

**A REGULAR MEETING, TOWN OF DURHAM, FEBRUARY 15, 2011**

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 15th, day of February.

**PRESENT:** Gary Hulbert ---- Supervisor  
Jerry Cunningham ---- Councilperson  
Linda Sutton ---- Councilperson  
Jodi Wood ---- Councilperson  
Chris Kohrs ---- Town Clerk

**ABSENT:** William Carr ---- Councilperson

**OTHERS PRESENT:** Alan Beechert-Highway Superintendent, Tal Rappleyea-Attorney, Larry Cooke-Code Enforcement Officer, and eleven community members.

Supervisor Hulbert called the meeting to order 7:31 p.m.

**Mrs. Sutton motioned to approve the minutes of January 4 and 18, 2011 seconded by Mr. Cunningham all in favor motion carried.** (4 yea – Hulbert, Sutton, Cunningham, Wood 1-Absent, Carr)

Supervisor Hulbert read notice of a public hearing February 23, 2011 Durham Town Hall 6 p.m. regarding the pilot program between GSK and Greene County IDA. They have proposed a ten-year freeze on property and school taxes at the current 2011 tax rate.

Highway Superintendent Beechert reported plowing and sanding 21 days using approximately 2660 tons of sand and salt and 1366 gallons of calcium. The 2000 International was out of commission for a short time as the snowplow was damaged when Mansard Avenue intersection heaved three inches at Route 145.

Rich Lendin, Durham Ambulance reported the squad received thirty-nine calls, with twenty-five transports, four canceled calls, two calls were turned over, and six calls refused medical attention. Since they implemented the pay per call plan, they have been able to fill most of the schedule and will have six new certified emergency medical technicians in the March class.

Supervisor Hulbert read the report for the Building Inspector, issued four certificates of compliance and one certificate of occupancy.

Code Enforcement Officer Cooke reported no new violations, work continues on GSK and Blackthorne.

The board received reports from the court.

Attorney Rappleyea reported the Garfinkel family needs to deed the cemetery to the town; the board would then need to pass a resolution to accept ownership. The board instructed him to draft a deed and obtain a survey.

Clerk/Collector Kohrs reported collecting \$2,509,771.24 taxes \$409.30 penalties leaving \$921,588.16 left uncollected. The town has received all its funds \$1,896,840.36 the remaining funds and uncollected taxes will be paid to the county. The town retains the penalties collected.

Town Historian Nick Nahas reported the Oak Hill Cemetery has been nominated for State and National Historic Places Registration. March 12 will be the Oak Hill Preservation meeting. June 5, cemetery workshop, July 30 Oak Hill Days and summer movies throughout the summer time and location to be announced. The Oak Hill Preservation secured a grant to assist in the Bates Hollow Church Restoration project. Many of our community members participate in the Annual Christmas Celebration and the donation is in honor of Ralph Hull.

**Ms. Wood offered the following resolution and moved its adoption:**

**RESOLUTION #2011-02 RESOLUTION TO MODIFY SENIOR  
CITIZENS' AND DISABILITY LOW INCOME REAL PROPERTY TAX  
EXEMPTIONS**

**WHEREAS**, the Town Board of the Town of Durham deems it necessary and proper to modify the senior citizens' real property tax exemption to increase the maximum income eligibility level of the Town of Durham;

**NOW, THEREFORE**, the town Board of the Town of Durham, pursuant to the authority of Real Property Tax Law section 467, does hereby resolve as follows:

**Section 1.** This resolution is enacted in accordance with the provisions of Section 467 of the New York State Real Property Tax Law. All definitions, terms and conditions

exemptions allowed by law have been subtracted from the total amount assessed.

**Section 3.** To be eligible for the exemption provided by Section 467 of the New York State real Property Tax Law and implemented by this resolution, the maximum income of such person shall not exceed \$20,500.00 to qualify for the 50% exemption. Additionally, any such person having a higher income shall be eligible for exemption in accordance with the following schedule. The letter M represents the maximum amount set by the Board for the 50% exemption

**Be IT RESOLVED**, that the income of the owner or the combined income of owners of real property who are sixty-five years of age or over must not exceed \$20,500.00;

And:

**WHEREAS**, pursuant to Section 459-c of the Real Property Law, persons disabled with limited incomes who are owners of real property shall be exempt from Town taxes to the extent of fifty per centum of the assessed valuation if said owners fulfill certain qualifications, including a documented Social Security or Railroad disability and a limited income which does not exceed an amount fixed by this Board,

Resolved, that this income amount shall be effective for the assessment roll to be completed and filed in 2011

| <u>ASSESSED</u><br><u>ANNUAL INCOME</u><br><u>FROM</u> | <u>PERCENTAGE</u><br><u>VALUATION EXEMPT</u><br><u>TAXATION</u> |
|--|---|
| More than (M) but less than (M + \$1,000)              | 45%   |
| (M + \$1,000 or more) but less than (M + \$2,000.00)   | 40%   |
| (M + \$2,000 or more) but less than (M + \$3,000.00)   | 35%   |
| (M + \$3,000 or more) but less than (M + \$3,900.00)   | 30%   |
| (M + \$3,900 or more) but less than (M + \$4,800.00)   | 25%   |
| (M + \$4,800 or more) but less than (M + \$5,700.00)   | 20%   |

Income tax year shall mean a twelve month period for which the owner filed a federal personal tax return, or if no such return is filed, the calendar year. Where title is vested in either the husband or the wife, their combined income shall be considered. Such income shall include social security and retirement benefits, interest, dividends, total gain from the sale or exchange of a capital asset which may be offset by a loss from the sale or exchange of a capital asset in the same income tax year, net rental income, salary or earnings, and net income from self-employment, but shall not include a return of capital, gifts, inheritances, payments made to individuals because of their status as victims of Nazi persecution, as defined in P.L. 103-286 or monies earned through employment in the federal foster grandparent program and any such income shall be offset by all medical and prescription drug expenses actually paid which were not reimbursed or paid for by insurance, or veterans disability compensation, as defined in Title 38 of the United States Code. In computing net rental income and net income from self-employment no depreciation deduction shall be allowed for the exhaustion, wear and tear of real or personal property held for the production of income.

**Section 4.** No exemption shall be granted unless the property is exclusively for residential purposes, provided, however, that in the event any portion of such property is not so used exclusively for residential purposes but is used for other purposes, such portion shall be subject to taxation and the remaining portion only shall be entitled to the exemption, provided herein.

**Section 5.** This Resolution shall take effect immediately.

**Mrs. Sutton seconded the motion.**

The question of the adoption of the foregoing resolution was duly put to a vote of roll call, which resulted as follows: Four yeas and one absent

|                |            |
|----------------|------------|
| Mr. Hulbert    | voting Yes |
| Mrs. Sutton    | voting Yes |
| Mr. Cunningham | voting Yes |
| Mr. Carr       | Absent     |
| Ms. Wood       | voting Yes |

The resolution was thereupon declared adopted.

The board received a Mass Gathering Application from the Michael J Quill Irish Cultural and Sports Centre for their Annual Memorial Day Irish Festival, May 28 and 29, 2011 they will review and discuss at the March 1 meeting. Mrs. Wood noted the letter received by MJQIC&SC from the East Durham Vol. Fire Co regarding emergency access and water supply and stated these concerns need to be addressed prior to approval of the permit. The Town Clerk will contact Mr. McGoldrick regarding this.

The board discussed the proposed property maintenance law. Code Enforcement Cooke explained that this is covered in the state code however; state code does not explain how to enforce the code. His proposal would give the town the tool to enforce the code. Discussion followed no action was taken.

The board discussed extending the moratorium on Motel Conversions, which expired December 15, 2010. Mr. Cunningham offered to contact the Conservation Council for guidance additional discussion followed. Mr. Cunningham will arrange for the Conservation Council to make a presentation of their services at a future meeting and Attorney Rappleyea will draft a law to extend the moratorium.

Mrs. Rascoe announced the Durham New York Chamber would meet Wednesday February 16, 7 p.m. at the town hall.

The board approved payment of the following:

**Abstract #102, consisting of 2011 Vouchers #137 through #155 for \$37,034.66 broken down as follows:**

|                |              |
|----------------|--------------|
| General Funds  | \$ 4,573.90  |
| Trust & Agency | \$ 32,460.76 |

**Abstract #103, consisting of 2011 Vouchers #156 through #224 for \$407,471.22 broken down as follows:**

|               |               |
|---------------|---------------|
| General Funds | \$ 102,247.20 |
| Highway Funds | \$ 105,620.66 |

Minutes of February 15, 2011

|                 |               |
|-----------------|---------------|
| Fire Protection | \$ 198,757.00 |
| Street Lighting | \$ 846.36     |

**Mrs. Sutton motioned to adjourn at 8:19 p.m. seconded by Mr. Cunningham.**

**Minutes approved:** \_\_\_\_\_  
Chris Kohrs, Clerk/Collector