

Minutes of the regular meeting of the Town Board of the Town of Durham held March 16, 2010 at the Town Building in Oak Hill, NY.

**Present:**  
**Gary Hulbert - Supervisor**  
**Linda Sutton – Councilperson**  
**Jerry Cunningham – Councilperson**  
**William Carr – Councilperson**  
**Jodi Wood – Councilperson**

**Secretary:** **Chris Kohrs – Town Clerk**

**Others Present:**  
**David Cunningham – Building Inspector**  
**Wes Moore – Highway Superintendent**  
**Tal Rappleyea – Attorney**  
**Larry Cooke-Code Enforcement Officer**  
**Thomas Sutton-Police Sgt.**  
**Sean Frey-County Legislator**

Supervisor Hulbert called the meeting to order at 7:30 p.m. with 19 people present.

Representatives of NYS Dot discussed the East Durham Culvert project. They have reviewed the project site again, and maintain that an onsite detour is not recommended. The area is too confined for large trucks to maneuver, it is their recommendation that there be an off site detour for one week and if the town gives their blessing than they would be willing to fund a \$150,000 (approximately 900 linear feet) towards sidewalks in connection with the construction. Their estimate is three weeks start to finish for the project with a seven-day road close. The road would not close until all material and equipment was on site. The project is estimated to be done in double shifts; and the earliest it could begin is 2012. Some understand the issue with the culvert is it is not able to handle the capacity of water that comes through at certain times of the year. The question was raised is it a capacity issue and/or a structural issue? If not a structural issue, can the capacity issue be corrected by grading upstream and around the culvert? Concerns over loss of business during road closure, what about public safety for fire and ambulance and what if the project takes longer than originally thought. It was stated the neighboring fire districts have committed to assisting with coverage during project. Comments were shared in support of the project with a detour and against. Discussion followed no decision was reached. DOT agreed to investigate the structural soundness of the culvert and the topic will be revisited at a date to be determined.

Attorney Rappleyea announced the meeting between the Code Enforcement officer, owners of Erin's Melody and himself was postponed until Tuesday, March 23, at 5 p.m.

Due to the time, the power point presentation for the Resort Conversion Moratorium was postponed until April 6, 2010.

**Jerry Cunningham motioned to approve and authorize Supervisor Hulbert to sign the contract between Mohawk Hudson Humane Society and the Town of Durham with the addendum stating that dog owner would be required to show proof to the**

**Humane Society that the impound fee was paid prior to the release of the dog. Motion seconded by Mrs. Sutton, all in favor motion carried.** (Hulbert-yea, Sutton-yea, Cunningham-yea, Carr-yea, Wood-yea)

Highway Supervisor Moore reported five storms, 2000 tons of sand and salt used to clear snow, worked with Town of Windham for three days to clear their roads. Brought in additional salt and sand to keep up the storms, will be cleaning up storm damage over the next few weeks.

**Mrs. Sutton motioned to approve the minutes of February 2 and February 16, 2010 seconded by Mr. Cunningham, all in favor motion carried.** (Hulbert-yea, Sutton-yea, Cunningham-yea, Carr-yea, Wood-yea)

Code Officer Cooke reported completing 21 inspections, no new violations. Most inspections were for structures, which collapsed due to snow damage, noting not all of the town has been surveyed. Property owners will be notified to obtain either a demolition permit or a building permit. Attended Codes conference in March and felt it was very educational and one of the best conferences he has attended.

Tax collector reported \$718,594.00 outstanding approximately 25% outstanding.

Received letter from NYS DOT expressing gratitude towards all who assisted with The Town of Windham snow removal.

Judge's report filed.

Sgt. Sutton reported 23 complaints, many storm related, lockouts and accidents.

**Mr. Carr motioned to approve the following transfer, seconded by Mrs. Sutton all in favor motion carried.** (Hulbert-yea, Sutton-yea, Cunningham-yea, Carr-yea, Wood-yea)

FROM:	Hwy Surplus	\$ (10,000.00)
TO:	DA-5142.400 Snow Contractual	\$ 10,000.00

Abstract #1004, consisting of 2010 Vouchers #210 through #228 for \$35,448.12 was reviewed and approved for payment. The total was broken down as follows:

General Funds	\$ 3,969.00
Highway Funds	\$ 115.04
Trust & Agency	\$ 31,364.08

Abstract #1005, consisting of 2010 Vouchers #229 through #290 for \$52,495.56 was reviewed and approved for payment. The total was broken down as follows:

General Funds	\$ 436.96
Highway Funds	\$ 2,358.88
Trust & Agency	\$ 49,699.72

The board collectively thanked the town highway crew for the outstanding job during the recent snowstorms.

Supervisor Hulbert updated the board on the replacement banners for Main Street. Our banner is no longer available. Mrs. Lanzilotta was previously authorized to spend up to \$1,000 for replacement banners and brackets. She will look for a banner similar to what we have.

**Mrs. Sutton motioned to adjourn at 9:28 p.m. seconded by Mr. Cunningham.**

**Minutes approved:**

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Chris Kohrs, Town Clerk