

ORDINANCE NO 1-86

AN ORDINANCE REGULATING THE OPERATION OF VEHICLES IN EXCESS OF FIVE (5) TONS UPON CERTAIN TOWN HIGHWAYS WITHIN THE TOWN OF DUANESBURG, COUNTY OF SCHENECTADY, NEW YORK.

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

SECTION I: POLICY

It is hereby determined by the Town Board of the Town of Duanesburg, County of Schenectady, State of New York, that the unregulated operation of vehicles in excess of five (5) tons upon certain town highways would constitute a hazard to the health, welfare and citizens of said Town.

SECTION II: AUTHORITY

This ordinance is enacted pursuant to Section 130 of the Town Law of the State of New York and Section 1660 of the Vehicle and Traffic Law of the State of New York.

SECTION III: DEFINITIONS

The words and phrases used in this ordinance shall, for the purpose of this ordinance, have the meanings respectively ascribed to them by Article I of the Vehicle and Traffic Law of the State of New York.

SECTION IV: RESTRICTIONS

It shall be unlawful for any person to operate or move, or cause or knowingly permit to be operated or moved, any truck, commercial vehicle, tractors, tractor-trailer combinations, tractor-semitrailer combinations, or tractor-trailer-semitrailer combinations or any vehicle combination of vehicles exceeding five (5) tons in weight upon the following town highways:

- Wendy Lane
- Esperance Station Road
- Maple Avenue (Quaker Street)
- Hilltop Road
- Duane Lake Road
- Furbeck Road
- North Avenue
- Duane Avenue
- Van Patten Road
- Maranatha Way
- Alexander Road
- Gutha Road
- Hillside Avenue
- Mudge Road

SECTION V: EXCEPTION

This restriction shall not be construed to prevent the delivery or pickup of merchandise or other property along the highway from which such vehicle and combinations are otherwise excluded.

SECTION VI: PENALTIES FOR VIOLATION

Every person convicted of a traffic infraction for a violation of any provision of this ordinance which is not a violation of any provision of the Vehicle and Traffic Law of the State of New York, shall for a first conviction thereof be punished by a fine of not more than fifty dollars or by imprisonment for not more than fifteen days or by both such fine and imprisonment; for a second such conviction within eighteen months thereafter, such person shall be punished by a fine of not more than one hundred dollars or by imprisonment of not more than forty-five days or by both such fine and imprisonment; upon a third or subsequent conviction within eighteen months after the first conviction, such person shall be punished by a fine of not more than two hundred fifty dollars or by imprisonment for not more than ninety days or by both such fine and imprisonment.

SECTION VII: CONSTITUTIONALITY

If any part or parts of this ordinance are for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance-

SECTION VIII: EFFECTIVE DATE

This ordinance shall take effect in accordance with Section 133 of the Town Law for the State of New York.

Dated: October 9, 1986

BY ORDER OF THE TOWN BOARD OF THE TOWN OF DUANESBURG,  
COUNTY OF SCHENECTADY, STATE OF NEW YORK.

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Town Clerk

Americo DeCarlo Mudge Rd. mentioned a letter sent by the Building Inspector in 1983, Ed Strangeway, to the Deckers, referring to their not having water on septic, and they still don't have water on septic and nothing has been done. When will we do something about it. He also mentioned that the matter of the Constable and the Commons were not on the Agenda.

Susan Golden Schoharie Tpk. spoke about the appointment to the Planning Board of Charles Holub and that he hadn't attended two (2) meetings.

Douglas Vauchler Thousand Acre Rd. spoke about the EIS that Athley Mastro presented to the Board and now they want it thrown out. He also spoke about the letter campaign regarding Zoning and the Town commons. Supervisor Park said the commons would be on next meeting's Agenda.

Frank Shaffer Mariaville mentioned calling Councilmember Darrell Councilman instead of Councilmember or Councilwoman.

Meeting adjourned at 10:10 pm.

PUBLIC HEARING - REVENUE SHARING - REGULAR MEETING - October 9, 1986

Hearing opened at 7:20 pm.

Present were Supervisor Park, Councilman Isles, Councilman Mann, Councilman Darrell, Councilman Halse. Also present was Attorney Litz.

Supervisor Park read the legal notice of hearing.

Supervisor Park said it is doubtful if we will get any Federal Revenue Sharing since the Federal Government will probably not be giving it to us next year.

Supervisor Park asked for any comments from the floor.

Since noone wished to comment, the hearing was closed at 7:25 pm.

The Regular October meeting was called to order at 7:25 pm. All Board members and Attorney Litz were still present.

Supervisor Park gave the invocation.

Supervisor Park led in the pledge to the flag.

Supervisor Park opened the one minute privilege to the floor.

Americo DeCarlo, Mudge Rd. said he noticed the Decker matter was not on the agenda.

George Lent, Rte. #7 asked, on behalf of the Businessmen's Association, what the Board will be doing about the 1734 signatures received asking for a change of zoning from the 1984 Ordinance to the 1963 Ordinance.

Janet Ottendorf, Scotch Ridge Rd. asked about the Town Commons. She said that the \$3000 to be spent on road signs should be spent on research on the Town Commons.

Judy Breitenstein, Rte. #20 urges the Board not to change the Zoning for Indian Lookout.

Elyne Schulte, Rte. #7 asked about Potter Rd., what the standard procedure is for accepting a road and how expensive it will be.

Douglas Vauchler, Thousand Acre Rd. spoke about only three (3) Hell's Angels being at the Rendezvous, our chances of getting liability insurance, the ZBA, Vincent's Store, was that selective enforcement of the Zoning law, asked about one councilman leaving.

Antoinette Potter, Potter Rd. said that their road is not a long driveway, but a road.

Frank Potter, Potter Rd. asked if there was a private meeting at the Town Hall before they all met at the Garage with Mr. Potter.

Janet Ottendorf, Scotch Ridge Rd. gave Supervisor Park a copy of the deed to the Grange Hall to help in the research on the Town Commons. The one minute privilege to the floor was closed.

RESOLUTIONS - None

COMMUNICATIONS - Supervisor Park mentioned a letter from the Department of Transportation saying that the Bonny Brook bridge on Rte. #7 would be closed for a week starting October 13, 1986 so that they can drive the piles for the new bridge. The Bailey bridge will then be reopened while the new bridge abutments are built under it.

Councilman Halse read an article in the Cocksackie paper about solid waste and contaminated wells.

Councilman Darrell said that on 9/22/86 they had a clinic and gave shots to 14 children.

Petitions - None

Resolution #125-86 - Supervisor Park moved and seconded by Councilman Mann that the minutes of the September 18, 1986 meeting be accepted as received. Adopted five (5) ayes.

Resolution #126-86 - Councilman Halse moved and seconded by Councilman Darrell to pay Highway vouchers #219 thru #233 and General bills #307 thru #336 plus the three (3) light districts as audited. Payment of a bill for Attorney Rosemary Nichols was approved conditional upon the Town Board determining at a Budget Workshop on 10/14/86 if sufficient funds existed in the general fund to pay said bill. Adopted five (5) ayes.

Supervisor Park read his monthly report.

Supervisor Park mentioned the new management at Central National and about our two (2) bond anticipation notes.

Resolution #127-86 - Councilman Isles moved and seconded by Councilman Halse to renew the Bond Anticipation Note for the truck for \$72,000.00 at 6½% - a one year rate, and to renew the \$9,450.00 bond anticipation note for the land at the 6% rate that was fixed two (2) years ago. Adopted five (5) ayes.

Supervisor Park read the Town Clerk's report.

Highway Superintendent Petrone read his report. Said that his CHIPS money would be going up from \$26,000 to \$30,000. This has to be used for fixing roads. He says we need a Road Ordinance.

Highway Committee - The Committee met October 1, 1986, discussed posting of Duane Lake Rd. Attorney Litz said posting of roads at easements would be no problem, if they were the only areas of concern.

Resolution #128-86 - Councilman Halse moved and seconded by Supervisor Park to ask Attorney Litz to draw up a new ordinance to cover just posting the easements on Duane Lake Rd. There will be a public hearing at 7:00 pm prior to the next regular meeting on November 13, 1986 on this ordinance. Adopted five (5) ayes.

Resolution #129-86 - Councilman Halse moved and seconded by Councilman Darrell to pass the Ordinance to post the listed roads for a 5 ton weight limit with the two road additions made last month. The Ordinance in its complete form is attached to the minutes. Adopted five (5) ayes.

Councilman Halse sent a letter to the Mayor of Delanson telling them we will be charging for sand.

Resolution #130-86 - Councilman Halse moved and seconded by Councilman Isles to transfer \$2,600 from General Fund DA 5142.4 to DA 5130.2.

Adopted five (5) ayes.

Councilman Halse mentioned Potter Rd. and said it had been discussed at the Highway meeting. It was discussed at this meeting. Highway Superintendent Petrone wants it brought up to specifications before it would be accepted. Councilman Halse recommends that the Town does not take it over.

Supervisor Park called a five (5) minute recess at 8:35 pm.

Supervisor Park reopened the meeting at 8:55 pm.

Attorney Litz said there could be some ramifications if the Town took over Potter Rd.

Resolution #131-86 Councilman Halse moved and seconded by Councilman Mann that a special meeting be held on Tuesday, October 14, 1986 at 6:45 pm to accept or reject Potter Rd. Adopted five (5) ayes.

Landfill - The Committee is working on a new fee schedule. The matter of borrowing money for the landfill closure will be tabled.

Supervisor Park read the Assessor's report.

Uniform Code Officer's Report was read by Supervisor Park.

Councilman Halse mentioned the City of Schenectady and the fact that a house has to be inspected if there is a change of people living there.

Supervisor Park mentioned the Building Inspector and said he had not told him he was leaving for the week. He feels he should not be doing this. Councilman Isles feels the Supervisor should get an accounting of the Building Inspector's time each week.

The Supervisor was asked to check with the Town of Princetown and see if the Building Inspectors could fill in for each other and come to some kind of an agreement so builders can get permits and inspections when they need them.

Councilman Darrell read a letter dated 9/18/86 from Ronald Paludi, resigning from the Planning Board.

Finance & Ordinance - There will be a workshop Tuesday night for the budget.

Resolution #132-86 - Councilman Mann moved and seconded by Supervisor Park that last month's Resolution #117-86 be amended to have Plan C for our heating system from Duaneburg Oil for the Town Hall and have just Plan A for the Highway department. Adopted five (5) ayes.

Supervisor Park read the Dog Control Officer's report.

Attorney Litz mentioned the Dare Rd. property, said if there is a buyer we should enter into contract with him.

Resolution #133-86 - Councilman Isles moved and seconded by Councilman Mann to advertise for sale the land on Dare Rd., Attorney Litz to give the Clerk the wording of the ad and have it include "quit claim". Bids to be opened at November meeting, make sure we have the right to accept or reject any bids. Adopted five (5) ayes.

Attorney Litz said that at last month's meeting the referendum was not submitted on time, so could not be put on November ballot. He also said that a Zoning matter is not a proper thing to put on a referendum.

OLD BUSINESS - Indian Lookout Zone Change - Attorney Arkley Mastro spoke about the environmental impact statement and the study of it by the Board. He would like to have the Board schedule for the November meeting a public hearing and a vote on the Zone change.

Resolution #134-86 - Councilman Halse moved and seconded by Councilman Darrell to deny the Zoning Change for Indian Lookout. Before adopting the Resolution attorney Arkley Mastro asked to have a public hearing before the vote was made on the Zone change. Attorney Litz said that he did not believe that Indian Lookout had a public hearing, at least to his knowledge, he cautioned the Board that Attorney Mastro was entitled to a public hearing on the Zone change. Supervisor Park favors some negotiation but if the matter is voted on now there will be no time for negotiation. After the discussion the Resolution was voted on. Adopted five (5) ayes.

Signature Campaign The Board has been studying the 1700 signatures asking for the 1984 Zoning Ordinance to be rescinded and for the 1963 Zoning Ordinance to be reinstated.

Resolution #135-86 Councilman Isles moved and seconded by Councilman Halse that the Board hold three (3) informational meetings to find out just what the people don't like about the 1984 Zoning Ordinance and why they want to go back to the 1963 Ordinance. These meetings will be held on November 5, 1986 at 7:00 pm at the Mariaville Fire Hall, November 12, 1986 at the Delanson Fire Hall and November 19, 1986 at the Duaneburg Fire Hall. Adopted five (5) ayes.

The matter of the Road Ordinance will be tabled until the November meeting and will be on the agenda next month.

The matter of Liability insurance will be tabled until after the budget workshop next Tuesday evening at 6:45 pm.

Resolution #136-86 Councilman Mann moved and seconded by Councilman Darrell the attached resolution with the amendment to it that the Resolution will not be effective until proper insurance with proper limits is accepted by the Town Board. Adopted three (3) ayes, Mann, Darrell, Isles. Two (2) noes, Halse, Park.

Resolution #137-86 Councilman Isles moved and seconded by Councilman Darrell that none of the special powers be given to the Constable as per Resolution #136-86 until such time as the Town Board can determine the exact cost for insurance coverages and establish the perimeters of such coverage and also determine where the money will come from to pay the insurance. Adopted five (5) ayes.

Supervisor Park said he had some research done on the Commons but left the papers at home. He will give them to the Town Clerk to make copies.

Councilman Halse mentioned a subdivision moratorium but the Board decided to let the Planning Board bring the matter to the Town Board if they want it.

October 23, 1986 at 7:15 pm there will be a Federal Revenue Sharing and a Budget hearing held at the Duaneburg Fire Hall. The Town Clerk is to advertise.

Supervisor Park opened the privilege to the floor.

Howard Meyers, Delanson wanted to know who drew up the map for the election districts. Gleason and Meyers will work on maps, mentioned the Constable.

Resolution #138-86 Supervisor Park moved and seconded by Councilman Halse to rescind motion #123-86, having to do with the new election district boundaries. Adopted five (5) ayes.

Joyce Easton, Easton Rd. asked about minutes for workshop sessions. Mentioned a letter Councilman Isles wrote to Mr. Farley in 1984. She also spoke about the Harley Rendezvous; mentioned the way the Constable acted at the Battle of the Bands; said we should be talking in the County about the budget; mentioned Carl Petrone and the way he fixed her road.

Susan Golden, Schoharie Tpk. said that if a Constable is going to carry a weapon his background should be looked into; asked about EAF applications and asked who was supposed to make out the second part.

Tom Lawrence, Schoharie Tpk. asked if Bill Barnes gets elected for Sheriff why do we need a Constable out here.

Kurt Schiffter, Batter St. asked the Board to consider why a Constable would need a weapon.

Alan Westfall, Schoharie Tpk. asked about Fidler Rd. and why it was plowed for 40 years and then stopped two (2) years ago.

Americo DeCarlo, Mudge Rd. asked again about the Decker situation. Supervisor Park said he will have the Building Inspector take care of it next week. Mr. DeCarlo also mentioned the permissive referendum for zoning.

Larry O'Connor, Delanson spoke about the Constable issue and said it was improperly handled. He also feels that the Zoning issue should be handled by asking people a question "Should the 1984 Zoning Ordinance be rescinded".

Janet Ottendorf, Scotch Ridge Rd. asked how Rosemary Nichols got involved with the proposed proposition for rescinding 1984 zoning.

Meeting adjourned at 10:50 pm.

Esther L. Vincent, Town Clerk

Special Meeting, October 14, 1986 (Patter Road)

Meeting called to order at 7:10 P.M.

Present were Supervisor Park, Councilman Isles, Councilman Mann, Councilman Halse and Councilmember Darrell.

Resolution #139-86 Councilman Mann moved and 2nd by Councilmember Darrell that there be no action taken on Potter Road acceptance by Town until Mr. Potter's Attorney and the Town Attorney have a chance to discuss the matter. It will be on next months agenda. Adopted 5 Ayes

Meeting adjourned at 7:12 P.M.

Esther L. Vincent, Town Clerk