying to put what was said as a reason to dismiss him. That is wrong and I feel you are trying to wreak vengeance because Mr. Schmidt wrote you a violation." Mr. Young stated that he never stated in front of witnesses that he would have Mr. Schmidt removed and accused Mr. McCall of being a "born liar."

Mr. Elpel asked if a motion was necessary to pay the membership for the Association of Towns. Mrs. Moore explained that the fee is already in the budget and the notification is for reference purposes, a motion is not necessary. The membership fee is determined by the gross amount of the budget.

Mr. Elpel made the motion seconded by Mrs. Sutton, with all in favor to approve the following transfers:

From:	A1990.400	Contingent	\$183.00
To:	A9040.800	Per Svc-Workers Comp	\$183.00
From:		Hwy Surplus	\$907.00
To:	DA9040.800	Per Svc-Workers Comp	\$907.00

Mr. Young made a motion to dismiss Mr. Schmidt. Mr. Hulbert responded that he would not act on the motion without documentation of the cause. Mr. Young stated he would wait until next meeting at least we know how he feels.

Mr. Hulbert asked Mr. Moore if he was looking for a response from the Board regarding the truck proposal submitted at the last meeting. Mr. Moore responded, “No with everything else that is going on and the stuff going around town.” Mr. Hulbert stated that he had reviewed the proposal and he would be in favor of the purchase of the two trucks provided we were going to continue to motor pave ourselves. Mr. Moore explained that his line item for CHIPS program would not change. They have also found that it is cheaper to have the paving contracted out rather than have our crews do it. It also gets done faster. The trucks should be replaced because they are not road worthy and it is only a matter of time before DOT grounds them. If we bought the two trucks now the equipment budget could roll back from \$120,000/\$130,000 to \$90,000/\$100,000. Financing of the two trucks combined would be \$60,000 a year and he would still have a cushion for the smaller stuff. Mr. Moore stated that he would be able to put approximately \$20,000 from surplus towards the cost of the trucks to lower the amount being financed. Mr. Young asked if he would be able to put \$80,000 towards the purchase. Mrs. Moore explained that we can’t carry the amount of surplus in the highway budget or the state will penalize us. Mr. Moore explained that his proposal would decrease the highway budget and save the taxpayers money. Mr. Moore told Mr. Young that he has heard that Mr. Young is going around town telling people that the Highway Superintendent wants two new trucks and its going to raise taxes. Mr. Young corrected Mr. Moore, after having denied talking about him, that what he said was, “the Highway Superintendent wants two new trucks.”

Mr. Hulbert made the motion seconded by Mrs. Sutton, with all in favor, that the trucks go out to bid as proposed by the Highway Superintendent, with the three-year financing.

Mr. Hulbert made a motion to adjourn seconded by Mr. Elpel at 9:43 p.m.

Minutes approved:

Charles G. Soderblom, Town Clerk