

Minutes of the meeting of the Town Board of the Town of Durham held April 15, 2003, at the Town Building in Oak Hill, N.Y.

Present: Robert Young - Supervisor
 William A. Carr, Jr. – Councilman
 Robert Elpel – Councilman
 Gary Hulbert - Councilman
 Linda Sutton – Councilwoman

Recording Secretary: Charles Soderblom - Town Clerk
 Others Present: Wesley Moore - Highway Superintendent
 Gordon Bennett – Sole Assessor

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

Mr. Young had passed out correspondence to the Board members. The Greene County Council on the Arts submitted a request for \$250 toward their Sprout Program. **Mr. Hulbert made a motion and seconded by Mr. Carr to approve the request for \$250 toward the Sprout Program. All were in favor.**

Wesley Moore gave the Highway Superintendents report for March. There were a few more snow and ice storms and used up all their sand and salt. He ordered 100 tons ordered from International Salt and he borrowed some from DOT out of Cairo to get us through the last storm. They have hauled in just over 1000 tons of Item #4 for road repairs and 918 tons of crushed stone from Carver. They started patching the hard surface roads in the last few weeks. He was getting ready to junk the 1990 Dodge Pickup, but Jim Slingerland stopped on Monday and Wesley sold it for \$50, saving the Town the expense of hauling it to the junkyard. The truck was in bad shape; transmission, motor, radiator, and brakes are shot, broken coil spring, worn ball joints, worn rear suspension, rusted cab, leaky windshield, and worn tires. He also donated the used John Deer lawn mower, that we had replaced with a new unit, to the Durham Rescue Squad to mow their lawn. It should help them out for a couple of years.

The Building Inspector issued eight building permits and seven CO's. He has spoken to four people about the collapsed buildings and hope that they will be taken down by May 31. Mr. Young asked Mr. Schmidt to explain to all why he had deputized him as Health Officer in the absence of Mr. Goldstein. Mr. Schmidt explained that he received a call from Bob Pierce, NY DOH about a rodent complaint in Oak Hill and they would need to receive a report within 5 days. Al suggested that he be appointed deputy health inspector, in Dr. Goldstein's absence. There was further discussion. Mr. Schmidt said that he would resign tonight because he did not think he was needed anymore. Dr. Goldstein said, "I don't think you should, because I have resigned. So you need somebody to act in this capacity, you don't have anybody, except him." There was further discussion and Dr. Goldstein explained how the present administration makes his job so complex and not worth it. Mr. Carr asked if Dr. Goldstein would give a little detail. He further explained

that Mr. Young had contacted him and explained the rodent problem and that Mr. Schmidt was taking care of it. Mr. Goldstein asked if he was needed to do anything. Dr. Goldstein felt that the fact that people would use personal occurrences in his life as an excuse to advance their own agenda, has got him really teed off. He explained the solution to the rodent situation should be really simple. It is a situation that has been going on for a long time and the Town should address it. He started gathering information and then was told by Mr. Young that there wasn't anything for him to do. When he returned from Chicago, he received feedback from the State and the Town that said "I was either doddering on old age and unable to function, or else was not performing in a reasonable way". Al explained that with Dr. Goldstein away, Mr. Pierce told him that Mr. Young had the authority to deputize a Health Inspector. Mr. Carr said he had heard some rather disparaging comments about Dr. Goldstein and asked if it was true. There was further discussion. The rodent problem should be addressed but was not an emergency. The landowners should remove garbage, dog food dishes and clean up around their properties. Letters were written to the people in the area that informed them that the Town knew about the problem and some tips on rodent control. Dr. Goldstein recommended that the Town pick up the cost for the community abatement portion of the bill and individuals can clean their yard and set out traps. Mr. Carr expressed his opinion that it was unfortunate that Dr. Goldstein was dealt with in a way that did not accord him the dignity and consideration that he deserves after working with the Town and is very saddened by it and our great loss. Dr. Goldstein will be happy to continue working on the Emergency Preparedness Plan if needed. The next meeting is scheduled for April 24 at 7:00 PM. Mr. Young asked if Dr. Goldstein would stay on for another month. Dr. Goldstein said no.

The justice report was filed. Judge Tirpak brought up the fact that the Greenville Press printed an article regarding a grant for the judicial department that was supposedly missing. Karen said the judicial department had the grant application, which was given to the court clerk by Mr. Young. Mr. Cullie spoke to Terri and was given a copy. Karen has filled out her part of the grant and wanted to turn it in. The grant was turned over to Mr. Cullie.

Mr. Bennett, assessor, gave his report. All of the exemptions are processed and building permits; splits, merges and new construction have been collected and placed on the tentative roll. An increase in assessed value for residential properties has been applied to all 2002 assessments in the amount of 8%. Farm and vacant parcels have been increased by 7%. These changes are due to increased market value. The tentative roll will be signed by May 1, 2003. The change of assessment notices will be mailed to all increased properties about May 10, 2003. Grievance Day is May 29, 2003. Gordon asked if the Town Board felt a public meeting should be held to inform the public of the assessment increase. The Town Board did not think it was necessary.

The Board had received a copy of the Police Department report. Mr. Young explained that he had approached Mr. Marchesani to discuss a matter and Mr. Marchesani explained that he had something to do and left. Mr. Young asked if he had authority to ask the officers to handle a complaint. Sgt. Sutton explained that the best way to handle

complaints is to contact him and he will dispatch an officer to handle the complaint. Mr. Young claims that he has had difficulty getting a hold of the dispatcher and that he has received four complaints from others that they too could not get in touch with the Police Department. Mrs. Sutton explained that if people have tried to call they have not left a message on the machine for her to return. Mr. Young offered to give the names of the complainants; Sgt. Sutton suggested that he write the names down and give them to him. Mr. Young stated that, "he wanted to know what authority he has over Sgt. Sutton and the Police Department?" Sgt. Sutton responded, "Whatever the Town Board gives as authority." Mr. Carr interjected that, "Mr. Young probably doesn't enjoy the respect of the Police Department or of a number of other members of the community, and they have a tendency to want to avoid you because you have a tendency to confuse a lot of significant issues. On a good day you misquote them and on a bad day to denigrate them." Sgt. Sutton said they had 18 complaints including an extensive investigation handled by Mr. Marchesani arresting a forty year old woman for 8 or 9 charges in dealing with underage people providing drugs, sex and other things. Also, within the last five days, there have been two armed robberies in the county. Two individuals one big, one skinny, large handgun, masks and the car is hid are the only details available. Mr. Young requested to talk to Sgt. Sutton after the meeting.

The Dog Control officer report was received.

The tax collector reported that \$2,006,678.00 from 1980 parcels has been collected to date. They continue to collect until August. \$3,500.00 has been collected in penalties to date.

Mr. Young stated that he called today and was told that the grant submitted for the Police Department has been approved and asked if the Board wanted to approve the \$1,500.00 matching fund portion. Mr. Young stated that he had received a letter indicating that it was approved; however, when asked to show the letter to the Board he couldn't produce the letter, he mistakenly gave them the letter that the grant committee had sent to Senator Seward's office requesting the grant. Mr. Young stated that he spoke with Lynn Brooks from Senator Seward's office. The Board decided to wait to take further action until they received a formal letter indicating that the grant had been awarded.

Mr. Cullie reported that the Task Force has decided to combine the committees of the Task Force, Durham Library, and the Durham Parade and operate under the umbrella of the Durham Chamber of Commerce. Each committee would meet on its own and designate a committee chairperson. The chairperson would attend and give a report at the monthly Chamber meetings. The Durham Chamber of Commerce will report to the Town Board each month to inform the Board of the committees' activities. Monday, April 27 at 7:30 p.m. at the East Durham Fire House is the next monthly meeting.

The Library committee has received an estimate from the Cairo Library for support services, which we are approximately \$2,500.00 short. They are discussing possible fundraising efforts to obtain the necessary funds. They have a verbal agreement to start renting the space for the Library beginning in May.

Mr. Cullie asked what the Board's intentions were towards signing the contract for the Fourth of July fireworks. Mr. Young, prior to the meeting had told him that he had no intentions of signing the contract and believed that the funds could be used elsewhere in the budget. The Board discussed the fact that the funds were in the budget, that the Chamber of Commerce pays half of the \$2,500.00 fee and that this would be the ninth year the Town has provided the event for the enjoyment of the people of the Town. Mr. Young stated that he researched this and he had spoken with the Handel family who had done the fireworks for the Christmas in Durham at no cost to the Town. The Handel family does not wish to get involved in the Fourth of July Fireworks. Mr. Young made the motion that we sign the contract presented, as the Chamber would pay half of the fee. Mr. Carr asked Mr. Young to clarify his thinking on this, that he was considering working with someone else. Mr. Young stated that he was planning to get three bids. Mr. Carr commented that that was worthy however, now he (Young) has no problem with moving forward. Mr. Young responded he had no problem and if someone made a motion he would sign the contract. **Mr. Young made the motion seconded by Mr. Hulbert with all in favor to sign the fireworks contract.**

Mr. Cullie reported that the Historical Commission reviewed a request from a Cornwallville resident for certificate of appropriateness. The resident needs to provide additional information on the site to the commission before a decision can be reached.

The Historical Commission had a plaque made to recognize Dan Cornwall, the founder of Cornwallville, as well as a Captain in the Revolutionary Army. There will be a dedication service at a future date.

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

**REQUEST FOR DESIGNATION OF THE TOWN OF DURHAM
AS A GREENWAY COMMUNITY**

WHEREAS, the Hudson River Valley Greenway Act, hereinafter, the "Greenway Act") Chapter 748 of the Laws of 1991, has as a legislative goal the establishment of the Greenway Compact, a process for voluntary regional cooperation and decision making among the communities of the Hudson River Valley, and

WHEREAS, the process and programs that will comprise the Compact are under development, and

WHEREAS, communities may participate in the initiation and implementation of the compact process, and

WHEREAS, the Town of Durham is situated in the Greenway area as it was officially designated in the Greenway Act and

WHEREAS, the Greenway Act permits the Hudson River Valley Greenway Communities Council (hereinafter the "Council"), and the Greenway Conservancy for the Hudson River Valley, Inc. hereinafter the "Conservancy") to assist communities in developing local planning and projects related to the five criteria contained in the Greenway Act: natural and cultural resource protection, regional planning, economic development (including tourism, agriculture and urban redevelopment), enhancing public access to the Hudson River and heritage and environmental education, and

WHEREAS, communities can become eligible to receive technical and financial assistance from the Greenway, and

WHEREAS, community participation in the Greenway planning process is voluntary, and

WHEREAS, the Greenway Act does not supersede or change the powers that the State has previously granted municipal governments under the New York State Constitution, the Municipal Home Rule Law or pursuant to the various municipal enabling acts, and

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

The Town Board of the Town of Durham supports the criteria contained in the Greenway Act and the process by which the Compact will be achieved, and

The Town Board of the Town of Durham endorses the designation of the Town of Durham by the Greenway Council and Conservancy as a *Green way Community*.

SECONDED BY: Mrs. Sutton

ROLL CALL: Mr. Carr Aye
 Mr. Elpel Aye
 Mr. Hulbert Aye
 Mrs. Sutton Aye
 Mr. Young Aye

Referring to the Dog Control Officer's report, Mr. Elpel commented on the stray dog at his neighbor's home. The dog is very shy and unapproachable. He is trying to befriend it; it does seem to be healthy and well fed.

Cindy Moore submitted her request to the Board to resign as clerk to the Supervisor due to a hostile work environment created by Mr. Young. She requested to remain as clerk to the Highway Superintendent and Assessor. Mr. Carr asked if the letter detailing the events leading to the request to resign could be read aloud prior to adjourning to executive session. Mrs. Moore granted her permission. Mr. Carr first commented on the superb job that Mrs. Moore has done in her nine years as clerk to the supervisor. There has never been a complaint to the Board regarding her performance and each audit

whether private or state has been very commendable. There has never been any material or significant deficiencies the most we have ever seen are points of information to consider. Mr. Carr sees this as a possible loss of a very valuable employee, under circumstances that he finds very troubling. Mr. Carr read aloud the list of issues presented by Mrs. Moore as cause for her request to resign. Mr. Young then refused to go into executive session to discuss this matter, therefore the discussion continued in the open meeting. Mr. Carr invited Mr. Young to explain in a factual and truthful way what is behind his inappropriate and embarrassing behavior. Mr. Young commented that "This is all blown out of proportion." Mr. Carr continued to comment on his annoyance with the fact that instead of moving ahead the Board seems to get together each month and deal with issues that Mr. Young has created. Mr. Carr suggested that Mrs. Moore's position be designated as Town Comptroller and report to the Board rather than directly to Mr. Young. Mr. Young commented that he is not sure that can be done. Mr. Young added, that he tries to do the right thing and it gets twisted. He feels that the pickup truck should have been put out for bid. He feels that things have been let go in Durham for so long and he doesn't go with the flow.

Mr. Carr questioned Mr. Young about a letter he wrote to the State Comptroller's office to express his concern, *which was shared by other members of the Board*, requesting that they audit the Town of Durham for potential irregularities. Mr. Young requested a copy of the letter that Mr. Carr referred to. Mr. Carr further commented, "The audit was performed and the Town received a virtually perfect bill of health, so tragically once again you misrepresented the position of the Board and the situation in the Town." Mr. Carr questioned whether Mr. Young even knew the position of the Town or a problem if he (Young) were to see it and simply focus on the ones he (Young) tries to create. Mr. Young responded that anyone who comes into the supervisor's position is told that they should have the books audited. Mr. Carr stated that the books had just been audited. Mr. Young claims that he did not know that. Mr. Carr read allowed the letter that Mr. Young sent to the state requesting the audit and stating that he was aware of an independent audit performed by firm from Catskill. The letter stated that the Board and he were questioning the transaction between the Irish Cultural Center and the bidding process of the Ambulance Building.

Jodi Wood spoke as a member of the community stating that Mr. Young is a embarrassment to the community and that she would like to see Mr. Young resign, not Dr. Goldstein or Mrs. Moore.

Mr. Carr suggested that in light of the recent armed robberies and the happenings in the office that the Town be authorized to spend up to \$500.00 to install 2 cameras, 1 video recorder and 1 monitor to document the atmosphere that pervades these Town offices.
Mr. Carr made the above motion seconded by Mrs. Sutton with all in favor.

Mrs. Moore reminded the Board that her resignation was still on the table. Mr. Carr asked if she would hold it for two weeks. Mrs. Moore reminded the Board that her position as clerk to the supervisor, is at the sole discretion of the supervisor and does Mr. Young want her to stay. Mr. Young stated that he did want her to stay and that he never

wanted her to leave. He further commented that she was the best thing that ever happened to this Town. Chris Kohrs asked Mr. Young that if he truly felt that Mrs. Moore was the best thing for the Town that he back up his statement by resigning. Mr. Young commented that he can not resign because he was elected and the people want him to stay. Mrs. Moore continued to explain that she is tired of the heated arguments and physical treats from Mr. Young to employees of the Town. Mr. Young asked if Mrs. Moore would stay for another month. She agreed to stay until the next Board meeting however, she would be altering her schedule so that she is never alone in the office. Mr. Moore added that Mr. Young as a public official should be treating everyone with respect. He has heard him degrade the officers of the Town and the Board members. Mr. Moore is feeling the effects of the damage the Mr. Young has created when trying to deal with other areas of local and state government.

Mr. Young asked Mr. Schmidt to comment on the NYS Fire Prevention and Building Code. The Board discussed the suggested resolution and **Mr. Hulbert made the motion seconded by Mrs. Sutton to adopt the NYS Fire Prevention and Building Code with all in favor.**

Mr. Hulbert made the motion seconded by Mrs. Sutton with all in favor to approve the following transfers:

From:	A 7110.400	Parks Contractual	\$2,322.49
To:	A 7110.200	Parks Equipment	
From:	A 8810.400	Cemetery Contractual	\$500.00
To:	A 8810.200	Cemetery Equipment	

Mr. Ohm shared financial statistics of the county with the Board and audience. The bonded indebtedness at the end of this year will be at almost seventeen million dollars. Dr. Goldstein asked if the tobacco settlement money is being used for a smoking cessation program. Mr. Ohm stated that \$20,000 or \$25,000 of the seven million was appropriated for the cessation program the balance of the funds went into the new office building on main street Catskill.

Mr. Skarstrom asked if the Association of Town Supervisors has been set up to counterbalance the legislature and if our Town Board is addressing the situation. Mr. Carr commented that in light of our own Town government at this time trying to direct the county would be like the pot calling the kettle black. Mr. Hulbert said that he was told that the Association of Town Supervisors has been discontinued for lack of interest. Mr. Ohm reminded us that the power in the county is based on weighted voting which is based on population.

Abstract #307, consisting of Vouchers #298 through #363 in the amount of \$40,360.22 was reviewed and approved for payment. The total amount was broken down as follows:

General Funds	\$14,502.53
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Highway Funds	\$25,323.93
Street Lighting	\$ 533.76

Mr. Hulbert made the motion to adjourn the meeting at 9:42 P.M. The motion was seconded by Mr. Elpel and carried.

Minutes approved:

Charles G. Soderblom, Clerk