

Minutes of the regular meeting of the Town Board of the Town of Durham held April 6, 2010 at the Town Building in Oak Hill, NY.

Present:
Gary Hulbert - Supervisor
Linda Sutton – Councilperson
Jerry Cunningham – Councilperson
William Carr – Councilperson
Jodi Wood – Councilperson

Secretary: **Chris Kohrs – Town Clerk**

Others Present:
David Cunningham – Building Inspector
Wes Moore – Highway Superintendent
Tal Rappleyea – Attorney
Larry Cooke-Code Enforcement Officer
Thomas Sutton-Police Sgt.

Supervisor Hulbert called the meeting to order at 7:32 p.m. with 16 people present.

Marty McGuire announced there would be new voting machines for the upcoming election the old lever machines will be replaced with new optical scanning machines, which are reported to be easy to use.

Mr. Carr has attempted to contact Verizon and AT & T regarding the shovel ready site approved for a cell tower on Mackey Road. To date he has not heard from AT & T, however, he has spoken with Sarah Stevens at Verizon who was not aware of the site and she has committed to responding to his inquiry within two weeks.

Alan Pavese has also made contact with a construction representative for Verizon who stated if the site were not on the work schedule for 2010 then might be able to get on for 2011. There is concern that the permit may expire prior to getting a signed carrier. Should this happen the entire permit process would need to be redone.

Mr. Carr gave a power point presentation on “A Discussion of Land Use Regulation in the Town of Durham, Greene County, NY”. He explained why the moratorium on resort conversion was implemented and how it connected to the goals of the comprehensive plan, particularly, growing the tourist industry that our town has survived on for many years. The board and community asked what the next step was and supported his continuing to research and report back. Mr. Carr urged everyone to check out the website Code360 (the public side – fee, opposed to the subscriber’s side)

Mr. Norbury of 2146 Route 145 commented on the condition of the properties along the corridor to the town. He urged people to work together towards projects that will benefit the majority of the community. Stop preventing new ideas from coming in. Mrs. Rascoe of Deer Watch Inn voiced her support of the board as well as residents and business owners working together to enhance the town’s appearance. Mr. Fried echoed the sentiments and commented that Windham will host the International Bike Festival the third week in August. This event expects 5,000 participants and between 10,000 and

15,000 spectators and supports. The community should be reaching out to the event and Windham encouraging them to send their overflow our way. It was also suggested Greene County Tourism be contacted to assist us in our efforts. Dale Handel of Black Thorne Resort added that there is a push to bring the Greene County Youth Fair back to the town of Durham. Perhaps the Durham Chamber of Commerce or the Vacation Land Association could be resurrected to spearhead a collaborative effort to bring additional events and attractions to our community. They would need a clear mission and defined direction to ensure that we stay on task with the goal.

Jerry Cunningham motioned that the Town Board send a letter to the Greene County Youth Fair in support of their moving back to the Town of Durham, seconded by Ms. Wood, all were in favor motion carried. (Hulbert-yea, Sutton-yea, Cunningham-yea, Carr-yea, Wood-yea)

The board received a request from the Grey Fox Blue Grass Festival requesting a waiver to the Code Enforcement Officers request that a manned fire truck we kept on the festival grounds during the event. Mr. Cooke explained it is in the fire code, "...when required by the Code Enforcement Official and is essential for public safety ... he had the authority to require certain safety measures. Due to the number of individuals and the number of campers on the site, he asked for a manned fire truck during the times the event is open. Trustee Beechert of the Oak Hill Fire Department explained they do not have the workers to have a manned truck on the site and asked if a truck was parked on the grounds could the individuals working in the ice cream booth satisfy the "manned" stipulation. He needs to bring this suggestion to the membership for approval and they will not meet until April 21, 2010. Mr. Cooke explained this falls under New York State Fire Code not Department of Health or the Mass Gathering Permit. His recommendation is to ensure the safety of all not to make the situation difficult. He would accept the truck parked on the grounds and people in the vicinity to staff it.

Mr. Rappleyea reviewed the outcome of the meeting between Mr. Carr, Mr. Cooke, himself and the propitiators of Erin's Melody. They discussed and came to a clear understanding with what is allowed and what is not. i.e.) conversion of resorts to something other than a resort or one or two family residence cannot be done. The definition of a tourist is someone who uses another location as his or her legal address. Mr. Garvin of Erin's Melody explained he is not happy with the definition as when he purchased Emerald Isle it was a licensed operation resort who had tenants living their year round. When he began renovations, he moved those residents to Erin's Melody and it is his understanding with the moratorium these individuals would not be permitted to return to Emerald Isle. He also stated he had three individuals wishing to move into Erin's Melody who are working at Stiefel's and he turned them away as Erin's Melody would be their legal address.

The board reviewed the proposed subdivision for property in the name of Alice Sutton located at 501 Sutton Road, Cornwallville, NY 12418. Mrs. Sutton conveyed approximately 9.97 acres to Gerard Sharkey from her original 371.80-acre parcel. Mr. Sharkey would like to subdivide his acres into a parcel of their own. A public hearing is scheduled for May 4, 2010.

Mr. Hulbert asked Christine Maggio to speak to the board regarding her issue with the Dog Control officer. Ms. Maggio stated she did not wish to address the board. She had contacted Ag. & Markets and they will contact the town regarding the issue(s). Mr. Hulbert explained that Ms. Maggio was the complainant. Ms. Maggio stated there was no formal complaint brought and the follow up to the meeting she had with him was that she had contacted Ag and Markets to find out what the policy and procedures were. Ag and Markets stated that given the circumstances they would handle it directly it was their jurisdictions and they would handle it.

The board received several comments since the last meeting regarding the offer of New York State DOT to replace the East Durham Culvert and in lieu of an onsite detour, they would install between 900 and 1300 linear feet of sidewalk. Many felt that it was a generous offer and the board would be foolish not to accept. It could be the catalysis to additional funding for the main street project and the goals of the comprehensive plan. Discussion followed weighing the pros and cons for public safety and business. **Mr. Carr motioned to accept the proposal from NYS Dot to replace the Route 145 culvert at they north end of East Durham near Furlongs Pub with the off site detour and construction of 900 to 1300 feet of linear sidewalk with curbing and ramps. Motion was seconded by Mr. Cunningham all were in favor motion carried.** (Hulbert-yea, Sutton-yea, Cunningham-yea, Carr-yea, Wood-yea)

Resolution 2010-04 in memory of Beverly Jennings.

Councilman Carr offered the following resolution.

WHEREAS, Beverly Jennings has served as an bookkeeper for the Town of Durham for twenty years, therefore

BE IT RESOLVED that we the Town Board of the Town of Durham respectfully submit to the Divine Will of Almighty God by his calling to himself of Beverly Jennings, who served this Town conscientiously and well, always putting the affairs of her fellow man before all thought of self. She conducted herself in all Board matters with kindness and humility but with firmness of purpose. In the passing of Beverly Jennings, the Town of Durham loses a good citizen. We extend to the members of her immediate family our heartfelt sympathy in their bereavement.

Seconded by Councilman Ms. Wood and carried. (Hulbert-yea, Sutton-yea, Cunningham-yea, Carr-yea, Wood-yea)

Resolution 2010-05 in memory of Robert Armstrong.

Councilman Carr offered the following resolution.

WHEREAS, Robert Armstrong has served in the capacity of Councilman, Justice, Assessor, and Supervisor for the Town of Durham for many years, therefore

BE IT RESOLVED that we the Town Board of the Town of Durham respectfully submit to the Divine Will of Almighty God by his calling to himself of Robert Armstrong, who

served this Town conscientiously and well, always putting the affairs of her fellow man before all thought of self. He conducted himself in all Board matters with kindness and humility but with firmness of purpose. In the passing of Robert Armstrong, the Town of Durham loses a good citizen. We extend to the members of his immediate family our heartfelt sympathy in their bereavement.

Seconded by Councilman Sutton and carried. (Hulbert-yea, Sutton-yea, Cunningham-yea, Carr-yea, Wood-yea)

The highway department will grade and seed the burial plots in Winston Cemetery, which had winter burials.

Mr. Cunningham addressed his discontent with the letter sent by the Code Enforcement Officer to property owners who suffered damage due to the recent heavy snow. Many structures in the town collapsed and the Code Officer sent letters instructing the property owners to obtain a demolition permit or a building permit to take care of the unsafe situation. Mr. Cunningham explained that he had taken offense to the tone of the letter that perhaps a little more time or different wording would have been in order. Mr. Cooke explained it was not his intent to offend only to notify everyone of the procedure required to address the unsafe situation and to have the property owners respond within a reasonable time. He apologized if he had offended anyone. He has spoken with several of the letter recipients, some had already taken down the structures, some are out of the area and were not aware of the damage, one had started to rebuild without obtaining the proper permit and others intended on coming in for a permit once the weather cleared up a bit.

Ms. Wood motioned to adjourn at 9:12 p.m. seconded by Mrs. Sutton.

Minutes approved:

Chris Kohrs, Town Clerk