

AGENDA
TOWN BOARD MEETING
TOWN OF GLENVILLE
18 GLENRIDGE ROAD
SEPTEMBER 5, 2012
7:30 P.M.
www.townofglenville.org

Supervisor:
Christopher A. Koetzle
Council Members:
Deputy Supervisor
Alan Boulant
John C. Pytlovany
Sid Ramotar
Gina M. Wierzbowski

1. Invocation
2. Pledge of Allegiance to the Flag.
3. Roll Call
4. Town Council Reports
5. Public hearing regarding the unsafe property located at 360 Vley Road, Glenville.
6. Privilege of the Floor
7. Supervisor's Comments to the Board
8. Resolution authorizing the Comptroller to execute an agreement to purchase Microsoft and Exchange Online Email Hosting for all town email accounts at an annual cost not to exceed \$3,500.

Sponsored by: John C. Pytlovany, Town Councilman
Submitted by: George J. Phillips, Town Comptroller

RESOLUTION NO. 8

Moved by:
Seconded by:

WHEREAS, upon the recommendation of the Town's Information Technology contractor, the Town Board agreed to transition from an in-house computer network server system to an off-site, hosted network server system; and

WHEREAS, the Town's Information Technology contractor Rockit Science Solutions has recommended that the Town purchase Microsoft Exchange Online Email Hosting at a rate of \$3.64 per month for each computer/e-mail account, at a total cost not to exceed \$3,500 annually for 2013 to best accommodate users' needs and the new server system; and

WHEREAS, sufficient funds are appropriated in the Town's Information Technology budget to support an internal transfer of funds to the 01.00.1680.4433 account line from the 01.00.1680.4000 account line to cover the approximate \$1,500 in cost for Microsoft Exchange Online Email Hosting in the remaining months of 2012;

NOW, THEREFORE, BE IT RESOLVED, that the Glenville Town Board hereby authorizes the Comptroller to execute an agreement to purchase Microsoft Exchange Online Email

Hosting for all Town email accounts at a rate of \$3.64 each, per month, at an annual cost not to exceed \$3,500 to be funded for the remainder of this calendar year by the transfer of \$1,500 in 2012 appropriated funds from 01.00.1680.4000 to 01.00.1680.4433.

Ayes:

Noes:

Absent:

Abstentions:

Motion Carried/Defeated

Town Board decision on September 5, 2012

9. Resolution authorizing the purchase of actuary service from Jefferson Solutions, Inc. to perform an analysis under Government Accounting Standards Board (GASB) Statement No. 45 for the years 2012 and 2013 at a total cost not to exceed \$4,250 for both years.

Sponsored by: Christopher A. Koetzle, Town Supervisor

Submitted by: George J. Phillips, Town Comptroller

RESOLUTION NO. 9

Moved by:

Seconded by:

WHEREAS, the Town of Glenville has more than 100 employees and retirees covered under its health insurance plans and needs to hire an actuary to perform an analysis under Government Accounting Standards Board (GASB) Statement No. 45 to value its post employment benefit obligations other than pensions (OPEB) in order to be able to complete its 2012 and 2013 financial statements and single audits; and,

WHEREAS, the Town of Glenville previously accepted a lowest responsible bid from Jefferson Solutions, Inc. for the previous two year period (2010 and 2011) of \$4,250 for the GASB Statement No. 45 valuation of OPEB for the Town; and,

WHEREAS, the services of an actuary are professional services exempt from competitive bidding requirements and the Comptroller recommends the services of Jefferson Solutions, Inc. based upon their previous low bid and their timely and professional performance of the prior GASB 45 analysis;

NOW, THEREFORE, BE IT RESOLVED, that the Glenville Town Board hereby authorizes the purchase of actuary services from Jefferson Solutions, Inc. to value the Town's liability for the post employment benefits other than pensions (OPEB) pursuant to GASB Statement No. 45 for the years 2012 and 2013 at a total for both years cost not to exceed \$4,250 reflecting a not to exceed \$2,125 for each year to be funded for the 2012 portion with a budgetary transfer of \$1,125 from 01.00.1320.4500 to 01.00.1315.4500.

Ayes:

Noes:

Absent:

Abstentions:

Motion Carried/Defeated

Town Board decision on September 5, 2012

10. Resolution to schedule a public hearing for September 19, 2012 at 7:30 pm, or as soon thereafter as possible to consider a zoning text amendment proposal by Saratoga Hospital that involves revisions to Chapter XV (Nonconforming Uses and Structures) of the Town of Glenville Zoning Ordinance (Chapter 270 of the code of the Town of Glenville), to allow the one-time expansion of nonconforming buildings by up to 10%.

Sponsored by: Alan Boulant, Town Councilman
Submitted by: Kevin Corcoran, Town Planner

RESOLUTION NO. 10

Moved by:
Seconded by:

WHEREAS, Saratoga Hospital is requesting that the Town Board of the Town of Glenville amend certain provisions of Article XV (Nonconforming Uses and Structures) of the Town of Glenville Zoning Ordinance (Chapter 270 of the Code of the Town of Glenville) so as to permit the one-time expansion of nonconforming buildings by to 10%; and

WHEREAS, New York State Town Law and the Code of the Town of Glenville require a public hearing before the Town Board before an amendment to the Zoning Ordinance can be considered;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Glenville hereby schedules a public hearing for Wednesday, September 19, 2012 at 7:30 p.m., or as soon thereafter as the matter can be reached, at the Town of Glenville Municipal Center, at which time and place it will hear all persons interested in a proposed amendment to Article XV (Nonconforming Uses and Structures) of the Town of Glenville Zoning Ordinance; and

BE IT FURTHER RESOLVED, that the Town Clerk be, and she hereby is directed to prepare the proper notice of said hearing in accordance with law and to publish same at least ten days prior to the date of the public hearing.

Ayes:
Noes:
Absent:
Abstentions:

Motion Carried/Defeated

Town Board Decision on September 5, 2012

11. Resolution authorizing the Town Clerk to issue the required permit subject to all stipulations cited to the Burnt Hills Rowing Association for their annual Spartan Sweeps Regatta to be held on Sunday, October 7, 2012 from 8:00 am to 2:00 pm.

Sponsored by: Sid Ramotar, Town Councilman
Submitted by: Linda C. Neals, Town Clerk

RESOLUTION NO. 11

Moved by:

Seconded by:

WHEREAS, by application dated July 13, 2012 and pursuant to the Code of the Town of Glenville, the Burnt Hills Rowing Association is holding their annual **Spartan Sweeps Regatta** on the Mohawk River and has applied for a permit to host this event. It will be held on Sunday, October 7, 2012 from 8 AM to 2 PM; and.

WHEREAS, said application did include the necessary insurance coverage; and

WHEREAS, said application has been referred to the Chief of Police, Town of Glenville and the respective Fire Chief of the area in which said entertainment will be conducted, as required by the Code of the Town of Glenville.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Glenville that said application of the Burnt Hills Rowing Association, be and it hereby is approved; and

BE IT FURTHER RESOLVED that the Town Clerk be and she hereby is authorized and directed to issue the required permit subject to all stipulations cited by the Chief of Police and the Alplaus Fire District #2 Chief.

Ayes:

Noes:

Absent:

Abstention:

Motion Carried/Defeated

Town Board decision on September 5, 2012

12. Resolution authorizing the clean-up of 360 Vley Road, Glenville.

Sponsored by: Gina Wierzbowski, Town Councilwoman

Submitted by: Paul Borisenko, Building Inspector

RESOLUTION NO. 12

Moved by:

Seconded by:

WHEREAS, the Building Inspector of the Town of Glenville has filed a report in writing with the Town Board of the Town of Glenville containing his findings and recommendations regarding certain premises situate on 360 Vley Road designated by Tax Map No.29.16-1-1, in which report the Building Inspector states his opinion that said premises are unsafe and dangerous to the public health, safety and general welfare of the community and recommends the immediate removal or the garbage, debris and waste materials stored in the garage located on the property; and

WHEREAS, the Building Inspector of the Town of Glenville has reported that the

significant quantities of garbage, debris and waste materials (hereinafter collectively referred to as "rubbish") have been stored, deposited, thrown and/or discarded on the premises identified above has attracted pests, vermin and rodents; and

WHEREAS, *the Building Inspector has notified the Property Owners, Robert Feulner and Misty Feulner, by certified mail and physically posting notice on the property that the rubbish should be removed, the lawn, weeds, brush and shrubs cut and the garage and swimming pool secured; and*

WHEREAS, *the Property Owner having taken no steps to remove the rubbish from the garage of the premises by August 15, 2012, the Town Board of the Town of Glenville adopted a resolution calling for a public hearing on September 5, 2012 at 7:30 PM at the Glenville Municipal Center, 18 Glenridge Road, Glenville, New York to hear all persons interested regarding the unsafe property at 360 Vley Road; and*

WHEREAS, *having heard all persons at the public hearing held on this matter and the Building Inspector reporting that the rubbish has not been removed and the garage structure is still attracting pests, vermin and rodents, and after due deliberation thereon;*

NOW, THEREFORE, THE TOWN BOARD OF THE TOWN OF GLENVILLE HEREBY FINDS AND DETERMINES THAT:

- 1. Significant quantities of rubbish have been stored, deposited, thrown and/or discarded on the property owned by Robert Feulner and Misty Feulner located at 360 Vley Road in the Town of Glenville, County of Schenectady, State of New York (Tax Map No.29.16-1-1).*
- 2. That the Building Inspector of the Town of Glenville notified the property owner, by certified mail and by physically posting notice on the property, of the nature of the violations thereon and demanded that the rubbish be removed and the premises be secured.*
- 3. That the rubbish was not removed from the garage prior to the Town Board Meeting on August 15, 2012.*
- 4. That the Town Board adopted a resolution calling for a public hearing regarding the unsafe property located at 360 Vley Road for September 5, 2012.*
- 5. That the Town Board held the aforementioned public hearing on September 5, 2012 and heard all persons interested in addressing the Board on this issue.*
- 6. The rubbish has still not been removed from the property and continues to be stored, deposited, thrown and/or discarded on the property. The rubbish presents a health hazard and causes and represents an imminent danger and risk to the health and safety of the public.*

NOW THEREFORE, BE IT RESOLVED *that the property owner is hereby required, directed and ordered within ten days after a certified copy of this resolution is either personally served upon him or mailed to him by certified mail, return receipt requested (addressed to his last known address) (i) to remove (at his cost and expense) all of the rubbish from the property and (ii) to have the rubbish immediately thereafter taken to a location where its storage or deposit is in compliance with applicable provisions of law and (iii) to secure the garage; and*

IT IS FURTHER RESOLVED *that in the event the property owner or his estate fails to comply with the requirements of this resolution within the deadline established herein, the Town is hereby authorized and empowered (by virtue of the provisions of the Town Law, the New York State Building and Fire Code, and other applicable provisions of law), to enter upon the premises and to cause the rubbish to be removed from the property, to secure the garage. The total expense of such work and rubbish and debris removal shall be assessed by the Town Board on the property, and the expense so assessed shall constitute a lien and charge on the property on which it is levied until paid*

or otherwise satisfied or discharged and shall be collected in the same manner and at the same time as other Town charges; and

IT IS FURTHER RESOLVED that in the event it becomes necessary for the Town to secure the structure and to remove all debris and rubbish from the property, the Supervisor of the Town is hereby authorized and empowered to enter into a contract on behalf of the Town with a suitable contractor or, if the same can be accomplished at a lesser cost through the use of Town employees, with the Department of Public Works, to (i) enter on the property and (ii) secure the garage structure located thereon and (iii) to remove the debris from the garage structure and the rubbish from the property and to take it to a location where it may be stored or deposited in compliance with applicable law.

Ayes:

Noes:

Absent:

Abstention:

Motion Carried/Defeated

Town Board decision on September 5, 2012

13. Resolution adopting Local Law No. 4 of 2012, amending Chapter 195 "Parks" of the Code of the Town of Glenville, to add a new Article III, The Return Park and Drainage District.

Sponsored by: Sid Ramotar, Town Councilman

Submitted by: Michael R. Cuevas, Attorney for the Town

RESOLUTION NO. 13

Moved by:

Seconded by:

WHEREAS, the Town of Glenville has been considering the enactment of a Local Law to amend the Code of the Town of Glenville to amend Chapter 195 "Parks" to add a new Article III, "The Return Park and Drainage District"; and

WHEREAS, a resolution was duly adopted by the Town Board of the Town of Glenville calling for a public hearing to be held by the Glenville Town Board at the Glenville Municipal Center, 18 Glenridge Road, Glenville, New York at 7:30 PM to hear all interested parties on a proposed Local Law entitled, "A Local Law to Regulate the Use of the Return Parks and Drainage Property"; and

WHEREAS, notice of said public hearing was duly advertised in the Daily Gazette, the official newspaper of the Town of Glenville, on August 4, 2012 and posted on the Town Clerk's sign board on August 2, 2012; and

WHEREAS, this Town Board has held a public hearing with respect to the adoption of said Local Law on August 15, 2012 at 7:30 PM, at which time all parties in interest were afforded an opportunity to be heard and to publicly comment on said Local law, amending the Code of the Town

of Glenville; and

WHEREAS, pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) ("SEQR"), the Town Board has determined that the adoption of the proposed Local Law does not constitute an action as defined and could be considered without regard to SEQR; and

WHEREAS, the Town Board of the Town of Glenville, after due deliberation, finds it in the best interest of the Town to adopt said Local Law;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Glenville does hereby establish a Local Law to amend the Code of the Town of Glenville to adopt Local Law #4 of 2012, amending Chapter 195, entitled "Parks", as set forth below:

Section 1. Chapter 195 of the Code of the Town of Glenville IS hereby amended, to add a new Article III, The Return Park and Drainage District, to read as follows:

CHAPTER 195 – PARKS

ARTICLE III The Return Park and Drainage District

§195-27 **Purpose and Findings**

The purpose of this article is to adopt the following rules and regulations for the government and protection of The Return Park and Drainage District and to provide for the enforcement thereof. These rules and regulations are designed in recognition of the fact that the district is located wholly within a residential development and has been developed and maintained through fees assessed on the taxpayers in the residential development.

The Town Board finds that over the years, the Return Park and Drainage District has seen increased automobile traffic from non-residents of the residential development and increased use of the limited park facilities to the detriment of the inhabitants and taxpayers of the District. The Board also finds that Opinion 88-25 of the Office of the State Comptroller, citing to Town Law Articles 12 and 12-A and court cases interpreted those statutes, holds that a Town may limit the use of the facilities in a park district to district property owners and residents.

§195-28 **Use of park and drainage district facilities limited to district property owners and inhabitants.**

The use of The Return Park and Drainage District facilities are limited to district property owners and inhabitants. Non-residents are not permitted to use the facilities unless accompanied by a district property owner or inhabitant.

§195-29. **Specific restrictions**

Persons who are not property owners or inhabitants of The Return residential development are prohibited from fishing in any waterway in the park and drainage district; may not park cars on drive or park and drainage district property and must not deface, remove, injure or destroy any tree, shrub, flower, moss or other plant, rock, fossil or mineral found or growing on park and drainage district land. Birds and their nests and other wildlife must not be disturbed or molested.

§195-30 **Penalties for offenses.**

Any person violating any of the provisions of this article shall be guilty of an offense punishable by a fine not to exceed \$250, or by imprisonment not to exceed 15 days, or by both fine and imprisonment.

Section 2.

Effective Date

This Local Law shall take effect sixty (60) days after enactment

BE IT FURTHER RESOLVED that this resolution shall take effect when filed with the Secretary of State of the State of New York.

Ayes:

Noes:

Absent:

Abstentions:

Motion Carried/Defeated

Town Board Decision on September 5, 2012

ADD ON #1:

Resolution scheduling a public hearing for Wednesday, September 19, 2012 at 7:30 pm to hear all persons interested in the establishment of a new Lighting district No. 11 along Saratoga Road in front of 202-204 Saratoga Road.

Sponsored by: Alan Boulant, Town Councilman

Submitted by: Michael R. Cuevas, Attorney for the Town

RESOLUTION NO. (ADD ON #1)

Moved by:

Seconded by:

WHEREAS, a written petition has been presented to and filed with the Town Clerk of the Town of Glenville requesting that Lighting District No.11 of the Town of Glenville be established to include real property described by section, block and lot number in the petition and consisting of one parcel located at 202-204 Saratoga Road in the Town of Glenville; and

WHEREAS, a report and a map prepared by John Meyer Consulting, PC, Professional Engineers with a date of August 20, 2012, was been filed in the office of the Town Clerk of the Town of Glenville; and

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Glenville hereby adopts the following order:

ORDER

1. A petition to establish a new Lighting District No. 11 along Saratoga Road in front of the premises known as 202-204 Saratoga Road has been filed with the Town Clerk on or about

September 5, 2012.

2. The real property to be included in the extension is described by section, block and lot number as identified on the Schenectady County Real Property Tax Service Agency Tax Map as: 22.11-4-15.111.
3. The improvements proposed are the installation of eight (8) Sternberg vintage light poles with a single, 175 watt metal halide lamp on each, along the route described in "1" as indicated above.
4. The amount proposed to be expended for the extension is approximately \$40,000.00 to be borne entirely by the developer.
5. No portion of the cost this extension will be attributable to Lighting District No.11.
6. The estimated annual cost to the typical property (with 100 feet of road frontage) is:
 - a. District: \$0.00
 - b. O & M: \$26.86.
7. The map, plan and report describing this proposed Lighting District 11 regarding this is on file in the Town Clerk's Office and may be inspected by members of the public.
8. The proposed financing method to be employed in the construction of this lighting district is private financing by the developer.

NOW, THEREFORE BE IT RESOLVED that the Town Board of the Town of Glenville will hold a public hearing on the petition to establish this new Lighting District No. 11 on September 19, 2012 at 7:30 PM or as soon thereafter as the matter can be reached, at the Glenville Municipal Center at 18 Glenridge Road, Glenville, New York to hear all persons interested in the establishment of this new lighting district; and

BE IT FURTHER RESOLVED that a copy of this order certified by the Town Clerk shall be published at least once in the official newspaper of the Town and that said publication be not less than ten nor more than twenty days before the September 19, 2012 public hearing date.

Ayes:

Noes:

Absent:

Abstention:

Motion Carried/Defeated

Town Board decision on September 5, 2012

ADD ON #2

Resolution authorizing the Town Board to enter into executive session to discuss potential litigation.

Sponsored by: Christopher A. Koetzle, Town Supervisor

Submitted by: Michael Cuevas, Attorney

RESOLUTION NO. (ADD ON #2)

Moved by:

Seconded by:

BE IT RESOLVED, that the Town Board of the Town of Glenville hereby adjourns into Executive Session to discuss potential litigation.

Ayes:

Noes:

Absent:

Abstention:

Motion Carried/Defeated

Town Board decision on September 5, 2012

14. New Business