

Minutes June 7, 2016

Minutes of the Regular Monthly Meeting of the Town Board of the Town of Durham held June 7, 2016 at the Town Hall commencing at 7:30 p.m.

Present: William Carr, Supervisor
Shawn Marriott, Deputy Supervisor
Joan Breslin, Councilmember
Jerry Cunningham, Councilmember
Nick Nahas, Councilmember

Recording Secretary: Chris Kohrs, Town Clerk/Collector

Others Present: Paul Capulli, Deputy Highway Superintendent
David Cunningham-Building Inspector
Lois Rockefeller-Building & Code Clerk
Tal Rappleyea-Attorney (7:58)
Aiden O'Connor – Legislator
21 community members

The meeting called to order at 7:30 with the pledge to the flag.

Supervisor Carr said Attorney Rappleyea would be late.

Deputy Highway Superintendent Capulli presented a request to the board for Highway Superintendent van Holsteyn asking permission to purchase overhead doors for the cold storage building. They will reuse the large overhead doors that had been on there and wish to purchase a 9' x 10' set of overhead doors to be placed next to the larger doors. This will allow for additional storage and access of smaller equipment. GNH Lumber provided an estimate of \$1,205.00. The board requested additional bids.

Supervisor Carr presented the board with information from Good Energy; a Community Choice Aggregation Administration Agreement and a form for the filing of a local law for the purpose of (Adding a New Chapter to the [Village/Town/City] Code Entitled "Community Choice Aggregation (Energy) Program"). Discussion followed. Councilmembers Cunningham and Breslin stated they are reluctant to enter into this program that would automatically enroll every resident without their permission. Additionally, stated concerns about the process to unenroll on an individual basis. Good Energy states it is a simple process that could take one to three billings to occur, however, the board has not seen the actual documentation of how one would withdraw to know if it is as simple as has been stated. Also the information provided by Good Sense states it is the responsibility of the town to notify every resident about their enrollment. Councilmember Cunningham did not agree with this provision and stated Good Energy should be informing the residents and guiding them on how to proceed if they wish to stay enrolled. Councilmember Nahas requested details on how the savings would be achieved. A resident requested that Central Hudson be asked to attend the next meeting that Good Energy attends to offer their opinion on the proposal.

Supervisor Carr read a letter from Patrick Ciccone in support of the hamlet of Oak Hill applying

for Historic Designation on the National Level. He explained that a historic designation would enable residents within the district to apply for programs that could result in a tax credit for the project whether it is a large or small improvement. It was explained that a historic designation is not an exemption; therefore, it would not have a negative impact on the tax base.

Councilmember/Historian Nahas read a letter he sent to Assemblyman Lopez, State Senator Amedore and Congressman Gibson asking for their support of the Oak Hill Historic District. It was explained that an attempt to obtain the national historic designation for Oak Hill was not successful as at that time it required 100% of the properties to agree to the designation and there were a few who declined to participate. The current National Historic Registry now requires a majority of the residents to agree to the program. All properties designated by the National Historic Registry as eligible for the district will be sent letters and asked to respond if they are or are not in favor of the creation of the Oak Hill Historic District. As this is a national program the local government does not have a say if the majority of the designated properties decide they wish to create the national historic district.

Oak Hill resident Doug Thomsen stated that he is not in favor of a National Historic District. He stated that the power is in a local historic district as was set up by the town a number of years ago for Cornwallville. He is concerned with a National designation restrictions could be placed on the property owners that are not in place at a local level.

Attorney Rappleyea added that a proposed project requiring an Environmental Review would require additional review steps if it is near a designated Historic Site or District. Councilmember Nahas added that he is aware of at least two proposals that have named the hamlet of Oak Hill as a possible area that could be flooded to create a reservoir. If there is a National Historic District it is very unlikely that the hamlet would be flooded.

Linda Sutton, who was instrumental in the establishment of the Cornwallville Historic District by the Town of Durham, asked who would be paying for the legal fees should the Oak Hill Historic District be approved. Mrs. Nahas stated as this is a National Designated Historic District the State would pay the fees.

The Oak Hill Historic Preservation Committee will hold an informational session on this topic July 9; all were invited to attend.

The board reviewed the application for a lot line adjustment for parcel 48.02-1-1 located at 29 Sutton Road, consisting of 13.3 +/- acres. The owner wishes to annex off 5.15 +/- acres to be sold and combined with parcel 48.02-1-27 making the existing parcel of 1.56 +/- acres now a 6.71 +/- acre parcel. As the subdivision does not create a new building lot the board determined it is a simple subdivision (lot line adjustment). **Upon completion of the SEQR Councilmember Nahas motioned for a Negative Declaration seconded by Councilmember Marriott. All in favor motion carried.** (5-yeas Carr, Breslin, Cunningham, Nahas, Marriott)

Councilmember Nahas motioned to waive the public hearing and approve the Simple Subdivision of parcel 48.02-1-27 seconded by Councilmember Marriott. All in favor motion carried. (5-yeas Carr, Breslin, Cunningham, Nahas, Marriott)

Supervisor Carr gave a brief review of the Susquehanna Grant project that began over ten years ago. The Durham Valley Land Trust partnered with the Town of Durham to obtain a grant from the State of New York. The grant provided funds for the acquisition of conservation easement along the State designated Scenic Byway which runs along portions of County Routes 10, 20, & 20B; State Routes 23 & 145; and Town Roads: Cunningham Rd, Cornwallville Rd, & Stonebridge Rd. Now that the surveys have been completed and the acquisition is ready to be closed the first payment for professional fees totaling \$31,405 is due. The next payment will be \$300,000 and is for the actual purchase of the conservation easement. The money will need to be expended by the town through the purchase of a Band Note. Once the payment has been made forms will be submitted to New York State DOT for reimbursement of 80% of the expenses for this project. The Durham Valley Conservation will reimburse the Town of Durham for the remaining 20% as well as all legal fees and interest accrued. The expected turnaround time for the funds from the State of New York is 4-6 weeks from the time the paperwork is submitted and approved.

**RESOLUTION 2016-05 OF THE TOWN OF DURHAM TOWN BOARD
TO AUTHORIZE PAYMENT OF CERTAIN COSTS ASSOCIATED WITH THE
DURHAM VALLEY LAND TRUST EASEMENT FROM GELLHORN**

WHEREAS, at the request of and with the Durham Valley Land Trust, Inc. (hereinafter the “DLVT”), the Town Board of the Town of Durham entered into a “locally administered project” Agreement whereby DLVT would obtain certain conservation easements for protection of an important view shed within the Town, and

WHEREAS, under such Agreement the Town of Durham agreed to ‘up-front’ payment of the costs of such project, but shall not incur any costs associated with such program and all such costs shall be reimbursed to the Town either through NYS funding or direct reimbursement from the DLVT, and

WHEREAS, the DLVT has submitted certain invoices totaling \$31,405.00 for payment to the Town Board which are attached hereto and made a part hereof, and

WHEREAS, the Town Board has reviewed such invoices which appear to be in proper form.

NOW THEREFORE, IT IS HEREBY

RESOLVED, that the Town Board of the Town of Durham hereby authorizes payment of the aforementioned invoices to the DLVT, and it is further

RESOLVED, that the Town shall immediately thereafter request reimbursement from the NYS DOT and the DLVT immediately reimburse the Town for the 20% portion which is the DLVT’s responsibility in accordance with the above-mentioned Agreement.

Motion seconded by Councilmember Marriott.

ROLL CALL:

	<u>AYE</u>	<u>NAY</u>
Supervisor William A. Carr, Jr.	X	
Councilmember Shawn Marriott	X	
Councilmember Jerry Cunningham	X	
Councilmember Joan Breslin	X	
Councilmember Nicholas Nahas	X	

Supervisor Carr explained the owner of Wayside Inn requested an additional 30 days to clean up the property that was destroyed by fire in November of 2015. The Owner is trying to obtain assistance with cleanup from the county. Discussion followed. **Councilmember Marriott motioned to extend the cleanup dead line until July 1, seconded by Councilmember Cunningham. All in favor motion carried.** (5-yeas Carr, Breslin, Cunningham, Nahas, Marriott)

Councilmember Cunningham motioned to approve the Facility Use request for Brandow Park July 17 for the Teator Family Reunion. Motion seconded by Councilmember Breslin all in favor motion carried. (5-yeas Carr, Breslin, Cunningham, Nahas, Marriott)

Upon review of the Mass Gathering Application for the Grey Fox Blue Grass Festival **Councilmember Breslin motioned to approve the Grey Fox Blue Grass Festival which will run from July 14 through July 17. The permit will not be issued until proof of insurance and copies of waivers issued by the NYS Department of Health have been received by the Town Clerk. Motion seconded by Councilmember Cunningham. All in favor motion carried.** (5-yeas Carr, Breslin, Cunningham, Nahas, Marriott)

Councilmember Breslin explained there was a conflict with the use of the Brandow Ball field between the Little League and the Outlaws baseball teams. Discussion followed Councilmember Marriott with speak with the parties involved.

Legislator O'Connor thanked all who were able to attend the Heroin Seminar. There were approximately 25 NARCAN kits handed out that evening. On May 21, Butch Hull was honored at the County Veterans Ceremony. June 1 Greene County Transit started with several routes throughout the county. It costs \$3 to ride the bus with a discount for seniors. The bus stops at the East Durham and Oak Hill post offices. (Schedules are available in the foyer of the town hall)

June 1 the County Safety committee met and discussed the traffic safety concern at the entrance of the Cairo-Durham Jr/Sr High School on State Route 145. There were many good ideas shared as to ways to improve the entrance and traffic in the area. Letters will be sent to NYS DOT asking for them to revisit the site and develop a plan to make it safer.

June 18 Greene County will hold its annual Household Waste Day at the Athens site.

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A concerned resident inquired as to the status of the Dollar General Site Plan Application. Supervisor Carr explained that the Town Attorney and the Building and Code individuals met with the engineer following the May 17 meeting. The Engineer left with a list of items needed to complete the application. As neither the board nor the Building & Code department have received the requested information there is nothing new to report on the application. Questions were raised regarding the activity at the location of the proposed store and Supervisor Carr advised that the activity appears to be exploratory and no permits have been issued for the project.

Councilmember Cunningham made a motion and seconded by Councilmember Nahas to adjourn at meeting at 8:36. All were in favor and the motion carried.

Respectfully Submitted;

Chris Kohrs, Clerk/Collector