

\$181,117.23 total for all vouchers \$211,271.62. Motion carried 5 Ayes, Council-members Merrihew, Pneuman, Hyland, Potter and Supervisor LaBelle.

Committee Reports:

Council-member Merrihew reported on the park. There isn't much going on right now. Last week the park committee had their annual dinner.

Council-member Pneuman reported that the new highway truck is here and the snowplow is being put on.

**Resolution #93-03** – Supervisor LaBelle motioned, seconded by Council-member Merrihew to authorize the Supervisor to send a letter to Senator Farley and Assemblyman Tonko requesting legislative grant for zoning purposes. Motion carried 5 Ayes, Supervisor LaBelle, Council-members Merrihew, Potter, Hyland and Pneuman.

**Resolution #94-03** – Supervisor LaBelle motioned, seconded by Council-member Potter authorizing use of truck by the Building Inspector;

**RESOLUTION**

**WHEREAS**, pursuant to Highway Law § 142(2), all tools, implements and other highway equipment owned either by the Town or by the Highway Districts therein, is required to be used by the Town Highway Superintendent in such manner and in such places as a Superintendent deems best, and shall be under the control of the Superintendent and be cared for by him at the expense of the Town, as more particularly set forth in the Highway Law; and

**WHEREAS**, it has come to the attention of the Town Highway Superintendent and the Town Board that, from time to time, the Town Highway Superintendent is in control of automobiles and passenger trucks which may be available for use by Town employees and Town officials in connection with their duties on behalf of the Town; and

**WHEREAS**, the Town Highway Superintendent has indicated that he may be willing to allow Town employees and Town officials to use such available automobiles and passenger trucks for public purposes when necessary or convenient for the Town; and

**WHEREAS**, Town Law § 32(1) authorizes the Town Board to grant to the Town Highway Superintendent such further duties as the Town Board may determine, provided such additional duties are not inconsistent with the law;

**NOW, THEREFORE, BE IT RESOLVED** that the Town Highway Superintendent shall have the authority to allow Town employees and Town officials to use automobiles and passenger trucks that are under the control of the Town Highway Superintendent, at the discretion of the Town Highway Superintendent, in such

instances when such vehicles are to be used for public purposes, and at times when such vehicles are not, in the discretion of the Highway Superintendent, necessary for Highway Department use. The Highway Superintendent is authorized to place restrictions on such use as the Highway Superintendent deems appropriate, including but not limited to: restrictions on the time, place and manner of such use; restrictions on which employees and public officials will be allowed to use such vehicles; and conditions of use including written accountings of hours, days and times of use and mileage traveled. Additionally, the Town Highway Superintendent and the Town Board are authorized to negotiate a schedule of reasonable compensation for such use, which may be amended from time to time.

**Motion carried 5 Ayes, Supervisor LaBelle, Council-members Potter, Merrihew, Pneuman and Hyland.**

**Resolution #95-03** – Council-member Pneuman motioned, seconded by Council-member Potter a Resolution Authorizing Counsel To Proceed With Eminent Domain Proceedings Mariaville Lake Sewer District No. 2.

**WHEREAS**, the Intermunicipal Cooperation Agreement between the Town of Duanesburg and the Town of Princetown, Article 1, provides that each town will acquire the lands and/or rights of way within their boundaries in order to construct the Sewer System, and

**WHEREAS**, under Article I of the said Intermunicipal Cooperation Agreement the Town of Duanesburg agrees to pay the cost of the acquisition of the necessary lands and rights of way as identified in the Engineering Report dated May, 2001 for said sewer collection system, and

**WHEREAS**, it may become necessary to acquire certain land and rights of way situate within the Town of Duanesburg for the construction of said sewer collection system by instituting eminent domain proceedings, and

**WHEREAS**, Edward Fassett, Jr., of counsel to the Law Offices of Michael Kurz, LLC, is one of the duly appointed attorneys for the Town of Duanesburg for the year 2003,

**NOW THEREFORE LET IT BE RESOLVED**, that Edward Fassett, Jr., of counsel to the Law Offices of Michael Kurz, LLC, be and the same is hereby authorized to commence and prosecute eminent domain proceedings in the Supreme Court of the State of New York by and on behalf of the Town of Princetown for Mariaville Lake Sewer District No. 2 to acquire the land and rights of way situate within the Town of Princetown as identified in the said Engineering Report which are needed for the construction of the sanitary sewage collection system.

**Motion carried 5 Ayes, Council-members Pneuman, Potter, Merrihew, Hyland and Supervisor LaBelle.**

Council-member Merrihew, for discussion stated she spoke to the office of McDonald Engineering and they said to go ahead and pass the resolution but to be a little flexible on who we send the letter to because we are in the process of obtaining the easements