

A REGULAR MEETING, TOWN OF DURHAM, DECEMBER 6, 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 6th, day of December.

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

ABSENT: Jodi Wood ---- Councilperson

OTHERS PRESENT: Joe VanHolsteyn-Deputy 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 7:31 p.m.

Mr. Cunningham offered the following resolution and moved its adoption:

RESOLUTION #2011-17 RESOLUTION TO MODIFY 2012 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

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 2012

<u>ASSESSED ANNUAL INCOME VALUATION EXEMPT FROM TAXATION</u>	<u>PERCENTAGE</u>
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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	voting Yes
Ms. Wood	Absent

The resolution was thereupon declared adopted.

Proof of Notice having been furnished; the Public Hearing for the proposed subdivision for parcel id 33.00-6-10 owned by Susan and Vincent Carney, located on County Route 20, Durham was called to order at 7:34 p.m. by Supervisor Hulbert.

The Carney's wish to take their 7.6 +/- acre parcel and divide it into two parcels lot one would be 4.973 +/- acres and lot two would be 2.63 +/- acres.

All those wishing to be heard, having been heard (none), the public hearing was closed at 7:37 p.m.

After review of the short form SEQR, Mrs. Sutton moved to make a negative declaration on the Carney Subdivision seconded by Mr. Carr all in favor motion carried. (4-yea Hulbert, Sutton, Cunningham, Carr, 1-Absent Wood)

Mr. Carr moved to accept the proposed subdivision of Susan and Vincent Carney seconded by Mrs. Sutton, all in favor motion carried. (4-yea Hulbert, Sutton, Cunningham, Carr, 1-Absent Wood)

The board reviewed the subdivision application submitted by Joy James, parcel id 22.00-3-31.2. Ms. James wishes to subdivide 10-01 +/- acres from her 44.8 +/- acre parcel. The subdivided parcel is to be conveyed to Michael Allen and is proposed to remain an undeveloped wooded lot. The public hearing is set for February 7, 2012 at 7:30 p.m., the Town Clerk will send out the appropriate notices.

Resolution 2011-16 Purchase of a 2012 Dodge 1500 4x4 Pickup

Councilman Carr offered the following resolution and moved its adoption:

WHEREAS, the Town of Durham has need of a pickup truck; and

WHEREAS, the State of New York has advertised and has chosen Albany Dodge, Inc. as the contractor

WHEREAS, Albany Dodge, Inc. quoted a price of \$18,977.94 based on 2012 NYS contract # PC65018 for the Town of Durham to purchase said vehicle;

NOW THEREFORE, be it

RESOLVED, that the Town of Durham does hereby agree to purchase said 2012 Dodge 1500 4x4 Pickup \$18,977.94

Seconded by Councilperson Cunningham

The question of the adoption of the foregoing resolution was duly put to a vote of roll call, which resulted as follows: 4 yeas, 0-Nays, 1-Absent

Mr. Hulbert-yea
Ms. Wood-absent

Mrs. Sutton-yea
Mr. Cunningham-yea

Mr. Carr-yea

The resolution was thereupon declared adopted.

Mrs. Sutton motioned to approve the following transfers:

FROM:	Highway Surplus	\$ 203,000.00
<i>TO:</i>	A-5130.200 Machinery, Capital	
	<i>Note: 2012 Western Star Final Entry</i>	
FROM:	A-1990.400 Contingent	\$ 1,300.00
<i>TO:</i>	A7110.400 Parks, Contractual	
	<i>Note: Repairs to tennis & basketball courts damaged from Irene</i>	

Seconded by Mr. Cunningham all in favor motion carried. (4-yea Hulbert, Sutton, Cunningham, Carr, 1-Absent Wood)

The board discussed the proposed contract from Sweet Ridge Security. Sweetridge would like us to sign a three-year contract to monitor our security system. Previously we have had an annual contract. The board directed Supervisor Hulbert to ask for a one-year contract.

Mr. Cunningham motioned to approve the request from the Town Clerk to purchase two desktop computers and a request from the Assessor's office to purchase one desk top computer. In both cases, the current computers are slowing down and are starting to have problems with hardware. Mrs. Sutton seconded the motion all in favor motion carried. (4-yea Hulbert, Sutton, Cunningham, Carr, 1-Absent Wood)

Mrs. Sutton noted the minutes of November 15, 2011 needed to be corrected to read Highway Superintendent Beechert not Moore.

JoAnn Rascoe, Durham NY Chamber of Commerce President thanked everyone who contributed to the success of Christmas In Durham, a special thanks to the Zoom Flume-Aragona family for donating Climb Time climbing wall and to the Blackthorne-Handel family for the spectacular fireworks show.

Mrs. Rascoe also thanked the board for taking an active roll in the discussion regarding the proposed Great Wolf water park for the New Baltimore exit. Everyone was reminded that the Greene County IDA would hold a public hearing at the Catskill High School, December 8, 2011 at 6 p.m.

In addition, Mrs. Rascoe announced the Chamber would once again wish to erect the ice skating rink under the pavilion at Brandow Park. Mr. VanHolsteyn will inspect the site to ensure that all the debris and clean up is complete from the storm damage caused by Hurricane Irene and Tropical Storm Lee. As soon as the temperature permits the necessary people will be assembled to complete the project.

Mr. Cunningham motioned to adjourn at 8:08 p.m. seconded by Mrs. Sutton. All were in favor and the motion carried.

Minutes approved: _____
Chris Kohrs, Town Clerk