

Roger Tidball, Town Supervisor
Jennifer Howe, Town Clerk
Brandy Fall, Deputy Town Clerk
William Reed, Highway Superintendent



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

Thursday December 10, 2020
Regular Town Board Meeting
Meeting Time: 7:00PM

Meeting called to order by Supervisor Tidball at 7:00PM

Present: Supervisor Tidball, Council Members Potter, Ganther, Senecal and Wenzel, Highway Superintendent Reed, Town Clerk Howe Town Attorney Terresa Bakner

Pledge of Allegiance

Supervisor Tidball: Ok tonight's board meeting Thursday December 10, 2020. We do have a lot of items in our business meeting tonight. We didn't have a meeting at the end of last month, because of the holiday and we won't be having a regular full meeting at the end of this month due to Christmas. We have a lot of items to go through tonight.

Supervisor Tidball: I need approval of minutes please.

Council Member Potter: I make the motion for approval of minutes for the Town Board Meeting on Thursday November 12, 2020.

Supervisor Tidball: I'll second. Any discussion? Jen call the roll please.

Town Clerk Howe: Council Member Potter

Council Member Potter: Aye

Town Clerk Howe: Supervisor Tidball

Supervisor Tidball: Aye

Town Clerk Howe: Council Member Ganther

Council Member Ganther: Aye

Town Clerk Howe: Council Member Wenzel

Council Member Wenzel: Aye

Town Clerk Howe: Council Member Senecal

Council Member Wenzel: Abstain

Resolution 127-20: Council Member Potter motioned, seconded by Supervisor Tidball to approve the Town Board Meeting minutes of Thursday December 10, 2020.
Motion carried, 4 ayes

Supervisor Tidball: Alright, Town Clerk's Report

Town Clerk Howe: Read November 2020 Town Clerk Report (please see attached)

Supervisor Tidball: Thank you. Supervisor's Report. Supervisor Tidball read November 2020 Supervisor's Report (please see attached)

Supervisor Tidball: Payment of claims please

Council Member Potter: Vouchers to be paid Town of Duanesburg Vouchers per Fund. General Fund - \$38,993.81. Highway fund- \$40,022.22 SD#1- \$16,768.97, SD#2 - \$11,757.66, SD#3 - \$1,743.02. Total vouchers to be paid - \$109,285.68.

Council Member Ganther: I'll second it.

Supervisor Tidball: Any discussion? Jen call the roll please.

Town Clerk Howe: Council Member Potter

Council Member Potter: Aye

Town Clerk: Council Member Ganther

Council Member Ganther: Aye

Town Clerk Howe: Council Member Wenzel

Council Member Wenzel: Aye

Town Clerk Howe: Council Member Senecal

Council Member Senecal: Aye

Town Clerk Howe: Supervisor Tidball

Council Supervisor Tidball: Aye

Resolution 128-20: Council Member Potter motioned, seconded by Council Member Ganther to pay the following claims:

Motion carried, 5 ayes

Vouchers to be Paid December 10, 2020

General Fund:	\$38,993.81
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Highway Fund:	\$40,022.22
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SD#1 Fund:	\$16,768.97
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SD#2 Fund: **\$16,768.97**

SD#3 Fund: **\$1,743.02**

Total To Be Paid: **\$109,285.68**

Supervisor Tidball: OK, our Assessor Mike McGuire is going to go over options we have for a piece of property.

Mike McGuire: So, the reason why I wanted to speak to the board tonight is we have an Article 7 case pending for a property in town. MLight Enterprises which is the Valero gas station in town off of 88. They had filed a case back in 2019 and then again with a continuation in 2020. Through my office and the Town Attorney we were able to negotiate a settlement. In order to approve the settlement, the town board would actually have to agree to the settlement. So, what we are purposing to do is to reduce the assessed value by \$47,181. It is currently assessed at \$275,000 which would bring the assessment to \$227,819. In dollars and cents for the town, the reduction in actual taxes paid to the town would be about \$136.60. For the county, state and school districts it will be more than this, but in regards to the town it will be around \$136. The settlement would do a few things. One it would resolve this case for us. One of the conditions of the settlement would be that MLight would give up the right to pursue any additional legal action and any additional Article 7's for the next ten years. It locks the assessed value at that current \$227,819 for ten years, but it does give the town the ability to go back and change the assessment if there is a physical change to the property or if the town decides at some point in the future to do a town wide assessment change or a revalue. Additionally, in most of these cases the town, county and school district would be looking to make a refund of any taxes that have been previously paid. So, I mentioned that this case started in 2019 and continued in 2020. With this settlement MLight is giving up there right to actually getting a refund for last year. If the board is able to act on this before January 31st then we will be able to get that corrected for their 2021 tax bill. We actually have draft documents that I can get to you. We should have everything wrapped up before the next meeting. I wanted to bring it up to the board to see if you have any questions for me. So, I can answer those questions or get back to you with any information that I may not have. I will turn it over to you guys if you have any questions, comments or concerns. Settling this in my opinion would be in the best interest of

the town. If we decide not to travel this route and we continue this out through a court case we would be talking about additional billable hours for the attorney's office and the cost of the commercial appraisal for that building. So we are probably talking about a few thousand dollars.

Council Member Ganther: Well there has to be some logic to it or everyone could be putting us in that position too. It is always going to be cheaper to settle than litigate.

Council Member Senecal: Well comparable would be the Stewarts or something like that? How does that compare?

Assessor Mike McGuire: Yes. The assessed value is going to be comparable with the Stewarts in the center of town. Dollar per square foot it is comparable to that. MLight did provide us with financial information to look at. John our other Assessor who has a background in commercial appraisal work he was comfortable with the number as well.

Council Member Ganther: So, you are saying that the number is comparable to Stewarts?

Assessor Mike McGuire: It had been a little bit higher, but with this change it would be comparable.

Council Member Wenzel: So, the after number is more comparable, is that correct?

Assessor Mike McGuire: Correct

Supervisor Tidball: Mike and I have talked about this and it goes back to when our last Assessor was here, he was working on it too. At one time who ever did the assessment on it was a lot higher than probably where it should have been.

Council Member Ganther: Is the ten year lock customary? SO the assessment will remain the same, but if our tax rate goes up his taxes will go up right?

Assessor Mike McGuire: Correct the assessment remains the same.

Supervisor Tidball: What if they do major improvements to the property or added another building? Ok, so any significant change we could go in and assess the property.

Council Member Potter: So this ok for us to do even for ten years it involves the school and the county.

Assessor Mike McGuire: So with these cases they are suing the assessor's office and the town. Ultimately it is up to the town board to make the decision if there is going to be a settlement. We bear the cost of resolving it and that is the benefit that we have. That is our cost to bear , so you have the ability to determine the result.

Town Attorney Bakner: Sam Hubble in my office has been working with Mike on it and Mike does a superb job, so we recommend that you take that course.

Supervisor Tidball: So the paperwork hasn't been finalized?

Assessor Mike McGuire: We don't have the final paperwork yet. Probably tomorrow I think I can get it to Jen and the rest of the board. We can out it on the next agenda to formally adopt it if that works.

Supervisor Tidball: Ok, sure. I think we will go that route Mike. Thanks Mike, we appreciate it.

Supervisor Tidball: Alright, we're going to go into Committee reports. We'll start off with Highway, Mr. Reed.

Highway:

Highway Superintendent Reed: The roads are as ready as they possible can be. We took care of a lot of loose ends last week. Trucks are fully equipped and ready to go, short of a few maintenance items, putting a couple of cutting edges on the plows. We are ready for whatever mother nature wants to send our way.

Supervisor Tidball: What are you doing about wings and wingmen? Are you running single wings?

Highway Superintendent Reed: What we ended up doing last year was with on one wing man, was going out respond to the storm and then the next day double the guys up and wing them back then.

Supervisor Tidball: Jen, can we put a thing on the facebook page that we are accepting resumes for wing man position.

Town Clerk Howe: Yes, I will put something up on facebook.

Supervisor Tidball: Thanks, anything else for Bill? Public Safety. We had a scheduled Fire Captain's meeting this week it was cancelled mostly to do with COVID. Nothing new to update unless you had anything for Public Safety.

Council Member Wenzel: No.

Supervisor Tidball: How about Park Committee.

Park Committee:

Council Member Wenzel: Park committee, we did not have a meeting this month. The only thing we wanted to discuss was the disc golf and we will be getting into that in a little while. Only other comment I have to make about that is, Thank you to all those that were involved go get the tree up at the point. The lights are on and it looks nice. If anybody hasn't had a chance to see it, it really looks nice there.

Supervisor Tidball: Ok, that is it for parks. Sewer Districts.

Sewer Districts:

Council Member Ganther: Ok, the blowers at both plants have been greased. There was an issue with the air pipe in digestive tank one over in Delanson on November 16th they had to call Blue Diamond in to pump down the #1 so that the air pipe could get cleaned out. Then the next day Corey took apart the pipe to get it flowing again. We had a bracket break off the base of a grinder pump over on East Shore Rd. over the course of two days they had to pull out that pump and replace the bracket and reinstall in the pump. Over in Quaker Street we had on/off loads failing in a pump that had to be replaced. We had a grinder pump fail on Cole Rd. After pulling it out they found a hair tie was caught in the bottom of the pump. So, again if we could keep objects out of the sewer system it will function better. A flow meter had to be replaced by Corey and the A-team over at the Mariaville Plant. November 18th Corey and Andrew replaced the disc filters over at the Mariaville Plant. There was a grinder pump over on South Shore that was leaking. They found the check valve was leaking and replaced that. We did pick up two new grinder pumps to have on hand and replenish our inventory.

Supervisor Tidball: Ok. Mr. Brown

Bill Brown: the main thing we are asking for is to move forward with bidding for the upgrade work at the Delanson Plant. We do need to move forward in bidding to comply with the consent order. This would position the project to be completed by the end of next year. This is the next step in the process for them. We are purposing to receive bids on January 22nd that will be a little over three weeks for bidders to look over the work. Then hopefully when spring comes we can start construction over there. The project over at the Mariaville plant is going to need to gear up next year. We will be presenting the board on a proposal to do the UV work over there.

Supervisor Tidball: Ok, any comments or questions for Bill or any other sewer related issues? No. Alright thank you Bill.

Bill Brown: Thanks guys have a good night.

Supervisor Tidball: Thank you. IT John.

IT:

Council Member Ganther: We learned today that Congressman Tonko helped to secure some grant money to aid in his district for broadband. This funding is specially earmarked for a satellite internet company, service provided through SpaceX. While it is satellite it is faster than the current satellite internet. If we can get more folks in town that can't get Spectrum and get them on a service where they can get a 100mb per sec then I'm sure they would cheer. Our next Broadband committee meeting will be on Wednesday January 6th at 6:30 pm. Public is invited as always and will be available by Zoom. We continue to work on getting the folks that work for the town on two-factor authentication for email security. This will prevent email accounts from getting spoofed and people getting emails that we did not send out. We had Keirnan here today from Omnis and he replaced the failing UPS device. It helps us to have an orderly shut-down in case there is a power outage. We got the closet 75% cleaned up now and he carted out a lot of old equipment that was being used. We do need to get that fan replaced in there and get that closet vented out. Keirnan can get us a fan that plugs right into the server and monitors the heat, has an alarm that goes off if it gets too hot. We have one old pc that is getting replaced in the clerk's office and that is the last of the old ones. We should be on a normal replacement schedule from here on out and we will be in much better place there. The last thing is that we had our solar moratorium in place. We had our second and last public forum this week to get input from the public on their ideas on ways that we might possibly tighten up our solar law. We appreciate the feedback that we have got and if anybody wants to

email us more they are certainly welcome to. Sometime in January the board will get together and we will review that feedback and lookover that law. Determine what and anything we want to change in that law. Hopefully that will out that issue to bed.

Supervisor Tidball: I think in January we have a board meeting on the 14th I think maybe we can make that...depending on how the board wants to do that we can talk more in depth during that meeting. That will give the board another month to look over and see what needs to be discussed. Anybody have anything else we need to discuss before we go into the business meeting? Alright, let the resolution fly.

Business Meeting:

Council Member Senecal: I make the motion to motion to approve and authorize the Town Supervisor to execute the documents necessary to purchase the equipment identified and to pay for such equipment out of the Parklands fund for the Disc Golf Course.

Council Member Ganther: Second

Council Member Potter: And it's really not going up that much.

Supervisor Tidball: Jen call the roll please.

Town Clerk Howe: Council Member Senecal

Council Member Senecal: Aye

Town Clerk Howe: Council Member Wenzel

Council Member Wenzel: Aye

Town Clerk Howe: Council Member Ganther

Council Member Ganther: Aye

Town Clerk Howe: Council Member Potter

Council Member Potter: Aye

Town Clerk Howe: Supervisor Tidball

Council Supervisor Tidball: Aye

Resolution 129-20: Council Member Senecal motioned, seconded by Council Member Ganther to approve and authorize the Town Supervisor to execute the documents necessary to purchase the equipment identified and to pay for such equipment out of the parklands fund for the Disc Golf Course.

Motion carried, 5 ayes

Council Member Wenzel: Motion to approve Delaware Engineering Invoice No.9 in the amount of \$5300.

Council Member Potter: I'll second it.

Supervisor Tidball: Any further discussion on this matter? Jen call the roll please.

Town Clerk Howe: Council Member Wenzel

Council Member Wenzel: Aye

Town Clerk Howe: Council Member Potter

Council Member Potter: Aye

Town Clerk Howe: Council Member Ganther

Council Member Ganther: Aye

Town Clerk Howe: Council Member Senecal

Council Member Senecal: Aye

Town Clerk Howe: Supervisor Tidball

Council Supervisor Tidball: Aye

Resolution 130-20: Council Member Wenzel motioned, seconded by Council Member Potter to approve Delaware Engineering Invoice No. 9 in the amount of \$5300.

Motion carried, 5 ayes

Supervisor Tidball: Motion to authorize the purchase of a John Deere Cold Planer in the amount of \$19,500.

Council Member Senecal: Second.

Supervisor Tidball: Jen please call the roll.

Town Clerk Howe: Council Member Potter

Council Member Potter: Aye

Town Clerk Howe: Council Member Wenzel

Council Member Wenzel: Aye

Town Clerk Howe: Council Member Ganther

Council Member Ganther: Aye

Town Clerk Howe: Council Member Senecal

Council Member Senecal: Aye

Town Clerk Howe: Supervisor Tidball

Council Supervisor Tidball: Aye

Resolution 131-20: Supervisor Tidball motioned, seconded by Council Member Senecal to authorize the purchase of a John Deere Cold Planer in the amount of \$19,500.

Motion carried, 5 ayes

Council Member Ganther: Motion to execute the municipal consent form to grant permission for Frontier Sno-Riders Club to maintain their snowmobile trail system along designated section of National Grid Property.

Council Member Potter: I'll second it.

Supervisor Tidball: Any discussion on that? Jen call the roll please.

Town Clerk Howe: Supervisor Tidball

Council Supervisor Tidball: Aye

Town Clerk Howe: Council Member Potter

Council Member Potter: Aye

Town Clerk Howe: Council Member Ganther

Council Member Ganther: Aye

Town Clerk Howe: Council Member Wenzel

Council Member Wenzel: Aye

Town Clerk Howe: Council Member Senecal

Council Member Senecal: Aye

Resolution 132-20: Council Member Ganther motioned, seconded by Council Member Potter to execute the municipal consent form to grant permission for Frontier Sno-Riders Club to maintain their snowmobile trail system along designated section of National Grid Property. Motion carried, 5 ayes

Council Member Potter: Motion to set a public hearing on December 30, 2020 at 7:00pm to provide opportunity for the property owners of 499 McGuire School Road to address the Town Board.

Supervisor Tidball: Discussion on that is this has been a long time coming and the town board does apologize to the neighbors of this property. Just had a long chat with a neighbor that just recently moved into that neighborhood. The property is in foreclosure and owned by a bank. It did tie up things.

Town Attorney Bakner : I wanted to update the board that I spoke to the attorney that has been managing the property for the estate and he basically told me they are going to do

nothing. We don't want to see this property get sold without it being cleaned up first. We have tried several times in town court. I would also suggest that since one of the town board members is a neighbor, I would suggest that you recuse yourself from this matter. We can't even get these people to show up in court.

Town Clerk Howe: Supervisor Tidball

Council Supervisor Tidball: Aye

Town Clerk Howe: Council Member Potter

Council Member Potter: Aye

Town Clerk Howe: Council Member Ganther

Council Member Ganther: Aye

Town Clerk Howe: Council Member Wenzel

Council Member Wenzel: Aye

Town Clerk Howe: Council Member Senecal

Council Member Senecal: Abstain

Resolution 133-20: Council Member Potter motioned, seconded by Council Member Ganther to set a public hearing on December 30, 2020 at 7:00pm to provide opportunity for the property owners of 499 McGuire School Road to address the Town Board.

Motion carried, 4 ayes

Council Member Senecal: Motion to re-appoint David Moran to the Board of Assessment Review for a term to expire on September 30, 2025.

Council Member Ganther: Second it.

Supervisor Tidball: Any discussion? Jen call the roll please.

Town Clerk Howe: Supervisor Tidball

Council Supervisor Tidball: Aye

Town Clerk Howe: Council Member Potter

Council Member Potter: Aye

Town Clerk Howe: Council Member Ganther

Council Member Ganther: Aye

Town Clerk Howe: Council Member Wenzel

Council Member Wenzel: Aye

Town Clerk Howe: Council Member Senecal

Council Member Senecal: Aye

Resolution 134-20 Council Member Potter motioned, seconded by Council Member Ganther to re-appoint David Moran to the Board of Assessment Review for a term to expire on September 30, 2025.

Motion carried, 5 ayes

Supervisor Tidball: Ok, we need to make a motion move the next Town Board meeting to December 30th from the 24th. This will be a meeting to wrap up End of Year, should be a quick meeting with no committee reports.

Council Member Wenzel: Second.

Supervisor Tidball: Jen call the roll please.

Town Clerk Howe: Supervisor Tidball

Council Supervisor Tidball: Aye

Town Clerk Howe: Council Member Potter

Council Member Potter: Aye

Town Clerk Howe: Council Member Ganther

Council Member Ganther: Aye

Town Clerk Howe: Council Member Wenzel

Council Member Wenzel: Aye

Town Clerk Howe: Council Member Senecal

Council Member Senecal: Aye

Resolution 135-20 Supervisor Tidball motioned, seconded by Council Member Wenzel , to move the next town board meeting from December 24th to the 30th at 7:00 pm.

Motion carried, 5 ayes

Supervisor Tidball: Ok, make a motion to approve the proposed definite plans and specifications for the long-term improvements to the Delanson Wastewater Treatment Plant serving Duanesburg/Delanson Sewer District No. 1 and Duanesburg Sewer District No. 3 pursuant to Town Law 202b.

Council Member Wenzel: Second.

Supervisor Tidball: Jen call the roll please.

Town Clerk Howe: Supervisor Tidball

Council Supervisor Tidball: Aye

Town Clerk Howe: Council Member Potter

Council Member Potter: Aye

Town Clerk Howe: Council Member Ganther

Council Member Ganther: Aye

Town Clerk Howe: Council Member Wenzel

Council Member Wenzel: Aye

Town Clerk Howe: Council Member Senecal

Council Member Senecal: Aye

Resolution 136-20 Supervisor Tidball motioned, seconded by Council Member Wenzel , to approve the proposed definite plans and specifications for the long-term improvements to the Delanson Wastewater Treatment Plant serving Duanesburg/Delanson Sewer District No. 1 and Duanesburg Sewer District No. 3 pursuant to Town Law 202b.

Motion carried, 5 ayes

Supervisor Tidball: Any other business meeting stuff we missed? Alright folks that are still left on Zoom. This is the part of the night, privilege of the floor. If you wish to speak, just put a note through Zoom that you wish to speak and we will unmute you. Ms. Bruning sent us a letter, so I'll read her letter before we open the floor to anyone. (Supervisor Tidball read the letter, please see attached.)

It began in 2016. The planning board was the lead group to handle it with the zooming board and the town board providing comments. The minutes should be the planning board minutes. There were also town board and planning board minutes where this was discussed. There were also comments from the county.

I did schedule a meeting that night and the review did happened. It is still in the final stages and the gentleman who has been handling it has done great work. There were some last minute clean-up formats. It will be in front of the planning board this month. It will be posted on the website. They will set a public hearing for January. The draft will go to the town board, where the town board will have a public hearing before the town board can adopt it.

Ms. Biggs sent us a letter, so I'll read her letter. (Supervisor Tidball read the letter, please see attached.)

I will apologize on the response to you, I did put the wrong date on that. The 2019 has not been finalized at this time. It has been filed, BST filed for us and we are waiting on the final report

from the Comptroller to be published for public review. It will be posted on the website when it is finalized.

Supervisor Tidball: Anyone else wishing to speak at this time?

Town Clerk Howe: No

Supervisor Tidball: Ok, we'll give it a few seconds. Nothing?

Town Clerk Howe: No

Supervisor Tidball: Ok, if someone misses their opportunity to speak, please reach out to the Town Board or Town Clerk with questions and/or comments and we will gladly read them at the next Board meeting or we will try to answer them for you accordingly. I'll make the motion for adjournment.

Council Member Potter: Second it.

Supervisor Tidball: Alrighty. Any discussion? Jen please call the roll.

Town Clerk Howe: Supervisor Tidball

Council Supervisor Tidball: Aye

Town Clerk Howe: Council Member Potter

Council Member Potter: Aye

Town Clerk Howe: Council Member Ganther

Council Member Ganther: Aye

Town Clerk Howe: Council Member Wenzel

Council Member Wenzel: Aye

Town Clerk Howe: Council Member Senecal

Council Member Senecal: Aye

Supervisor Tidball: Folks, anybody left on there, please enjoy your night. Please enjoy your holiday. Thank you and have a good night.

I, Jennifer Howe, Town Clerk of the Town of Duanesburg, so hereby certify that this is a true and accurate transcript of the Regular Town Board Meeting held on Thursday December 10, 2020 at the Duanesburg Town Hall, 5853 Western Turnpike, Duanesburg, New York 12056.