

Roger Tidball, Town Supervisor
Jennifer Howe, Town Clerk
Brandy Fall, Deputy Town Clerk



John D. Ganther, Jr., Council Member
Francis R. Potter, Council Member
Jeffrey Senecal, Council Member
William Wenzel, Council Member

5853 Western Turnpike
Duanesburg, New York 12056

Town of Duanesburg

Schenectady County

P# 518-895-8920
F# 518-895-8171

Thursday, October 22, 2020
Town Board Meeting Agenda

Meeting Time: 7:00PM

Call to order
Pledge of Allegiance

Public Hearing: The Proposed Local Law No. 3 of 2020 is entitled "Tax Cap Override for FY 2021." The proposed local law will allow the Town of Duanesburg to override the limit on the amount of real property taxes that may be levied, pursuant to General Municipal Law § 3-C, and allow the Town of Duanesburg to adopt a town budget for fiscal year 2021 that requires a tax levy in excess of the tax levy limit.

Public Hearing: For the purpose of hearing all persons interested in the Preliminary Budget for 2021.

Approval of minutes for: Special Town Board Meeting on Monday October 5, 2020

Approval of minutes for: Town Board Meeting on Thursday October 8, 2020

Payment of Claims

Committee Reports

Highway
Public Safety
Park
Sewer Districts #1, 2 & 3
IT

Business Meeting:

- 1. Motion to adopt Local Law No. 3 of 2020 entitled "Tax Cap Override for FY 2021".**
- 2. Motion to adopt the Preliminary budget as the final and annual budget for the Town of Duanesburg for the 2021 fiscal year.**
- 3. Motion to set a hearing on November 12, 2020 at 7:00 pm to provide an opportunity for the property owner to address the Town Board regarding 3000 Western Turnpikes unsafe conditions.**

Privilege of the Floor:

Comments are limited to 5 minutes per person. Be respectful. Address the entire Town Board. Individual members are not to be singled out. Speak of issues related to Town business. There will be no tolerance for personal attacks on Board Members. The board reserves the right to ask that your question be put in writing and to be submitted to the Town Clerk to then be distributed to the Town Board. Questions will be answered in a timely manner and mailed to the resident.

PLEASE NOTE: AGENDA ITEMS MAY BE ADDED OR DELETED WITHOUT NOTICE

**LEGAL NOTICE
NOTICE OF PUBLIC HEARING
TOWN BOARD
TOWN OF DUANESBURG**

PLEASE TAKE NOTICE, that the Town Board of the Town of Duanesburg, New York, will meet at the Town Offices of Duanesburg, 5853 Western Turnpike, on **Thursday, October 22, 2020** at **7:00 p.m.** for the purpose of hearing all persons interested in the adoption of Local Law No. 3 of 2020.

The Proposed Local Law No. 3 of 2020 is entitled “Tax Cap Override for FY 2021.” The proposed local law will allow the Town of Duanesburg to override the limit on the amount of real property taxes that may be levied, pursuant to General Municipal Law § 3-C, and allow the Town of Duanesburg to adopt a town budget for fiscal year 2021 that requires a tax levy in excess of the tax levy limit. A copy of the proposed local law is on file at the office of the Town of Duanesburg Town Clerk, 5853 Western Turnpike, Duanesburg, New York, 12056.

BY ORDER OF THE TOWN BOARD
TOWN OF DUANESBURG

Dated: October 8, 2020

**LEGAL NOTICE
NOTICE OF PUBLIC HEARING
TOWN BOARD
TOWN OF DUANESBURG**

PLEASE TAKE NOTICE, that the Town Board of the Town of Duanesburg, New York, will meet at the Town Offices of Duanesburg, 5853 Western Turnpike, on **Thursday, October 22, 2020** at **7:00 p.m.** for the purpose of hearing all persons interested in the Preliminary Budget for 2021, and that any person may be heard in favor or against the items therein contained.

The Preliminary Budget for the Town of Duanesburg for the fiscal year beginning January 1, 2021 has been filed in the office of the Town Clerk, Town Hall, 5853 Western Turnpike, Duanesburg, New York, where it is available for inspection during regular office hours.

Pursuant to Section 108 of the Town Law, the proposed salaries of Town Officers are hereby specified as follows:

Town Supervisor: \$21,140
Town Justice: \$16,315
Town Justice: \$16,315
Town Council-Member: \$7,025
Town Council-Member: \$7,025
Town Council-Member: \$7,025
Town Council-Member: \$7,025
Town Clerk: \$45,511
Highway Superintendent: \$56,871.12

BY ORDER OF THE TOWN BOARD
TOWN OF DUANESBURG

Dated: October 8, 2020

TOWN OF DUANESBURG TOWN BOARD

RESOLUTION NO. -2020

October 22, 2020

Adopting Local Law No. 3 of 2020

WHEREAS, Local Law No. 3 of 2020 entitled “Tax Cap Override for FY 2021” (the “Proposed Local Law”) will allow the Town of Duanesburg to override the limit on the amount of real property taxes that may be levied, pursuant to General Municipal Law §3-C, and allow the Town of Duanesburg to adopt a town budget for fiscal year 2021 that requires a tax levy in excess of the tax levy limit; and

WHEREAS, the proposed local law was introduced at the meeting of October 8, 2020 of the Town Board and each member of the Town Board received the Proposed Local Law; and

WHEREAS, a public hearing was duly noticed and held on October 22, 2020.

NOW THEREFORE BE IT RESOLVED, that the Town Board hereby adopts Local Law No. 3 of 2020 and directs that the local law be filed in the Town Clerk’s office and with the New York State Secretary of State’s Office.

Motion made by _____

Motion seconded by _____

Roger Tidball, Supervisor

Town Clerk/Deputy Town Clerk

Present:

Absent:

Council Members:

Roger Tidball	Yea	Nay	Abstain
John Ganther	Yea	Nay	Abstain
Rick Potter	Yea	Nay	Abstain
William Wenzel	Yea	Nay	Abstain
Jeff Senecal	Yea	Nay	Abstain

TOWN OF DUANESBURG LOCAL LAW NO. 3 OF 2020

TAX CAP OVERRIDE FOR FY 2021

BE IT ENACTED by the Town Board of the Town of Duanesburg in the County of Schenectady as follows:

Section 1. Title of the Local Law.

This local law shall be entitled "Tax Cap Override for FY 2021."

Section 2. Authorization.

This local law is adopted pursuant to subdivision 5 of the General Municipal Law § 3-C, which expressly authorizes the town board to override the tax levy limit by the adoption of a local law approved by vote of sixty percent (60%) of the Town Board.

Section 3. Purpose.

The purpose of this local law is to permit the override of the limit on the amount of real property taxes that may be levied by the Town of Duanesburg, County of Schenectady, pursuant to General Municipal Law § 3-C, and to allow the Town of Duanesburg to adopt a town budget for the fiscal year 2021 ("FY 2021") that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law § 3-C.

Section 4. Tax Cap Override for FY 2020

The Town Board of the Town of Duanesburg, County of Schenectady, is hereby authorized to adopt a budget for FY 2021 that requires a real property tax levy in excess of the amount otherwise proscribed in General Municipal Law § 3-C.

Section 5. Supersession.

Pursuant to the powers granted by the Municipal Home Rule, this Local Law supersedes all provisions of the Town of Duanesburg Town Code, in so far as such statutes are inconsistent with this Local Law and any other laws or regulations of the Town of Duanesburg are superseded to the extent necessary to give this Local Law full force and effect. All other provisions shall remain the same.

Section 6. Severability.

Each separate provision of this Local Law shall be deemed independent of all other provisions therein, and if any provisions shall be deemed or declared invalid, all other provisions hereof shall remain valid and enforceable.

Section 7. Effective Date.

This Local Law shall take effect immediately upon filing in the office of the Secretary of State in accordance with Municipal Home Rule Law § 27.

Town of Duanesburg Town Board

RESOLUTION APPROVING THE TOWN BUDGET FOR 2021

Town Board Meeting of October 22, 2020

WHEREAS, The Town Board of the Town of Duanesburg has prepared a budget for the 2020 fiscal year;

WHEREAS, the Town Supervisor has reviewed the budget estimates with the Town Departments;

WHEREAS, the Town Supervisor prepared a tentative budget from the budget estimates;

WHEREAS, the budget estimates and tentative budget were submitted to the Town Clerk's Office;

WHEREAS, the Town Clerk presented the tentative budget to the Town Board at the special meeting on October 5, 2020;

WHEREAS, the Town Board reviewed the tentative budget and approved it as the preliminary budget, for public review at the regular meeting on October 8, 2020;

WHEREAS, the Town Clerk duly noticed a public hearing on the preliminary budget on file with the Town Clerk's Office;

WHEREAS, on October 22, 2020, the Town Board held a duly noticed public hearing on the preliminary budget.

NOW THEREFORE BE IT RESOLVED, that the Town Board hereby adopts the preliminary budget as the final and annual budget for the Town of Duanesburg for the 2021 fiscal year.

By (unanimous/majority) vote of the Town Board of the Town of Duanesburg at its regular Town Board meeting on October 22, 2020.

Motion made by _____
Motion seconded by _____

Roger Tidball, Supervisor

Town Clerk/Deputy Town Clerk

Present:

Absent:

Council Members:

Roger Tidball	Yea	Nay	Abstain
John Ganther	Yea	Nay	Abstain
Rick Potter	Yea	Nay	Abstain
William Wenzel	Yea	Nay	Abstain
Jeff Senecal	Yea	Nay	Abstain

Town of Duanesburg Town Board

RESOLUTION NO. __ - 2020

October 22, 2020

WHEREAS, pursuant to Local Law No. 1 of 1992 (the “Unsafe Buildings Law”), the Town Board has the authority to order owners of unsafe and/or dangerous buildings to repair or demolish and remove such buildings; and

WHEREAS, on several dates in 2020, the Town of Duanesburg Building Inspector (the “Building Inspector”) inspected the property located at 3000 Western Turnpike, Duanesburg, New York, 12056 (SBL #68.00-1-24) (the “Property”), pursuant to the Section 5 of the Unsafe Buildings Law; and

WHEREAS, the building inspector reported that the condition of the Property is unsafe to the general public, may attract rodent infestation, presents danger to the health safety, morals and general welfare of the public, and is unfit for the purposes for which it may be lawfully used.

WHEREAS, on October 15, 2020, pursuant to Section 5 of the Unsafe Buildings Law, the Building Inspector reported to the Town Supervisor and Town Board members his findings and recommendations based on his inspection of the Property (the “Report”); and

WHEREAS, in the Report, the Building Inspector noted that the Property is: littered with debris, garbage, and at least one animal carcass; and has no electricity due to the power being terminated.

WHEREAS, pursuant to Section 6 of the Unsafe Buildings Law, the Town Board has considered the Report and in the Town Board’s opinion the building is unsafe.

NOW, THEREFORE, BE IT RESOLVED, that

- (1) based on the Report of the Building Inspector, the Town Board determines that the building is unsafe, and the conditions identified require remediation and/or repair; and
- (2) the Town Board directs that the attached Notice of Unsafe Condition to be served on the property owner or other persons pursuant to Section 8 of the Unsafe Buildings Law; and
- (3) the Town Board directs that Notice of Unsafe Condition be filed in the Office of the Schenectady County Clerk pursuant to Section 9 of the Unsafe Buildings Law; and
- (4) that the Town Board shall meet to hold a hearing on November 12, 2020 at 7:00 p.m. at the Town of Duanesburg Town Hall, 5853 Western Turnpike, Duanesburg, New York, to provide an opportunity for the property owner to address the Town Board on said matter.

By (unanimous/majority) vote of the Town Board of the Town of Duanesburg at its regular meeting of October 22, 2020.

Roger Tidball, Supervisor

Town Clerk/Deputy Town Clerk

Date

Date

Present:

Absent:

Town Board Members:

Roger Tidball	Yea	Nay	Abstain
John Ganther	Yea	Nay	Abstain
Rick Potter	Yea	Nay	Abstain
William Wenzel	Yea	Nay	Abstain
Jeff Senecal	Yea	Nay	Abstain

**Town of Duanesburg
5853 Western Turnpike
Duanesburg, New York 12056**

VIA REGISTERED MAIL

Urbano Fabio
256 Glengary Rd.
Schenectady, New York
12304

Giuseppe G Caschera
256 Glengary Rd.
Schenectady, New York
12304

Re: Notice of Unsafe and Condition

Dear Mr. Fabio and Mr. Caschera:

On several dates in 2020, the Town of Duanesburg Building Inspector (the "Building Inspector") inspected the property located at 3000 Western Turnpike, Duanesburg, New York, 12056 (SBL #68.00-1-24) (the "Property"), pursuant to the Section 5 of Local Law No. 1 of 1992 (the "Unsafe Buildings Law") and reported that the Property was in unsafe condition.

On October 15, 2020, pursuant to Section 5 of the Unsafe Buildings Law, the Building Inspector reported to the Town Supervisor and Town Board members his findings and the conditions requiring repair and/or remediation (the "Report"). See **Exhibit A**. In the Report, the Building Inspector noted that the Property is: littered with debris, garbage, and at least one animal carcass; has no electricity due to the power being terminated; and is without heat, smoke or carbon monoxide alarms.

On October 22, 2020, pursuant to the Unsafe Buildings Law, the Town Board adopted a resolution determining, based on the Report of the Building Inspector, that the Property is in unsafe condition and requires repair and/or remediation. The resolution of the Town Board is attached hereto as **Exhibit B**.

The Premises

3000 Western Turnpike, Duanesburg, New York, 12056 (SBL #68.00-1-24).

Statement of the Particulars In Which the Building is Unsafe or Dangerous

Please See Exhibits A and B for Building Inspector's findings with regard to the condition of the Property.

Repair and/or Remediation

All of the conditions identified by the Building Inspector and set forth further in Exhibits A and B, must be remediated and/or repaired. All debris and

garbage must be removed from the property including the dead animal carcass. Power to the property must be restored. Any and all rodent infestation must also be addressed. The Property must be brought to all applicable codes, rules, laws, and regulations.

The repairs and remediation must commence within thirty (30) days after service of this notice and must be completed within sixty (60) days thereafter, unless good cause shown, such time is extended by the Town Board.

Failure to Comply

Failure to comply with this notice will result in the Town Board taking action pursuant to the Unsafe Building Law including surveying the Property and, if such survey shall report the building unsafe or dangerous, applying to the Special Term of the Schenectady County Supreme Court for an order determining the building to be a public nuisance and directing that it be repaired and/or remediated, and that the expenses of the cost of securing or removing unsafe conditions be assessed against the land on which is located.

Public Hearing

A hearing on this matter will be held at the Town Offices of Duanesburg, located at 5853 Western Turnpike, Duanesburg, New York on November 12, 2020 at 7:00 p.m.

Dated: [Date of notice]
Duanesburg, New York

By Order of Town Board of the Town of Duanesburg,
County of Schenectady

Jennifer Howe
Town Clerk
Town of Duanesburg