

A REGULAR MEETING, TOWN OF DURHAM, SEPTEMBER 7, 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 7th day of September 2010.

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

OTHERS PRESENT: Alan Beechert-Highway Superintendent; Larry Cooke-Code Enforcement Officer; Sean Frey- Legislator; Tom Sutton-Police Sgt., Peter Lopez- Assemblyman, Nick Nahas-Historian; Gordon Bennett-Assessor & 19 community members.

Mary Beth Bianconi and David Butler with Delaware Engineering recapped the board and audience on the Site Plan Application for Stiefel/GSK. The original plans have been modified as the addition to the production plant will be slightly larger than originally thought, there were modifications to the site drainage, lighting, storage and landscaping. Signage will be placed stating no idling-no idling site. Modified EAF changed to reflect the change in sqft as the building size changed. Traffic volume and pattern were reviewed. They are in receipt of the following agency Parks and Recreation Historical Recreation-an archeological sign off, Fish and Wildlife Program no currently known endangered species found on site, Greene County Planning board letter of endorsement, coordination letter from NYS DEC.

Proof of Notice having been furnished, Supervisor Hulbert called the Public Hearing on the Stiefel/GSK Site Plan Application to order at 7:48 p.m.

The following questions/concerns were raised and answered. The items stored in the silo's are not considered hazardous and are in wells to help with containment if there should be a leak or spill. The currently plan does not include use of the research building; research will be phased into the production building. At a future date the research facility could be incorporated into the production plant. Landscaping will be incorporated to enhance the aesthetic appeal to the site. It is anticipated that production of derms will be complete by the end of 2012. There are safety precautions and systems in place to address issues as they arise. There are no plans to expand the plant operations across the creek. Water for the site is regulated by Department of Health the water is tested daily on site and there will be testing done by an independent lab. Currently the facility is using approximately 12,000 gals per day. The new operation will start by using 3,000 gals per day and will be approximately 30,000 once fully operational. The water treatment system will include recycling the discharge water to reduce the amount of fresh water drawn from the aquifer. The site in NJ currently makes less product than is projected for this site and

uses approximately 100,000 due to the age of their equipment. This facility will have new more efficient equipment and they are striving for a zero landfill impact. They ran a 72 hour water/pump test and are waiting for the results, however, they are aware there were some wells which were monitored that did have a significant change in water level and will work with the property owners to rectify the situation.

All persons desiring to be heard, having been heard, the Hearing was terminated at 8:15 p.m.

The board reviewed part II of long form EAF and determined the Stiefel/GSK project will not have a significant negative impact and stated the impact of the water use on the wells surrounding the site would need to be addressed and mediated as a condition of approval for the site plan review.

Mr. Carr moved that the board make a negative declaration for the Stiefel/GSK site plan application seconded by Mr. Cunningham all in favor motion carried. (4-yea Hulbert, Sutton, Cunningham, Carr 0-no, absent-Wood)

Discussion followed regarding how to address the issue regarding the neighbors' wells going dry. It was determined Attorney Rappleyea will draft a resolution to address an escrow account to fund an engineer to represent the town on areas outside the expertise of the code enforcement officer, that the proper permits be obtained and maintained and include language how to rectify the problem with water use and its impact on the neighbors wells. An approval was postponed until the resolution was reviewed and approved by the board.

Mr. Bennett explained he had advertised for a data collection person, received four applications and would like to hire two people part to complete the first phase of the revaluation project before snow starts. The data collectors will take current property cards to the property and compare for accurateness. They will not request an interior inspection, they will verify that we have all alteration and additions which should go smoothly if building permits have been obtained. Appointments aren't necessary for this phase as all inspections are for exterior verification. Pre-inspection letters will be sent notifying property owners of what is happening and the data collectors will have identification and their vehicles will be marked. The board requested that background checks be conducted and the town vehicle be used whenever possible.

Mr. Cunningham moved to authorize the hiring of two data collection persons seconded by Mrs. Sutton all in favor motion carried. (4-yea Hulbert, Sutton, Cunningham, Carr 0-no, absent-Wood)

Town Clerk informed the board Ag and Markets is still finalizing the new dog law, once they have she will work with the attorney to modify our existing law incorporating the changes. The town clerks are working to combine our dog tag purchases so as to reduce the cost.

Richard Sardo presented the board with a proposed subdivision for Helen Kruppenbacher corner of County route 67 and Carter Bridge Road will be discussed at the next meeting.

Ken Mabey and Dan Clifton of the Durham Valley Land Trust requested the board to respond to a memo from the New York State Department of Transportation in reference to the Gelhorn property and an easement also known as the Susquehanna Turnpike preservation project. The time extension was necessitated with the passing of Dr. Gelhorn and the need for his family to settle the affairs of the estate. Now as his heirs they would like to carry out his wishes and enter in to this agreement. Mr. Clifton expressed his belief that this plan is a win-win project as no town money is involved the funding is from the state which will allow the Gelhorn family to continue as a farm on Susquehanna Tpk. and preserves 150 acres on the Turnpike which is on the National registry of Historic places. The project would allow the Gelhorn family to maintain ownership of the land and the state would own the development rights from the time of closing into perpetuity. The agreement allows the Gelhorns to build two additional structures on the 150 acre property but not along the Susquehanna Turn pike. Discussion followed on the following items: In the agreement the Durham Valley Land Trust will receive part of the grant money to monitor the easement. The town would like a copy of the agreement between the Gelhorns, New York State and Durham Valley Land Trust. The Land Trust has been assured that the money is there and will be available when the deal is closed. The Durham Valley Land Trust has approximately \$60,000-\$80,000 invested in this project as of this date. The grant stipulates that the funds must be paid to a municipality; the original agreement was approved in 2006.

Mrs. Sutton moved for the board to renew the original agreement seconded by Mr. Carr, motion failed. (2-yeas Sutton, Carr, 2-nays Cunningham, Hulbert, 1-absent Wood)

Mr. Hulbert stated he was concerned with the time of the required note (the town would need to first spend the money before the state would reimburse them). Mr. Cunningham voted against as he doesn't support the idea of this generation selling the rights of land use for future generations. The board will visit this topic at the next meeting

Code Enforcement Officer Cook stated he received three bids for the demolition of an unsafe building on Cochrane road with the low bid going to Kurt and Mert Excavation. **Mr. Carr motioned to accept the low bid from Kurt & Mert Excavation seconded by Mrs. Sutton all were in favor motion carried.** (4-yea Hulbert, Sutton, Cunningham, Carr 0-no, absent-Wood)

Code Enforcement Officer Cook stated the unsafe building on the Sharkey property has been taken down and is in the process of being cleaned up.

Mr. Carr's land use presentation was postponed until next meeting.

Mr. Cunningham motioned to adjourn, seconded by Mr. Carr at 9:45 p.m.

Minutes approved: _____
Chris Kohrs, Town Clerk