

A REGULAR MEETING, TOWN OF DURHAM, JULY 20, 2010

A 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 20th day of July 2010.

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

OTHERS PRESENT: Alan Beechert-Highway Superintendent; Larry Cooke-Code Enforcement Officer; Tal Rappleyea-Attorney; Sgt.; Nick Nahas-Historian; David Cunningham-Building Inspector – seventeen community members

Supervisor Hulbert called the meeting to order at 7:31 p.m. with the pledge to the flag.

Proof of Notice having been furnished, Supervisor Hulbert called the Public Hearing on the Cell Tower special use permit renewal to order at 7:32 p.m.

The following person(s) spoke in support of the cell tower special use permit renewal:

None

The following person(s) spoke against cell tower special use permit renewal:

None

Mr. Pastier of McCafferty road inquired as to what would provide power to the tower in the event of electricity loss. Mr. Schweigard explained that the tower would be equipped with a 48-hour battery back up. Mr. Schweigard also explained should the power be out longer than 48 hours it was his understanding that portable generators would be brought to the tower for power. Mr. Pastier inquired as to the decibel level of the generator and though Mr. Schweigard did not know, he offered to obtain the information if it were to be requested.

Mr. Schweigard explained that there have been no changes since the original special use permit was granted. Letters were mailed to the adjacent property owners with return receipt requested and the notice was published in the paper. AT&T has signed a letter of intent to locate on the tower and Independent Towers should be in receipt of the signed agreement with in a week or two; that he understood a building permit could not be issued until the town was in receipt of the signed agreement and the removal bond as outlined in town law.

All persons desiring to be heard, having been heard, the Hearing was terminated at 7:41. p.m.

Mr. Cunningham motioned to reaffirm the negative declaration reached when the original special use permit was granted seconded by Mrs. Sutton all in favor motion carried. (4-years, Hulbert, Sutton, Cunningham, Wood, Absent: Carr)

**RESOLUTION 2010-13 TOWN BOARD OF THE TOWN OF DURHAM
RENEWAL OF 7/21/09 SPECIAL USE PERMIT AND SITE PLAN APPROVAL
TELECOMMUNICATIONS TOWER PROPOSED BY INDEPENDENT
TOWERS LLC**

On motion of Ms. Wood, seconded by Mrs. Sutton the following resolution was adopted:

WHEREAS, Independent Towers LLC (“Independent” or the “Applicant”) previously applied to and received approval from the Town of Durham Town Board (the “Town” or the “Board”) for a special use permit and site plan review for a wireless telecommunications tower and facility located at 44 McCafferty Road (Tax map #: 22.00-1-18), Town of Durham, County of Greene, State of New York, upon lands owned by Ralph and Terry Borwegen dated July 21, 2009, a copy of the Approval Resolution is attached hereto and made a part hereof as Exhibit “A”, and

WHEREAS, such Approvals were conditioned upon the substantial completion of the construction of the said tower within 6 months of such approval; and

WHEREAS, the Town of Durham Telecommunications Local Law prohibits the construction of such a facility unless the Applicant has a carrier to place antenna(s) on said tower; and

WHEREAS, the Applicant has now been able to obtain a carrier for the purposes of providing cellular communication coverage within the town and which shall place antenna(s) on said tower. Attached hereto and made a part hereof as Exhibit “B” is a copy of the commitment letter received from AT&T; and

WHEREAS, the Applicant seeks a renewal of the aforementioned approvals based upon the fact that there has been no change in circumstances in relation to the project since the former approval and has re-submitted all documents in connection therewith and has provided proof that no change in circumstances has occurred; and

WHEREAS, the Town Board has reviewed all such documents in depth in connection with this renewal application, and

WHEREAS, the Applicant has appeared before the Town Board for a duly noticed public hearing, which occurred on July 20, 2010 whereat all individuals interested in making comment were provided the opportunity to do so; and

WHEREAS, the Town Board reviewed the Full Environmental Assessment Form previously submitted in connection with the prior application and accepted all determinations contained therein and reaffirmed the Negative Declaration issued; and

WHEREAS, the Board has reviewed the application under Town of Durham Tower Law which governs the application and approval process of telecommunications facilities and has reaffirmed its' prior determination that, as to each requirement, the application meets or exceeds the requirements set forth therein each as detailed in the application; and

WHEREAS, the Board has received the report of its consultant, C.T. Male Associates, PC and has considered the contents thereof as well as all comment from the public whether written or oral; and

WHEREAS, the Board has determined that the impacts associated with the project are minimal in nature, will not produce significant additional traffic, noise, vibration or other impacts on the neighborhood and will not result in any environmental harm to the site; and

NOW, THEREFORE BE IT RESOLVED that the Town Board of the Town of Durham hereby Finds and Determines that the Approval Resolution and all conditions contained therein should be and hereby are re-affirmed and accepted by the Town Board and the Approvals are renewed for a further period of 6 months.

The question of the adoption of the foregoing Resolution was duly put into a vote on a roll call which resulted as follows:

ROLL CALL:

	<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Supervisor Gary Hulbert	X		
Councilperson Jodi Wood	X		
Councilperson Jerry Cunningham	X		
Councilperson Linda Sutton	X		
Councilperson William A. Carr, Jr.			X

Historian Nick Nahas announced the Oak Hill Historic Preservation would hold its annual Oak Hill Day Saturday, July 31 with many things to do, garage sales, ice cream social, music, scavenger hunt etc.

There will be a Site Plan Review for Stiefel's/GSK on August 3, 2010 at 7:30 p.m.

Tour of the Catskills Bike Race will be held July 30-Aug 1 and will pass through our town on July 31. Sgt Sutton is working with the organizers for traffic and safety control.

Highway Superintendent Beechert reported the crew continues to remove dead trees along the road while cleaning shoulders and ditches. Minor damage and washouts, requiring some dirt roads to be re-graded was sustained during the three thunderstorms. The intense heat has caused some of the stone and oiled roads to bled, guardrails on

Durso Loop and Morse Road have been repaired. Jeff Flack with Greene County Soil and Water is working on a permit for the Town to be able to perform a small riprap job in a stream on Cornwallville Road near Rt. 23. The permit is required as the stream is designated as a trout supply stream.

Building Inspector Cunningham reported issuing the following: two septic permits, two barns, six additions, one deck, one new home, 3 demolitions

Code Enforcement Officer Cooke reported performing 19 inspections resulting in two new violations, and one order to demolish. Three existing violations were closed with full compliance.

Completed Grey Fox Blue Grass Festival inspections on Wednesday and Friday and is happy to report the promoters' did an excellent job code wise. Initial code compliance was much better than 2009.

The power has been cut to the former Glen Royal and he hopes to see some action on the demolition there soon. He has not heard from the county regarding the barns on Cochrane road. Mr. Sharkey has secured a demolition permit and has been advised to take care of the structure in a timely manner or the town will step in.

Supervisor Hulbert asked Code Enforcement Officer Cooke to address the high grass issues and throughout the town as it is a fire hazard, explaining he is to handle on a per complaint basis as to the volume of violators.

Sgt. Sutton reported his department has handled 53 complaints, accidents, burglaries, domestics, criminal mischief, possible drowning.

Attorney Rappleyea reported he has revised the dog contract between the Town and Mohawk Hudson Humane Society to include the verbiage that the owner will need to pay the impoundment fee to the Town Clerk and produce said receipt prior to reclaiming dog. He continues to monitor the lawsuit against the Weldon House.

Clerk/Collector Kohrs reported we are 87% of the warrant is collected which mirrors where we were at this time in 2009, and will continue to collect through July 31, 2010. The books are to be turned over to the County Treasurer on August 10, 2010.

Historic Commission no report.

Discussion occurred regarding the traffic congestion the opening morning of Grey Fox Blue Grass Festival. Concerns were raised regarding the amount of cars lined up along County Route 22 virtually blocking access to and around the firehouse. Apparently, there was a miscommunication regarding the gates opening early. The necessary parties have agreed to discuss the situation and prior to the event next year and have a better plan. It was stated and agreed that the event occurs mostly without incident and that this issue

can be resolved to the satisfaction of most. Compliments were offered regarding how well organized, self-policed, and trash containment and signage the event has.

The board discussed the lighting issue in the main office of the town hall. The lighting has become temperamental and works sporadically. Highway Superintendent Beechert recapped the energy audit with the board suggesting that we seek bids to replace the current lighting fixtures and upgrade to NYSEDA energy audit recommendations. The audit is for the office areas, the garage and the out buildings. Discussion followed. Mr. Cunningham suggested that we request bids for the entire job and broken down by area.

Mrs. Sutton motioned to approve the following transfers, seconded by Ms. Wood all in favor motion carried. (4-years, Hulbert, Sutton, Cunningham, Wood, Absent: Carr)

From: Contingent	To: Traffic Control	\$3,000.00
From: General Surplus	To: Planning	\$4,400.00
From: Contingent	To: Unemployment	\$ 925.00

The board reviewed and approved the following bills to be paid:

Abstract #1012, consisting of 2010 Vouchers #524 through #545 for \$34,351.80 broken down as follows:

General Funds	\$ 667.15
Highway Funds	\$ 159.90
Trust & Agency	\$ 33,524.75

Abstract #1013, consisting of 2010 Vouchers #546 through #621 for \$62,259.36 broken down as follows:

General Funds	\$ 31,910.23
Highway Funds	\$ 29,622.14
Street Lighting	\$ 726.99

The board asked in order to be increasingly financially prudent that all departments review their spending plans for the coming fiscal year and to present anticipated equipment purchases and replacements when preparing their budgets for 2011, as best as is possible.

Ms. Wood motioned to adjourn at 8:29 p.m. seconded by Mrs. Sutton.

Minutes approved:

Chris Kohrs, Town Clerk