

**A REGULAR MEETING, TOWN OF DURHAM, DECEMBER 21, 2010**

A meeting of the Town Board of the Town of Durham, County of Greene and the State of New York was held at the Town Hall, 7309 State Route 81, East Durham, NY on the 21<sup>st</sup> day of December 2010.

<b>PRESENT:</b>	Gary Hulbert	----	Supervisor
	Jerry Cunningham	----	Councilperson
	Linda Sutton	----	Councilperson
	Chris Kohrs	----	Town Clerk

<b>ABSENT:</b>	William Carr	----	Councilperson
	Jodi Wood	----	Councilperson

**OTHERS PRESENT:** Alan Beechert-Highway Superintendent, Larry Cooke-Code Enforcement Officer, David Cunningham-Building Inspector, and eight community members.

Supervisor Hulbert called the meeting to order 7:32 p.m.

**Mrs. Sutton moved to approve the minutes of November 2 and 16, 2010 seconded by Mr. Cunningham all in favor motion carried.** (3-yea, Hulbert, Cunningham, Sutton 2-Absent, Carr, Wood)

Highway Superintendent Beechert reported removing dead trees, repaired a ditch on Cochrane Road, also have a beaver problem on Diedrick Road dug out drain and culvert pipe under the road and will need to find someone to trap the beaver. We have experienced some nuisance storms requiring salt and sand treatment. Received the final chips payment on December 15 \$13,977 making the total received for 2010 \$140,031. The new plow truck is in Maryland where the truck towing it broke down.

Code Enforcement Officer Cooke reported completing twelve inspections resulting in one new violation issued, one existing case closed and one case remains in Town Court. He has issued a permit for Albany County Emergency Services to co-locate on the tower in East Windham. GSK construction is moving forward at a steady pace and the Cell Tower on McCafferty Road has received all the equipment and should be on line this week. He requested permission to have town Attorney Rappleyea draft a local law addressing un-kept properties, overgrown, rubbish etc., allowing the Town to remedy the situation and all expenses involved with the remediation to be put on the property tax bill. He responded to a fire call on Stonitch Road at the request of the Oak Hill Fire Vol. Fire Co.

He has obtained information regarding the regulation by DEC of outdoor boilers. He has learned the DEC will not have the second round of public hearings. DEC has pulled back on some of the regulations. There will no regulation of existing units. New regulations, which will be voted on November 22, will apply to new units effective April 15, 2011. Some of the major manufactures have stated if the regulations pass, they will pull their business from NY, as NY is too difficult to deal with.

Building Inspector Cunningham reported issuing one agriculture permit, one demolition permit, two certificates of occupancy and two certificates of compliance.

The board received reports from the judges.

**Mrs. Sutton motioned to extend the contract with ERO, who is handling the Estuary and Open Space grants for the Town to June 30, 2011, seconded by Mr. Cunningham all in favor motion carried.** (3-yea, Hulbert, Cunningham, Sutton 2-Absent, Carr, Wood)

The 2011 Organizational meeting will be January 4 at 7:30 p.m.

The board reviewed the Borwegen Subdivision for lot 22.00-4-20 consisting of 1.5 acres. The Borwegen's wish to convey .77 +/- acres to Durham Rescue and the remaining .75 +/- acres will be annexed to the adjoining lot 22.00-4-19 currently owned by Borwegen's. The proposed use for the .77 +/- acres is for a helicopter pad.

**Upon review and completion of the SEQR form Mr. Cunningham moved to make a negative declaration for the subdivision of parcel, 22.00-4-20 seconded by Mrs. Sutton all in favor motion carried.** (3-yea, Hulbert, Cunningham, Sutton 2-Absent, Carr, Wood)

**Mrs. Sutton moved to approve the Borwegen Subdivision for parcel 22.00-4-20 a Simple Subdivision as described in Local Law #3 of 2005 seconded by Mr. Cunningham all in favor motion carried.** (3-yea, Hulbert, Cunningham, Sutton 2-Absent, Carr, Wood)

**Mrs. Sutton moved to approve the lot line correction for parcel 48.00-3-1, 48.00-3-2, 48.00-3-3 originally presented to the board in 2001. As it was considered an error in the deed descriptions and corrected at the county level in 2001, Town did not understand that it required their approval. In addition, note that when the County corrected the tax map and descriptions new parcel ids were issued 48.00-3-23, 48.00-3-24 and 48.00-3-25. Motion seconded by Mr. Cunningham all in favor motion carried.** (3-yea, Hulbert, Cunningham, Sutton 2-Absent, Carr, Wood)

The board reviewed subdivision application for Mr. Oestreicher located at 4742 County Route 20, parcel ID 20.00-1-7. Mr. Oestreicher proposes to subdivide his 10.16-acre parcel into two lots. As both lots share a common driveway/right of way, the board requested that the survey note that a road maintenance agreement must be signed and made part of the deed. No action taken will return at 01/04/11 meeting.

**Mr. Cunningham moved to approve the following transfers and vouchers seconded by Mrs. Sutton, all in favor motion carried.** (3-yea, Hulbert, Cunningham, Sutton 2-Absent, Carr, Wood)

FROM:	A-1990.400	Contingent	\$ 1,913.00
TO:	A-1420.400	Law, Contractual	\$ 887.00
TO:	A-1460.400	Records Management	\$ 14.00
TO:	A-3120.400	Police, Contractual	\$ 830.00
TO:	A-7410.400	Reading Room, Contractual	\$ 182.00
FROM:		General Surplus	\$ 8,100.00
TO:	A-8020.400	Planning, Contract	\$ 8,100.00
FROM:		Highway Surplus	\$ 6,550.00
TO:	DA-5130.400	Machinery	\$ 500.00
TO:	DA-5142.400	Snow, Contractual	\$ 6,000.00
TO:	DA-9089.803	Uniform Maintenance	\$ 50.00
FROM:		Lighting Surplus	\$ 10.00
TO:	SL-5182.27	Durham District	\$ 10.00

**Abstract #1022, consisting of 2010 Vouchers #922 through #941 for \$33,109.32 broken down as follows:**

Trust & Agency \$ 33,109.32

**Abstract #1023, consisting of 2010 Vouchers #942 through #992 for \$57,783.57 broken down as follows:**

General Funds \$ 29,648.60  
Highway Funds \$ 27,337.64  
Street Lighting \$ 797.33

**Mrs. Sutton made a motion and seconded by Mr. Cunningham to adjourn the meeting at 8:20 PM.**

**Minutes approved:**

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Chris Kohrs, Town Clerk