

Minutes of the Regular Monthly Workshop Meeting of the Town Board of the Town of Durham held February 6, 2018 at the Town Hall commencing at 7:30 p.m.

**Present:** Shawn Marriott, Supervisor  
Nick Nahas, Deputy Supervisor  
Joan Breslin, Councilmember  
Linda Sutton, Councilmember

**Absent:** Jerry Cunningham, Councilmember

**Recording Secretary:** Janet Partridge, Town Clerk

**Others Present:** Chris Kohrs, Court Clerk  
Patti Fetty, Deputy Clerk  
David Cunningham, Building Inspector  
Karen Tirpak, Bookkeeper  
Lois Rockefeller, Bldg Dept Clerk  
Thomas Sutton, Police Sgt.  
Joseph vanHolsteyn, Highway Superintendent  
Paul Capulli, Deputy Highway Superintendent  
Aidan O'Connor, Legislator  
Tal Rappleyea, Town Attorney  
20 community members

Supervisor Marriott called the meeting to order at 7:30 pm followed by the pledge to the flag.

Cairo-Durham Superintendent, Anthony Taibi explained to the Board about a new career-tech ed program being launched by Questar III based at the Durham Elementary Building starting in September 2018. High school students in Greene and Columbia counties will have access to a new two-year Heavy Equipment Operation and Maintenance program Questar III will offer juniors and seniors the opportunity to learn how to operate, repair, and maintain a variety of heavy construction equipment that would be found at any major job site. Local heavy equipment operation and maintenance industries have been instrumental in the planning and design of this program and Questar III looks forward to continuing to work closely with these business partners to provide students with ongoing work-based learning opportunities.

Taibi also says housing the program at the Durham School represents an important step towards attaining the district's vision of bringing vital programming and enhanced curricular opportunities back to the Durham building.

Supervisor Marriott went over the updated Investment Policy shared with the Board at the last meeting. The State Comptroller's office mandates all towns to review, update, modify and accept the Investment Policy on a yearly basis.

**A motion was made by Deputy Supervisor Nahas to accept the following resolution:**

**RESOLUTION 2018-05**

**TOWN OF DURHAM INVESTMENT POLICY**

**I. SCOPE**

This investment policy applies to all moneys and other financial resources available for deposit and investment by the (unit of government) on its own behalf or on behalf of any other entity or individual.

**II. OBJECTIVES**

The primary objectives of the local government's investment activities are, in priority order:

- To conform with all applicable federal, State and other legal requirements (legality)
- To adequately safeguard principal(safety)
- To provide sufficient liquidity to meet all operating requirements (liquidity)
- To obtain a reasonable rate of return (yield).

**III. DELEGATION OF AUTHORITY**

The governing board's responsibility for administration of the investment program is delegated to the (chief fiscal officer or other officer having custody of money) who shall establish written procedures for the operation of the investment program consistent with these investment policies. Such procedures shall include internal controls to provide a satisfactory level of accountability based upon records incorporating the description and amounts of investments, the fund(s) for which they are held, the place(s) where kept, and other relevant information, including dates of sale or other dispositions and amounts realized. In addition, the internal control procedures shall describe the responsibilities and levels of authority for key individuals involved in the investment program.

**IV. PRUDENCE**

All participants in the investment process shall seek to act responsibly as custodians of the public trust and shall avoid any transaction that might impair public confidence in the (unit of government) to govern effectively.

Investments shall be made with prudence, diligence, skill, judgment, and care, under circumstances then prevailing, which knowledgeable and prudent persons acting in like capacity would use, not for speculation, but for investment, considering the safety of the principal as well as the probable income to be derived.

All participants involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions.

**V. DIVERSIFICATION**

It is the policy of the (unit of government) to diversify its deposits and investments by financial institution, by investment instrument, and by maturity scheduling.

The governing board shall establish appropriate limits for the amount of investments which can be made with each financial institution or dealer, and shall evaluate this listing at least annually.

**VI. INTERNAL CONTROLS**

It is the policy of the Town of Durham for all moneys collected by any officer or employee of the government to transfer those funds to the Supervisor within 30 days of deposit, or within the time period specified in law, whichever is shorter.

The Town Supervisor is responsible for establishing and maintaining internal control procedures to provide reasonable, but not absolute, assurance that deposits and investments are safeguarded against loss

from unauthorized use or disposition, that transactions are executed in accordance with management's authorization, properly recorded, and managed in compliance with applicable laws and regulations.

#### VII. DESIGNATION OF DEPOSITARIES

The banks and trust companies that are authorized for the deposit of moneys, and the maximum amount which may be kept on deposit at any time, are:

Depository Name	Maximum Amount	Officer
1.		
2.		

#### VIII. SECURING DEPOSITS AND INVESTMENTS

All deposits and investments at a bank or trust company, including all demand deposits, certificates of deposit and special time deposits (hereinafter, collectively, "deposits") made by officers of the Town of Durham that are in excess of the amount insured under the provisions of the Federal Deposit Insurance Act shall be secured by a pledge of "eligible securities" with an aggregate "market value" (as provided by the GML Section 10) that is at least equal to the aggregate amount of deposits by the officers. See Schedule A of this policy for a listing of "eligible securities."

#### IX. COLLATERALIZATION AND SAFEKEEPING

Eligible securities used for collateralizing deposits made by officers of (the unit of government) shall be held by (the depository or a third party) bank or trust company subject to security and custodial agreements.

The security agreement shall provide that eligible securities (or the pro rata portion of a pool of eligible securities) are being pledged to secure such deposits together with agreed-upon interest, if any, and any costs or expenses arising out of the collection of such deposits upon a default. It shall also provide the conditions under which the securities (or pro rata portion of a pool of eligible securities) may be sold, presented for payment, substituted or released and the events which will enable the local government to exercise its rights against the pledged securities. In the event that the pledged securities are not registered or inscribed in the name of the (unit of government), such securities shall be delivered in a form suitable for transfer or with an assignment in blank to the Town of Durham or the custodial bank or trust company. Whenever eligible securities delivered to the custodial bank or trust company are transferred by entries on the books of a federal reserve bank or other book-entry system operated by a federally regulated entity without physical delivery of the evidence of the obligations, then the records of the custodial bank or trust company shall be required to show, at all times, the interest of the government in the securities (or the pro rata portion of a pool of eligible securities) as set forth in the security agreement. The custodial agreement shall provide that pledged securities (or the pro rata portion of a pool of eligible securities) will be held by the bank or trust company as agent of, and custodian for, the (unit of government), will be kept separate and apart from the general assets of the custodial bank or trust company and will not be commingled with or become part of the backing of any other deposit or other bank liability.

The agreement shall also describe how the custodian shall confirm the receipt, substitution, or release of the collateral and it shall provide for the frequency of revaluation of collateral by the custodial bank or trust company and for the substitution of collateral when a change in the rating of a security causes ineligibility. The security and custodial agreements shall also include all other provisions necessary to provide the (unit of government) with a perfected security interest in the eligible securities and to otherwise secure the local government's interest in the collateral, and may contain other provisions that the governing board deems necessary.

## X. PERMITTED INVESTMENTS

As provided by General Municipal Law Section 11, the (governing board of the unit of government) authorizes the (chief fiscal officer, treasurer, or other officer having custody of money) to invest moneys not required for immediate expenditure for terms not to exceed its projected cash flow needs in the following types of investments:

- Special time deposit accounts in, or certificates of deposit issued by, a bank or trust company located and authorized to do business in the State of New York
- Obligations of the United States of America
- Obligations guaranteed by agencies of the United States of America, where the payment of principal and interest are guaranteed by the United States of America
- Obligations of the State of New York
- With the approval of the State Comptroller, obligations issued pursuant to Local Finance Law Section 24.00 or 25.00 (i.e., Tax Anticipation Notes and Revenue Anticipation Notes) by any municipality, school district or district corporation in the State of New York other than the (unit of government)
- Obligations of the (unit of government,), but only with moneys in a reserve fund established pursuant to General Municipal Law Section 6-c, 6-d, 6-e, 6-f, 6-g, 6-h, 6-j, 6-k, 6-l, 6-m, or 6-n.

All investment obligations shall be payable or redeemable at the option of the Town of Durham within such times as the proceeds will be needed to meet expenditures for purposes for which the moneys were provided and, in the case of obligations purchased with the proceeds of bonds or notes, shall be payable or redeemable in any event at the option of the (unit of government) within two years of the date of purchase.

Time deposit accounts and certificates of deposit shall be payable within such times as the proceeds will be needed to meet expenditures for which the moneys were obtained, and shall be secured as provided in Sections VIII and IX herein.

Except as may otherwise be provided in a contract with bondholders or noteholders, any moneys of the Town of Durham authorized to be invested may be commingled for investment purposes, provided that any investment of commingled moneys shall be payable or redeemable at the option of the (unit of government) within such time as the proceeds shall be needed to meet expenditures for which such moneys were obtained, or as otherwise specifically provided in General Municipal Law Section 11. The separate identity of the sources of these funds shall be maintained at all times and income received shall be credited on a pro rata basis to the fund or account from which the moneys were invested.

Any obligation that provides for the adjustment of its interest rate on set dates is deemed to be payable or redeemable on the date on which the principal amount can be recovered through demand by the holder.

## XI. AUTHORIZED FINANCIAL INSTITUTIONS AND DEALERS

All financial institutions and dealers with which the (unit of government) transacts business shall be creditworthy, and have an appropriate level of experience, capitalization, size, and other factors that make the financial institution or the dealer capable and qualified to transact business with the Town of Durham. The Town Supervisor shall evaluate the financial position and maintain a listing of proposed depositaries, trading partners, and custodians. Recent Reports of Condition and Income (call reports) shall be obtained for proposed banks, and security dealers that are not affiliated with a bank shall be required to be classified as reporting dealers affiliated with the New York Federal Reserve Bank, as primary dealers. The Town of Durham shall maintain a list of financial institutions and dealers approved for investment purposes, and establish appropriate limits to the amounts of investments that can be made with each financial institution or dealer.

## XII. PURCHASE OF INVESTMENTS

The Town Supervisor is authorized to contract for the purchase of investments:

1. Directly, from an authorized trading partner
2. By participation in a cooperative investment agreement with other authorized municipal corporations pursuant to Article 5-G of the General Municipal Law and in accordance with Article 3-A of the General Municipal Law.

All purchased obligations, unless registered or inscribed in the name of the local government, shall be purchased through, delivered to and held in the custody of a bank or trust company. Such obligations shall be purchased, sold, or presented for redemption or payment by such bank or trust company only in accordance with prior written authorization from the officer authorized to make the investment. All such transactions shall be confirmed in writing to the (unit of government) by the bank or trust company.

Any obligation held in the custody of a bank or trust company shall be held pursuant to a written custodial agreement as described in General Municipal Law Section 10(3)(a). The agreement shall provide that securities held by the bank or trust company, as agent of, and custodian for, the Town of Durham, will be kept separate and apart from the general assets of the custodial bank or trust company and will not be commingled with or become part of the backing of any other deposit or other bank liability. The agreement shall also describe how the custodian shall confirm the receipt and release of the securities. Such agreement shall include all provisions necessary to secure the local government's perfected interest in the securities, and the agreement may also contain other provisions that the governing board deems necessary. The security and custodial agreements shall also include all other provisions necessary to provide the Town of Durham with a perfected interest in the securities.

The Town Supervisor can direct the bank or trust company to register and hold the evidences of investments in the name of its nominee, or may deposit or authorize the bank or trust company to deposit, or arrange for their deposit with a federal reserve bank or other book entry transfer system operated by a federally regulated entity. The records of the bank or trust company shall show, at all times, the ownership of such evidences of investments, and they shall be, when held in the possession of the bank or trust company, at all times, kept separate from the assets of the bank or trust company. All evidences of investments delivered to a bank or trust company shall be held by the bank or trust company pursuant to a written custodial agreement as set forth in General Municipal Law Section 10(3)(a), and as described earlier in this section. When any such evidences of investments are so registered in the name of a nominee, the bank or trust company shall be absolutely liable for any loss occasioned by the acts of such nominee with respect to such evidences of investments.

## XIII. COURIER SERVICE

The Town Supervisor may, subject to the approval of the governing board by resolution, enter into a contract with a courier service for the purpose of causing the deposit of public funds with a bank or trust company. The courier service shall be required to obtain a surety bond for the full amount entrusted to the courier, payable to the (unit of government) and executed by an insurance company authorized to do business in the State of New York, with a claims-paying ability that is rated in the highest rating category by at least two nationally recognized statistical rating organizations, to insure against any loss of public deposits entrusted to the courier service for deposit or failure to deposit the full amount entrusted to the courier service.

The Town of Durham may agree with the depository bank or trust company that the bank or trust company will reimburse all or part of, but not more than, the actual cost incurred by the Town of Durham in transporting items for deposit through a courier service. Any such reimbursement agreement shall

apply only to a specified deposit transaction, and may be subject to such terms, conditions and limitations as the bank or trust company deems necessary to ensure sound banking practices, including, but not limited to, any terms, conditions or limitations that may be required by the banking department or other federal or State authority.

#### XIV. ANNUAL REVIEW AND AMENDMENTS

The Town of Durham shall review this investment policy annually, and it shall have the power to amend this policy at any time.

#### XV. DEFINITIONS

The terms “public funds,” “public deposits,” “bank,” “trust company,” “eligible securities,” “eligible surety bond,” and “eligible letter of credit” shall have the same meanings as set forth in General Municipal Law Section 10.

**Seconded by Councilmember Breslin, all in favor, resolution adopted.** (4 Yeas – Marriott, Nahas, Breslin, Sutton – 1 absent-Cunningham)

The 2018 Mohawk Hudson Humane Society Contract was discussed.

**A motion was made by Councilmember Breslin to approve the 2018 Contract with the Mohawk Hudson Humane Society, seconded by Deputy Supervisor Nahas, all in favor, motion carried.** (4 Yeas – Marriott, Nahas, Breslin, Sutton – 1 absent-Cunningham)

The Comprehensive Plan Committee meeting planned for February 7<sup>th</sup> has been cancelled due to weather and is rescheduled for February 21<sup>st</sup> at 7:30 pm at the Durham Town Hall.

**Deputy Supervisor Nahas brought the following resolution before the Board:**

### **RESOLUTION 2018-06**

Be it Resolved

That the Durham Comprehensive Plan Committee is established as a Committee of the Town of Durham with chairman and initial members appointed by the Town Supervisor,

That the Committee shall meet regularly in open meetings to prepare a Draft Revision of the Durham Comprehensive Plan of 2008,

That the Committee is authorized to seek grant funding for professional services and assistance in the preparation of the Draft Revision and to recommend to the Town Board the engagement of professional services and assistance,

That the Committee is authorized to appoint additional members as needed,

That at the conclusion of its work, the Committee shall recommend the Draft Revision to the Town Board for adoption by resolution as the new Durham Comprehensive Plan,

That the new Comprehensive Plan shall serve as a guide for the Town Board for any actions involving land use regulation, and

That upon adoption of the new Durham Comprehensive Plan, the Committee shall be dissolved.

**Seconded by Councilmember Breslin, all in favor, Resolution adopted.** (4 Yeas – Marriott, Nahas, Breslin, Sutton – 1 absent-Cunningham)

Supervisor Marriott has been contacted by Mid-Hudson Cable who would like to renew their Franchise contract with the town of Durham. They are looking for a 15 year contract agreement. Marriott shared a copy of the contract with the Board members and asked them to review it.

Legislator O'Connor shared Emergency Numbers Magnets and other brochures to those in attendance. The county meeting scheduled for February 7<sup>th</sup> is being moved to Monday the 12<sup>th</sup> in anticipation of the impending weather. The county will be voting on the new jail in March.

O'Connor is looking to have another town-wide meeting soon, suggested maybe having it in conjunction with a Comprehensive Plan Committee meeting as a way to work together forming new ideas.

Mid-Hudson was awarded a little over six million dollars in phase three of the grant process. They have not announced how much of that will be used in Durham.

Supervisor Marriott received notice from Terry McGee-Ward, Greene County Dept. of Human Services Executive Director, that the Greene County Children, Youth & Community Advisory Board is sponsoring the 2018 Youth of the Year Award. Applications are available in the Town Clerk's office for anyone interested.

Attorney Rappleyea gave an overview of what the Board will need to look at in order to set a standard for the use of Solar Arrays. The town does not have zoning so it will have to create a law. Rappleyea shared a copy of the Law he put together for the Town of Greenville regulating Solar Arrays. Small arrays are handled by a building permit, the commercial array standards are outlined in the law. Rappleyea continued his explanation of what he put together for Greenville. He discussed exemptions, overrides of state exemption, pilot programs, substation power.

The Town Board is looking to start a Solar Array Committee. If you are interested in being on the committee, please contact Supervisor Marriott.

Supervisor Marriott received a letter from the Department of Army on the permit Application form Cornwallville Conservation Corporation relating to the rehabilitation of a dam spillway. It was reported none of the work associated with the rehabilitation of the dam spillway, nor any of the other activities described in the above referenced drawing would be conducted within a

manner that is within the jurisdiction of this office, and/or is not a regulated activity under the jurisdiction of the office of the Department of the Army.

Councilmember Sutton wants a copy of the letter given to the assessor's office so all landowners have the information in their file.

Highway Superintendent vanHolsteyn shared his resolution, pursuant to the provisions of Section 284 of the Highway Law, agreement to spend town highway funds. The Board will review the resolution between now and the next meeting.

The highway employee wages were discussed. Marriott explained the members of the Board who voted on the budget last year were under the impression that there was a 3% increase in all highway employees' wages. VanHolsteyn read a letter to the board explaining how he applied wage increases. He further explained it was protocol that the Deputy would get a certain amount above the highest paid highway employee. Discussion followed.

**A motion was made by Councilmember Breslin to bring all highway employees' wages to a 3% increase, seconded by Deputy Supervisor Nahas.**

<b>Marriott</b>	<b>Yea</b>
<b>Nahas</b>	<b>Yea</b>
<b>Breslin</b>	<b>Yea</b>
<b>Sutton</b>	<b>No</b>
<b>Cunningham</b>	<b>Absent</b>

**The motion is carried.**

**Councilmember Breslin offered the following resolution and moved its adoption:**

**Resolution 2018-07**

"Whereas, the duties of the office of Deputy Highway Superintendent are increasing, and

Whereas the Town Board is has the sole legal authority and responsibility to set wages for Town Employees,

Now therefore be it resolved that The Town of Durham Deputy Highway Superintendent will be paid \$.50/hour higher than the highest paid highway employee."

The motion was seconded by Deputy Supervisor Nahas.

Mr. Marriott	Aye
Mr. Nahas	Aye
Ms. Breslin	Aye
Mr. Cunningham	Absent
Ms. Sutton	Nay

The resolution was thereupon declared adopted.

Van Holsteyn informed the Board, for the storm coming tomorrow, the Town of Greenville has asked him if he would share a driver and truck since they are down a vehicle. He will send Wes Moore and a truck to help them out.

The new metal detector for the Court Grant addition is here. Supervisor Marriott asked the Board to look over the policy to see if there needs to be any updates.

Marriott would like us to update the Town of Durham's hiring process. He would like to review the paperwork and also add a background check.

**A motion was made by Deputy Supervisor Nahas to authorize Assessor Bennett to hire a new data collector upon confirmation that all paperwork is in order, seconded by Councilmember Breslin, all in favor, motion carried.**

**At 9:15 pm Deputy Supervisor Nahas motioned adjourn, seconded by Councilmember Breslin.**

**Respectfully Submitted,**

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**Janet Partridge,  
Clerk/Collector**