

Minutes of the Meeting of the Town Board of the Town of Durham held September 20, 2005 at the Town Building in Oak Hill, N.Y.

Present: Gary Hulbert - Supervisor
William Carr – Councilman
Robert Elpel - Councilman
Linda Sutton - Councilwoman
Jodi Wood - Councilwoman

Recording Secretary: Chris Kohrs - Deputy Town Clerk
Others Present: Tal Rapplelea – Town Attorney

The Supervisor called the meeting to order at 7:33 PM with the Pledge to the Flag. Twenty-six people were present.

Mr. Elpel corrected the minutes of August 16th to read that the corrected minutes of July were seconded by Mrs. Sutton, not Ms. Wood. **Mr. Elpel made the motion to approve the minutes of August 16th as corrected, seconded by Mrs. Sutton all were in favor the motion carried.**

Mr. Hulbert informed everyone of a workshop on October 6, 2005 at the Greene County Training Center on Mountain Avenue in Cairo. The workshop is being held by the Greene County Planning Department to discuss ideas on comprehensive plan and economic development for Greene County.

Mr. Hulbert read a letter of resignation from Albert Marchesani Jr. effective September 18, 2005.

Mr. Hulbert received a letter from the Oak Hill Vol. Fire Co. requesting permission to make copies of Fire Prevention material on an as needed basis. Discussion followed. **Mr. Elpel made the motion seconded by Mrs. Sutton to approve the request from the Oak Hill Vol. Fire Co. to make copies of Fire Prevention Material on an as needed basis. All were in favor and the motion carried.**

Mr. Hulbert explained that Nan Stolzenberg will have the result of the summer survey available at the October 4th meeting. Ms. Stolzenberg will attend the October 18th meeting to review the survey results with the board. A public meeting will be set up at the Durham Elementary this fall targeting specific focus groups.

Legislator Ohm reported that the Jail Task Force has identified five potential sites for the new jail that fit into the specifications of the state. Two sites in Coxsackie, one site each in Catskill, South Cairo, and Cairo. The sites must be at least twenty acres with water and sewer access.

Legislator Ohm also explained that the county is close to choosing the new voting machines to be implemented by 2006. The local governments will chose the machine

and the county will own and store the machines, possibly in a climate controlled environment. The estimated cost per machine is between \$8000 and \$10,000.

On a positive note, the counties sales tax revenue is an estimated \$3 million plus over budget.

Highway Superintendent Moore reported that the highway crew has completed several small repair projects including driveway culverts and the culvert pipe at the end of Shady Glen Road and Rte 145. As the town has not received any money from FEMA and CHIPS, he has stopped most of remaining roadwork. He has been told that the FEMA money is on hold and the CHIPS money should be received this week. He is very concerned with the price of fuel and the effect on the budget. Last year he paid \$1.05 per gallon for diesel and two weeks ago paid \$2.15. This trend in fuel prices will have a detrimental effect on the highway budget.

Code Enforcement Office Schmidt reported issuing 41 permits and 1 Certificate of Compliance.

Sergeant Sutton reported 33 complaints for the month. He explained that Mr. Marchesani, Jr. retired from the county and to conform to NYS retirement rules Marchesani also needed to resign from the town to show an interruption in service. Sergeant Sutton requested that the board reappoint Mr. Marchesani as a deputy police officer effective October 1, 2005.

There was no report from the Task Force; their next meeting will be September 26, 2005 at 7:30 p.m at the East Durham Fire House.

The report from the Historic Preservation Commission asked that the board place a hold on the demolition of the Fabbri property. It has been determined that Rudy Fabbri is the administrator for the estate. Mr. Rudy Fabbri has entered into a contact to sell the property. The potential buyer has stated that he will secure the property and begin the work necessary to bring the property into compliance as soon as the sale closes. The Commission asked the board to consider a stay on the demolition until the sale is finalized.

The board opened the following bids on the 1997 4 x 4 Pickup truck with plow:

Perzanowski	\$3,030.00
Dines	\$3,501.00
Muhammad	\$2,050.00
Chmielewski	\$2,576.76
Patterson	\$2,552.00
Overbaugh	\$4,277.50
Vision Scapes	\$2,754.00

The board opened the following bids for Snow Sand:

Calorusso	FOB	\$ 6.60 per ton	Delivery	\$13.35 per ton
Callahan	FOB	\$ 4.95 per ton	Delivery	\$11.80 per ton
Carver	FOB	\$ 5.50 per ton	Delivery	\$10.50 per ton
Dahlberg	FOB	\$ 5.00 per ton	Delivery	\$ 8.50 per ton

Attorney for the Town, Tal Rappleyea, reported that he had spoke with the legal representative for Rudy Fabbri. There is a purchase contract for the property the title company is waiting on the deed. The closing is scheduled for September 30th. Mr. Rappleyea has spoken with the purchaser and explained that he will need a certificate of appropriateness from the Historic Preservation Commission before work begins. Mr. Cullie explained that the application has been received, but cannot be acted on until the sale is final. The purchaser also explained that as soon as he is the owner he would put up a fence around the property and begin correcting the safety issues. Mr. Rappleyea advised the board to hold off awarding the demolition bids until October 4, 2005. If the sale has not closed by then to go ahead and award the bid. The bids for the Fabbri demolition were opened on September 16 as advertised. One person attended and the bids were as follows:

BCL Services	\$14,320.00
Borwegen	\$23,500.00
LaMela & Sons	\$11,800.00
Dan's Hauling	\$19,700.00

Mr. Hulbert received a bid from Sweet Ridge Security of Windham for the security of the Town Offices for \$945.00. The system would have three motion detectors, two keypads and one outside alarm. They also quoted one year of monitoring for free, after the year is complete the cost to monitor would be \$180 annually. Discussion followed. **Mr. Carr made the motion seconded by Ms. Wood to accept the bid from Sweet Ridge Security. All were in favor and the motion carried.**

Engineer Richard Eldred representing the Parmiters asked the board to adopt the private road named Highway Corners as a town road. The first few hundred feet of the road is in the town of Durham and the remaining 500' is in the town of Greenville. There are four building lots in the town of Greenville that can only have access off this road. It is necessary for the Parmiters to have the Town of Durham adopt the private road to the town line because Greenville requires a building lot to have access off a town road. Wes Moore has inspected the road and it is built to town specs except for the paving, which is scheduled for the spring of 2006. Tal Rappleyea recommended that a maintenance agreement be required for the private end of the road to prevent problems in the future. Additional discussion followed.

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

WHEREAS, Mr. James Parmiter is planning a subdivision in the Town of Greenville and such subdivision under Greenville's regulations requires access from a town road, and

WHEREAS, Mr. Parmiter has a road in the Town of Durham that could be completed according to Town of Durham Road specifications and dedicated to the Town of Durham and thus would meet the Town of Greenville requirements, THEREFORE, the Town of Durham will accept the dedication of said road to the Town upon the following conditions;

(1) the filing of a \$25,000.00 bond, letter of credit, or cash in a form acceptable to the Attorney for the Town of Durham for the purpose of completing the asphaltting of the roadway at a point in the future with the clerk,

(2) that all repairs to the existing gravel road be completed in the spring in accordance with requirements of the Town of Durham Highway Superintendent,

(3) that the entire project including the asphalt be completed to Town specifications by August 1, 2006,

(4) a cul-de-sac at or just over the Town line shall be installed to allow the Town of Durham snow plows and other maintenance vehicles to turn around. Such cul-de-sac shall be 120 foot in diameter, and

(5) the Town of Durham must receive a copy of the maintenance agreement between the various landowners along the entire stretch of road that is proposed here.

Seconded by Mr Elpel

Voting was as follows:

Mr. Carr	Yes
Mr. Elpel	Yes
Mr. Hulbert	Yes
Mrs. Sutton	Yes
Ms. Wood	Yes

The voting was 5 Yes, 0 No, 0 absent. The resolution passed unanimously.

The board reviewed a Site Plan Application from George Tortorelis Mr. Tortorelis has a storage unit site on the corner of Brown Road and State Rt 145. He is proposing to add an additional unit the same size as the existing unit. The new unit will have solar lights on each corner, no electric or water. Discussion followed. As the original work was completed before, the town had a Site Plan Review Law and no prior objections have been made, the town board waived the need for a public hearing on this matter.

Mrs. Sutton made the motion seconded by Ms. Wood to approve the Site Plan Application for George Tortorelis to add one additional storage unit at the corner of Brown Road and State RT 145. All were in favor and the motion carried.

Dr. Goldstein tentatively scheduled an Emergency Preparedness tabletop exercise for December 1, 2005 at 7:30 p.m.

Dr. Goldstein explained that the Durham Valley Land Trust would be interested in pursuing Federal Highway Byway Program either as a private organization or as a joint venture with the town. Additional discussion followed. **Ms. Wood made the motion**

seconded by Mr. Carr to pursued the Federal Highway Byway Program and asked if the Durham Valley Land Trust would gather additional information and report back to the board. All were in favor and the motion carried.

Bob McCall asked the board on behalf of the town to have the town attorney check into the language of the Greenway Agreement. There has been concern in other towns that language is misleading and not as it is presented.

The public hearing for Local Subdivision Law is scheduled for Tuesday October 4, 2005 at 7:30 p.m.

Mrs. Lanzilotta asked if the board would reimburse half for holiday banners the same as it did for welcome banners. She was to check with the businesses to see if there was an interest and report back.

It was suggested that an application for 911 numbers be given out with building permits on all new construction.

Mr. Carr made the motion seconded by Mrs. Sutton to approve the following transfers:

From:	A1990.400 Contingent	\$100.00
To:	A1220.400 Supervisor Contractual	
From:	A1410.200 Clerk/Collector Equip	\$400.00
To:	A1410.400 Clerk/Collector Contractual	
From:	A1990.400 Contingent	\$750.00
To:	A1670.400 Central Printing, Contractual	
From:	A5132.208 Garage Capital - Salt	\$1,000.00
To:	A5132.400 Garage Contractual	
From:	A1990.400 Contingent	\$303.17
To:	A8020.400 Planning Contractual	
From:	DA5112.01.231 - Sealing Chips	\$28,000.00
From:	Hwy Surplus	\$ 8,000.00
To:	DA5110.400 Road Maint. Contractual	\$36,000.00

The board received a request for the speed limit on Elliott Place is reduced.

Councilman Carr offered the following resolution and moved its adoption:

WHEREAS a petition has been received concerning the speed of vehicles traveling on Elliott Place and

WHEREAS the Town Board of the Town of Durham is in agreement that the vehicles traveling on Elliott Place are driving at an excessive speed

BE IT RESOLVED that the Town of Durham requests a speed reduction on Elliott Place.

Seconded by Councilwoman Sutton.

Ayes: Hulbert, Carr, Sutton, Wood, Elpel Noes: 0 Absent: 0

Resolution Passed.

Ms. Wood made the motion seconded by Mr. Elpel that the snow sand bid was awarded to Callahan Industries at \$4.95 FOB. All were in favor motion carried.

Mrs. Sutton made the motion seconded by Mr. Elpel that the bid for the 1997 4x4 Pickup with Plow be awarded to Mark Overbaugh for \$4,277.50. All were in favor motion carried.

Abstract #517, consisting of 2005 Vouchers #739 through #753 for \$15,006.38 was reviewed and approved for payment. The total was broken down as follows:

Trust & Agency	\$15,006.38
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Abstract #518, consisting of 2005 Vouchers #754 through #829 for \$76,114.15 was reviewed and approved for payment. The total was broken down as follows:

General Funds	\$ 17,275.36
Highway Funds	\$ 58,281.21
Street Lighting	\$ 557.58

Ms. Wood made the motion seconded by Mrs. Sutton to adjourn at 9:37 p.m.

Minutes approved:

Chris Kohrs, Deputy Town Clerk