

Regular Town Board Meeting March 10, 2011

FINAL

Present was Council-members Carlson, Frisbee and Supervisor Merrihew. Also present was the Attorney for the town Siegel. Absent was Council-members Leoni and Potter.

Supervisor Merrihew called the meeting to order at 7:30PM.

Prayer/Moment of Reflection by Pastor McHeard.

Supervisor Merrihew opened the floor to public comments on the agenda.

Highway Superintendent Perog asked the board to consider adding something to the agenda. it is a written 284 form that I'm submitting right now. My first time at it, thanked the board for their consideration. I look forward to it being approved, it is nine pages long.

Supervisor Merrihew; We won't be able to act on this tonight at nine pages there is probably a lot of math to do. The Board hasn't seen it yet.

Highway Superintendent Perog; If you don't act on it the highway department shuts down April 1st. I just wanted you to know that.

Resolution #87-11- Council-member Frisbee motioned, seconded by Council-member Carlson the approval of the February 10, 2011 regular town board meeting minutes. Motion carried 3 ayes, Council-members Frisbee, Carlson and Supervisor Merrihew.

Town Clerk read the Clerk's report for the month of February 2011.

Account#	Account Description	Fee Description	Qty	Local Share
	Misc. Fees	Special Use Permit	1	75.00
		Certified Copies - Death	14	140.00
		Photo Copies	16	2.40
	Operating Permit	Operating Permit	1	30.00
	Subdivision Major	Planning & Zoning	1	100.00
		Subdivision Major	2	525.00
		Sub-Total:		\$872.40
A1255	Conservation	Conservation	1	0.94
		Sub-Total:		\$0.94
A2544	Dog Licensing	Female, Spayed	16	144.00
		Female, Unspayed	1	17.00
		Male, Neutered	14	126.00
		Male, Unneutered	5	85.00
		Sub-Total:		\$372.00
B2555	Building Permits	Building Permits	2	120.00
		Sub-Total:		\$120.00
		Total Local Shares Remitted:		\$1,365.34
Amount paid to:	NYS Ag. & Markets for spay/neuter program			48.00
Amount paid to:	NYS Environmental Conservation			84.06
Total State, County & Local Revenues:	\$1,497.40	Total Non-Local Revenues:		\$132.06

To the Supervisor:

Pursuant to Section 27, Sub 1, of the Town Law, I hereby certify that the foregoing is a full and true statement of all fees and monies received by me, Leah M. Lennon, Town Clerk, Town of Duaneburg during the period stated above, in connection with my office, excepting only such fees and monies, the application of which are otherwise provided for by law.

Robert P. Mankin 3-8-11 Leah M. Lennon 3-2-11
Supervisor Date Town Clerk Date

Supervisor Merrihew read the Supervisor's report for the month of February 2011.

Monthly Statement of Supervisor

TO THE TOWN BOARD OF THE TOWN OF DUANESBURG, NEW YORK:

Pursuant to Section 119 of Town Law, I hereby render the following statement of all money received and disbursed by this office during the month of February 2011.

REVENUES

FUND	AMOUNT
GENERAL FUND	\$ 244,120.51
HIGHWAY FUND	\$ 414,581.11
FIRE PROTECTION	\$ 198,178.00
PARK & RECREATION	\$ 0.37
PARKLANDS	\$ 1.10
SHAFER PARK	\$ -
SERVICE AWARD	\$ 0.43
SEWER DISTRICT #1	\$ 9.95
SEWER DISTRICT #2	\$ 252,224.54
TOTAL	\$1,109,116.01

DISBURSEMENTS

GENERAL FUND	\$ 148,161.06
HIGHWAY FUND	\$ 74,419.01
FIRE PROTECTION	\$ -
PARK & RECREATION	\$ -
PARKLANDS	\$ -
SHAFER PARK	\$ -
SERVICE AWARD	\$ -

SEWER DISTRICT #1	\$ 26,190.44
SEWER DISTRICT #2	\$ 17,243.25
TOTAL	\$ 266,013.76

Dated: March 10, 2011

Supervisor's Office
Town of Duanesburg

Resolution #88-11-Council-member Frisbee motioned, seconded by Council-member Carlson a correction to a budget transfer from last month. There was an error made on an account number we were taking out of machinery contractual outside repairs and part of it had to go into workers compensation it was originally stated erroneously 90508.03.800 DA for \$813.54 it should read 90408.03.800 DA for \$813.54. Motion carried 3 ayes, Council-members Frisbee, Carlson and Supervisor Merrihew.

Reesolution#89-11-Council-member Frisbee motioned, seconded by Council-member Carlson a budget amendment From: 599.01A Appropriated Fund Balance \$30,851.00 Increasing 16202.01.200A Buildings Equipment \$30,851.00. To amend the budget for a replacement vehicle approved by the Town Board at the February 10, 2011 meeting and noted in the 2011 budget note by the Town Supervisor. Motion carried 3 ayes Council-members Frisbee, Carlson and Supervisor Merrihew.

Resolution#90-11-Council-member Carlson motioned, seconded by Council-member Frisbee the payment of the following claims:

Vouchers To Be Paid

March 10, 2011

Paid Before

Sewer District # 1 Vouchers #22 to #25 = \$7,400.59

Sewer District # 2 Vouchers #22 to #24 = \$1,536.03

General Fund Vouchers #A60 to #A66 = \$21,778.71

Total Paid Before Vouchers = \$30,715.33

Monthly

Sewer District # I Vouchers #26 to #32 = \$1,890.37

Sewer District # 2 Vouchers #25 to #35 = \$8,606.43

General Fund Vouchers #A67 to #A88 = \$229,043.64

General Fund In-House Vouchers #A9 to #A11 = \$386.23

Highway Vouchers #H8, #H29, #H33 to #H35, #H37, #H40 to #H43, #H45, #H46, H48, #H50
& #H53 = \$12,064.71

Highway In-House Voucher #H36 = \$2.29

Total Vouchers Paid = \$251,993.67

Motion carried 3 ayes, Council-members Carlson, Frisbee and Supervisor Merrihew.

Committee Reports:

Highway; Council-member Carlson; we have a couple things on the agenda tonight. Supervisor Merrihew; Steve didn't attend the highway committee meeting again All we have are written items. Council-member Frisbee; we have the contract with Princetown. Historically we have billed Princetown for a portion of VanPatten Road that our highway department maintains. We haven't had a contract in a couple of years and I put together the contract and showed Steve my computation and put it in his mailbox with a memo. I asked him to get in touch with us so that we could resolve it, but he never did.

Supervisor Merrihew; He needs to sign it too. So I guess we'll have to wait.

Attorney Siegel; You can make the motion and sign it after he has signed it.

Supervisor Merrihew; Jean, you did a nice job. I thought that your logic was great on your calculations.

Supervisor Merrihew; Reported that PESH The public employees safety and health unit came to visit the highway garage then came up and spent a couple hours with Tracy and I. He said that there were really only a couple of minor issues at the garage. He also stated to us that we need a work force violence prevention policy which I thought we had. Come to find out, we didn't have it. When we did our sexual harassment policy Jeff had drafted a work force violence prevention policy and we neglected to adopt it. The representative from PESH had told us to follow their procedure and send out a survey to all of the employees and that way we can tailor our workforce prevention policy to our town specifically. We sent out our survey and the deadline to return was last Friday, all have been returned. PESH will also come in and train all the employees on workforce violence. In the upcoming months we'll work with Mr. Buzzo and see if we can't schedule a time for them to come in and do the training.

Supervisor Merrihew; The only other thing I have is the agreement that Steve presented last month. The board did not approve because we hadn't been able to find any information on this particular contract a" non-paving Section 284". I did some more research and checking, I spoke with our county department of public works director, he had never heard of it either as well as the auditor that's in town hall now from the Comptroller's office. I think that we made the right move by not entertaining that. But as a result of that we did receive a memo stating that he is padlocking the gas tank at the highway department and no longer allowing the building department or sewer department to get gas. This is exactly the reason why we have tried over the

course of the last couple of years to make our departments self sufficient, because sadly when something like this happens we're all sent scrambling trying to figure out what we're going to do. Leah's working on the procedure so that we can buy gas out in the marketplace and not pay sales tax.

Public Safety; Supervisor Merrihew, I attended the town fire officers meeting last night and it was very quiet. There is really nothing to report.

Park; Council-member Frisbee; We had a park meeting last week and we invited the garden club to the meeting to discuss what possible things we could do with the point down at 7&20. We got some good ideas from the park committee. Because of the sewer district we are working on it will have to be something temporary this year. They all decided that we should spread some top soil and plant some grass and bring in some flowers.

Supervisor Merrihew; Maybe you can get some flowers from the county.

Council-member Frisbee – We have another park meeting on March 16th with the Boy Scout leaders about the trail on the town owned piece of property on Lake Road in Mariaville.

Zoning: Supervisor Merrihew read the Code Enforcement Officer's report for the month of February.

To: Rene` Merrihew, Town Supervisor and Town Board Members

From: Dale Warner, Building, Planning & Zoning

CODE ENFORCEMENT MONTHLY REPORT FOR MONTH OF 2/28/11

Building:

New One or Two Family Dwellings

New Residential Occupancies (not including one & two family)

Additions, alterations, repairs on existing residential dwellings

1 All other permits (pools, sheds, barns, garages, decks, plumbing, Etc.)

New Commercial/Industrial buildings

New Hazardous Occupancies

Additions, alterations, repairs on existing commercial/Industrial/Hazardous buildings

4 Certificates of Occupancy 1 Operating Permits

8 Fire Safety and Property Maintenance (Public Assembly 50 or more)

2 Complaints Stop Work Orders

Zoning and Planning Applications:

	Variance	1	Home Occupation
1	Major Subdivision		Minor Subdivision
1	Special Use Permits		

Fees Charged:

Building Permits 150.00

Planning and Zoning Applications 700.00

Parkland Fees

Cell Tower (new and co-location)

Building Dept. vehicles fuel usage 91.5 gallons

Supervisor Merrihew read the Code Enforcement Officer's report for the month of February for Delanson.

To: Sally Burns, Mayor and Village Trustees

From: Dale Warner, Building, Planning & Zoning

CODE ENFORCEMENT MONTHLY REPORT FOR MONTH OF 2/28/2011

Building:

New One or Two Family Dwellings

New Residential Occupancies (not including one & two family)

Additions, alterations, repairs on existing residential dwellings

All other permits (pools, sheds, barns, garages, decks, plumbing, Etc.)

New Commercial/Industrial buildings

New Hazardous Occupancies

Additions, alterations, repairs on existing commercial/Industrial/Hazardous buildings

Certificates of Occupancy

Operating Permits

Fire Safety and Property Maintenance (Public Assembly 50 or more)

Complaints

Stop Work Orders

Zoning and Planning Applications:

Variance

Home Occupation

Major Subdivision

Minor Subdivision

Special Use Permits

Fees Charged:

Building Permits

Planning and Zoning Applications

Hours Charged to Village

Clerk

Building Inspector

There was no new business for the Village of Delanson for the month of February 2011

Council-member Carlson reported on the Sewer Districts:

It has been a busy month. Gary had his surgery last month and is recuperating. In the meantime Bob has been working a lot of hours keeping the sewer plants running. Along with all of the scheduled work every day he also had 41 repairs last month and four complaints.

Sewer District #1 & #2

To: Phil Carlson, Chairman and POTW Board

From: Dale Warner, Building & Grounds Manager

Gary Courtright, Plant Operator

MONTHLY REPORT FOR MONTH OF 2/28/2011

New EDU's

List Name, Location, Sewer District, Type (gravity or grinder)

4 **Residential Complaints**

List Name, Location, Sewer District, Corrective action, dates started and completed

41 **POTW Repairs**

List Sewer District, Location, Repairs, Corrective action date

Violations

List Sewer District, Location, Action taken

Fees Charged

Sewer District # 1

Sewer District #2

Sewer District #3

~~Sewer Department Vehicle Fuel Usage gallons~~

Ethics; Council-member Frisbee; We have a meeting scheduled for March 26th in anticipation of the April 5th training class that Toni has worked extremely hard setting up. We have a gentlemen coming in from the state ethics board to do a training class for all the employees of the town. We are going to hold it at DVAC because of the space requirements. It is April 5th at 1:00, should take an hour and a half or two hours.

Supervisor Merrihew; Town Hall will be closed from 1-3. This is pretty much required training.

Supervisor Merrihew; what happens if some members can't attend training, if they have something already planned can't attend the training. Is it going to be a problem, will they have to find somewhere else to go?

Toni DiCaprio; I haven't asked for that information. Maybe there is enough to present to those people locally because that would be our second training.

Council-member Frisbee; We may be expected to do the Ethic's training on a yearly basis.

Council-member Frisbee; The law requires that the Ethic's Committee file an annual report.

Board of Ethics

RECEIVED

FEB 23 2011

TOWN OF DUANESBURG
TOWN CLERK



Tammy J. Arquette, Chair
Jean E. Frisbee
Ardene B. Kalteux
Toni A. DiCaprio
Lorri M. Meyers

Town of Duanesburg

Schenectady County

February 22, 2011

Duanesburg Town Board
Duanesburg Town Hall
5853 Western Turnpike
Duanesburg, NY 12056

Re: Board of Ethics Annual Report

Dear Town Board:

Pursuant to Section 13 (a) of the Duanesburg Code of Ethics, the Board of Ethics hereby submits its annual report summarizing the activities of the Board of Ethics.

From the date of inception, the board has increased from three members to five members. The Board has met on five (5) occasions in the year 2010.

The Board of Ethics was requested to provide an Advisory Opinion which was researched, investigated and resulted in an Advisory Opinion dated January 28, 2010. The Town Board then requested a formal investigation of the allegations contained in the Advisory Opinion. By letter dated July 9, 2010, the Board of Ethics rendered its determination regarding the said investigation.

The Board of Ethics was subsequently requested to investigate allegations concerning an elected town official. After investigation, the Board of Ethics rendered a report to the Town Board by letter dated November 10, 2010.

The Board of Ethics members participated in training provided through the New York State Commission on Public Integrity. The Board of Ethics is coordinating a training session intended for the Duanesburg Town Employees, elected officials and Town Board members. The Board of Ethics has also begun to coordinate a plan for the dissemination of educational materials to all town employees, elected officials and town board members in compliance with Section 12 of the Duanesburg Code of Ethics.

Respectfully submitted,

Tammy J. Arquette, Chairman
Duanesburg Board of Ethics

Supervisor Merrihew; This reminds me of the requirements that are put on by the state. When PESH came in to visit, I had copies of the laws and had mentioned that the town wasn't required to have a written work force violence prevention policy if they had under 20 full time employees. He did agree, but he felt the need for one to be in place after he left the highway garage and came up here. We had planned on doing it anyway. There are some pretty good requirements they are putting on the towns by the state.

Landfill; Supervisor Merrihew; I have a copy of the annual report. Some of the conclusions this year. This is provided to us by H2H and it also goes to DEC for their approval. I have not heard from DEC yet, but this was just sent in February to DEC. After eighteen years of monitoring the list and concentrations analytes of concern in groundwater appear to be stable, there're varying within identified limits or manifesting a decreasing long time concentration trend. Some of the things that they had been concerned about are actually coming down. We met with H2H and they had explained all of the aspects of the report. It says the quarterly groundwater sampling is adequate and appropriate for compliance monitoring. The main analytes of concern in the ground water which are ammonia- nitrogen and iron. Concentrations of ammonia-nitrogen in groundwater appear to be decreasing. Other than iron and manganese most analytes and leachate collected from the two sumps are below or only slightly above the NYSDEC's Discharge to Groundwater criteria. The fact that exceedances are so minor should play into future leachate management decisions. H2H feels that following another year of seep data collection and evaluation, opportunities should be explored for streamlining the entire post-closure monitoring program, with NYSDEC's concurrence, to make it more efficient without compromising effectiveness. The evaluation should also address database needs relative to monitoring requirements for possible future leachate management system modifications. The whole report is available if anybody is interested in seeing it.

Resolution#91-11-Council-member Carlson motioned seconded by Council-member Frisbee to schedule a Sewer Commissioner meeting for May 12 at 7:00PM. For discussion; Supervisor Merrihew; we are a little late this year, but because of Gary being out having surgery I wanted to make sure he was back taking care of everything. Motion carried 3 ayes Council-members Carlson, Frisbee and Supervisor Merrihew.

Supervisor Merrihew; before you make this motion. Gary Courtright was actually in the other day and he gave us a letter.

Council-member Carlson; He would like to find out about an estimate on fixing the truck to use as a spare to carry around the sewer vac.

Supervisor Merrihew; The vac and also the utility box.

Council-member Carlson; I think at this point we should hold onto it.

Resolution #92-11-Council-member Frisbee motioned, seconded by Council-member Carlson to have Collar City Auctions, Auction off the Explorer from the building department. For discussion; Council-member Carlson I checked with some auction places to get what their commission rate was and asked them to fax it to us at the town hall and nobody faxed anything to us. Supervisor Merrihew and that was to keep in in compliance with our Ethic's Law because Randy Passonno who owns Collar City Auction is on our Planning Board. Attorney Siegel; There was no one else interested in auctioning off the truck. Council-member Carlson no one

was even interested in giving us their commission rate. Attorney Siegel asked what the commission rate Collar City charges. Council-member Carlson, I don't even know. Attorney Siegel they are usually 12 to 14 % somewhere in that range is what their commission is on auctions. Supervisor Merrihew; Phil when you talk to Randy let him know that he needs to disclose this information at his very next planning board meeting and to write a note to the Ethics committee. Motion carried three ayes Council-members Frisbee, Carlson and Supervisor Merrihew.

Resolution #93-11-Council-member Frisbee motioned seconded by Council-member Carlson authorizing the Town Supervisor to sign the contract with Princetown for highway services on Van Patten Road after the Highway Superintendent signs it. For discussion; Council-member Frisbee explained how she came up with the price of \$945.00. Motion carried three ayes, Council-members Frisbee, Carlson and Supervisor Merrihew.

Resolution #94-11-Council-member Carlson motioned, seconded by Council-member Frisbee that we clarify the resolution from last month #82-11 the wording should be to accept the lowest bid for a 2011 F250 pick up with a plow from Orange Ford at \$30,851.00. This is the lowest responsible bid for a truck to be delivered immediately and meeting our requirements. For discussion; Supervisor Merrihew: I have recused myself from the discussion because my husband is an employee at Orange Motors. Attorney Siegel then you can't pass it. It's up to you whether you are going to vote on it, it's already passed, but nothing is going to happen on it today. Council-member Carlson you're not really voting on it just that we are clarifying. Supervisor Merrihew I don't see why it can't wait until next month. Motion not carried. Two ayes Council-members Carlson and Frisbee, one abstain Supervisor Merrihew.

Resolution #94-11-Council-member Frisbee motioned, seconded by Council-member Carlson to approve James Murphy as Deputy Highway Superintendent at the request of Highway Superintendent Perog. For discussion; Council-member Carlson; I realize this isn't our appointment but I still would like to meet the gentleman before we approve him. Tracy Rabideau, bookkeeper, I want to just bring to people's attention that he is of no relation to our building inspector assistant. She had concern that people would feel that he was of relation to her. There is no relation to her husband what so ever. Supervisor Merrihew; I don't disagree with you but it is not our call. Council-member Carlson they still are asking me to approve something, regardless whether it is my call or not. The Superintendent of Highways I would have thought he would have at least had the gentlemen here so we could talk to him. Motion not carried, Council-member Frisbee aye, Council-member Carlson no, Supervisor Merrihew aye.

Resolution#94-11-Council-member Frisbee motioned, seconded by Council-member Carlson to approve Highway Superintendent Perog to attend Substance Abuse, Reasonable Suspicion and Recognition Training Seminar at cost of \$95 plus mileage. Not to exceed 50 miles. Motion carried 3 ayes, Council-members Frisbee, Carlson and Supervisor Merrihew.

Resolution #95-11-Council-member Carlson motioned, seconded by Council-Frisbee to approve Highway Superintendent Perog to attend a seminar titled Managing People at a cost of \$40 plus mileage. Not exceed 200 miles. Motion carried 3 ayes, Council-members Carlson, Frisbee and Supervisor Merrihew.

Resolution #96-11-Council-member Frisbee motioned, seconded by Council-member Carlson to appoint Peter Watrous as Chairman to the Park Commission. Motion carried 3 ayes, Council-members Frisbee, Carlson and Supervisor Merrihew.

Resolution #97-11-Council-member Frisbee motioned, seconded by Council-member Carlson to appoint Kim Gurney to the Park Commission as Secretary. Motion carried 3 ayes, Council-members Frisbee, Carlson and Supervisor Merrihew.

Resolution #98-11-Council-member Frisbee motioned, seconded by Council-member Carlson to appoint Linda McLaughlin to the Park Commission. Motion carried 3 ayes, Council-members Frisbee, Carlson and Supervisor Merrihew.

Resolution #99-11-Council-member Frisbee motioned, seconded by Council-member Carlson to appoint Roxanne Mulaney to the Park Commission. Motion carried 3 ayes, Council-members Frisbee, Carlson and Supervisor Merrihew.

Resolution #100-11- Council-member Frisbee motioned, seconded by Council-member Carlson to appoint Elaine McCarthy to the Park Commission. Motion carried 3 ayes, Council-members Frisbee, Carlson and Supervisor Merrihew.

Announcements;

Think Spring!

Supervisor Merrihew; This Sunday the 13th Esperance Fire Department is hosting a pancake breakfast from 7:00 AM to 11 AM.

April 9th Mariaville Fire Department is hosting a pancake breakfast at 8:00 AM.

May 8th Burtonsville is hosting its Mother's Day lunch from 10 to 12.

The first four Fridays in April are the Duanesburg Volunteer Ambulance Corp fish dinners from 4 to 7.

Council-member Frisbee; We, had Duanesburg Days it was a big turnout. It was nice.

No other business, floor opened at 8:17PM

Anna Denny- Schoharie Turnpike- Asked if the town had any recourse legally when someone padlocks items that the town should be using?

Supervisor Merrihew; I've never heard of such a thing, it just happened. Judging from the last couple of years, my guess is no. By the time we got done researching it, it's probably just as well to buy gas in the marketplace. That is something we have to discuss next month. We had just gotten the memo.

Roy Petchel-Western Turnpike- Spoke of auctioning off the truck, instead of giving this guy a commission on it, just put the vehicles in the paper like other towns do. List it, where it is let them come get it.

Complimented DOT on the outstanding job they are doing under the railroad bridge. Governor if your listening we need all the help you can give us.

I'm not making any of this up. I've lived across the street now for eight years. The last couple of years the highway department hasn't been taking care of this parking lot here at the town hall.

They haven't been plowing, they haven't been sanding they haven't been salting. Part of this \$30,000 for this pick up truck with a plow on it is so they can plow this parking lot. They have had to go out and buy rock salt and calcium by the bag to do the parking lot out here. Less than 100 yards away from this building is tax payer bought and paid for sand, salt plowing equipment that is not being used on this property. I don't know why. It's your money just like it's my money. Sheriff Dominic Dagostino if you're listening, as far as the pad locks on these pumps down here are concerned, I would like to see your department come out here with bolt cutters and cut the locks off them pumps. That gas is bought and paid for by the tax payers in this town. It belongs to the tax payers of this town.

Dick Weakly- Mariaville- Spoke of the truck, you can have people send in a sealed bid.

No other business floor closed at 8:20PM.

Council-member Carlson motioned, seconded by Council-member Frisbee to adjourn. All in favor.

I, Leah M. Lennon, Town Clerk of the Town of Duanesburg do hereby certify that this is an accurate transcript of the regular town board meeting held at 5853 Western Turnpike on Thursday March 10, 2010.