

**A REGULAR MEETING, TOWN OF DURHAM, MARCH 1, 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 13th, day of March.

<b>PRESENT:</b>	Gary Hulbert	----	Supervisor
	William Carr	----	Deputy Supervisor
	Jerry Cunningham	----	Councilperson
	Linda Sutton	----	Councilperson
	Jodi Wood	----	Councilperson
	Chris Kohrs	----	Town Clerk

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

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

The board reviewed the Subdivision application for the Estate of Madeline Asaro requesting to subdivide a 53.85 acre plot into two plots, lot one 3.85 acres and lot two 50 acres. Paul Asaro presented the application as Executor of the estate. The board requested documentation authorizing him to act as executor and take this action. The public hearing will be April 5 at 7:30 p.m. noting the public hearing would not take place if the documentation were not received in time for the public notice to be filed.

**Ms. Wood motioned to approve the Mass Gathering Application received by the Michael J. Quill Irish Cultural and Sports Centre with Code Enforcement Officer Cooke ensuring the concerns raised by the East Durham Fire Co. are addressed prior to the event opening May 28, 2011. Motion seconded by Mr. Cunningham all in favor motion carried. (5-years, Hulbert, Sutton, Cunningham, Carr, Wood)**

**Mr. Carr offered the following resolution and moved its adoption:**

**RESOLUTION 2011-03 IN MEMORY OF STEVE TIRPAK**

WHEREAS, Steve Tirpak has served as Town Justice from May 1972 through December 1973 and January 1991 through December 1991, also as Councilman from January 1974 through December 1978 for the Town of Durham, therefore

BE IT RESOLVED that we the Town Board of the Town of Durham respectfully submit to the Divine Will of Almighty God by his calling to himself of Steve Tirpak, who served this Town conscientiously and well, always putting the affairs of his fellow man before all thought of self. He conducted himself in all town matters with kindness and humility but with firmness of purpose. In the passing of Steve Tirpak, the Town of Durham loses a good citizen. We extend to the members of his immediate family our heartfelt sympathy in their bereavement.

Seconded by Councilman Mrs. Sutton and carried.

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

Mr. Hulbert	voting Yea
Mrs. Sutton	voting Yea
Mr. Cunningham	voting Yea
Mr. Carr	voting Yea
Ms. Wood	voting Yea

The resolution was thereupon declared adopted.

**Mr. Carr offered the following resolution and moved its adoption:**

**RESOLUTION 2011-04 IN MEMORIUM OF PAUL COLVIN**

WHEREAS, Paul Colvin has served as Assessor from January 1970 through December 1977 and from September 1993 through December 1997, also as Councilman from July 1983 through December 1987 for the Town of Durham, therefore

BE IT RESOLVED that we the Town Board of the Town of Durham respectfully submit to the Divine Will of Almighty God by his calling to himself of Paul Colvin, who served this Town conscientiously and well, always putting the affairs of his fellow man before all thought of self. He conducted himself in all town matters with kindness and humility but with firmness of purpose. In the passing of Paul Colvin, the Town of Durham loses a good citizen. We extend to the members of his immediate family our heartfelt sympathy in their bereavement.

**The motion was seconded by Ms. Wood.**

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

Mr. Hulbert	voting Yea
Mrs. Sutton	voting Yea
Mr. Cunningham	voting Yea
Mr. Carr	voting Yea
Ms. Wood	voting Yea

The resolution was thereupon declared adopted.

**Mr. Carr offered the following resolution and moved its adoption:**

**RESOLUTION 2011-05 IN MEMORIUM OF DONALD ARMSTRONG**

WHEREAS, Donald O. Armstrong has served as equipment operator for many

years for the Town of Durham, therefore

BE IT RESOLVED that we the Town Board of the Town of Durham respectfully submit to the Divine Will of Almighty God by his calling to himself of Donald O. Armstrong, who served this Town conscientiously and well, always putting the affairs of his fellow man before all thought of self. He conducted himself in all town matters with kindness and humility but with firmness of purpose. In the passing of Donald O. Armstrong, the Town of Durham loses a good citizen. We extend to the members of his immediate family our heartfelt sympathy in their bereavement.

**The motion was seconded by Mr. Cunningham.**

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

Mr. Hulbert	voting Yea
Mrs. Sutton	voting Yea
Mr. Cunningham	voting Yea
Mr. Carr	voting Yea
Ms. Wood	voting Yea

The resolution was thereupon declared adopted.

**Mrs. Sutton offered the following resolution and moved its adoption:**

**RESOLUTION # 2011-06 CORRECTION OF 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 so as 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 of such statute shall apply to this resolution.

**Section 2.** *Real property in the Town of Durham owned by one or more persons, each of whom is 65 years of age or over, or real property owned by husband and wife or by siblings, one of whom is 65 years of age or over, shall be exempt from taxation by the Town to the extent of fifty percent (50%) of the assessed valuation thereof, as hereinafter provided in Section 4. Such exemption shall be computed after all other partial 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

**ANNUAL INCOME**

**PERCENTAGE ASSESSED  
VALUATION EXEMPT  
FROM TAXATION**

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%
<i>(M + \$5,700 or more) but less than (M + \$6,600.00)</i>	<i>15%</i>
<i>(M + \$6,600 or more) but less than (M + \$7,500.00)</i>	<i>10%</i>
<i>(M + \$7,500 or more) but less than (M + \$8,400.00)</i>	<i>5%</i>

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.

**The motion was seconded by Ms. Wood.**

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

Mr. Hulbert	voting Yea
Mrs. Sutton	voting Yea
Mr. Cunningham	voting Yea
Mr. Carr	voting Yea
Ms. Wood	voting Yea

The resolution was thereupon declared adopted.

Proof of Notice having been furnished; the Public Hearing on the Local Law #1 Extending a Temporary Six Month Moratorium on Approvals Involving Resorts was called to order at 7:49 p.m. by Supervisor Hulbert.

All those wishing to be heard, having been heard (none), the public hearing was closed at 7:51 p.m.

**Mr. Cunningham motioned to approve Local Law #1 Extending a Temporary Six Month Moratorium on Approvals Involving Resorts, seconded by Mrs. Sutton all in favor motion carried.** (5-yeas, Hulbert, Sutton, Cunningham, Carr, Wood)

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

**RESOLUTION 2011-07 SUPPORTING THE TOUR OF THE CATSKILLS CYCLING EVENT**

**WHEREAS** The Tour of the Catskills is one of America's premier cycling events August 5, 6 and 7, 2011; and

**WHEREAS** The Tour of the Catskills has grown to become one of the most anticipated cycling races in the Northeast, and

**WHEREAS** The Tour of the Catskills is holding their forth Annual event, and

**WHEREAS** The Tour of the Catskills will stage part of their cycling Route through the Town of Durham along County Route 20 through Cornwallville and Durham as well as County Route 10 in Durham; and

**WHEREAS** The Tour of the Catskills is an event that encourages tourism to Greene County and the Town of Durham; therefore,

**BE IT RESOLVED** that by the action of the Town Board they resolve to support the Tour of the Catskills and are honored to be included in this prestigious event.

**The motion was seconded by Mrs. Sutton**

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

Mr. Hulbert	voting Yea
Mrs. Sutton	voting Yea
Mr. Cunningham	voting Yea
Mr. Carr	voting Yea
Ms. Wood	voting Yea

The resolution was thereupon declared adopted.

**Ms. Wood motioned to adjourn at 7:56 p.m. seconded by Mrs. Sutton.**

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