

Minutes of the meeting of the Town Board of the Town of Durham held June 3, 2003 at the Town Building in Oak Hill, N.Y.

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

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

The Supervisor called the work session to order at 7:30 P.M. with the Pledge to the Flag. There were forty-one people present.

Russell Cole brought his subdivision before the board. The board reviewed the subdivision and approved but would like the right of way defined. They scheduled a Public Hearing for July 1, 2003 at 7:30 P.M. The Town Clerk will notify the adjoining neighbors.

Mr. Young brought up the Mass Gathering Law. Mr. Carr explained that there was a concert in the Town of Durham and except for the Irish Festival this is the first activity of this type that has taken place in the Town. Mr. Carr toured the site and shared his observations. Mr. Carr thought parking and transportation should be addressed. Attorney Rappleyea has drawn up a document for an application for a mass gathering permit. It will be referenced in a Local Law, which will be put together in the next few weeks. This permit and law will structure any future events of this type in a more formal way. Mr. Zucker had a letter for the Town with a map showing the roads that are affected by events at this location, also a copy of a letter from his attorney to the owners of the property, Mr. Kevin Maldonado and Mr. Yan Aronov. Mr. Zucker hoped that the proposed law and permit process would take place as soon as possible so this could be resolved. Mr. Carr said that at the conclusion of these discussions if there poses a significant potential for our community that it is within the Town Board's power to declare a moratorium until the law does take affect. Mr. Young said that Mr. Schmidt was working on this. A question was asked about disturbing the peace. Another question was asked about the difference between a Local Law and an Ordinance. Attorney Rappleyea explained that a law brings a lot of power into the Town as far as enforcement and penalties are considered because it takes away from the state, the power that the State generally holds to itself. An ordinance is not intended for something of this nature. There are no sound or noise ordinances. A question was asked about an emergency on a dead end road. Mr. Carr said that is the kind of things to be addressed. A question was asked who is responsible for the cost of the town cops and troopers that were around. Mr. Carr said the police in the town have a budget. Mr. Sutton said that his men worked and overall the festival was not bad. He said the parking was not adequate, first aid was adequate, and the only time you have to have an ambulance on site is if you have more than 5,000 people. There were at least two EMT's on duty at all times. The rule is one security officer for every 1,000 people. They did supply their own security. A resident from Sunside Road said the traffic was like 5th Avenue over the weekend. A resident asked if the next

proposed date was given. No date has been given. The local police would handle the trespassing issues. Mr. Boyle asked what was defined as a mass gathering. Five hundred people or more is proposed, but is open for discussion. Noise is addressed on page 6. Kevin Maldonado wanted to correct some inaccuracies that were read in Mr. Zucker's letter. Mr. Zucker's letter states that the dam poses a health safety issue. DEC has checked the dam and it is one of the most well constructed dams that they have seen in this area. There were four local security personnel at the event and twenty security personnel provided by the group that put on the event, health care was available, no fights and no DWI's in the entire town. He has been working with the Dept. of Health concerning this event and no permit was necessary. The State Laws kick in at 5,000 people. Mr. Maldonado said in respect to this law that is proposed, he is for it. He is making an effort to try to revitalize the community. There is no event planned for the next six weeks. There was further discussion. A work session is scheduled for June 10 at 7:00 PM to discuss the mass gathering law. Mr. Maldonado said that when their parking lots are ready, which they were not this past weekend, they would hold 5,000 cars.

Mr. Young read a letter received from the Irish Cultural Center requesting additional police coverage during the Irish Arts week, July 13-19, 2003. The board approved.

Mr. Young referenced a letter received from the Library. The board will review and discuss at the next meeting.

Mr. Carr made a motion seconded by Mrs. Sutton to adjourn the meeting at 8:35 p.m.

Minutes approved:

Chris Kohrs, Deputy Town Clerk