

A REGULAR MEETING, TOWN OF DURHAM, NOVEMBER 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 1st, day of November.

PRESENT: Gary Hulbert ---- Supervisor
William Carr ---- Deputy Supervisor
Jerry Cunningham ---- Councilperson
Linda Sutton ---- Councilperson
Chris Kohrs ---- Town Clerk

ABSENT: Jodi Wood ---- Councilperson

OTHERS PRESENT: Alan Beechert-Highway Superintendent, David Cunningham, Building Inspector, Nick Nahas-Historian, Tal Rappleyea-Attorney & Thomas Sutton – Police Sgt. and 11 community members.

Supervisor Hulbert called the meeting to order 7:34 p.m.

Rich Lendin, Durham Rescue addressed the board regarding a health issue for residents residing in South Durham Estates. Due to storm damage, a culvert has been washed out impeding access to ten residences on the Durham end of the private road to South Durham Estates. The rescue squad responded to an emergency call and they had to cross the creek on a footbridge with the stretcher and walk into the residence and back. The trek took 45 minutes round trip. They are very concerned for the well-being of the residents and residences beyond this washed out culvert. Emergency services cannot get their equipment to them in case of a fire or life threatening event. Mr. Lendin asked if there is anything, the town could do.

The board explained that they are aware of the situation and equally concerned for the well being of the residents and residences, as well as the personnel called upon to respond in case of an emergency. When Greene County and the Town of Durham were under a state of emergency due to Hurricane Irene, Mr. Hulbert contacted emergency control to have the residents evacuated; when emergency services responded, the residents stated they were fine and did not want to leave.

Mrs. Zorba has contacted Mr. Beechert to find out what needed to be done to bring the road up to town specs so it could be turned over to the town. He provided the information and she was speaking with the other residents to find out how they would proceed.

The board discussed options and as it is a private road, the town cannot make the repairs unless a special district is established and the cost of the repairs and build up is levied back to the residents. **Mr. Carr motioned that the residents be notified that they have 72 hours to evacuate or present a viable plan for repairs to the town board that is acceptable to the board and emergency personnel in as short a time as is legally allowed. Seconded by Mrs. Sutton**

all in favor motion carried. (Hulbert-yea, Sutton-yea, Cunningham-yea, Carr-yea, Wood-Absent)

Proof of Notice having been furnished, the Public Hearing on the DeGeyter Subdivision was called to order at 7:44 p.m. by Supervisor Hulbert.

The following person(s) spoke in support of the proposed subdivision:

None

The following person(s) spoke against the proposed subdivision:

None

All persons desiring to be heard, having been heard, the Hearing was terminated at 7:47 p.m.

After review of the SEQR form Mr. Cunningham motioned to make a negative declaration on the SEQR seconded by Mr. Carr, all in favor motion carried. (Hulbert-yea, Sutton-Yea, Cunningham-yea, Carr-yea, Wood-Absent)

Mr. Cunningham motioned to approve the subdivision of Bruce & Shelia DeGeyter, 34.00-1-37 to subdivide 5.22 acres from 16.031 acres contingent upon receipt of the Mylar seconded by Mrs. Sutton, all in favor motion carried. (Hulbert-yea, Sutton-Yea, Cunningham-yea, Carr-yea, Wood-Absent)

Kevin Rounds, representing Robert Elpel and Bartholomew Cournane presented to the board an application and survey for a simple subdivision. Mr. Elpel wishes to subdivide 1.352 acres from parcel 21.00-5-12 to be merged with Mr. Cournane's parcel 21.00-4-64.

Mr. Carr motioned that the simple subdivision be approved contingent with the language being added to the survey that the 1.352 acres will be merged into Mr. Cournane's existing parcel and the deed will be corrected to include the additional acreage, seconded by Mr. Cunningham all in favor motion carried. (Hulbert-yea, Sutton-Yea, Cunningham-yea, Carr-yea, Wood-Absent)

Proof of Notice having been furnished, the Public Hearing on the 2012 Budget was called to order at 7:56 p.m. by Supervisor Hulbert. Mr. Hulbert explained that there will be no increase in the Town of Durham property taxes from 2011 to 2012.

The following person(s) spoke in support of the proposed 2012 budget:

None

The following person(s) spoke against the proposed 2012 budget:

None

All persons desiring to be heard, having been heard, the Hearing was terminated at 7:58 p.m.

Mr. Carr moved to adopt the 2012 proposed budget as follows: General Fund \$676,032.00, Highway Fund \$1,032,075.00 Fire Protection Districts \$204,538.00 and Street Lighting Districts \$9,700.00, seconded by Mrs. Sutton all in favor motion carried. (Hulbert-yea, Sutton-Yea, Cunningham-yea, Carr-yea, Wood-Absent)

Resolution 2010-15 2010 Annual Budget

A RESOLUTION ADOPTING A BUDGET FOR THE FISCAL YEAR COMMENCING JANUARY 1, 2012 AND ENDING DECEMBER 31, 2012, MAKING APPROPRIATIONS FOR THE CONDUCT OF THE TOWN OF DURHAM AND ESTABLISHING THE RATES OF COMPENSATION FOR OFFICERS AND EMPLOYEES FOR SUCH PERIOD.

WHEREAS, this board has met at the time and place specified in the notice of public hearing on the preliminary budget and heard all persons desiring to be heard thereon; now, therefore, be it

RESOLVED, that the preliminary budget as amended and revised and as hereinafter set forth is hereby adopted and that the several amounts stated in the column titled "Adopted" in Schedule A1, Schedule DA1, Schedule SF1, and Schedule SL1 be and they hereby are appropriated for the objects and purposes specified and the salaries and wages stated in such budget shall be and are hereby fixed at the amounts shown therein effective November 1, 2011.

**Motion to adopt the resolution made by Carr
Seconded by Sutton**

Hulbert	Yea
Sutton	Yea
Cunningham	Yea
Carr	Yea
Wood	Absent

The motion is hereby carried.

Jayme Kuhn presented the board with a Site Plan Application to construct a 36 x 48 pole barn on his property located at 21.00-4-24, to house his insulation trucks. The current use of the property is commercial and shall remain the same.

Mr. Hulbert moved to waive the public hearing as the use of the property will not change seconded by Mrs. Sutton all in favor motion carried. (Hulbert-yea, Sutton-Yea, Cunningham-yea, Carr-yea, Wood-Absent)

Mr. Carr moved to approve the Site Plan Application presented by Jayme Kuhn to construct a 36 x 48 pole barn at 21.00-4-24 seconded by Mrs. Sutton all in favor motion carried. (Hulbert-yea, Sutton-Yea, Cunningham-yea, Carr-yea, Wood-Absent)

Mr. Rappleyea explained that the Asaro Subdivision is still on the books. Ms. Asaro has passed and as soon as an executor has been assigned to her estate the application process is expected to move forward.

Mrs. Sutton motioned to approve AC Fence to repair the bottom rail of the fence between the basketball court and the tennis court, seconded by Mr. Carr, all in favor motion carried. (Hulbert-yea, Sutton-Yea, Cunningham-yea, Carr-yea, Wood-Absent)

Herb Fried asked the board to research the discussion regarding Fracking in New York State. Governor Cuomo has open comments until December 3. Mr. Rappleyea explained that regardless of what the state approves the local municipalities will be able to incorporate their own rules and regulations. Mr. Cunningham stated he has visited the Pennsylvania sites twice and wonders if we would be able to do Fracking in this area due to the large volume of water required for the process. He agreed additional research was necessary.

Mr. Robinson, President of Cairo-Durham Little League expressed his appreciation to the board on their cooperation in ensuring Brandow Park was restored and now that the fence is set to regulation distance he feels more games and tournaments will be played at Brandow. The board stated they plan to demolish the existing block building due to the storm damage and construct a new building prior to the opening of baseball season.

At 8:16 p.m. Mr. Cunningham requested an executive session to discuss the disciplinary action of an employee seconded by Mr. Carr all in favor motion carried. (Hulbert-yea, Sutton-Yea, Cunningham-yea, Carr-yea, Wood-Absent)

Mr. Hulbert called the work session back to order at 8:26 p.m. stating that the disciplinary action form will be completed and reviewed with the employee.

The board approved the voucher for the new snow plow in the amount of \$207,916.00 to Tracey Road Equipment, Inc.

Mr. Cunningham motioned to adjourn at 8:31 p.m. seconded by Mrs. Sutton. All were in favor and the motion carried.

Minutes approved: _____
Chris Kohrs, Town Clerk