

William Wenzel, Town Supervisor
Jennifer Howe, Town Clerk
Carol Sowycz, Deputy Town Clerk



Michael Santulli, Council Member
Francis R. Potter, Council Member
Dianne Grant, Council Member
Andrew Lucks, Council Member

5853 Western Turnpike
Duanesburg, New York 12056

Town of Duanesburg

Schenectady County

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

Thursday, October 26, 2023

Town of Duanesburg is inviting you to view a scheduled Zoom meeting.

Topic: Town of Duanesburg's Town Board Meeting

Time: 7:00 p.m.

Join Zoom Meeting

Meeting ID: 876 4871 2409

Passcode: 925936

Dial in by Phone: 1-646-558-8656

Town Board Meeting Agenda

Meeting Time: 7:00PM

Call to order
Pledge of Allegiance

Public Hearing: Proposed Local Law No. 3 of 2023 entitled "Tax Cap Override for FY 2024". 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 2024 that requires a tax levy in excess of the tax levy limit.

Public Hearing: Proposed Local Law No. 4 of 2023 entitled "A Local Law to Amend the Duanesburg Zoning Ordinance to Require Septic Inspection Prior to the Transfer of Ownership in the Duane Zoning Lake District (L-2).

Approval of minutes for: Town Board Meeting on Thursday October 12, 2023

Supervisor's Report: September 2023

Payment of Claims

Committee Reports

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

Business Meeting:

- 1. Motion to adopt Local Law No. 2 of 2023 entitled “Tax Cap Override for FY 2024”.**

Privilege of the Floor:

Comments are limited to 5 minutes per person. Please state your name and address for the record. 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.

**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 26, 2023** at **7:00 p.m.** for the purpose of hearing all persons interested in the adoption of Local Law No. 3 of 2023.

The Proposed Local Law No. 3 of 2023 is entitled “Tax Cap Override for FY 2024.” 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 2023 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 12, 2023

**LEGAL NOTICE
NOTICE OF PUBLIC HEARINGS
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 located at 5853 Western Turnpike, on **Thursday, October 26, 2023 at 7:00 p.m.** for the purpose of hearing all persons interested in the matter of:

The Town of Duanesburg is proposing a local law requiring the inspection of on-site septic systems prior to transfer of ownership of any real property within the Duane Lake District.

Persons may appear at the hearing in person and may also submit written comments to the Town Board prior to or at such hearing.

BY ORDER OF THE TOWN BOARD
TOWN OF DUANESBURG

Dated: October 12, 2023

LOCAL LAW NO. 4 FOR 2023

A LOCAL LAW TO AMEND THE DUANESBURG ZONING ORDINANCE TO REQUIRE SEPTIC SYSTEM INSPECTION PRIOR TO THE TRANSFER OF OWNERSHIP IN THE DUANE ZONING LAKE DISTRICT (L-2)

BE IT ENACTED by the Town of Duanesburg Town Board (“Town Board”) as follows:

SECTION 1: Title of the Local Law

The local law shall be entitled “Septic System Inspection Prior to the Transfer of Ownership of Property in the Duane Lake Zoning District (L-2).”

SECTION 2: Authorization

This local law is adopted pursuant to the NYS Municipal Home Rule Law and General Municipal Law.

SECTION 3. Legislative intent and purpose.

It has been reported to the Town Board that some residents of the Town of Duanesburg use Duane Lake as a source of potable water and that there are older septic systems located on properties proximate to Duane Lake that do not meet the requirements established by local, State and County laws and regulations for on-site private septic systems. The Duane Lake Association has represented to the Town that the majority of the residents surrounding Duane Lake do not support the establishment of a Town Sewer District for Duane Lake with a public sewer system due to the cost of such a system. As a result there are very few options available to the Town of Duanesburg for protecting public health and safety related to Duane Lake which is privately owned and controlled. Given this one means of moving toward ensuring effective protection of Duane Lake waters is the periodic inspection of on-site private septic systems to discontinue the operation of such systems to prevent contamination of Duane Lake.

The purpose of this Local Law is to adopt inspection requirements for on-site private septic systems when property changes ownership in the Duane Lake Zoning District (L-2).

SECTION 4. Inspection of Existing Septic Systems Prior to Transfer of Ownership in the Duane Lake Zoning District (L-2).

Prior to transfer of ownership of any real property within the Duane Lake Zoning District (L-2) which contains a habitable structure, and prior to any further occupation of said residence, the on-site septic system thereupon shall be thoroughly inspected and approved in writing by a qualified inspector (see below) to determine if the on-site septic system meets or does not meet all the requirements of local, County, State and federal law and regulations for such on-site septic systems.

SECTION 5. Qualifications.

Inspections shall be performed by a licensed or qualified inspector: a person, corporation, or similar business entity who a) by authority, certification or license "in good standing" granted by the State of New York is a professional engineer, or septic system engineer/designer, or 2 b) by current certification, training, or licensing in the discipline(s) of septic system design, septic installation and/or septic inspection such inspector has been trained by the New York Onsite Wastewater Treatment Training Network, Inc. (OTN), or equivalent training recognized by the New York State Department of Health or the New York State Department of Environmental Conservation. Proof of such qualifications including a certification by the inspector as to his or her qualifications shall be provided to the Town Building Inspector prior to any inspections being undertaken.

SECTION 6. Submission to the Building Inspector

All inspection reports shall be submitted to the Town of Duanesburg Building Inspector within 10 days of undertaking the inspection.

SECTION 7. Failed inspection requirements.

If the property owner fails to file an inspection report or the report indicates that the system has failed the inspection, the property owner will have thirty (30) days to repair or replace the septic system and submit an approval in writing by a qualified inspector (see above). If after thirty (30) days the property owner does not submit an approval in writing by a qualified inspector, the certificate of occupancy for such residence relying upon such a failing system shall be revoked until such time as the system is repaired or replaced and an approval in writing by a licensed or qualified inspector of the repaired or replaced system has been provided to the Town Building Inspector and accepted by the Town Building Inspector. The Town Building Inspector shall have the authority to reasonably extend the thirty (30) day time periods as necessary due to limitations caused by the weather or unavailability of contractors or materials.

SECTION 8. 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 9 Severability

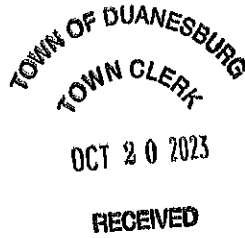
Each separate provision of this Local Law shall be deemed independent of all other provisions therein, and if any provisions shall be deemed or declared invalid, all other provisions hereof shall remain valid and enforceable.

SECTION 10. 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.

Sonya Mulvihill
449 W Duane Lake Rd
Duanesburg, NY 12056

Town of Duanesburg
5853 Western Turnpike
Duanesburg, NY 12056
October 15, 2023



I'd like my opinion to be 'on the record'. Please read letter aloud if that is the only way to ensure this. Thank you.

To all members of the Duanesburg Town Board,

Unfortunately, I am unable to attend the Oct 26th meeting of the Town Board; however, I would like to voice my support **IN FAVOR** of the septic resolution for Duane Lake. It is important that a *thorough* inspection (efficacy of system, condition of tank, etc.) not *cursory* inspection ("Yup, there's a septic") of a home's septic system take place at the time of transfer of ownership. A complete septic inspection and timely remediation of any issues are the goals, regardless of who pays for the improvement.

Why do I feel so strongly about this issue?

1. Septic tanks, like any other aspect of a home, are not designed to last indefinitely. At some point they will require updates/repairs/replacement. This inspection just helps to ensure that any potential issues do not go undetected.
2. Many residents of Duane Lake use the lake for drinking water. No one should have to drink contaminated water - filter or not!
3. Fresh, clean water should be a concern for every citizen in the Town of Duanesburg. When the lake water is high, its overflow exits through a culvert and then eventually becomes part of the watershed for a nearby reservoir. The pollution caused by faulty septic systems is not limited to Duane Lake but extends far into the community. Contaminated water does not remain confined to one small area.

At a recent meeting, one resident felt that this 'law' would violate his 'property rights'. It should be clear that one person's property rights do not extend to polluting the fresh water of his neighbors.

Yes, this resolution is not a 'cure' for the excess phosphorus and nitrogen present in the lake; however, it is one piece of the puzzle. This is a non-invasive measure that can help improve the quality of the water of the Duanesburg area.

Thank you for your consideration.

A handwritten signature in black ink, appearing to read "Sonya Mulvihill", with a long horizontal flourish extending to the right.

TOWN OF DUANESBURG TOWN BOARD

RESOLUTION NO. -2023

October 26, 2023

Adopting Local Law No. 2 of 2023

WHEREAS, Local Law No. 2 of 2023 entitled “Tax Cap Override for FY 2024” (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 2024 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 12, 2023 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 26, 2023.

NOW THEREFORE BE IT RESOLVED, that the Town Board hereby adopts Local Law No. 2 of 2023 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 _____

William Wenzel, Supervisor

Town Clerk/Deputy Town Clerk

Present:

Absent:

Council Members:

Dianne Grant	Yea	Nay	Abstain
Michael Santulli	Yea	Nay	Abstain
Rick Potter	Yea	Nay	Abstain
William Wenzel	Yea	Nay	Abstain
Andrew Lucks	Yea	Nay	Abstain

TOWN OF DUANESBURG LOCAL LAW NO. 2 OF 2023

TAX CAP OVERRIDE FOR FY 2024

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 2024”.

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 2024 (“FY 2024”) 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 2023

The Town Board of the Town of Duanesburg, County of Schenectady, is hereby authorized to adopt a budget for FY 2024 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.