

Minutes of the Emergency Workshop Meeting of the Town Board of the Town of Durham held February 28, 2006 at the Town Building in Oak Hill, NY.

Present: **Gary Hulbert - Supervisor**
Robert Elpel – Councilman
Linda Sutton – Councilwoman
William Carr – Councilman

Absent: **Jodi Wood – Councilwoman**

Recording Secretary **Chris Kohrs –Deputy Clerk**
Others Present: **Tal Rappleyea – Town Attorney**
Assessor – Gordon Bennett

Supervisor Hulbert called the meeting to order at 7:13 PM. There were 34 people present.

Supervisor Hulbert read a memo from Councilwoman Wood. She is aware of the emergency meeting and is unable to attend, waives her right to a written notice.

Supervisor Hulbert explained for all in attendance that the topic of the meeting is to discuss the option of a moratorium on new building and change of use for existing properties until the completion of the Comprehensive Plan. Gordon Bennett began the meeting with an explanation of tax-exempt status as it pertains to real property.

Gordon Bennett explained that for a tax-exempt status to be granted, the applicant must provide his office a 5013C exemption status and must file a 990 with the IRS. The applicant must show that the property use is consistent with the not for profit exemption that was granted.

When a religious organization is issued tax-exempt status, the law does not delineate between charitable and tax-exempt. All that is required for the exemption is that a service be provided which is beneficial to men, women & children and remain consistent with the mission statement of the organization. As long as this requirement is made the entire property is exempt not just the place of worship.

Tal Rappleyea explained that Westerlo has tried to issue a tax exemption on just the place of worship and not the entire parcel(s) and it did not hold up in a court of law. He added that there are a number of proposed laws on this issue sitting in the State Assembly waiting for Legislative action. Everyone was encouraged to contact his or her legislative representatives regarding this issue to urge immediate action.

Peter Lopez, past Executive Assistant to Senator Bonacic, provided the board a report titled “Tax Payer Equity”, outlining legislation that Senator Bonacic and Seward are currently working on.

Con Corbett of the Fern Cliff House stood and addressed the audience regarding the rumors surrounding the sale of his property. He was very upset that a picture of his business printed in the Daily Mail in conjunction with an article about property sold to a

tax-exempt religious organization. He stated that he lost a sale do to the article and rumors around town. He said the buyer was a horse farm not a tax-exempt organization. He asked that the rumors stop and that everyone start working together to improve the appearance of the town to appeal to vacationers and buyers alike.

Mr. Rappleyea explained that he researched the topic of sales to tax exempt organizations at length, and found there is virtually nothing anyone can do to control who a person sells. The only option the town has is to institute a moratorium to control growth and the appearance of the town. As we are in the process of completing a comprehensive plan, a moratorium may make sense. The comprehensive plan will act as a blue print for the town and the direction the residents want to see it move. Nan Stolzenburg (the comprehensive plan consultant) stated to Mr. Rappleyea that it would take approximately six to eight months until the plan is complete. Once complete the plan needs to be implemented by the town. A moratorium would prevent any new subdivision, building permits for anything other than a one or two family residence or agricultural. The moratorium would also need to show what the end goal is. A variance process could be written into the moratorium for hardship cases and a grandfather clause for pending projects.

Sean Frey stated that his concern is for land sales to tax-exempt organizations, and how it affects the tax burden on the remaining taxpayers. Too many properties under the tax exempt umbrella leaves the rest of the taxpayers to absorb the financial burden. Mr. Bennett stated that currently he believes there are between four and five tax-exempt properties on the tax role.

Mr. Carr stated that we needed to continue to look into this topic and as this meeting was not an official meeting no decision could be made. He would most likely ask Mr. Rappleyea to draft a possible moratorium for the March 7 meeting. He also added that community involvement would be essential to the success of the comprehensive plan.

Mr. Carr made a motion seconded by Mrs. Sutton to adjourn at 8:17 p.m.

Minutes approved:

Chris Kohrs, Deputy Town Clerk