

REGULAR MEETING, TOWN OF DURHAM, MAY 4, 2010

A regular meeting of the Town Board of the Town of Durham, County of Greene and the State of New York was held at the Town Hall, 7309 State Route 81, East Durham, NY on the 4th day of May 2010.

PRESENT: Gary Hulbert ---- Supervisor  
Linda Sutton ---- Councilperson  
Jerry Cunningham ---- Councilperson  
William Carr ---- Councilperson  
Chris Kohrs ---- Town Clerk  
Jodi Wood ---- Councilperson

OTHERS PRESENT: Wes Moore, Highway Superintendent; Larry Cooke, Code Enforcement Officer; Hillary Hawke, Daily Mail; twenty-four residents.

Supervisor Hulbert called the meeting to order at 7:33 p.m. with the pledge to the flag.

Supervisor Hulbert announced that the Town of Rensselaerville has extended its moratorium on Wind towers.

Proof of Notice having been furnished, the Public Hearing on the Tremble Subdivision was called to order at 7:35 p.m. by Supervisor Hulbert.

The following person(s) spoke in support of the proposed subdivision:

None

The following person(s) spoke against the proposed subdivision:

None

All persons desiring to be heard, having been heard, the Hearing was terminated at 7:37 p.m.

**Ms. Wood motioned to make a negative declaration on the SEQR seconded by Mr. Cunningham, all in favor motion carried.** (Hulbert-yea, Sutton-Yea, Cunningham-yea, Carr-yea, Wood-yea)

**Mrs. Sutton motioned to approve the subdivision of James Tremble, 2929 County Route 20, Cornwallville (tax id 48.02-1-10, 11 & 26) seconded by Ms. Wood, all in favor motion carried.** (Hulbert-yea, Sutton-Yea, Cunningham-yea, Carr-yea, Wood-yea)

Discussion on the proposed Parisella subdivision was postponed until May 18, 2010, as there was not a representative present.

Lisa Husted, Grey Fox Bluegrass Festival, submitted the remaining documentation for the 2010 Mass Gathering permit, except for the acknowledgement from the Greene County Sheriff.

**Mrs. Sutton motioned to approve the Mass Gathering Permit 2010-02 to Greyfox Bluegrass Festival, July 15-18, 2010, seconded by Ms. Wood, all in favor motion carried.** (Hulbert-yea, Sutton-Yea, Cunningham-yea, Carr-yea, Wood-yea)

Proof of Notice having been furnished, the Public Hearing on the Sutton/Sharkey Subdivision was called to order at 7:46 p.m. by Supervisor Hulbert.

The following person spoke in support of the proposed subdivision:

John W. Abbuhl – via letter

The following person(s) spoke against the proposed subdivision:

None

All persons desiring to be heard, having been heard, the Hearing was terminated at 7:47 p.m.

**Ms. Wood motioned to make a negative declaration on the SEQR seconded by Mr. Carr, all in favor motion carried.** (Hulbert-yea, Sutton-Yea, Cunningham-yea, Carr-yea, Wood-yea)

**Mr. Cunningham motioned to approve the Sutton/Sharkey Subdivision, 501 Sutton Road, Cornwallville (tax id #47.00-1-12.1) seconded by Mrs. Sutton all in favor motion carried.** (Hulbert-yea, Sutton-Yea, Cunningham-yea, Carr-yea, Wood-yea)

Dr. Goldstein addressed the board regarding the NYS Quality Communities Grant Program, and the Ag and Open Space Grant. The final summary needs to be completed for each project. Dr. Goldstein is willing to coordinate the different committees so that the information can be compiled into one document and submitted, the town would administer the remaining stages of the grant. A discussion followed, a meeting will be scheduled for May 13, 14 or 15 the Andy Cole of ERO who has been instrumental in much of the work on both projects. Rick Zimmerman and Glenwood will be contacted to add their work to the final report.

Dr. Goldstein updated the board on the status of the Durham Valley Scenic Byway project, which is being administered by the Durham Valley Land Trust. A copy of the draft plan is available at the Town Hall; the public hearing will be May 15, from 9 a.m. to 11 a.m. at the Durham Training Center. The draft is also available on line at [www.durhamvalley.com](http://www.durhamvalley.com). It is the intention of this project once approved to open the area up to additional funds through NYS Scenic Byways as well as National funding opportunities. The component of the plan for the Durham Valley Land Trust to purchase a plot of land along the Susquehanna Turnpike in on hold as the property owner has passed on and they are now dealing with the estate.

**Ms. Sutton motioned to approve the 2010 Independence Day Fireworks contract with Telstar of Auburn, NY for \$2,999.00 seconded by Ms. Wood, all in favor motion carried. (Hulbert-yea, Sutton-Yea, Cunningham-yea, Carr-yea, Wood-yea)**

**Resolution 2010-06 Authorizing the Town of Durham to Request Assistance in the Preparation of an Economic Development Grant Application.**

**Councilman Carr offered the following resolution.**

**WHEREAS**, the Town of Durham is home to Stiefel Laboratories, Inc. a manufacturer of pharmaceutical products; and

**WHEREAS**, Greene County New York State and the Town of Durham have identified the need to provide Stiefel Laboratories, Inc. with financial assistance to facilitate the implementation of an economic development project that will retain 211 jobs at the Stiefel site; and

**WHEREAS**, the Greene County Planning & Economic Development Department, in concert with the Greene County Industrial Development Agency, have the capacity and experience necessary to prepare a New York State Community Development Block Grant application for the Stiefel Laboratories Economic Development Project;

**NOW THEREFORE BE IT RESOLVED** that the Town of Durham hereby requests Greene County to submit on its behalf an application for funding through the 2010 New York State Community Development Block Grant Program; and

**BE IT FURTHER RESOLVED** that the Town Supervisor is hereby authorized and directed to communicate this request to appropriate Greene County officials, and to take any and all actions necessary to assist the County in the preparation of this application.

**Seconded by Councilman Sutton and carried.**

The question of the adoption of the foregoing resolution was duly put to a vote of roll call, which resulted as follows: 5 yea

Mr. Hulbert-yea      Mrs. Sutton-yea      Mr. Carr-yea    Mr. Cunningham-yea  
Ms. Wood-yea

The resolution was thereupon declared adopted.

Mr. Carr made is second presentation “A Discussion of Land Use Regulation in the Town of Durham”. He has reviewed the regulations in our surrounding towns and has found that they have each developed a clear view of their development objectives before implementing comprehensive regulations-often in the context of zoning and sometimes via Local Laws. It is his opinion that the Comprehensive Plan for the Town of Durham is a wonderful start but that we lack definition and before we move on we should review our site plan, signage, junk, junkyards, and fences, dilapidate structures etc. He sited Berne, Cairo and Rensselaerville as examples of meaningful site-plan review process.

Catskill and Coxsackie's regulations on junk, junk vehicles and signs are concise yet specific and easily understood.

It is Mr. Carr's recommendation that a quick fix comprised of a handful of land use laws will not serve purpose of the Town of Durham to restore and grow our tourism industry. He suggests that a subcommittee of the Town Board supported by legal counsel and an experienced facilitator along with significant community input be formed. That the group should be tasked with the development of a carefully constructed legal framework for Land Use Regulation within in our town.

Mr. Karkheck stated he does not feel that zoning is necessary to make our goals come true, Land Use Regulation is the definition of Zoning. Mr. Carr explained he did not mention zoning and feels that we can accomplish just short of zoning.

Additional discussion followed with the following comments

- ...the dump proposed for Cornwallville a few years back illustrates our vulnerability
- ...caution with the composition of the sub committee so as one person(s) agenda doesn't become the direction of the committee
- ...objection to land use dictating what one can or can't do with their property
- ...zoning detours those who have little from making something
- ...the review is necessary and the will of the majority will prevail
- ...site plan can be stringent without zoning
- ...comprehensive plan recommended and anticipated the need for this review
- ...supports looking at local regulation vs. land use regulation i.e.) Windham
- ...opposed to the town putting a bunch of regulations on property owners.
- ...lets add agriculture back into the review as an economic activity in our town

Ms. Wood volunteered to sit on the committee.

Four companies have been contacted to submit bids for central air condition for the town offices. The bids will be reviewed at the May 18, 2010 meeting.

**Mr. Cunningham motioned to allow Mr. Carr and Ms. Wood to speak with Town Attorney Rappleyea on an exploratory nature regarding the Land use Study subject to cancelation at anytime seconded by Mrs. Sutton all in favor motion carried.**  
(Hulbert-yea, Sutton-Yea, Cunningham-yea, Carr-yea, Wood-yea)

Supervisor Hulbert announced that the newly formed Durham Chamber of Commerce would meet Wed, May 5 at 7 p.m. at the Durham Town Hall.

Mrs. Rascoe asked if a town employee could be charged or hired to water the plants in the East Durham corridor this summer? The person who did last year is not able to due to his health. The board asked the Task Force to make a formal presentation to the board outlining the cost of the project. The highway department used to operate with nine men and is currently down to seven, whereas, they do not have the extra personnel to perform the job. Discussion followed no decision was made.

Historian Nick Nahas announced the Durham Historic Preservation committee meets the second Saturday of each month 9 a.m. at the Durham Town Hall.

Highway Supervisor Moore approached the board regarding purchasing a 2011 Snow Plow. He has specked one out under state contract for \$162,000 and with the money received from FEMA for the 2008 ice storms and surplus earmarked for the replacement of a snow plow he has enough to pay for the truck without having to borrow.

**Mr. Cunningham motioned to permit Highway Supervisor Moore to purchase the 2011 International Model 7500 SFA 4x4 Snowplow under state contract #PC62176 seconded by Mr. Carr all in favor motion carried.** (Hulbert-yea, Sutton-Yea, Cunningham-yea, Carr-yea, Wood-yea)

**Ms. Wood motioned to adjourn at 9:15 p.m. seconded by Mr. Carr.**

**Minutes approved:**

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Chris Kohrs, Town Clerk