

At a Meeting of the Town Board of the Town of Duanesburg, Schenectady County, New York, held at the Town Hall, 5853 Western Turnpike, Duanesburg, New York on the 14<sup>th</sup> day of June, 2001.

PRESENT:

ABSENT:

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In the Matter  
of  
the Establishment of the Mariaville Lake  
Sewer District No. 2 in the Town of Duanesburg,  
County of Schenectady, State of New York, Pursuant  
to Article 12A of the Town Law of the State of New York.

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**RESOLUTION NO. 86-01**  
**A RESOLUTION APPROVING THE CONSTRUCTION OF**  
**MARIAVILLE LAKE SEWER DISTRICT NO. 2.**

**WHEREAS**, the Town of Duanesburg has been actively seeking funding to construct municipal wastewater systems to serve the more densely populated areas of the Town that have experienced failing septic systems and has secured State and Federal funding to construct a municipal sewage collection system and wastewater treatment plant to serve the hamlet of Mariaville Lake; and

**WHEREAS**, a small portion of the hamlet of Mariaville Lake is in the Town of Princetown and both the Town Board of the Town of Princetown and the Town Board of the Town of Duanesburg agree that it makes the most environmental sense to incorporate the Princetown properties within the hamlet of Mariaville as part of the Mariaville Lake Sewer District; and

**WHEREAS**, the Town of Duanesburg and the Town of Princetown shall each establish a Mariaville Lake Sewer District No. 2 pursuant to the Town Law of the State of New York to acquire, construct and operate one sanitary sewage collection system and wastewater treatment plant, to jointly serve each Town's Sewer District; and

**WHEREAS**, the Town of Duanesburg and the Town of Princetown pursuant to Article 5-G of the General Municipal Law, have entered into an intermunicipal cooperation agreement whereby the Town of Duanesburg and the Town of Princetown clearly set forth the respective rights and obligations of each Sewer District in connection with: (1) the operation and maintenance of the facilities to serve both Sewer Districts; and (2) the financing of the construction of the aforesaid Sewer System and other improvements that may be required in the future;

**WHEREAS**, the Town Board had presented to it a report, map, plan and estimate of cost prepared by John M. McDonald Engineering, P.C., engineers duly licensed by the State of New York, in relation to the proposed construction of sanitary sewers in proposed District known as Mariaville Lake Sewer District No. 2; and

**WHEREAS**, the maximum amount proposed to be expended for said Project is Five Million, Nine Hundred Forty-Two Thousand (\$5,942,000.00) Dollars, and the Town of Duanesburg will be responsible for the maximum amount expended, and the Town of Princetown share of the cost shall be included in the annual charge as set forth in the Intermunicipal Cooperation Agreement; and

**WHEREAS**, a resolution was duly adopted by said Board on the 10<sup>th</sup> day of May, 2001, calling for a public hearing on said map, plan and estimate of cost to be held at the Mariaville School, 9210 Mariaville Road, Pattersonville, New York on the 30<sup>th</sup> day of May, 2001 at 7:00 p.m. Local Time; and

**WHEREAS**, notice of such public hearing was duly published and posted in the manner and within the time provided by the Town Law of the State of New York; and

**WHEREAS**, said public hearing was duly held at the time and place aforesaid at which time all persons interested in the subject matter thereof were duly heard;

**NOW**, on motion of Council-member  
Merriew and seconded by Council-member  
Pneuma  
it is hereby

**RESOLVED**, by the Town Board of the Town of Duanesburg, Schenectady County, New York, as follows:

- Section 1. (a) That the notice of hearing was published and posted as required by law and is otherwise sufficient;
- (b) that all property and property owners within the proposed District are benefited thereby;
- (c) that all property and property owners benefited are included within the limits of the proposed District;
- (d) that it is in the public interest to establish Mariaville Lake Sewer District No. 2;
- (e) that the first year cost of full operation and debt payment, if any, for a typical one family home will not exceed Five Hundred Ninety Eight (\$598.00) Dollars. The property owner shall be responsible for paying the one-time cost for the installation of the sewer lateral from the property line into the structure.

Section 2. That the establishment of Mariaville Lake Sewer District No. 2 as set forth in the aforesaid map, plan and report be approved and that the requested improvement be constructed and acquired, and the necessary easements and lands be acquired upon the required funds being made available and provided for, and such Sewer District shall be known and designated as Mariaville Lake Sewer District No. 2 in the Town of Duanesburg, and shall be bounded as described in Schedule A annexed hereto.

Section 3. John M. McDonald Engineering, P.C. is hereby authorized and directed to prepare definite plans and specifications and to make a careful estimate of the expense for said improvement, and with the assistance of the Town Attorney or special Counsel, employed by him, to prepare a proposed contract for execution of the work.

Section 4. There shall be annually apportioned and assessed upon the several lots and parcels of land which the Town Board shall determine and specify to be especially benefited by said improvement in just proportion to the amount of benefit which the improvement shall confer upon the same, an amount sufficient to pay the principal of and interest on said obligations as the same shall become due, but if not paid from such source or from other available funds, all the taxable real property in said Town shall be subject to the levy of ad valorem taxes without limitations as to the rate or amount sufficient to pay the principal and/or interest on said obligations as the same shall become due.

Section 5. That the Town Clerk of the Town of Duanesburg shall within ten (10) days after the adoption of this resolution file a certified copy thereof in duplicate in the office of the New York State Department of Audit and Control.

Section 6. That the Supervisor shall file a copy of this resolution with the New York State Department of Health, and such other supporting documents as shall be necessary to complete the application for Health Department approval.

Section 7. This resolution is passed subject to Permissive Referendum as set forth in Section 209e of the Town Law of the State of New York.

Schedule A

LEGAL DESCRIPTION

Town of Duanesburg  
Mariaville Lake Sewer District No. 2

ALL THAT CERTAIN TRACT, PIECE OR PARCEL OF LAND, designated as Mariaville Lake Sewer District No. 2 on map entitled "Mariaville Lake Sewer District No. 2", dated May 2001, as prepared by John M. McDonald Engineering, P.C., which District is comprised of the parcels shown on Town of Duanesburg, Schenectady County, New York Tax Map numbers 26.18, 34.08, 35.00, 35.05, 35.06, 35.09 and 35.10, dated November 7, 1975, as prepared by Schenectady County, being more particularly bounded and described as follows:

BEGINNING AT A POINT on the westerly bounds of Parcel 35.09-1-11.21, said point also being the southwest corner of parcel 35.09-1-11.21 in the Town of Duanesburg, County of Schenectady, State of New York; and

PROCEEDING THENCE (in a clockwise direction around the proposed bounds) in a northerly direction along the westerly bounds of Parcels 35.09-1-11.21, 35.09-1-11.22, 35.09-1-5, 35.09-1-4, 35.09-1-3, 35.09-1-2, and 35.05-1-24 to the northwesterly corner of Parcel 35.05-1-24; said point also being on the south bounds of parcel 35.05-1-26;

THENCE, in a westerly direction along the southerly bounds of parcels 35.05-1-26 and 35.05-1-27 to the southwesterly corner of parcel 35.05-1-27; said point also being the southeasterly corner of parcel 34.08-1-19;

THENCE, in a northerly direction along the westerly bounds of parcels 35.05-1-27 and 35.05-1-1.2, to the northwesterly corner of parcel 35.05-1-1.2, said point also being the southwesterly corner of parcel 35.05-1-1.1;

THENCE, in an easterly direction along the northerly bounds of parcel 35.05-1-1.2 to a point on the westerly bounds of parcel 35.05-1-2;

THENCE, in a northerly direction along the westerly bounds of parcel 35.05-1-2, to the northwesterly corner of parcel 35.05-1-2;

THENCE, in a southerly direction along the easterly bounds of parcels 35.05-1-2, 35.05-1-1.2 and 35.05-1-26, to the southeasterly corner of parcel 35.05-1-26, said point also being the northwesterly corner of parcel 35.05-1-22;

THENCE, in an easterly direction along the northerly bounds of parcels 35.05-1-22 and 35.05-1-21 to the southeasterly corner of parcel 35.05-1-1.1, said corner also being the westerly bounds of parcel 35.05-1-19.2;

THENCE, in a northerly direction along the easterly bounds of parcel 35.05-1-1.1, to the southeasterly corner of parcel 35.05-1-25;

THENCE, in a westerly direction along the southerly bounds of parcels 35.05-1-25 to the southwesterly corner of

parcel 35.05-1-25;

THENCE, in a northerly direction along the westerly bounds of parcel 35.05-1-25, to the northwesterly corner of parcel 35.05-1-25;

THENCE, in an easterly direction along the northerly bounds of parcel 35.05-1-5 to the northeasterly corner of parcel 35.05-1-25, said corner also being on the westerly bounds of parcel 35.05-1-19.2;

THENCE, in a northerly direction along the westerly bounds of parcel 35.05-1-19.2, to the northwesterly corner of parcel 35.05-1-19.2, said point also being the southeasterly corner of parcel 34.08-1-11;

THENCE, in a westerly direction along the southerly bounds of parcels 34.08-1-11, 34.08-1-12, 34.08-1-13.1, 34.08-1-13.2, 34.08-1-14, 34.08-1-16, 34.08-1-17 and 34.08-1-15 to the southwesterly corner of parcel 34.08-1-15, said point also being on the north bounds of parcel 34.08-1-19;

THENCE, in a northerly direction along the west bounds of parcel 34.08-1-15 to a point on the south bounds of the Mariaville Road right-of-way, said point also being the northwest corner of parcel 34.08-1-15;

THENCE, in a northerly direction across Mariaville Road to a point, said point being the south bounds of parcel 34.08-1-3, said point also being on the north bounds of Mariaville Road;

THENCE, in an westerly direction along the north bounds of Mariaville Road a distance of approximately 40 feet to a point, said point being the southwest corner of parcel 34.08-1-3, said point also being the southeast corner of parcel 34.08-1-2;

THENCE, in a northerly direction along the westerly bounds of parcel 34.08-1-3 to the northwest corner of parcel 34.078-1-3; said point also being on the south bounds of parcel 34.08-1-1.12;

THENCE, in a westerly direction along the south bounds of parcel 34.08-1-1.12 to the southwest corner of parcel 34.08-1-1.12;

THENCE, in a northerly direction along the west bounds of parcels 34.08-1-1.12 the northwest corner of parcel 34.08-1-1.12;

THENCE, in an easterly direction along the north bounds of parcels 34.08-1-1.12 to the northeast corner of parcel 34.08-1-1.12;

THENCE, in a southerly direction along the east bounds of parcel 34.08-1-1.12 to the southeast corner of parcel 34.08-1-1.12;

THENCE, in an easterly direction along the north bounds of parcels 34.08-1-1.12 and 34.08-1-5 to the northeast corner of parcel 34.08-1-5; said point also being on the south bounds of parcel 25.00-2-6.11;

THENCE, in a southerly direction along the east bounds of parcel 34.08-1-5 to the southwest corner of parcel 34.08-1-5; said point also being on the north bounds of the Mariaville Road Right-of-Way;

THENCE, in an easterly direction along the north bounds of the Mariaville Road Right-of-Way the southwest corner of parcel 34.08-1-6;

THENCE, in a northerly direction along the west bounds of parcels 34.08-1-6 to the northwest corner of parcel

34.08-1-6;

THENCE, in an easterly direction along the north bounds of parcels 34.08-1-6, 34.08-1-7 and 34.08-1-8 to a point, said point being the northeast corner of parcel 34.08-1-8; said point also being on the west bounds of parcel 34.08-1-9;

THENCE, in a northerly direction along the west bounds of parcel 34.08-1-9 to the northwest corner of parcel 34.08-1-9;

THENCE, in an easterly direction along the north bounds of parcel 34.08-1-9 to the northeast corner of parcel 34.08-1-9;

THENCE, in a southerly direction to the southeast corner of parcel 34.08-1-9; said point also being on the north bounds of the Mariaville Road Right-of-Way and the west bounds of the Mariaville Scotch-Church Road Right-of-Way;

THENCE, in a southeasterly direction across the Mariaville Scotch-Church Road Right-of-Way to the northwest corner of parcel 35.05-2-1.2; said point also being on the east bounds of Mariaville Scotch-Church Road;

THENCE, in an easterly direction a distance of approximately 200 feet along the northerly bounds of parcel 35.05-2-1.2 to a point on the north bounds of parcel 35.05-2-1.2;

THENCE, in a southerly direction across parcel 35.05-2-1.2 to the northeasterly corner of parcel 35.05-2-2;

THENCE, in a southerly direction along the east bounds of parcel 35.05-2-2 to the southeast corner of parcel 35.05-2-2;

THENCE, in a southerly direction across parcel 35.05-2-1.2 to the northeast corner of parcel 35.05-2-1.11;

THENCE, in a southerly direction along the east bounds of parcel 35.05-2-1.11 to a point, said point being on the north bounds of parcel 35.05-2-3;

THENCE, in an easterly direction along the north bounds of parcels 35.05-2-3, 35.05-2-4, 35.05-2-5.1, 35.05-2-6.2, 35.05-2-7, 35.05-2-8, 35.05-2-9, 35.05-2-10, 35.05-2-11, 35.05-2-12, 35.05-2-13, 35.05-2-14, 35.05-2-15, 35.05-2-16, 35.05-2-17, 35.05-2-18, 35.05-2-19, 35.05-2-20, 35.05-2-21, 35.05-2-22, 35.05-2-23, 35.05-2-24, 35.05-2-25, 35.05-2-26, 35.05-2-27, 35.06-1-12, 35.06-1-11, 35.06-1-10, 35.06-1-9, 35.06-1-8, and 35.06-1-7 to a point, said point being the northeast corner of parcel 35.06-1-7, said point also being on the west bounds of parcel 35.06-1-4;

THENCE, in a northerly direction along the west bounds of parcels 35.06-1-4, 35.06-1-1 and 26.18-1-3.1 to the northwest corner of parcel 26.18-1-3.1, said point also being on the south bounds of Hilltop Drive;

THENCE, in a northerly direction across Hilltop Drive to a point on the north bounds of Hilltop Drive, said point also being the southwest corner of parcel 26.00-2-8;

THENCE, in an easterly direction along the south bounds of parcel 26.00-2-8 to a point, said point being the southeast corner of parcel 26.00-2-8; said point also being on the north bounds of Hilltop Drive, said point also being on the common town boundary line between Duanesburg and Princetown;

THENCE, in a southerly direction across Hilltop Drive along the town line to a point, said point being the northeasterly corner of parcel 26.18-1-14.1;

THENCE, in a southerly direction along the east bounds of parcel 26.18-1-14.1 and 26.18-1-14.2 to a point on the town line, said point being the northeast corner of parcel 35.06-3-30; said point also being northwest corner of parcel 35.07-1-1;

THENCE, in a southerly direction along the east bounds of parcel 35.06-3-30 to the southeast corner of parcel 35.06-3-30; said point also being on the north bounds of the Weast Road Right-of-Way;

THENCE, in a southerly direction across the Weast Road Right-of-Way to a point on the south bounds of the Weast Road Right-of-Way, said point also being the northeast corner of parcel 35.06-3-31;

THENCE, in a southerly direction along the east bounds of parcel 35.06-3-31 to the southeast corner of parcel 35.06-3-31, said point also being on the north shore of Mariaville Lake;

THENCE, in a southerly direction across Mariaville Lake to a point on the south shore of Mariaville Lake, said point also being the northeast corner of parcel 35.06-5-28;

THENCE, in a southerly direction along the east bounds of parcels 35.06-5-28 and 35.06-5-29 to the southeast corner of parcel 35.06-5-29, said point also being the northeast corner of parcel 35.00-3-1.1; said point also being on the east bounds of the Town of Duanesburg;

THENCE, in a southerly direction along the east bounds of parcel 35.00-3-1.1, 35.00-3-2.2, 35.00-3-2.12, 35.00-3-2.11 and 35.00-3-3.1 to southeast corner of parcel 35.00-3-3.1;

THENCE, in a westerly direction along the south bounds of parcel 35.00-3-3.1 to the southwest corner of parcel 35.00-3-3.1, said point also being on the east bounds of Mariaville Road;

THENCE, in a westerly direction across Mariaville Road to a point, said point also being the southeast corner of parcel 35.00-3-7.1;

THENCE, in a westerly direction along the south bounds of parcels 35.00-3-7.1 and 35.00-3-6.3 to the southwest corner of parcel 35.00-3-6.3, said point also being on the easterly bounds of parcel 35.00-3-9;

THENCE, in a northerly direction along the west bounds of parcels 35.00-3-6.3, 35.00-3-6.2, 35.00-3-6.12, 35.00-3-5 and 35.10-2-17.1 to a point on the west bounds of parcel 35.10-2-17.1; said point also being the southeast corner of parcel 35.10-1-26;

THENCE, in a westerly direction along to the south bounds of parcels 35.10-1-26, 35.10-1-27, 35.10-1-28, 35.10-1-29.1, 35.10-1-34, 35.10-1-35, 35.10-1-36, 35.10-1-37, 35.09-2-18, 35.09-2-19, 35.09-2-20 and 35.09-2-21 to the southwest corner of parcel 35.09-2-21;

THENCE, in a northerly direction along the west bounds of parcel 35.09-2-21 to the northwest corner of parcel 35.09-2-21; said point also being the southeast corner of parcel 35.09-2-12;

THENCE, in a westerly direction along the south bounds of parcels 35.09-2-12, 35.09-2-11, 35.09-2-10, 35.09-2-9, 35.09-2-8, 35.09-2-7, 35.09-2-6, 35.09-2-5, 35.09-2-4, 35.09-2-3, 35.09-2-2, 35.09-2-1 to the southwest corner of parcel 35.09-2-1; said point also being the northwest corner of parcel 35.00-3-12;



THENCE, in a southerly direction a distance of approximately 100 feet along the west bounds of parcel 35.00-3-12 to a point on the west bounds of parcel 35.00-3-12; said point also being on the east bounds of parcel 35.09-1-11.3;

THENCE, in a westerly direction across parcel 35.09-1-11.3 to the southeast corner of parcel 35.09-1-23;

THENCE, in a westerly direction across parcel 35.09-1-11.3 to the southeast corner of parcel 35.09-1-9.1;

THENCE, in a westerly direction along the south bounds of parcel 35.09-1-9.1 to the southwest corner of parcel 35.09-1-9.1;

THENCE, in a westerly direction across parcel 35.09-1-11.3 to a point on the east bounds of Batter Street;

THENCE, in a westerly direction across Batter Street to the southeast corner of parcel 35.09-1-11.21;

THENCE, in a westerly direction along the south bounds of parcel 35.09-1-11.21, said point also being the point and place of beginning.

The question of the adoption of the foregoing resolution was moved by Council-member Merrick and seconded by Council-member Puumoa and duly put to a vote on roll call, which resulted as follows:

AYES: Council-member Merrick  
Council-member Puumoa  
Council-member Pule  
Council-member Pater  
Supervisor Wall

NOES:

DATED: June 14, 2001

STATE OF NEW YORK )  
 ) ss.:  
COUNTY OF SCHENECTADY )

I, the undersigned Clerk of the Town of Duanesburg, Schenectady County, New York,  
DO HEREBY CERTIFY:

That I have compared the foregoing copy of the minutes of the meeting of the Town Board of said Town, including the resolution contained therein, held on the 14<sup>th</sup> day of June, 2001, with the original thereof on file in my office, and that the same is a true and correct copy of said original and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY, that all members of said Board had due notice of said meeting and that, pursuant to Section 94 of the Public Officers Law (Open Meeting Law), said meeting was open to the general public and that I duly caused a public notice of the time and place of said meeting to be given to the following newspapers and/or news media as follows:

<u>Newspapers and/or other News Media</u>	<u>Date Given</u>	
The Gazette		
<u>Location of Posted Notice</u>	<u>Other Method of Giving Notice</u>	<u>Date Given</u>
Town Clerk's Bulletin Board		

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Town this 14<sup>th</sup> day of June, 2001.

Joseph M. Benson  
TOWN CLERK

(SEAL)

RESOLUTION NO. 87-01

**WHEREAS**, the Town of Duanesburg has held a public hearing on the establishment of Mariaville Lake Sewer District No. 2; and

**WHEREAS**, the Town of Duanesburg has determined by resolution:

(1) that the notice of hearing was published and posted as required by law and is otherwise sufficient;

(2) that all the property and property owners within the proposed Mariaville Lake Sewer District No. 2 are benefited thereby;

(3) that all the property and property owners benefited are included within the limits of the proposed Mariaville Lake Sewer District No. 2;

(4) that the establishment of such district is in the public interest; and

**WHEREAS**, the Town of Duanesburg has adopted a resolution approving the establishment and construction of the district, which resolution is subject to permissive referendum, and has prepared an application to the State Comptroller requesting permission to establish said district, **NOW**

**UPON MOTION** of Councilmember Supervisor White  
seconded by Councilmember Merrill it is hereby

**RESOLVED AS FOLLOWS:**

**SECTION 1.** The Town Board of the Town of Duanesburg does hereby state that

(1) the application to the State Comptroller requesting permission to establish the Mariaville Lake Sewer District No. 2 was prepared at its direction, and

(2) the Town Board believes the contents of the application are accurate, and

(3) the Town Board has determined that the establishment and construction of the Mariaville Lake Sewer District No. 2 is in the public interest and will not constitute an undue burden on the property which will bear the cost thereof, and

(4) all real property to be assessed for the costs of the establishment and construction of the Mariaville Lake Sewer District No. 2 will be benefited by the construction and no benefited property has been excluded.

**SECTION 2.** Pursuant to Section 209-f of Article 12-A of Town Law, the Town Board of the Town of Duanesburg does hereby direct the Town Clerk to file, all in duplicate, in the office of the state department of audit and control at Albany, New York, a certified copy of the resolution approving the establishment and construction of the District, a certified copy of this resolution and the application for permission to create said District.

**SECTION 3.** This resolution shall take effect immediately.

DATED: June 14, 2001.

Regular Town Board Meeting June 14, 2001

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

Pledge to the flag led by Supervisor Wall.

Supervisor Wall opened the floor to comments.

George Lent – Rt. 7 – asked about the resolution to accept the resignation of the Assessor and advertise for candidates. He said the he understands that her benefits were taken away from her and that she was fired. Spoke of the committee to study health benefits asked what that is for, if it is for the people on the board.

Supervisor Wall commented that the Assessor retired and the process of looking at the benefits is for all town officials, elected, appointed and employees.

Mr: Lent would like a clarification on the medical benefits.

Council-member Plue commented on the minutes of the May meeting. The letter that is attached to the minutes regarding the Mariaville Firemen incentive program has one signature on the letter. He feels the town should consider having two or three signatures on it.

Supervisor Wall asked to have these items included in the minutes of May 10<sup>th</sup>. Page 1 under Resolution #67-01- Add the low bid by Cobleskill Stone Products was not accepted because they did not comply with the bid request.

And on page 3, 1<sup>st</sup> paragraph should read that there is no open burning allowed in the town between April 1<sup>st</sup> and May 31<sup>st</sup>.

Resolution # 75-01 – Supervisor Wall motioned, seconded by Council-member Potter to accept the town board meeting minutes as published with those additions. Motion carried 5 Ayes.

Supervisor Wall read the Clerks report for the month, Total local shares remitted \$398.44, total non local revenue remitted \$303.50, total state, county, & local revenues \$701.94.

Supervisor Wall read Supervisor's report for the month.

Revenues

General Fund	\$ 48,793.75
Highway Fund	3,039.96
Service Award	94.68
Shafer Park	<u>80.33</u>
	\$ 52,008.72

Disbursements

General Fund	\$ 96,637.78
Highway Fund	19,953.68
Lighting District	<u>918.76</u>
	\$ 117,510.22

Resolution # 76-01 – Council-member Plue motioned, seconded by Council-member Pneuman to pay all claims as submitted. Motion carried 5 Ayes.

Resolution # 77-01 – Supervisor Wall motioned, seconded by Council-member Pneuman to transfer a sum of \$309,269.35 from the sewer account to the general fund. This is to pay back the general fund for the money that was borrowed for the sewer account. Motion carried 5 Ayes.

Metroplex Report – Annually the Metroplex Authority is to give a report to the towns and various municipalities on Metroplex activities during the past year. Tonight representatives for Duanesburg and Princetown Jamie Lahut and Jeff West were here to give the report.

Mr. Lahut – Several months ago the Metroplex sent an annual report showing the five year plan to the town. They had a very successful second year of operations all though there is still a lot of work to do. Metroplex has committed to 15 million dollars in projects in the Metroplex corridor, most of them in downtown Schenectady, with the exception of the Time Warner project in the Town of Rotterdam. Mr. Lahut stated that are they are willing to partner with the community and if Duanesburg is interested in developing properties within the corridor, they would help to identify private developers who would want to come in and help increase the tax base. The other piece of news is they are looking forward to the Metroplex five year, capitol plan, which the board approved a month ago.

Supervisor Wall commented on the recommendation of the Metroplex Authority last year for the town to expand the width of the Metroplex corridor. The town did that based on their recommendation. About the first of July in the Delanson Industrial Park the first sewer district will be stating up. This will be the only area in town that is served by municipal water and sewers. The town board recognizes that if we are going to have any development we have to have the infrastructure to support it. They will be talking to Metroplex people about that area.

George Lent - Asked how many paid employees Metroplex has?

Mr. Lahut stated there are three full time paid employees and another one will be added next year.

Committee Reports – Rene' Merrihew reported on the parks. Plans for the July 21<sup>st</sup> Festival is going well. Trees will be planted in the fall at Shafer Park and will be paid for by Iroquois Grant money. Council-member Merrihew spoke to Mark Lawrence about putting a well in at the park, he said that he would do it and donate his time. The only cost to the Town would be for materials. Rene' thanked the Duanesburg Volunteer Ambulance for donating a flagpole for the park, it was put at the rock where the memorial plaque is going. There have been two horseshoe pits installed. Doors at the tennis courts were repaired, the nature trail was fixed and bark was placed through out the trails to eliminate the wet

areas. The picnic tables are all being painted, brush is being cleared, and wood chips put down around the trees. The Boy Scouts are finishing up the ends of the pavilion. At Van Patten Park, trees and brush has been cleared, the storage shed has been cleaned out and repaired so mice and snakes can't get in during the winter. The bathrooms cleaned up, picnic tables have been painted, grills have been painted and the backstop has been repaired.

Council-member Potter gave the highway report as prepared by the Highway Superintendent.

Council-member Plue has a list of the town roads and what work need to be done on them.

Council-member Pneuman – reported on public safety. They had a great meeting with the public safety providers in the town. Some of the topics that came up are the town's open burn law, which they hope to set a public hearing on next month. They have been working to update the town's emergency response plan, which should be completed in September or October.

Resolution # 78-01 – Council-member Plue motioned, seconded by Supervisor Wall a resolution authorizing the Superintendent of Highways to enter into an agreement to purchase a Ford 550 truck at the New York State bid price with a cap not to exceed \$40,000.00. Motion carried 5 Ayes.

Resolution # 79-01 – Council-member Plue motioned, seconded by Council-member Potter a resolution authorizing the Supervisor to issue \$60,000.00 in bonds for the purchase of the Ford 550 truck and other highway equipment. Motion carried 5 Ayes.

Resolution # 80-01 – Council-member Potter motioned, seconded by Council-member Plue a resolution to except the resignation of Carol Hallenbeck as Assessor, and to advertise for candidates for the Assessor's Office. Candidates will be requested to submit resumes to the Town Supervisor. Motion carried 5 Ayes.

Resolution # 81-01- Council-member Merrihew motioned, seconded by Supervisor Wall a resolution to authorize the firm of Gleason, Dunn, Walsh & O'Shea, Attorneys, to provide legal counsel to members of previous Town Board's, and to provide legal defense should this become necessary. Motion carried 5 Ayes.

Resolution # 82-01 – Supervisor Wall motioned, seconded by Council-member Merrihew a resolution requesting the Town Clerk to publish a notice that the Town Board will hold a public hearing to amend Local Law #1-1981, " a local law Providing for the Defense of Town Officers and Employees." The public hearing

will be held at 7:30PM, July 12, 2001 at the Duanesburg Town Hall. Motion carried 5 Ayes.

Resolution # 83-2001 – Council-member Pneuman motioned, seconded by Council-member Plue a resolution requesting the Town Clerk to publish a notice that the Town Board will hold a public hearing to amend Local Law #1-1996, "A local law to Regulate the Operation of Mechanically Propelled Vehicles on Duane Lake in the Town of Duanesburg." The public hearing will be held at 7:30PM on July 12, 2001 at the Duanesburg Town Hall. Motion carried 5 Ayes.

Supervisor Wall appointed himself and Council-member Pneuman to the committee to study the health insurance coverage of town officials.

Resolution # 84-2001 – Council-member Plue motioned, seconded by Supervisor Wall a resolution determining that the establishment of Mariaville Lake Sewer District #2 in the Town of Duanesburg and the construction of a sanitary sewer system therein and in the Town of Princetown, Schenectady County, New York, will not have a significant impact on the environment. Motion carried 5 Ayes. (Resolution Attached)

Resolution # 85-2001 – Council-member Potter motioned, seconded by Council-member Plue the Intermunicipal agreement with the Town of Duanesburg and the Town of Princetown in the establishment of Mariaville Sewer District No. 2. Motion carried 5 Ayes. (Resolution Attached)

Resolution # 86-2001 – Council-member Merrihew motioned, seconded by Council-member Pneuman a Resolution approving the construction of Mariaville Lake Sewer District No. 2. Motion carried 5 Ayes. (Resolution Attached)

Resolution # 87-2001 – Supervisor Wall motioned, seconded by Council-member Merrihew the application to the New York State Comptrollers Office requesting permission to establish the Mariaville Lake Sewer District No. 2. Motion carried 5 Ayes. (Resolution Attached)

Resolution # 88-2001 – Council-member Pneuman motioned, seconded by Council-member Potter a resolution authorizing change order No. 4 to contract No. 1 – General Construction for the Duanesburg/Delanson Sewer District No. 1 sewage collection system construction. Motion carried 5 Ayes. (Resolution attached)

Resolution # 89-2001 – Council-member Plue motioned, seconded by Council-member Pneuman a resolution awarding a contract for excavation and backfill work to repair and restore the landfill cover system. Motion carried 5 Ayes. (Resolution attached)



Resolution # 90-2001 – Council-member Potter motioned, seconded by Council-member Merrihew a resolution awarding a contract for landfill membrane liner repairs. Motion carried 5 Ayes. (Resolution attached)

Supervisor Wall reported on the Mariaville Clean up day June 9, 2001. Every thing went fine until after it closed. Some people dropped off trash and tires that they did not pay for. The town will have to pay to have hauled away. A resident did get a license plate number and the town is working with the State Police to get resolved.

Supervisor Wall reported on Sewer District No. 1, it is on schedule and the start up date is scheduled for July 1<sup>st</sup>. Residents can apply for the sewer permits with Code Enforcement Officer.

Open burn law – there are two laws in the Town, a Town law and a state law. The town board is going to look into combing both laws. Town Attorney will review both laws and report back to the board then a public hearing will be set.

Regular portion of the meeting closed. Privilege of the floor opened at 8:40PM.

Chris Smith – Duane Lake Road – read a letter she wrote to the Town Board and would like to have attached as part of the minutes. Mrs. Smith and members of the Duane Lake Association attended a Planning Board meeting on June 7, 2001 to present information about the Duane Lake Watershed. Members of the board failed to understand their concerns and that is why she is here tonight. (Copy of her letter is attached to the minutes)

Mrs. Smith also asked the Town Board to appoint Marsha Adams to fill the vacant seat on the Planning Board. Also a resume for Mrs. Adams is attached to the minutes.

Supervisor Wall asked the Town Attorney to look into the issues of the water shed. What the town can do to address the water shed issues, if it is a town matter or a county matter.

Mrs. Smith stated the reason they wanted to meet with the Planning Board is that they want to work with the town on these issues, to protect the watershed.

Supervisor Wall stated that we need to address the issue from a legal viewpoint, so that people are aware if there are rules and regulations, if there are not should there be and how to implement the whole program. Supervisor Wall would like Town Attorney to research and see what the options are.

Council-member Pneuman commented on the feelings of the residents on Duane Lake said if that were their feelings of how the Planning Board treated them he offered them his apologies. He explained that the Town Board has a limited over

site over the appointed boards. The board has every right as taxpayers and elected officials to meet with some of the people and talk with them about treatment of our constituents.

Mrs. Smith explained that her suggestion on that is two fold. First as you appoint new board members you make them aware of the issues that they have raised. Secondly they have asked that a board member be appointed and have suggested Mrs. Adams.

Jill Polk Duane Lake Association would like any appointment to the Planning Board at least be open to the public. If you find that member not courteous or open to the public, she would hope upon re-appointment the Town Board would take that into consideration.

Supervisor Wall commented on Christine's letter that he senses some dissatisfaction with the way people were personally treated. Mrs. Smith believes that they did not waste the boards time, they would have been done in fifteen minutes had they not been peppered with sarcastic questions from the moment they walked into the room. If they wasted their time they assisted us into doing so. And to say that publicly it has to be questioned that person's ability to be a board member.

Bob Cuttita Mariaville Lake thanked Mrs. Smith for including Mariaville Lake in her letter. There is something in the town law that allows the town to set up an aquatic vegetation control system. That might be something to look into.

Supervisor Wall commented that if there is something that can be locally, does it somehow conflict with DEC?

Mr. Cuttita stated that you could set up an aquatic weed control district. They would need 50% of the residents in that area to sign a petition. Once that is done the Town Board can set a resolution with the leaps and bounds of that district. This is an aquatic deed to the whole district, which is at the town level all the power is at the town, it allows the Town Board to pass a resolution. Once a lake district is set up you have to go through the state legislature to set up that district.

Marsha Adams Duane Lake Road spoke of the retirement of the Assessor. Hopes the Town Board takes into consideration Lynn Lestage to fill that position.

George Lent Rt. 7 spoke of the Engineering cost to the town, and if the Town Board has anyone else in mind.

Jack McDonald Engineering stated that the fee is about 10 or 12% of the cost of construction of the project.

Supervisor Wall explained that professional services did not have to be bid.

Mary Ellen Yankosky Quaker Lane stated that she is disappointed that the town went to Albany County for legal services for counsel of the board members. Hopes the board would consider Schenectady County in the future for that need. Spoke of the committee studying the health insurance coverage if they would be availing themselves to the services that are available through the New York State Comptrollers Office, they offer manage review services and recommendations to towns.

Supervisor Wall stated that was a good recommendation and would look into when they do their review.

Jill Polk Duane Lake asked what the additional legal counsel was for, is it for a specific purpose, or overall or a yearly amount?

Supervisor Wall explained that a town law has been on the books since 1981 to provide legal defense services for elected, appointed officials as well as employees.

Attorney Fassett stated that the town has the option of not discussing something that may up in litigation.

Mrs. Polk asked if Mr. Fassett was implying that the Town Board is going to be sued.

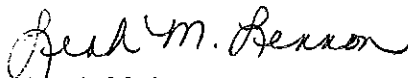
Supervisor Wall stated not this Board and that the resolution specifically says previous. The law in the coverage is for everybody previous, present and future.

Mrs. Polk asked if the board is authorizing obtaining legal counsel for previous board members or for some future action, or are we retaining legal counsel for something that may never occur?

Supervisor Wall explained that it was previous and may never occur, but they deserve specialized counsel in as far as what they do and how they do it.

No other comments a motion was made to adjourn at 9:00 by Council-member Plue seconded by Council-member Merrihew, all in favor.

Respectfully submitted,

  
Leah M. Lennon