

Introduced by Councilman Duane, Councilman Breitenstein - 3-30-84
TABLED FOR FURTHER STUDY 3-30-84.

Taken from tablet passed - April 12, 1984 with deletion of
Ordinance
passed - res # 82-84
inserted - section 4
RESOLUTION
(or a person acting upon the TOWN OF DUANESBURG
authorization of such employee
or officer)

WHEREAS, the Town of Duanesburg has established an area within the Town of Duanesburg for the purpose of operating a landfill, dump or dumping ground and

WHEREAS the Town of Duanesburg has previously regulated the use of such landfill, dump or dumping ground and further regulation is required for the preservation of this public facility and the protection of the residents of the Town, therefore,

BE IT RESOLVED AND ORDAINED by the Town Board of the Town of Duanesburg, Schenectady County, New York as follows:

1. Definitions. The term "person" as used in this ordinance shall include an individual, society, club, firm, partnership, corporation or association of persons, and the singular number shall include the plural number.

The term "rubbish" as used in this ordinance shall include waste metal, tin cans, ashes, cinders, glass, pottery and all discarded substances of a solid and incombustible nature.

The term "garbage" as used in this ordinance shall include waste food, papers, dead animals or parts thereof and all waste or discarded wood, lumber or vegetable matter of any kind, or any other matter which shall be inflammable or capable of fermentation or decay.

2. Site. The premises owned by the Town of Duanesburg and located on the Dump Road leading from Depot Road was previously designated as the landfill, dump or dumping ground of this town for rubbish and garbage by the residents of the town,

and is hereby made subject to the provisions of this ordinance. The regulations herein contained shall also apply to any other lands hereafter acquired or leased for the purpose of disposal of rubbish and/or garbage.

3. Restrictions on use, garbage. No person shall carry or leave, or cause to be carried or left, upon the premises mentioned in Section 2 of this ordinance, any garbage, as herein defined, or any material, waste or offal of any kind which shall give off any offensive odor, either when left upon the premises or thereafter, or which creates or may thereafter create a nuisance of any kind, or which shall be or may become dangerous to human or animal life.

4. Restrictions on use; Removal of materials.

No person, except an employee or officer of the Town of Duanesburg ~~or a person acting upon the authorization of such employee or officer~~ shall remove any materials from such landfill, dump or dumping ground.

5. Restrictions on use; By Permit Only.

No person shall deposit any rubbish or garbage of any kind, generated or originating outside the boundaries of the Town of Duanesburg, on the premises herein described for that purpose. No person shall deposit such rubbish or garbage without a permit issued by the Town Clerk pursuant to regulations authorized by the Town Board.

6. Manner of use. No person shall deposit or cause to be deposited any substance of any kind on the landfill, dump or dumping ground herein designated, except at the places and in the manner directed by the person in charge of the premises under authority of the Town Board, whether such direction is given personally, or by another person by his authority, or by a sign or signs erected upon the premises by his authority.

7. Further general restrictions. No person shall throw or deposit, or cause to be thrown or deposited, any garbage, rubbish, or abandoned vehicles or parts thereof, in or upon any public highway, street or place within the Town of Duanesburg excepting upon the dumping ground pursuant to the regulations hereof or previously made by resolution of the Town Board.

8. Penalties. Any person violating any of the provisions of this ordinance shall be guilty of a violation as classified by the New York State Penal Law and shall be deemed an offense against this ordinance pursuant to New York State Town Law, and upon conviction thereof be punishable by a fine not exceeding \$250.00 for each offense or by imprisonment in the County Jail not exceeding 60 days or by both such fine or imprisonment; and upon failure to pay any such fine, to be imprisoned in the County Jail until such fine be paid, not to exceed one day for each dollar of the fine imposed.

10. Effective date. This ordinance shall take effect immediately.

Regular Meeting, April 12, 1984

Meeting called to order at 7:33 P. M.

Present were Supervisor Miller, Councilperson Sleeper, Councilman Breitenstein, Councilman Gasner and Councilman Isles. Also present was Attorney Riemer.

Invocation was by Councilman Gasner.

Pledge to the flag was led by Councilperson Sleeper.

Stuart Smith from Schoharie Cablevision gave a report on Cablevision. He said that so far everything is on Schedule. They will start working in the summer and barring complications should be done by September or October, 1984.

Resolution # 81-84 Councilman Breitenstein moved and 2nd by Councilman Gasner to strike out the following words in the proposed Landfill Ordinance, Section 4.. "or a person acting upon the authorization of such employee or officer". Adopted 5 Ayes.

Resolution # 82-84 Councilman Breitenstein moved and 2nd by Councilman Isles to place the Landfill Ordinance on the table and to pass it as is except for the words removed in Resolution # 81-84. Adopted 5 Ayes.

Supervisor Miller opened the privilege to the floor and asked that the camera not be turned on anyone in the audience wishing to speak.

George Lent, Duaneburg, said he was at the open house at the Highway Garage and wished to compliment the Highway Dep't., The Highway Committee, and the Highway Sup't. for the improvements they have made. He also asked about the Zoning amendment hearing on Monday night, April 16, 1984.

Americo DeCarlo, Mudge Road asked about the Landfill Ordinance, road repairs, the north door in the Town Garage, the radio for lone operators, the Landfill permit checker, when does a trailer become a house, a map of town roads and the junk car ordinance and if it is being enforced.

Chester Neznok, R. D. 2 Amsterdam owns land on McMillan Road and would like to have some work done on the road as it is in bad condition.

John Macan, West Shore Road said the road by his house is over an old dump and when the road is graded glass and garbage come up in the road. He would like to have something done about this.

Larry O'Connor, Delanson asked if the proposed Zoning Ordinance is on the table. Philip Deluke, Route 7 spoke about the low-boy trailer. He said he picked it up at the dump and has spent at least \$564.00 on it plus his labor would be at least \$300.00. He feels if the Town wants it back they should reimburse him for what he has spent. He also spoke about gravel and shale for the roads.

Shirley Evans, Herrick Road spoke about the sluiceway by her driveway, dogs and the dog law and fences in the 1963 Ordinance.

Stanley Pavlic, Delanson spoke about the comments from the floor, the Town Landfill and road problems.

Dick Wilson Wells Road spoke about the low-boy trailer, said the deal was made without his knowledge. He thinks the trailer should be taken back and sold at open bidding.

Daniel O'Connell, Waterford who owns property on Batter Street agrees with Mr. Wilson regarding the trailer, spoke about his video equipment at meetings, rezoning his property and sneaky meetings he says the Town Board has had on the Zoning.

Kurt Shiftner, Batter Street spoke about the sneaky snow storm the Board arranged so people couldn't attend the public hearing on 3/29/84 and said that there has been good quality work done on the proposed amended ordinance.

Stanley Pavlic, Delanson said the various Boards have worked on a new Ordinance since the late 60's and that working on the amendments has not been sneaky and has been a lot of work.

Dick Wilson, Wells Road spoke about the proposed amended ordinance.

Privilege to the floor was closed at 9:08 P. M.

COMMUNICATIONS & PETITIONS

Supervisor Miller mentioned the following communications from:

Thomas Dulin asking the intent of the Town in regard to the proposed zoning amendments.

Schenectady Gazette. They will be changing from an 8 to a 6 column paper.

Duaneburg Volunteer Fire Co. about the Memorial Day Parade.

Schenectady Co. about setting up a program for County purchasing.

Comm. of Finance (Sch'dy Co) allowing the tax collector to keep the tax books and collect taxes through April 30, 1984.

N.Y.S. D.E.C. about a meeting on 5/2/84.

Judy Morette, Division of Youth saying she has not received form # 2042.