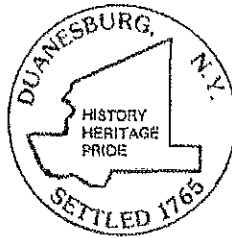


Roger Tidball, Town Supervisor
Jennifer Howe, Town Clerk
Brandy Fall, Deputy Town Clerk
William Reed, Highway Superintendent



John D. Ganther, Council Member
Charles Leoni, Council Member
Francis R. Potter, Council Member
Jeffrey Senecal, Council Member

Thursday December 13, 2018
Regular Town Board Meeting
Meeting Time: 7:00PM

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

Present: Supervisor Tidball, Council Members Ganther, Leoni, Potter, Senecal, Town Attorney
Teresa Bakner, Town Clerk Jennifer Howe

Absent:

Pledge of Allegiance

Prayer/Moment of Reflection offered by Pastor McHeard

Public Comments on Agenda: Opened by Supervisor Tidball for public comments on agenda items listed in the Business Meeting section of the Agenda. Comments limited to 2 minutes per person.

Bill Park of Maranatha Way asked for details on #2 under the Business on the Agenda.
Supervisor Tidball responded with it is amount up \$14,350 based on a quote we received from them.

Floor closed.

Resolution 178-18: Council Member Potter motioned, seconded by Council Member Ganther to approve the Town Board Meeting minutes of Thursday, November 8, 2018.
Motion carried, 5 ayes

Resolution 179-18: Council Member Potter motioned, seconded by Council Member Ganther to approve the Town Board Meeting minutes of Tuesday, November 20, 2018.

Motion carried, 3 ayes Council Member Leoni, Senecal abstained

Town Clerk, Jennifer Howe, read the Town Clerk's Report for November 2018 (see attached).

Supervisor Tidball read the Town Supervisor's Report for November 2018 (see attached).

Resolution 180-18: Council Member Potter motioned, seconded by Council Member Ganther to pay the following claims:

Motion carried, 5 ayes

Vouchers to be Paid December 13, 2018

General Fund: #404-418	\$128,920.32
SD#1: #122-128	\$7,142.85
SD#2: #129-134	\$5,771.76
SD#3: #22	\$33.72
Highway: #199-204	\$2,294.16
Total Vouchers to be Paid=	<hr/> \$144,162.81

Committee Reports

Highway: Highway Superintendent Reed reported that they installed the upgraded pipe on Knight Road and stabilized the situation on Alexander Rd. with the help of National Grid. They are doing some minor fixes on trucks. This week they started filling potholes on the dirt roads.

Public Safety: Council Member Leoni reported that there was a Fire Officer's meeting on Nov. 14th and there were a couple road name corrections done in the 911 system for Lea Drive and Larson Lane. They talked about swapping the radios county wide to help alleviate dead zones. The next meeting is on January 9, 2019 at Plotterkill.

Parks: Council Member Senecal reported that there was a park committee meeting on December 4th. Lynda McLaughlin resigned from the Pak Commission and we thank her for her 20+ years of service. The Park Committee is requesting that the board approve Deb Peters as a member of the council. Mr. Lawrence from Lawrence WaterWells donated the pipe and drilled the hole for the Christmas tree stand. A big thank you to Mr. Lawrence and Council Member Senecal for their hard work on the Christmas tree stand project.

Sewer District #1, 2 & 3: Council Member Ganther reported that the sampling results came back and are submitted to DEC. Sewer District #3 fittings are all dug up and Vacri replaced them all. We will be getting a new warranty drawn up. The tie rods, ball joints and brakes are fixed on the sewer truck and the leaf springs will be replaced next week.

Bill from Delaware Engineering reported that we are closing out financing with Sewer District #3 and there will be a conference call within the next few days. The laterals were all replaced. We got a call today that one that was replaced is leaking and Vacri will be here tomorrow to fix it. We should be hearing next week on the grant to upgrade the disinfection system at SD#2. The BOD numbers have been above limit at SD#1 a few times over the past year and we are trying to figure out where these spikes are coming from. When levels get this high it causes upset at the plant. At first we thought it was a lab error or being caused from the leachate from the landfill, but that testing comes back within limits twice a year. The restaurants all have grease traps as part of the sewer use law.

Technology: Council Member Ganther reported that there was no Broadband committee meeting in December, but the next meeting is January 9, 2019 at 6:30pm downstairs here at Town Hall. The town is looking into different IT companies to handle the service contract at Town Hall. Supervisor Tidball reported that they had a meeting with Spectrum and they are now looking in going more aerial instead of trenching. Verizon Fios should have their 1st customer hooked up in the next couple weeks.

Solar: Supervisor Tidball stated that GE came in with the county to develop Solar Farms within the county. They came up with a plan for various farms within the town, but National Grid stated that the local

substation cannot hold another solar farm and there are applications in before ours. The Solar Co. gave us some other options as to what other routes we can take to save the town some money in our utility bills.

End of Year meeting will be held in conjunction with the last board meeting in December on the 27th.

Business Meeting:

Resolution 181-18: Council Member Potter motioned, seconded by Council Member Ganther to amend the Fire Protection Contracts and enter into new contracts to ensure compliance with Town Law §184.

Motion carried, 4 ayes Council Member Leoni abstained

Resolution 182-18: Council Member Potter motioned, seconded by Council Member Senecal to approve and authorize the Town Supervisor to enter into agreements with CT Male in an amount up to \$14,350 for the Phase II Environmental Assessment and \$1,900 for the Limited Compliance Evaluation.

Motion carried, 5 ayes

Resolution 183-18: Council Member Ganther motioned, seconded by Council Member Leoni to authorize the Town Supervisor to sign the necessary documents to extend the option agreement on 2261 Western Turnpike.

Motion carried, 5 ayes

Resolution 184-18: Council Member Leoni motioned, seconded by Council Member Senecal to stand in solidarity with more than 1,100 former employees of St. Clare's Hospital whom will no longer receive their pension benefits..

Motion carried, 5 ayes

Resolution 185-18: Council Member Senecal motioned, seconded by Council Member Potter to appoint Andrew Lucks as a Court Security Officer.

Motion carried, 5 ayes

Resolution 186-18: Council Member Senecal motioned, seconded by Council Member Leoni to authorize the Town supervisor to enter into the amended Professional Services Agreement to include the inspection services.

Motion carried, 5 ayes

Resolution 187-18: Supervisor Tidball motioned, seconded by Council Member Ganther to approving Deb Peters as a Park Commission board member.

Motion carried, 5 ayes

Resolution 188-18: Supervisor Tidball motioned, seconded by Council Member Senecal to set the Organizational Meeting to January 3, 2019 @ 7:00pm.

Motion carried, 5 ayes

Privilege of the Floor: Opened at 7:47 pm

Bill Park of 301 Maranatha Way asked if there was a Clerk of the Works on the SD#3 project. Supervisor Tidball answered with yes it is Delaware Engineering. He also asked if there was training done on the installation of the laterals for the workers who installed them. He also asked about the letter to the editor in the paper yesterday, the town doing trenching for Spectrum, if he could FOIL a copy of the Option to Purchase Agreement on 2261 Western Turnpike and who represented the seller. Supervisor Tidball gave a response to all questions asked.

Richard Hoffmann of Thousand Acre Rd. wanted to wish everyone a Merry Christmas!

Floor Closed: 7:53 pm

Council Member Leoni motioned, seconded by Council Member Ganther to adjourn the meeting.
Motion passed, 5 ayes

Meeting adjourned at 7:53pm

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 13, 2018 at the Duanesburg Town Hall, 5853 Western Turnpike, Duanesburg, New York 12056.

TOWN OF DUANESBURG TOWN BOARD

RESOLUTION 181-18

December 13, 2018

WHEREAS, the Town has established Fire Protection District No. 2 and Fire Protection District No. 3 (the "Fire Protection Districts"); and

WHEREAS, the Town, pursuant to Town Law § 184, must provide for the furnishing of fire protection within the Fire Protection Districts; and

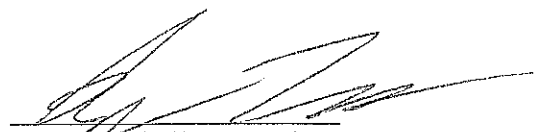
WHEREAS, the Town currently contracts with Mariaville Volunteer Fire Department, Inc. for fire protection services in Fire Protection District No. 2, the Burtonsville Volunteer Fire Department for fire protection services in Fire Protection District No. 3, the Village of Delanson for fire protection services in Fire Protection District No. 3, and the Village of Esperance, under two separate contracts, for fire protection services in Fire Protection District No. 3 (the "Fire Protection Contracts"); and

WHEREAS, pursuant to Town Law § 184(8), by mutual consent of the contracting parties, and after a public hearing held pursuant to public notice, the Fire Protection Contracts may be terminated, and new contracts may be entered in lieu thereof, if the Town Board, after such hearing, determines, by resolution, that it is in the public interest to do so; and

WHEREAS, the Town Board held a duly noticed public hearing on October 25, 2018 and heard all persons interested in the subject concerning amending the Fire Protection Contracts and entering into new contracts to ensure compliance with Town Law § 184.

NOW, THEREFORE, BE IT RESOLVED, the Town Board finds that amending the Fire Protection Contracts and entering into new contracts to ensure compliance with Town Law § 184 is in the public interest.

By (unanimous/majority) vote of the Town Board of the Town of Duanesburg at its regular meeting on December 13, 2018.


Roger Tidball, Supervisor


Jennifer Howe, Town Clerk

Present: Supervisor Tidball, Council members Ganther, Leoni, Potter & Seneca
Absent:

Council Members:

Roger Tidball	<u>Yea</u>	Nay	Abstain
John Ganther	<u>Yea</u>	Nay	Abstain
Rick Potter	<u>Yea</u>	Nay	Abstain
Charles Leoni	Yea	Nay	<u>Abstain</u>
Jeff Senecal	<u>Yea</u>	Nay	Abstain

RESOLUTION OF THE TOWN BOARD

RESOLUTION NO. 187 2018

December 13, 2018

WHEREAS, pursuant to Town Law § 64(2) the Town may purchase real property for any public purpose; and

WHEREAS, the Town wishes to enter into agreements with C.T. Male to perform a Phase II Environmental Site Assessment and a Limited Compliance Evaluation to evaluate the suitability of 2261 Western Turnpike, Duanesburg, NY; and


WHEREAS, C.T. Male has submitted a proposal for the Phase II Environmental Site Assessment with an estimated fee of \$11,150 if the Town conducts the required excavation and \$14,350 if the Town wishes to hire a drilling subcontractor; and

WHEREAS, C.T. Male has also submitted a proposed for the Limited Compliance Evaluation with an estimated fee of \$1,900.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board approves and authorizes the Town Supervisor to enter into agreements with C.T. Male in an amount up to \$14,350 for the Phase II Environmental Site Assessment and \$1,900 for the Limited Compliance Evaluation.

By (unanimous/majority) vote of the Town Board of the Town of Duanesburg at its regular meeting of December 13, 2018.


Roger Tidball, Supervisor


Jennifer Howe, Town Clerk

Date

12/13/18

Date

12/13/18

Present: Supervisor Tidball, Council members Ganther, Leoni, Potter + Seneca
Absent:

Town Board Members:

Roger Tidball	<input checked="" type="radio"/> Yea	Nay	Abstain
John Ganther	<input checked="" type="radio"/> Yea	Nay	Abstain
Rick Potter	<input checked="" type="radio"/> Yea	Nay	Abstain
Charles Leoni	<input checked="" type="radio"/> Yea	Nay	Abstain
Jeff Seneca	<input checked="" type="radio"/> Yea	Nay	Abstain

RESOLUTION OF THE TOWN BOARD

RESOLUTION NO. 183 2018

December 13, 2018

WHEREAS, the Town Board is evaluating the suitability of approximately 5 acres of improved property located at 2261 Western Turnpike, Duanesburg, New York 12056 (tax map parcel number 68.00-2-41.1) to determine if it could potentially serve as a new Town Highway Garage for the Town of Duanesburg as the existing Town Highway Garage is deficient in many respects; and

WHEREAS, the Town Board has entered into a non-binding option agreement with the owner of the property, Saydra Doyle, to allow the Town Board enough time to evaluate the suitability of the property; and

WHEREAS, the proposed purchase price of the facility, if the option is exercised by the Town Board, is \$700,000, which is consistent with the value set forth in the accepted Bauer appraisal obtained by the Town Board; and

WHEREAS, the Town Board wishes to extend the option agreement for an additional six (6) months to allow the Town Board to continue to evaluate the suitability of the property and undertake its due diligence in making a decision whether to commence the process of purchasing the property; and

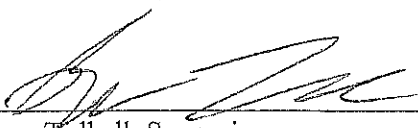
WHEREAS the cost of extending the non-binding option to purchase is \$10,000, and pursuant to the terms of the option agreement, the option cost shall be applied to the purchase price should the option be exercised; and

WHEREAS, notwithstanding the above, the Town is not bound by the option agreement to purchase the property and will need to resolve to exercise the option to purchase the property in the future. Such a subsequent resolution to purchase the property will be a resolution subject to a permissive referendum; and


WHEREAS, this proposed action is a Type II action pursuant to the NYS Environmental Quality Review Act because entering into the option agreement does not bind the Town Board to purchase the property but merely allows the Town Board the time to study the property and to undertake the preliminary planning and budgetary processes necessary to determine if the property should be purchased to serve as the new Town Highway Garage.

NOW, THEREFORE BE IT RESOLVED, that the Town Board authorizes the Town Supervisor to sign the necessary documents to extend the option agreement.

By (unanimous/majority) vote of the Town Board of the Town of Duanesburg at its regular meeting of December 13, 2018.



Roger Tidball, Supervisor



Jennifer Howe, Town Clerk

12/13/18
Date

12/13/2018
Date

Present: Supervisor Tidball, Councilmembers Leoni, Ganther, Potter & Senecal
Absent:

Town Board Members:

Roger Tidball	<input checked="" type="radio"/> Yea	Nay	Abstain
John Ganther	<input checked="" type="radio"/> Yea	Nay	Abstain
Rick Potter	<input checked="" type="radio"/> Yea	Nay	Abstain
Charles Leoni	<input checked="" type="radio"/> Yea	Nay	Abstain
Jeff Senecal	<input checked="" type="radio"/> Yea	Nay	Abstain

**A RESOLUTION SUPPORTING THE FORMER EMPLOYEES OF ST. CLARE'S
HOSPITAL DURING THEIR PENSION CRISIS**

WHEREAS, St. Clare's Hospital was conceived a century ago with the Roman Catholic Diocese of Albany purchasing a plot of land for the project in 1917 and a succession of Diocesan Bishops and priests serving as members of the Catholic hospital's board of directors; and

WHEREAS, St. Clare's happened to be the smaller of the two city hospitals, primarily serving many uninsured and underinsured patients – thus leading to decades of unpaid bills and the hospital shortening its pension fund deposit as a result; and

WHEREAS, in the 1990s, St. Clare's took advantage of a religious exemption in federal law that allowed it to not pay insurance on its pension fund, saving the hospital money but ultimately leaving its future retirees with no prospect of a bailout from the Federal Pension Benefit Guaranty Corp., in the case of insolvency; and

WHEREAS, St. Clare's board made only partial contributions to its pension fund in three of the last ten years it was in operation and no contribution at all in the other seven years; and

WHEREAS, The Berger Commission, put in place by Governor Pataki in 2005, ordered St. Clare's to surrender its operating license in 2008 and did not provide enough money to fund the underfunded pension's liabilities; and

WHEREAS, St. Clare's was absorbed by Ellis Hospital with an agreement that Ellis would be absolved from all of St. Clare's pension liabilities; and

WHEREAS, The \$28.5 million provided by New York State to St. Clare's Corporation (the successor to St. Clare's Hospital) to fund its pension plan has proved to be an insufficient sum to ensure the plan's continued solvency absent transfers of operating income from the former hospital; and

WHEREAS, St. Clare's Corporation recently advised plan participants that about 440 ex-St. Clare's employees who were at least 62 years old and/or receiving benefits would have their pension payments reduced about 660 other ex-employees will have their promised pension payments eliminated altogether; and

WHEREAS, the eight Roman Catholic Dioceses in New York State recently announced the formation of the Mother Cabrini Health Foundation endowed with \$3.2 billion in proceeds from the sale of the Fidelis Care health insurance plan for the purpose of making grants totaling \$150

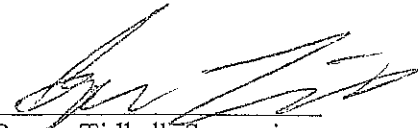
million annually to provide assistance to needy New Yorkers of "every color, every religion and every background;" and


WHEREAS, New York State received an additional \$2 billion from the same sale;

NOW, THEREFORE, BE IT RESOLVED, that the Duanesburg Town Board stands in solidarity with more than 1,100 former employees of St. Clare's Hospital whom will no longer receive their pension benefits, and calls on the State of New York Department of Financial Services, as well as other stakeholders in the community, to collaborate in good faith to identify strategies and funding sources that will restore pension benefits for the former St. Clare's Hospital Employees;

AND NOW THEREFORE BE IT FURTHER RESOLVED, that the Town Clerk is hereby directed to send certified copies of this resolution to Bishop Edward B. Scharfenberger of the Roman Catholic Diocese of Albany, Governor Andrew Cuomo, New York State Senator James N. Tedisco, New York State Assemblyman Philip G. Steck and New York State Department of Financial Services Commissioner Maria Vullo.

By (unanimous/majority) vote of the Town Board of the Town of Duanesburg at its regular meeting on December 13, 2018.


Roger Tidball, Supervisor


Jennifer Howe, Town Clerk

Present: Council members Ganther, Potter, Leoni, Senecal, Supervisor Tidball
Absent:

Council Members:

Roger Tidball	<input checked="" type="radio"/> Yea	<input type="radio"/> Nay	<input type="radio"/> Abstain
John Ganther	<input checked="" type="radio"/> Yea	<input type="radio"/> Nay	<input type="radio"/> Abstain
Rick Potter	<input checked="" type="radio"/> Yea	<input type="radio"/> Nay	<input type="radio"/> Abstain
Charles Leoni	<input checked="" type="radio"/> Yea	<input type="radio"/> Nay	<input type="radio"/> Abstain
Jeff Senecal	<input checked="" type="radio"/> Yea	<input type="radio"/> Nay	<input type="radio"/> Abstain

RESOLUTION OF THE TOWN BOARD

RESOLUTION NO. 18/2018

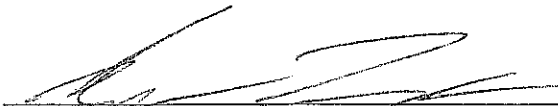
December 13, 2018


WHEREAS, the Town board has entered into a Professional Services Agreement with Delaware Engineering dated March 2, 2017 for engineering services associated with Duanesburg Sewer District no. 3; and

WHEREAS, the Town wishes to amend the Professional Services Agreement to include inspection services;

NOW, THEREFORE, BE IT RESOLVED, the Town Board approves and authorizes the Town Supervisor to enter the attached amended Professional Services Agreement.

By (unanimous/majority) vote of the Town Board of the Town of Duanesburg at its regular meeting of December 13, 2018.


Roger Tidball, Supervisor


Town Clerk/Deputy Town Clerk

12/13/18
Date

12/14/2018
Date

Present: Supervisor Tidball, Council members Leoni, Ganther, Potter & Senecal
Absent:

Town Board Members:

Roger Tidball	<u>Yea</u>	Nay	Abstain
John Ganther	<u>Yea</u>	Nay	Abstain
Rick Potter	<u>Yea</u>	Nay	Abstain
Charles Leoni	<u>Yea</u>	Nay	Abstain
Jeff Senecal	<u>Yea</u>	Nay	Abstain