



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

July 13, 2000 Town Board Meeting

Call to Order
Pledge of Allegiance

Public Hearing: Metroplex Corridor, Routes 7 and 20

Regular Meeting

Public Comments on Agenda Items: Limit 2 minutes per person

Approval of Minutes of Previous Meeting
Town Clerks Report
Town Supervisors Report
Payment of Claims

Committee Reports: Highway
Public Safety
Sewer
Park

Resolution: Speed limit reduction
Hire Summer Camp Help
Resolution: NYSDOT Contract, School Beacons
Resolution: Tidball Road Modifications Contract
Resolution: Frontier Snowriders, Inc. trail maintenance funds
Resolution: Zoning change, Farnsworth Property
EAF: Town Board lead agency, Zoning change
Schedule public hearing for Zoning Amendment
Adult Entertainment: extend moratorium
Metroplex Corridor Resolution
Animal Control Law: Response from NYS Ag and Markets
Grant for Microfilming Town Records

Privilege of the Floor: Time limit 5 minutes per person.

Public Hearing July 13, 2000

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

Public Hearing on a proposed Local Law for the year 2000.

A Local Law relating to increasing the boundaries of the Schenectady Metroplex District within the Town of Duanesburg was called to order at 7:10 P.M. by Supervisor Wall.

Supervisor Wall read the Legal Notice as posted on June 22, 2000.

Supervisor Wall opened the meeting to comments.

Omar Martratt - Route 20 - Asked if he could get a copy of the large map, like the one Supervisor Wall had.

George Lent - Route 7 - What are the pluses and minuses of the Metroplex District? What benefit is the Town going to see with the 3500 foot corridor on either side?

Supervisor Wall explained, that all the Metroplex corridor does is make services available if someone asks for them. The Metroplex can bring help with financing, and can help companies looking to locate in town.

George Lent Route 7 - Spoke of the extra half percent increase in sales tax money. The tax payer again is paying the bill. In a little over a year they have over 6 million dollars with just that half percent in the taxpayers money.

Walter Easton - Western Turnpike - Spoke of Sharon Springs, having the big Warehouse there. Presently there are 600 people working there every day, and 6 million dollars worth of products are received and shipped out every day. If the Town doesn't expand the corridor, someone who wants to come in with a business like that, or some one who needs to have room, the 500' is nothing. Thinks it is a good plan to open the corridor.

Supervisor Wall - According to the way Mr. Manning explained it at the last meeting, the corridor is now just the center line of the road, which isn't going to help anybody. By expanding the corridor it doesn't necessarily do anything for you, but you can't do anything without it. If we don't have the corridor, then we can't expect them to give us any assistance.

George Lent - RT. 7 asked why you can't do anything without the corridor?

Supervisor Wall stated that you can, but you can't do anything with Metroplex without it. Supervisor Wall stated as a matter of interest, the Metroplex Authority has no ability to preempt, or override any local laws governing the Zoning or Planning unless the Town Board specifically gives that approval.

All those wishing to be heard, having been heard the public hearing was closed at 7:20 P.M.

Regular Meeting Town Board of Duanesburg was called to order by Supervisor Wall at 7:30 P.M.

Resolution #81-2000- Council-member Pneuman motioned, and seconded by Council-member Plue, to accept the meeting minutes of June 8, 2000 with the following corrections. Page 3, part way down under sewer business, delete because RT. 395 in Delanson will have to be dug up, and on page 5 half way down, starting with Doug Yauchler omit the first (here) in the first sentence. Motion carried 5 Ayes.

Supervisor Wall read the Clerks monthly report for the month of June.

Total revenues	\$ 1,191.55
Local revenue	697.43
Non-Local revenue	494.12

Supervisor Wall read the monthly report of the Supervisor.

Total revenues	\$70,556.21
Total disbursed	85,148.38

Resolution #82-2000 - Council-member Plue motioned, and seconded by Council-member Pneuman, to pay claims for the month with no exceptions. Motion carried 5 Ayes.

Committee reports -
Highway No report.

Public Safety - Council-member Pneuman reported the committee sent out requests to all the agencies currently providing public safety related items to the town residents. When they receive back they will start a formation of committees to work on some issues, like where service is being provided and to what level.

Park Committee - Council-member Merrihew reported, seventy five children signed up for the swim program for this year.

Sewers - Supervisor Wall - The contractor has started work on Cole Road, down near the D&H tracks. The Supervisor has received a schedule from the contractor as far as what roads they will be working on and in what sequence. Copies of the schedule will be available at the office of the Town Clerk.

The Town Board will be scheduling a public information meeting for all the people in the sewer district and anyone else wanting to attend. Representatives from the construction company, as well as the Town Engineer will be there to answer any questions that people might have.

Easements - Not all easements have been signed yet. People that have not signed have been contacted many times relative to the importance to signing the easements. The Town Board has asked the Town Attorney Ed Fassett to send out letters to these people,

advising them to please sign the easements. We have to have all of the easements signed in order to complete construction.

The Duanesburg Central School District has not signed their easements yet. The School Board has instructed the Superintendent not to sign the easements. The easements and the placement of them is designed to reduce the cost of the school to hook up to the collection system and also to reduce the cost to the district. For the record some members of the School Board are determined to undo the sewer district. The big issue with the School Board has been the proposed fees the school would have to pay to tie in and make use of the system. Supervisor Wall wanted to go on record as saying that he feels the School Board is making a grave mistake and costing the tax payers unnecessary expense in doing what ever they can to delay the formation of the district. It is not the whole School Board just a few of the members.

Resolution #83-2000 - Supervisor Wall motioned, and seconded by Council-member Merrihew, that the Town Board authorize the Supervisor to contact the Schenectady County Department of Engineering and Public Works with a Resolution to ask them to intercede with the New York State Department of Transportation to reduce the speed limits on Chadwick Road, Knight Road, and Bramans Corner Road. Motion carried 4 Ayes, 1 no, Council-member Pneuman.

Resolution #84-2000 - Council-member Merrihew motioned, and seconded by Council-member Plue, to increase the hourly rate of the summer camp counselors from \$5.00 per hour to \$5.75 per hour. Motion carried 5 Ayes.

Resolution #85-2000 - Council-member Merrihew motioned, and seconded by Council-member Plue, to hire the following list of temporary summer employees. Lisa Baehr Mooney as the Assistant Director, Thea Hebert, Sarah Gerardi, Bryan Haskins, Mandy Morrell, Erin Ciupek, Amy Ciupek as Counselors, and Susan Mancini-Sperry as Bus Monitor. Motion carried 5 Ayes.

Resolution #86-2000 - Council-member Plue motioned, and seconded by Supervisor Wall, that the Town Board of the Town of Duanesburg is authorized to enter into an agreement with the New York State Department of Transportation and the Town Supervisor is authorized to execute said agreement and to sign all related documents. The purpose of the agreement is to allow the NYSDOT to administer an appropriation from Senator Hugh Farley for \$10,000.00 from the 2000/01 Budget Initiative to the Town of Duanesburg. The appropriation is for the installation of Lighted Safety Beacons on Route 7 near the Duanesburg Elementary School. Motion carried 5 Ayes.

Council-member Plue apologizes to the residents for not including Mariaville School in the original grant request.

Resolution #87-2000 - Council-member Potter motioned, and seconded by Council-member Pneuman, to authorize the Town Supervisor or the Highway

Superintendent to execute an agreement with Robert Frost Excavating & Building, who has offered his time and equipment to repair and fix Tidball Road. The Town is to provide the materials to be used for the project. Motion carried 5 Ayes.

Resolution #88-2000 - Council-member Pneuman motioned, and seconded by Council-member Potter, The Town Board of the Town of Duanesburg supports the efforts of the Frontier Snowriders, Inc. to obtain funds for snowmobile trail maintenance within the Town of Duanesburg. Further, the Town Board authorizes the Supervisor to write a letter to the Office of Schenectady County Planning requesting the assistance of that office in obtaining funds from the State of New York for trail maintenance purposes. A portion of NYS snowmobile license fees are available for trail maintenance. Motion carried 5 Ayes.

Resolution #89-2000 - Council-member Plue motioned, and seconded by Council-member Pneuman, to authorize the Town Clerk to advertise for a public hearing to be held 7:30 PM August 10, 2000, at the Town Hall, regarding a proposed zone change district classification of a portion of lands in the Town of Duanesburg from Agricultural and Rural Residential District (R-100) to General Business (GB) for property (Tax Map No. 68.00-3-13) total 42.8 acres, owned by Jock Farnsworth. Motion carried 5 Ayes.

Resolution #90-2000 - Supervisor Wall motioned, and seconded by Council-member Merrihew, that the Duanesburg Town Board declare itself lead agency in following the State Environmental Quality Review Act, for the short form EAF and to post on the bulletin board. Motion carried 5 Ayes.

Adult entertainment moratorium - Supervisor Wall thought a 6 month moratorium was passed in February instead of March, so there is no need to extend the moratorium at this time.

Resolution #91-2000 - Supervisor Wall motioned, and seconded by Council-member Plue, to authorize the increase of the boundaries of the Schenectady Metroplex District. Motion carried 4 Ayes, 1 No Potter. (Resolution Attached)
Council-member Potter would like to send notices to the residents that live in the area that the corridor would involve. He would feel better if everyone who was involved knew about it.

Animal Control Law - The Town Board has been discussing an amendment to the Animal Control Law, and has had several meetings and discussions to develop the language to amend the law. It has been put on hold for a while, because Bill Ruther, a local Dairy Farmer in town is Chairman of the Schenectady County Agriculture and Farmland Protection Board. He sent a letter and a copy of our law to the New York State Department of Agriculture and Markets, division of Agriculture and Protection Development Services for their comments. Supervisor Wall read the letter from them, they stated upon initial review of the Town of Duanesburg draft Local Law concerning animal control, it does not appear to unreasonably restrict farm operations within the

agricultural district. They did see a few areas of concern, and suggest consideration be given to amend the Local Law to address them. They do have some suggestions that would clarify some issues that are already addressed by the State Ag & Markets Laws. The Town Board will be taking another look at the Local Law in the near future.

Supervisor Wall read a letter from Senator Hugh Farley to Eileen Noah, Records Management Assistant. The letter congratulated her on applying and receiving a financial grant for microfilming a lot of the towns records. The total amount of the grant is for \$21,872 and includes the purchase of the equipment that we would need to view the microfilm later on, and to pay a service for copying the records and putting them on microfilm. Supervisor Wall stated the we all owe Eileen our personal thanks for doing a super job. It is something that is needed and will be a great help with the records.

No other business. The privilege of the floor opened at 8:05 PM.

Don Uvegus - Cole Road - Presented a petition to the Town Board and gave one to James Breitenstein with 116 signatures which he has gathered from residents throughout the town. The petition was for the new road between RT. 7 & 20 by the Post Office, asking for it to be completed, and encourage the parties to get together to resolve what ever has to be resolved to complete the project.

Bob Cuttita - Mariaville - He is here tonight as the President of the Mariaville Civic Association. The board and himself have been contacted by many residents in the area. They are very concerned with the access to Mariaville Lake. They spoke with their legal advisor Mr. Cooper and asked him what they could do about this. Unfortunately, allowing foreign boats on the lake will destroy the health, safety, and welfare of the community as well as the problem of liability exists, not only to the board and the residents but to the Civic Association. Mr. Cuttita has a letter that was drafted by their legal advisor that he gave to the Board. The Civic Association is requesting the Town Board pass an ordinance requiring the registration of motorized vehicles on Mariaville Lake for everyone.

Supervisor Wall asked Mr. Cuttita if this was in addition to the required New York State registration?

Mr. Cuttita stated that it was above and beyond the New York State registration. Unfortunately with the New York State registration, in New York you do not actually have to insure your boat. They are looking to restrict the usage of Mariaville Lake.

Supervisor Wall asked who would administer the registration program?

Mr. Cuttita - Mr. Coopers letter to the town stated it would go through a town ordinance, and it is asking registration be made through the Mariaville Civic Association. He knows of other lakes that have this type of registration, Lake George is one of them.

Helen Horn - Spoke with the agent for the insurance company. Opening the lake to public access, creates a liability for the civic association.

Robert Cuttita stated that they are also concerned with the welfare of the lake. The lake is currently infested with milfoil, which is brought in by outside boats. They are also concerned with bringing zebra mussels into the lake, which will pollute the lake until basically the lake dies.

Supervisor Wall said that the Board will take a look at Mr. Cuttita's paperwork and the Town Attorney will look into it.

Joe Serth - Commented on what Bob Cuttita had to say, and offered his opinion on other subjects. The Lake George Park Commission was given special authority by the New York State Senate, to be able to have boats register separately to be put on the lake. Other Towns and Counties have applied for that and have been denied because they do not have that special authority. The Town of Duanesburg will probably be denied if it tried to do that with the state. ENCON right now classifies the Mariaville Civic Association as a club. In order to be a Lake Association you have to represent 8% of the riparian owners then you upgrade to a Lake Association. So they have no authority over the lake in that regard. With regard to the milfoil problem, ENCON is investigating it. ENCON has signed a contract, and will be in control of the boat launch.

Supervisor Wall - Commented that Lake George is a public body of water isn't it?
Mr. Serth - ENCON, Park and Recreation and DOT classify Mariaville as a public body of water. You have to register your boat to be on the lake. That is why ENCON is opening up the boat launch in Mariaville.

Council-member Merrihew asked why would ENCON come in and put a public boat launch on Mariaville Lake?

Mr. Serth - ENCON for years used to stock Mariaville Lake so people could fish. ENCON is going to start restocking fish in Mariaville Lake, their main interest is the fish. They want the public to have the access to Mariaville Lake and go fishing.

Council-member Plue - Stated, that is hard to believe. The State has not stocked that lake in many years because there is no need to, the reproduction has taken care of itself. There is access to fishing off the causeway. He doesn't see why all of a sudden ENCON needs access.

Rene Merrihew - Asked what Mr. Serth would suggest be done, if the milfoil is clogging possibly killing the lake?

Mr. Serth - Stated that the milfoil won't kill the lake. The number one problem is the septic systems. Mr. Serth suggested the introduction of aquacide, which is rather expensive.

Yvette Cuttita - South Shore Road - She has been in contact with ENCON this past few weeks. They stated to her they have no reason to get involved with having any type of public boat launch at Mariaville Lake.

Greg Way - Mariaville Lake - Submitted a letter to the Board with his version of a situation that happened on Mariaville Lake with the Fire Department using their equipment to clear private land.

Joe Serth - Commented on the use of the Fire Department Equipment, the equipment was used for winch training.

Council-member Pneuman - His understanding is, that Mariaville is a Fire Co. They are a not for profit business that has contracts with the Town. They are to provide fire protection to certain locations in town.

Council-member Plue - The Fire Chief came to him regarding the situation with the fire equipment, stating did not know they were in a training session. Mr. Plue stated the tax payers are paying for this, he agrees, they should not use Fire Department equipment for their own personal use.

Bob Cuttita - The way he understands the law is, they are a fire company and they do own everything. He is concerned and feels this type of abuse should be stopped.

Walt Miller - Thousand Acre Road - Said that possibly there is a gray area here. Delanson recently had a burn of a building for an individual, who is also a firemen. This helped the individual involved and also the helped the fire department.

Helen Horn - Resident of Mariaville Lake, and the wife of Eric Horn the Fire Chief. Wanted to support what Council-Member Plue said. They had received two complaints that night within five minutes of each other, that someone was using fire department equipment. Her husband had no knowledge of any training going to be held that night.

Greg Way - Suggested that maybe the Town Board contact ENCON to get some kind of clarification. He finds it hard to believe that ENCON is interested in opening up Mariaville Lake to fishing and boating.

Supervisor Wall - Is not sure that this is town business. Who owns the property on the lake is still in dispute. Some things need to be looked into.

Ellis Blood - Mariaville Lake Resident - Mr. Blood is also the Lake Manager. He spoke to Don Slingerlands at DEC Region 4, Department Head in the Fisheries Department. As far Mr. Slingerlands was concerned there was no request for putting a boat launch at Mariaville Lake.

George Lent - RT. 7 - Asked about the cost to the town due to the damage done to the ceiling, because of the leak in the roof last year? And if any computer equipment or anything else was damaged.

Supervisor Wall stated that the cost of the paint, and the sealer. We had Town Employees do the painting. There was no damage done to any computers or anything else.

No other comments. Council-member Pneuman motioned, and seconded by Supervisor Wall to adjourn at 8:35PM. All in favor.

Leah M. Lennon

I, Leah M. Lennon, Town Clerk of the Town of Duanesburg, do hereby certify that this is a true and accurate transcript as adopted by the Town Board of the Town of Duanesburg on July 13, 2000.

RESOLUTION NO. 89 -00

Upon the motion of Councilmen Plue, seconded by Council-men Pneuman, it is hereby

RESOLVED AS FOLLOWS:

SECTION 1. The Town Clerk of the Town of Duanesburg is hereby directed to publish in the Schenectady Daily Gazette, the official Town of Duanesburg newspaper, said publication to be not less than 10 days before the date of the public hearing provided herein, the following notice:

TOWN OF DUANESBURG
NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE: Pursuant to Section 265 of the Town Law of the State of New York, a public hearing will be held by the Duanesburg Town Board at 7:30 p.m. on August 10, 2000 at the Town Hall, Route 20, 5853 Western Turnpike Duanesburg, NY 12056, at which hearing parties and citizens shall be entitled to be heard upon a proposal to amend the Zoning Map of the Town of Duanesburg to change the district classification of a portion of lands in the Town of Duanesburg from Agricultural and Rural Residential District (R-100) to General Business (GB). The lands to be changed are located and described as follows:

Commencing at the intersection of the Town Line between the Town of Duanesburg and the Town of Princetown (both in Schenectady County) and the County Line between Schenectady and Albany Counties and proceeding westward for 2122 feet, and then proceeding north for 678 feet, and then proceeding easterly for 2133 feet and south for 1001 feet. The lands are now and formerly owned by Jock Farnsworth (TAX MAP PARCEL NO.68.00-3-13) and total 42.8 acres.

A copy of the map of the lands affected by the proposed district change is on file in the Town Clerk's Office in the Duanesburg Town Hall, and is available for inspection during normal business hours on weekdays.

By order of the Duanesburg Town Board

RESOLUTION NO. 91 -00

Whereas, pursuant to notice duly published in the official newspaper of the Town of Duanesburg, the Town Board of the Town of Duanesburg held a public hearing on the 13th day of July, 2000 at the Town Hall, 5853 Western Turnpike, Duanesburg, NY 12056 at 7:30 p.m. upon adoption of Local Law No. 3 of the year 2000:

To authorize the increase of the boundaries of the Schenectady Metroplex District.

Whereas, all persons were duly heard both in the affirmative and negative thereon, NOW

THEREFORE, upon motion of ^{Supervisor} Wall, seconded by ^{Council-member} Plue, it is hereby

RESOLVED AS FOLLOWS:

LOCAL LAW NO. 3
OF THE YEAR 2000

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF DUANESBURG

SECTION 1. To authorize and increase the boundaries of the Schenectady Metroplex District to 3500 feet from the centerlines of Routes 7 and 20 in the Town of Duanesburg.

SECTION 2. This local law shall take effect upon filing with the Secretary of State as required by Section 27 of Municipal Home Rule Law.

Dated: July 13, 2000

Carried 4 Ayes	Supervisor Wall
	Council-member Plue
	Council-member Merrihew
	Council-member Pneuman
1 No	Council-member Potter

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET, 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. 3 of the year 2000

A local law To Authorize The Increase Of the Boundries of The
(Insert Title)

Schenectady Metroplex District.

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

~~COUNTY~~
~~CITY~~
Town
~~VILLAGE~~

of Duanesburg as follows:

SECTION 1. To authorize and increase the boundries of the Schenectady Metroplex District to 3500 feet from the centerlines of Routes 7 and 20 in the Town of Duanesburg.

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

(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. 3 of 2000 of the ~~(County)~~(City)(Town)(Village) of Duanesburg was duly passed by the Town Board on July 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 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____, 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 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. 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 _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(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 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(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 20____ 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 _____ 20____, 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 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, 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 _____¹_____, above.

Deborah M. Heavner

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

(Seal)

Date: July 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.

Edward C. Smith Jr.

Signature

Town Attorney

Title

~~CITY~~
~~CITY~~ of Duanesburg
Town
~~VILLAGE~~

Date: 7/21/00