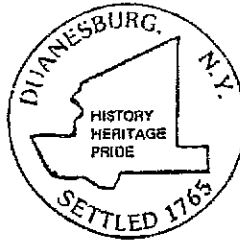


Supervisor
Robert L. Wall

Town Clerk
Leah M. Lennon



Councilmen
René J. Merrihew
Richard L. Plue
James F. Pneuman
Francis R. Potter

Town of Duanesburg

SCHENECTADY COUNTY

AGENDA

APRIL 13, 2000 TOWN BOARD MEETING

Public Hearing---Local Law Prohibiting Commercial Ventures of all Kinds on the
Waters of Mariaville Lake

Call to Order
Pledge of Allegiance

Public Comment on Agenda Items---2 minutes per person

Approval of minutes of previous meeting
Town Clerk's Report
Town Supervisor's report
Payment of Claims

Committee Reports

Mariaville Lake---Local Law on Commercial Use
Report-New York State Police
Sewer District Business
Schedule Public Hearing on Animal Control Law
Schedule Public Hearing to Amend the Town Road Ordinance, Section 8.5,
"Permits for Work Within the Town road Right of Way"
Report on Niagara Mohawk Reassessment Litigation
Resolution-Heritage Foundation
Resolution-Appoint Barry Shepherd Deputy Animal Control Officer
Resolution-Authorize Town Attorney to Initiate Litigation on Post Office Road
Report-Letter from NYS Ag. & Markets on Animal Shelter Contract
Report- Skyline and Duanesburg Churches Road Intersection
Report-Application for Grants for School Safety Beacons
Announcement- Town Clean-up Campaign

Privilege of the Floor---Time limit 5 minutes per person

Public Hearing April 13, 2000

Present was Council-members Merrihew, Potter, Plue, Pneuman, Supervisor Wall, and Attorney Fasset.

In the absence of Town Clerk Lennon, Ellen Grasek was recording Secretary.

Public hearing on Local Law 1 for the year 2000

A Local Law relating to Prohibiting Commercial Ventures of all kinds on the waters of Mariaville Lake. Was called to order at 7:30 P.M. by Supervisor Wall.

Supervisor Wall read the Legal notice as posted on March 16, 2000

Supervisor Wall opened the meeting to comments.

Councilman Plue read Local Law # 1 as proposed, adding section 3A providing for exemptions because the nature of the Local law was too strict.

Bob Cuttita, Mariaville Lake - Thanked the Town Board for taking this matter seriously.

Doug Yauchler, Quaker Street - Expressed favor of restriction, and was in favor of the exemption for day permits. He stated that this is a good thing and it halts commercialism.

Richard Gally, Mariaville - Stated that this was a marvelous ideas and thanked Mr. Cuttita and his father for their perseverance.

All those wishing to be heard, having been heard the public hearing on Local Law #1 was closed at 7:40 P.M.

Supervisor Wall read the Legal Notice dated March 16, 2000 regarding legal weight limits for Posted Town Roads by order of Superintendent of Highways William Grimm, Jr.

Supervisor Wall opened the floor for comments. No comments the floor was closed at 7:41 P.M.

Regular Meeting Town Board of Duanesburg was called to order at 7:41 P.M.

Pledge to the flag was led by Supervisor Wall.

Sergeant Jovanovitch of the State Police was present to discuss concerns that Town residents may have in regards to the Trooper Station being moved six miles east on Route 7. He informed the Board that the need for more equipment and staff resulting from 911 necessitated the move to larger quarters. The move to the Old Charlew building, now owned by Town of Princetown was strictly a financial decision. He also stated that the presence of the airport in Duanesburg prevented the building of a suitable radio communications tower. The move should take place in late June and all services will remain the same.

Supervisor Wall asked if anyone had any comments on the agenda.

George Lent, Route 7 - Questioned whether a Public Hearing would be held on the Sewer District, stating that informational meetings for property owners should be held. Wanted to know how much money the Town put away from sales tax revenue and mortgage tax revenue.

Supervisor Wall explained the difference between informational meetings and public hearings and that the required public hearings had been held. He also stated that only people served by the sewer district pay for the sewer district and putting money away would be illegal.

No further comment on the agenda the floor was closed.

State of New York, ss.:
City and County of Schenectady

TOWN OF DUANESBURG
NOTICE OF PUBLIC HEARING
NOTICE IS HEREBY GIVEN that
the Town Board of the Town of
Duanesburg, Schenectady
County, New York will hold a pub-
lic hearing at the Duanesburg
Town Hall, 5853 Western Turnpike,
(Route 20) at 7:30 PM on April 13,
2000 regarding Local Law No. 1 for
the year 2000. A Local Law relating
to Prohibiting Commercial Ven-
tures of all kinds on the waters of
Mariaville Lake in the Town of
Duanesburg, County of Schenec-
tady and State of New York.
PLEASE TAKE FURTHER
NOTICE that all interested parties
will be given an opportunity to be
heard on said proposed local law at
the place and time aforesaid.
NOTICE IS HEREBY GIVEN, pur-
suant to the requirements of the
Open Meetings Law of the State of
New York, that the Town Board of
the Town of Duanesburg convene
in public meeting at the place and
time aforesaid for the purpose
conducting a public hearing on the
proposed local law described
above and as deemed advisable by
said Board, taking action on the
enactment of said Local Law.
BY ORDER OF THE
DUANESBURG TOWN BOARD
LEAH M. LENNON
TOWN CLERK
3-16 9917

Amy Patrie of the City of Schenectady, being duly
sworn, says that he/she is Principal Clerk in the office
of the Daily Gazette Co., published in the City of
Schenectady and that the notice/advertisement, of
which the annexed is a printed copy, has been
regularly published in the Daily Gazette and/or Sunday
Gazette as follows:

1 insertion March 16, 2000

Amy Patrie

Sworn to me on this 17th day of
March 2000.

NOTARY PUBLIC

LISA J. BALDWIN
COMMISSIONER OF DEEDS
My commission expires 2-16-01
Lisa J. Baldwin

George Lent- Route 7 - Inquired regarding the need for a Deputy Animal Control Officer, his salary, and the need for an Animal Control Law. Harvey Nolan, Animal Control officer, replied that there are more exotic animals now than just dogs and cats, and that the current law does not address that. Mr. Shephard will not receive a salary. Mr. Lent also inquired as to the fact that the sewer district may create a hardship for some people and that the Town Board should try and find more grant money.

Roland Salisbury - Burtonsville - Stated that the School District does not need sewers and are being made to finance the cost. He was annoyed that the Village voted for this and only they need it and now the whole School District is required to pay for that system. He feels that all the Duanesburg School residents should have been able to vote on the sewer system. Supervisor Wall stated that there is a long history concerning the need for sewers and that they have been discussed since the 70's.

Bob Cuttita, Mariaville - commented that if Delanson did not want the sewers, Mariaville residents do.

Barney Waldron, Mariaville - commented that people need to work together for the betterment of the community.

Fred Brasmeister - had questions about whether the road near his property is abandoned or not. He would like the town to provide some man power and equipment to fix the road. Supervisor Wall requested that he document his claim in writing and that the Board would review it at a later date and comment on it.

Tim Aragona, Dump Road - He requested that someone look at the road and determine if it is a town road or not because there are homeowners on that road. He feels the Town Board needs to research it better.

Kent Gray, County Legislature - Stated that a County wide infrastructure bill was passed regarding water and sewer and that there would be a county wide survey done.

No other comments Supervisor Wall motioned, seconded by Council-member Pneuman to adjourn at 9:00 P.M. All in favor.

Local Law #1

Resolution # 58-2000

LOCAL LAW PROHIBITING COMMERCIAL VENTURES OF ALL KINDS ON
THE WATERS OF MARIAVILLE LAKE IN THE TOWN OF DUANESBURG,
COUNTY OF SCHENECTADY AND STATE OF NEW YORK.

Section 1: Purpose

This chapter is enacted for the purpose of promoting the health, safety and general welfare of the community by protecting the character of the neighborhood, the tranquillity and the sensitive environmental conditions of the waters and surrounding properties of Mariaville Lake in the Town of Duanesburg.

Section 2: Definitions

As used in this chapter the terms "business" and "commercial venture" shall be deemed to be all inclusive so as to cover every kind of profit-making and not-for-profit enterprise using the waters of Mariaville Lake for the operation of such enterprise.

Section 3: Prohibited Actives

The following shall be prohibited within the Town of Duanesburg on the waters of Mariaville Lake:

It shall be unlawful for any person or persons, corporation, partnership, organization, club or entity of any kind public or private to operate a business or commercial venture upon the waters of Mariaville Lake.

Section 3A: Exceptions

The Town Board may, in its discretion upon good cause shown and in response to a written application, issue one or two day permits for commercial use of said lake waters, one per applicant per calendar year. The Town Board may place such restrictions upon the issuance of such permits as are reasonable to protect the health, safety and welfare of the community.

Section 4: Penalties

Any person or entity who fails to comply with the provisions of this chapter shall be subject to a fine not exceeding two hundred fifty dollars (\$250.00) or by imprisonment for not more than fifteen (15) days, or both, for each violation. The continued violation of any provision of any section of these regulations shall constitute a separate offense for each and every day such violation of any provision hereof shall continue.

Section 5: Severability

If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not effect the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 6: Effective Date

This local law shall take effect immediately upon filing with the Secretary of State for the State of New York.

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
162 WASHINGTON AVENUE, ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

~~COUNTY~~

~~CITY~~

~~Town~~

~~Village~~

of Duanesburg

Local Law No. 1 of the year 2000

A local law PROHIBITING COMMERCIAL VENTURES OF ALL KINDS ON THE WATERS
(Insert Title)
OF MARIAVILLE LAKE IN THE TOWN OF DUANESBURG, COUNTY OF SCHENECTADY
AND STATE OF NEW YORK

Be it enacted by the Duanesburg Town Board of the
(Name of Legislative Body)

~~COUNTY~~

~~CITY~~

~~Town~~

~~Village~~

of Duanesburg

as follows:

One Copy of Local Law Attached

(If additional space is needed, attach pages the same size as this sheet, and number each.)

LOCAL LAW PROHIBITING COMMERCIAL VENTURES OF ALL KINDS ON
THE WATERS OF MARIAVILLE LAKE IN THE TOWN OF DUANESBURG,
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Section 6: Effective Date

This local law shall take effect immediately upon filing with the Secretary of State for the State of New York.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of ~~19~~ 2000 of the (County)(City)(Town)(Village) of Duanesburg was duly passed by the Duanesburg Town Board on April 13, 2000, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 19____, in accordance with the applicable provisions of law.
(Elective Chief Executive Officer*)

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 19____, in accordance with the applicable provisions of law.
(Elective Chief Executive Officer*)

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 19____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 19____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____, above.


Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body

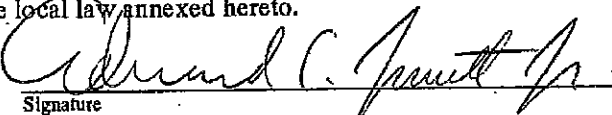
(Seal)

Date: April 19, 2000

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF Schenectady

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.


Signature

Town Attorney
Title

~~County~~
~~City~~ of Duanesburg
Town
~~Village~~

Date: 4/25/00