

Minutes of the meeting of the Town Board of the Town of Durham held April 1, 2003, at the Town Building in Oak Hill, N.Y.

Present: Robert Young – Supervisor
 Gary Hulbert - Councilman
 Robert Elpel - Councilman
 Linda Sutton – Councilwoman

Absent William Carr – Councilman

Recording Secretary: Chris Kohrs – Deputy Town Clerk
 Others Present: Wesley Moore - Highway Superintendent
 Tal Rappleyea – Attorney for the Town

The Supervisor called the meeting to order at 7:30 P.M. with the Pledge to the Flag. Seventeen people were present.

Mr. Young had distributed the correspondence.

A motion was made by Mr. Elpel and seconded by Mr. Hulbert to open the Public Hearing on the Durham Woods Subdivision. All were in favor. Elliot Fishman from Santo Associates explained that this project is a 19-lot subdivision with total acreage being 38.44 acres. It is located on the south side of State Route 145 between Brown Road and Hillcrest Road. The 19 lots proposed range in size from 1.4 to 2.75 acres. They intend to construct the road through the property to town specifications. They will do detailed soil analysis on each of the lots to prove that it can support on site septic systems. There are six small areas regulated by the United States Army Core of Engineers. There will be one entrance onto Rt. 145 ending in a cul-de-sac. They will be single-family homes. John Montoro, partner and architect and Robert Gardner, president of the project introduced themselves. Mr. Elpel had a concern about the septic systems. The tests will be done in conjunction with the NYS DOH. Mr. Rappleyea has sent out letters under the State Environmental Review Act Law that any plans for septic systems that will go into this project will have to be approved by the NYS DOH, because there are greater than seven lots in this subdivision. Tal Rappleyea explained that the process for a major subdivision under the Town Law is a lot different from a minor. A major subdivision there is a preliminary approval, which is on for this evening, but you do not have to vote, you have 62 days to have a vote. If the board requires further testing, it can be done before the vote. Mr. Rappleyea said that the town board would receive a proposal from Lamont Engineering in Cobleskill. They will review the findings from Santos and the DOH reports, on behalf of the town. Durham Woods submitted \$5,000 for the escrow account to pay for the engineering and attorney fees. Attorney Rappleyea asked if a traffic study had been conducted. They estimated 19 trips in a peak hour. He also asked if they had spoken with Mr. Winans from DOT and they had had some initial discussions. In addition, he asked if he had any minimum setbacks, as far as building. They said that buildings for Federal Regulated Wetlands do not have any setback requirements, septic does. The only impact to any of the Wetlands will be an area where the road will be and it is only a little more than half of their maximum threshold. Tal asked if they had any plans for carrying away the water that will be disturbed. There will be grading and fill involved and as part of the next phase of work, they will do a drainage study. Tal asked what the

steepest incline would be on the roadway. The detailed design on the grading for the roadway has not been completed. However, they are confident they can keep it under the 10% maximum slope in accordance with the Town. Tal also asked about erosion and water control during construction phases. Plans will be developed and submitted to the town. Mr. Elpel said there is a very good spring that feeds the pond on the adjacent property. Tal explained that when they deed the road to the Town the right of way would have to run through the back of the property off the cul-de-sac. Mr. Fennesey owns the adjoining property in the back. Tal asked if any investigations had been completed regarding the archeological impacts and historical values. They had not. That would also have to be included in the final paperwork. Mr. Fishman said a letter would be sent to the Historical Preservation to see if it warrants additional studies. Wesley asked if there would be any driveways coming off the cul-de-sac. He would prefer not, because of snow removal. There would be two driveways. **Mr. Hulbert made a motion and seconded by Mr. Elpel to close the Public Hearing. All were in favor.** The next step would be for the board to review the EAF and application and make a declaration of either a Positive or Negative Declaration. A Positive Declaration means that there maybe significant environmental impacts because of this project. We would then require the applicant to do an EIS. You can proceed as planned with a Negative Declaration. They were not asking for approval because they know they have not done a lot of testing, but would like an indication that if the proper soil testing, drainage, are completed, would the project be agreeable. There was further discussion. Mr. Elpel was in favor. Mr. Hulbert thought a preliminary approval while waiting for the appropriate studies to be completed. Mr. Gardner would like to put in a road to have access for the equipment for the preliminary testing and clearing of land. There will be no home construction. **Mr. Hulbert made a motion and seconded by Mrs. Sutton to approve on the condition of the studies to be completed. All were in favor.**

Mr. Young asked Wesley about the Little League Scoreboard for Brandow Park. Beth Phillips had submitted a proposal for a scoreboard at \$1075 from Scoretronics and an extra remote for \$95.

Quotes were requested from:

Anaconda Sports	\$2,500.
Playpro	\$3,424.

A motion was made by Mr. Hulbert and seconded by Mrs. Sutton to purchase the scoreboard from Scoretronics. All were in favor. The highway department will install it and it will be locked up when not in use.

Wesley checked many companies for sealing the basketball and tennis courts at Brandow Park. He only found one out of eight companies. Copeland gave an estimate of \$4,000-\$5,000 on sealing and painting and lining. He is waiting for final figures. He would like to replace the 1997 John Deere Lawn Mower and the 1977 Gradall is getting to the point where it is not worth putting money into it. Therefore, he checked into renting a rubber-tired excavator for the summer and L.B. Smith, Inc. was \$4,500; Finke was \$3750 and Nortrax was \$3,500 per month for 2 months. The quotes for a mower were:

Greenville Saw Service, Inc.	
Simplicity Model Broadmoor 16hp. 44" mower deck	\$3,100.
Keil Equipment Co. Inc.	
John Deere Model LX-266 16hp. 42" mower deck State Contract	\$2,700.
Greene County Power Equipment Inc.	
Cub Cadet Model 1527 17hp 42" mower deck	\$2,133.

Mr. Elpel made a motion and seconded by Mr. Hulbert to purchase the Cub Cadet Model 1527 from Greene County Power Equipment, Inc. All were in favor.

Mr. Young asked if the board had considered joining the Hudson River Valley Greenway. Mr. Hulbert had no problem with it, but Mr. Carr was going to speak to someone about it. Mrs. Sutton spoke to Greenville, but they had not done a lot with it. Mr. Hulbert spoke to Cairo; they had not seen any problems with it. Mr. Hulbert thought we should wait for the next meeting.

Tammy Dutton and Elisa Maxwell from the Four Pines Trailer Park in Oak Hill asked if the Town Board closed the park because of the rodents, how long they would have to relocate. Ms. Dutton said the pest control had visited the property and never introduced themselves and never told them of their findings. Mrs. Sutton asked who had sent them to investigate. Al Schmidt explained the situation and gave a copy to the board from the pest control company. This first started when Sencie Thomsen sent a letter to the Dept of Health and explained there was a rodent problem in Oak Hill. In response to that, Mr. Pierce, Dept. of Health called and asked what would be done about it. Mr. Schmidt explained he was the code enforcement officer, not the health officer, who was out of town due to a death in the family and asked what steps were to be followed. Mr. Pierce explained that Mr. Schmidt needed to contact Mr. Young and explain the complaint and that it needed to be addressed. A survey on the situation is also required and needs to be reported back in five days to Mr. Pierce. Mr. Schmidt explained the situation to Mr. Young who authorized him to act on the suggestion of the board of health and contact a pest control company, as they would know what to look for. Mr. Schmidt met with a representative of the AAA Pest Control company on Saturday morning to visit the properties and conduct the survey. Mr. Schmidt requested that Mr. Young deputize him to act as health officer in the temporary absence of Dr. Goldstein. This enabled him to operate within the health laws and enter the property for the sole purposed to investigate the complaint, with or without the owners consent.

Mr. Hulbert asked the people attending from the trailer park if they had rodents and Ms. Maxwell replied, "No, Sir." Ms. Maxwell said she has been living there for 2 years and has not had a rat problem, but recently put out poison and it has not been touched. Ms. Maxwell was upset that the pest control company did not introduce themselves and spoke to her young son. Ms. Dutton has not had a rodent problem recently. Mr. Hulbert said he had heard rumors that rats were running after the fire. Ms. Maxwell wanted to know why she should buy poison when not everyone else in the trailer park intends to buy poison. Al Schmidt went with the pest control company and asked for a report. Mr. Rappleyea summarized the report and if they refuse to comply with the recommendations, the town would have to proceed with the court to force compliance. Ms. Maxwell said there is an old barn involved and she believes that is one of the biggest places for the rodents. Mr. Dudley owns the park right now, but Mr. Sager receives the rent and is in the process of taking the park back. Al will be sending a copy of the report to the Board of Health. Mr. Hulbert suggested we contact the homeowners listed in the report and ask them to take appropriate action. Al asked if the Board would deputize him as the Health Inspector. Mr. Rappleyea said that Mr. Young should confirm that earlier he had deputized Mr. Schmidt as a Health Inspector. Mrs. Sutton asked if Dr. Goldstein would be involved. Al had spoken to Dr. Goldstein and he thought he was handling it, but Al got a call from Mr. Pierce concerning the problem. Tal explained that once the Dept. of Health reviewed the report, if they perceived that our actions were not enough or improper, then this situation could go from a homeowner's problem to a problem for the town. Tal suggested the town should confirm

the temporary appointment, in order to keep the Dept. of Health out of here. **Mrs. Sutton made a motion and seconded by Mr. Elpel to deputize Al Schmidt temporary health officer for this problem. All were in favor.** Mrs. Sutton asked for updates on the rodent situation. Al asked what to do about the abandoned houses. Tal suggested contacting the owners and if they do not cooperate, we have the right to do it for them and bill them.

Tal Rappleyea said that Durham Woods had executed the escrow agreement, so we should execute it as well. **Mrs. Sutton made a motion and seconded by Mr. Hulbert that the Supervisor sign the escrow agreement. All were in favor.**

James O'Hara, Jr. would like to cut out 11 acres from his 90 acres on Dunn Road and was wondering what the Board would require for completion. **A motion was made by Mrs. Sutton and seconded by Mr. Elpel to approve the minor subdivision. All were in favor.** A public hearing is scheduled for May 6.

Mr. Soderblom brought up the speed limit reduction request for Jennings Road & Golden Hill Road. Mr. Young had sent a letter and it was returned because they did not get an application. The application was filled out and returned; now they need a resolution. There was discussion that Jennings Road had never been discussed but Golden Hill had been previously approved. **Mr. Hulbert made a motion that a resolution be sent concerning the speed reduction on Golden Hill Road and seconded by Mr. Young. All were in favor.**

Resolution to reduce speed limit on Golden Hill Road

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

WHEREAS, the Durham Town Board has considered the matter of a speed limit on Golden Hill Road, a Town road and feels that the current speed limit of 55 MPH is too fast for this road,

NOW THEREFORE, BE IT RESOLVED, that the Durham Town Board hereby requests that the New York State Department of Transportation reduce the allowable speed limit on the road.

Mr. Young seconded the motion.

Voting was as follows:

Elpel	Yes
Hulbert	Yes
Sutton	Yes
Young	Yes

Ayes 4, Noes 0 , Absent 1.
Carr

The motion carried.

There was further discussion on the process of lowering a speed limit. Wesley explained that it could take about 4 to 6 months. **A roll call vote was called to add Jennings to the resolution.**

Gary Hulbert	Yea
Robert Elpel	No
Linda Sutton	No
Robert Young	Yea

2 Yea 2 No Motion was not carried.

Wesley wanted to let the board know that later this week he would be working with Span Crete. They will give him bridge beam rejects at no cost to the town. He expects to use a low bed from Borwegen Excavation and pick up approximately 50 pieces 13' 6" or 15' x 4' 6" x 9". He plans to cut and fit them when doing stream bank work. The only expense he anticipates is an hourly rate to use the trailer and he figures he can put 15 pieces on each load. Wes also is working the county engineer to secure the stone arch bridge in Cornwallville. He would like to put I beams over the bridge to preserve the arch. In the mean time, the weight limit on the bridge has been reduced to four tons.

Jim Karkheck inquired as to if the grant information for the Justice Department had been forwarded to the grant committee. Mr. Young stated that he had passed the information to Mr. Carr not to the committee chair Mr. Cullie. Mr. Carr was not present to offer comment. Mr. Cullie, as committee chair, confirmed that he had not received the information from Mr. Young and neither had any of the committee members.

Mr. Hulbert made the motion to adjourn at 9:25 seconded by Mr. Elpel.

Minutes approved:

Chris Kohrs, Deputy Clerk