

A REGULAR MEETING, TOWN OF DURHAM, SEPTEMBER 21, 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 21st day of September 2010.

PRESENT:

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

OTHERS PRESENT: Alan Beechert-Highway Superintendent; Thomas Sutton-Police Sgt. Sean Frey-Legislator, Nick Nahas-Historian, Tal Rappleyea-Attorney, David Cunningham-Building Inspector & 17 community members.

Supervisor Hulbert called the meeting to order with the pledge to the flag at 7:32 p.m.

Lillian Aleo, Oak Hill Durham Vol. Fire Co. informed the board that they have applied to restructure their loan for the new truck due to the loss of funds from the Punzi scheme.

Rich Lendin, Administer Durham Ambulance Squad explained the Durham Vol. Ambulance Squad has completed the transition to paid squad requiring them to a new corporation as of September 1, 2010. The immediate goal of the Durham Ambulance is to meet the emergency medical needs of the Town of Durham. Mr. Lendin explained with the current economic environment many volunteers are no longer able to commit to ride and the call volumes are rising resulting in calls being turned over to other agencies. They will continue to bill insurance companies for their services and by paying people to ride they believe they will be able to increase the number of calls covered. However, they will still need to continue to contract for services with the Town of Durham as the income received from insurance payments still will not cover the costs of care.

Supervisor Hulbert announced East Durham Volunteer Fire Co will hold a free willing offering Roast Beef dinner on Sunday September 26 from 3 p.m. to 6p.m at the Shamrock House. He also thanked all who responded to the fire at the Blackthorne Resort.

A representative from Scott Murphy's office will be at the town hall on Thursday September 30, 2010 from 5 p.m. to 6 p.m.

Mary Beth Bianconi of Delaware Engineering for the GSK/Stiefel project explained they conducted a 72 hour pump test on well #4 from September 2 thru September 5, 2010. During the test eight wells in the community were monitored to see how the use of this well would affect the surrounding water supply, the rate you could pump the well without having a constant dewatering of the well (how long can you pump the well without rain and maintain the level of

the well) and to see if there was any interaction between the well and the creek due to its close proximity.

The Connaire well, located across Route 145 from the facility was reported to have dropped 30 feet with additional draw down space in the well; no other monitored tests were affected during the pump test. It was determined that the long term yield for this well is 60 gallons per minute. The estimated need for the facility would be 48 gallons per minute max with the average being half of that. Additional monitoring and collection of data will be needed to determine a base line and cause for the draw down on the Connaire well and what mediation would correct the situation. Additional discussion followed.

Mr. Carr moved to approve the site plan application SPR2010-01 for GSK/Stiefel with the following conditions:

GSK/Stiefel A GSK Company—Facility Conversion

Site Plan Review

Conditions of Approval

September 21, 2010

- **The Applicant shall continue to fund the previously established escrow account throughout the construction process in order to provide for reimbursement of engineering review costs associated with New York State and Town inspection and other costs associated therewith. All terms of the Agreement between the Applicant and the Town shall continue to be in effect.**

- **Following the issuance of a building permit, construction shall not occur over an area greater than one acre until a full SWPPP is received by the Town from the Applicant. No construction shall occur without appropriate sediment and erosion control in place and acceptable to the Town Engineer.**

- **Construction of the wastewater treatment plant may commence prior to receipt of a SPDES permit and engineering plan approval provided:**
 - a. **SEQR has been completed.**
 - b. **Construction is at risk; any modifications required by DEC review must be completed prior to issuance of the engineering plan approval.**
 - c. **Toothpaste waste will not be mixed with existing derma waste until after the new WWTP has been issued a SPDES and is fully functional (hold and haul facilities will be provided and approved by DEC to capture any toothpaste waste prior to permitting of the new WWTP) and the new WWTP will not discharge any effluent until a SPDES permit is issued and engineering plan approval received.**

- d. A SWPPP and NOI will be submitted to DEC for review. Disturbance of less than one acre may be conducted under the 5-day review while DEC reviews the SWPPP.**
- **In the event DEC determines there is a need to modify the facility's air permit, a modified permit shall be secured and a copy provided to the Town prior to the operation of permitted air handling infrastructure.**
 - **GSK/Stiefel A GSK Company shall make provisions to provide an adequate supply of water to those property owners whose private well-water systems are diminished or rendered non-productive as a result of GSK/Stiefel A GSK Company's use of current and future sources of water supply to support the project depicted on the Site Plan dated September 21, 2010.**
 - **In the event that the Applicant wishes to make change(s) to the project as depicted on the Site Plan dated September 21, 2010, the Applicant must obtain approval of such change(s) from the Town Board prior to the issuance of a Certificate of Occupancy and/or Certificate of Compliance.**
 - **There shall be no idling of vehicles on the site, except as set forth in the Application materials.**
 - **The proposed on-site waste water treatment plant shall be constructed and maintained in accordance with the Application materials and the requirements of all NYS agencies with jurisdiction over same. A certification of functional completion for the WWTP will be provided to DEC and the Town prior to discharge of effluent from the new plant. DEC will conduct a site visit during start up operations to confirm the functional completion and the Town's code enforcement personnel will be notified of the DEC walk through so they may participate as well.**

Motion seconded by Mrs. Sutton all in favor motion carried. (5-yreas, Hulbert, Sutton, Cunningham, Carr, Wood)

Sean McCarthy owner of JJ's in East Durham explained he would like to convert the section of his building formally used as a church into a recycling redemption center. An application for Site Plan review has been submitted to the board for consideration by Lori Conley. The board will review and discuss at the October 5, 2010 meeting.

Mr. Carr gave a power point presentation on his land use study resulting in discussion regarding enhanced site plan review, levels of land use regulations and ideas found when he reviewed practices from Cattaraugus County. Mr. Garvin asked if there is a report of expenses available for time with Town Attorney and other professionals as we proceed with this review process.

Mr. Carr explained at this time minimal expense as been incurred in this review process and he doesn't expect a great deal of money will be expended as there is a great deal of resources available within our community and on the internet that will help us to review our goals and develop our plans. Mr. Norbury expressed his desire not to shoot this process down until we have review what our options are, how do we maintain our tourist industry?

Highway Superintendent Beechert reported blacktop from Carvers was used on several small projects, Paddock Road and Stone Bridge Road. Ditches were cleaned, as well as repairs and grading was completed on the upper section of Sutton Road. Salt and sand have been delivered in preparation for the winter.

Building Inspector Cunningham reported issuing three permits for new construction, two septic permits, four addition/alteration permits, one garage permit, one certificate of compliance and two certificates of occupancy.

Supervisor Hulbert read the code enforcement officers report: has completed sixteen inspections resulting in one new violation and one prior case has been closed as compliance has been achieved. No new certificates have been issued however; two commercial permits are pending for Ralph and Terry Borwegen, and a wind turbine for their property off Route 81 and McCafferty Road and renovations on the former Darby's in East Durham.

Action on the former Bates property Route 145 East Durham is on hold as the County is foreclosing on the property due to unpaid taxes.

Reports were received from both judges.

Sgt. Sutton reported his department has responded to forty-four complaints last month.

Mrs. Sutton motioned to approve the minutes of August 3 and August 17, 2010 seconded by Mr. Cunningham all in favor motion carried. (5-yetas, Hulbert, Sutton, Cunningham, Carr, Wood)

Town Clerk Kohrs explained we should have a draft of the dog law at the October 5 meeting.

Ms. Wood motioned to approve the four year extension for the Susquehanna Grant seconded by Mr. Carr, motion passed. (3-yetas, Sutton, Carr, Wood, 2-no Hulbert, Cunningham)

Highway Superintendent Beechert received permission to advertise for bids the 2006 pickup as surplus with a minimum bid of \$2,500.

Mr. Carr motioned to replace one police car seconded by Ms. Wood motion carried. (4-yetas, Hulbert, Cunningham, Carr, Wood, 1-Abstain Sutton)

Mr. Cunningham moved to approve the following transfers:

FROM:	A1990.400	Contingent	\$ (1,800.00)
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TO:	A1420.400	Attorney Contractual	\$ 1,800.00
FROM:		General Surplus	\$ (5,800.00)
TO:	A8020.400	Planning Contractual	\$ 5,800.00
FROM:		Highway Surplus	\$ (89,000.00)
TO:	DA5130.200	Machinery - Equipment	\$ 89,000.00

Abstract #1016, consisting of 2010 Vouchers #689 through #709 for \$60,644.37 broken down as follows:

General Funds	\$ 1,123.01
Highway Funds	\$ 25,978.25
Trust & Agency	\$ 33,543.11

Abstract #1017, consisting of 2010 Vouchers #710 through #775 for \$152,985.23 broken down as follows:

General Funds	\$ 50,849.36
Highway Funds	\$ 101,317.56
Street Lighting	\$ 818.31

Seconded by Ms. Wood all in favor motion carried. (5-yeas, Hulbert, Sutton, Cunningham, Carr, Wood)

Mrs. Wood motioned to adjourn, seconded by Mrs. Sutton at 9:30 p.m.

Minutes approved:

Chris Kohrs, Town Clerk