

REGULAR MEETING OF THE TOWN BOARD
TOWN OF GLENVILLE
MARCH 21, 2012
AT THE GLENVILLE MUNICIPAL CENTER
18 GLENRIDGE ROAD, GLENVILLE, NEW YORK

Supervisor Koetzle called the meeting to order at 7:30 PM;

Supervisor Koetzle asked the Town Clerk, Linda C. Neals, to call the roll.

Present: Supervisor Christopher A. Koetzle, Councilmen Alan Boulant, John C. Pytlovany, Sid Ramotar and Councilwoman Gina M. Wierzbowski

Absent: None

Also present were Attorney Michael Cuevas, Director of Operations James MacFarland, Planner Kevin Corcoran and Comptroller George Phillips.

Town Council Reports:

Councilman Ramotar – “The highway department has been doing some drainage work at Indian Meadows, which in the long run is going to pay a lot of dividends.”

Councilwoman Wierzbowski – “Commissioner Coppola and I are working on the bulk item pick up. We put out for bids for the budgeted amount of \$9,000 and we didn’t receive any proposals back. We may need to do a hybrid like we did a few years ago until we figure out what else we want to do. We are working on it and we know it is something that is near and dear to everyone’s heart, so please be patient. County Waste was our go to vendor for a long time and they changed hands and I don’t believe they are willing to do it for the amount that they were able to do it before. As soon as we have something figured out we will put it on our website and in the Daily Gazette. It is a service that we would like to continue to provide.”

Councilman Pytlovany – “I would like to congratulate our two court clerks, Joelle Ventrice and Gretchen Braun. They received a grant through the Office of Court Administration to purchase all new chairs for the court room. These chairs are linked together for security reasons. This will complete the items that we needed to do in order to meet our security assessment that was done in November 2006.”

The following people exercised the privilege of the floor:

Marc Bachand, 46 Pashley Road – Mr. Bachand is a licensed professional engineer in New York and he feels he has a unique situation and a solution to a traffic safety issue. He is representing his neighborhood, Pashley Road and Birch Lane area. He handed out documents showing the aerial view of the area which shows the very broad curve as you enter Birch Lane. He explained that people go too fast when they turn from Pashley onto Birch Lane. He also stated that people cut the s-turn very sharp on Birch Lane and his family has almost been hit because there is no paint on the road and drivers cross right over.

Mr. Bachand gave a couple of recommendations that he feels would alleviate the problem. If the turn radius could be reduced on the inner-corner to a sharper turn it would slow people down as they make that turn. This would help to slow them down as they enter Pashley Road and then if some striping was added and add a stop bar making it more of a perpendicular intersection people are going to go slower as they make that turn. His second recommendation was to add some enhanced signage, school zone, 20mph curve and adding a double yellow line to make the road feel narrower to prevent people from crossing over.

He believes that all of these improvements can be done for less than \$5,000 that includes pavement removal at the intersection of Pashley and Birch, pavement striping and the additional signage.

Mr. Bachand explained that last year the town or county engineer came out and looked at it and said it was designed for a bus turning movement. He explained that the buses don't make that turn, they come in on Pashley in the main entrance off of Pashley Road, go through the school, drop the kids off and go out Birch Lane and either make a left or a right so there is a very low percentage of trucks or buses that actually make a right turn onto Birch from Pashley.

Supervisor Koetzle – "I would suggest that we have our Highway Superintendent, Tom Coppola and our Traffic Safety Chair Tom Melander look at these documents that you handed out tonight.

The challenge is Pashley Road is a County Road, Birch Lane is a Town road which we could address easier, but we would have to talk to the County regarding Pashley Road."

Richard Matthews, 1675 Amsterdam Road – Mr. Matthews was representing the residents of Amsterdam Road regarding the rumble strips that the state installed when they resurfaced the road this summer and fall. He explained what rumble strips were; they are milled slots that they put into the road, they are about one foot wide and about one-half inch deep, spaced every twenty-four inches down the road. When the cars and the trucks hit them it makes a very, very loud noise. This is a big concern for the residents of Amsterdam Road. He informed the Board that they circulated a petition which was signed by all but one resident. It impacts our quality of life very profoundly.

Mr. Matthews stated that NYSDOT was responsible for having these installed. He met with Assemblyman Tedisco; I have had conversations with Senator Farley's Office about getting them removed. They did not follow procedure; they were supposed to have public outreach; if they had asked us about the safety of the area we would have told them that we would rather have them lower the speed limit than install rumble strips. He further stated that the accident rate in that area is very low. The vehicle volume is much less than what they say is applicable for installing them. They are very ineffective because we constantly hear people driving down these rumble strips.

Mr. Matthews stated that the rumble strips have a very negative impact on our quality of life. He asked the Board to issue a resolution to support the residents of Amsterdam Road asking for the removal of the rumble strips and the lowering of the speed limit to 40 mph.

Supervisor Koetzle – "We will put this on our next work session for discussion. I know that our Highway Superintendent Tom Coppola took a look at the area and we will ask our Traffic Safety Chairman Tom Melander to do the same. The next work session will be April 11th."

Sandy Ruggerio, 5 Lincoln Drive – Ms. Ruggerio expressed her and her neighbors concerns regarding the Patriot Square project. She stated that the initial plan called for eleven (11) condos, which they welcomed. She further stated that the new project consists of thirteen (13) apartment buildings with 156 rental units, not the same demographics. Her goal this evening was to address to the Board some concerns that all the neighbors share. The concerns are as follows: storm water, biggest concern – she asked the Board to provide us assurances through documentation. Density is the second issue; the developers propose thirteen (13) buildings with 156 units on twelve (12) acres taking away approximately five (5) acres for the pocket pond which leaves the buildings on approximately 6.8 acres. She stated that according to the site plan there are no sidewalks, pathways or central open spaces where the tenants could gather in a sense of community. She stated that the pond is being used in fulfilling the green space requirement. The residents' next concern is traffic; currently proposed by NY Development is a paved roadway from Rudy Chase Drive to just below Wilson Drive which is less than half way through the outside perimeter of the thirteen (13) apartment buildings; also proposing a cut-through on the south side of Hampton Run in order for their tenants to have access to Glenridge Road. Ms. Ruggerio asked the Board why they are not asking for the road to be completed or at least paved until the end of their project.

It is Ms. Ruggerio's hope that they can all come to a meeting of the minds regarding this project. She stated that if the developer would offer just a few good faith jesters, one being removing just one building, that would add the much needed green space, provide some sidewalks and pathways and possibly entertain completing more of the road. She feels based on these; people would be more accepting of the project. She asked the Board to reflect on all of the issues and take appropriate and necessary measures so that there are no future regrets about what we would have, could have, and should have done.

Supervisor Koetzle – “This is a project that has been going on for a long time. The Town Board really doesn't have much of a roll at this point, when we did the zone change in 2005 we sent it to Planning and Zoning and now they have the jurisdiction of the site plan review.”

Councilman Boulant – “We have spoken on the phone a couple of times and I have stated to you that I'm not happy with where we are with this project either. Unfortunately there were things done before us that we have no control of. I can assure you that we have all had conversations about this and what we can do at this point, we are not really sure but Tom Coppola and I have talked extensively about the storm water aspect of it and that seems to be a huge sticking point at this juncture of the project. Going through over the years with the pond in front of the Glenville Queen the last thing we need to do is have that arise there or somewhere else in your neighborhood. I'm involved in it. We are not really sure at this point what we can do and what we can't do but we are looking into it. The previous board was sold a project and now it has changed various times. We all know the state of the economy but I think they are using that a little bit as a crutch at this point. We will do whatever we can at this point.”

No one else wished to speak; Supervisor Koetzle closed the privilege of the floor.

Supervisor's Comments:

Supervisor Koetzle shared the following information:

Jamie, Tom and I attended the Alplaus Residents Meeting last Thursday. We updated the residents in Alplaus on the Glenridge Road project, economic development issues going on in the Town, the referendum on April 16th and Tom Coppola talked about snowplow routes and a variety of drainage issues occurring in Alplaus. The current President of the Association won citizen of the year; we would like to congratulate Andy Gilpin for that honor. I can report back from the Association that they are generally very pleased with how things are going in their neighborhood and the Town in general.

We had a labor management meeting last week, they reviewed worker's compensation statistics and plans for required training that will occur in April and implemented some building changes which include key pad locks on the court room doors. All of the employees will have a code to come and go in this room. One of the doors will be opened during public meetings but the one with the code will remain locked. This was part of the workplace violence audit.

The Town Newsletter is planned for distribution in May and again in November through the “Your Home Town” publication. Please get you information to Jamie by the first week in April.

The Town upgraded its data transmission lines going from 3 mega bytes to 6 in anticipation of a web base server system which will be implemented in 2013. This will also provide the Town with higher speed internet connection. We are upgrading our internet capacity by going to the “cloud” but we first had to upgrade our transmission lines.

We will be studying the multi-family housing issue in the Town. I have asked our Kevin, Town Planner, to do some work on that for our next work session. The Small Business and Economic Development Committee had a good discussion at their last meeting. I had originally thought of having a moratorium but the sense of the committee

was that you did not need to take that step yet. They had some good ideas as to what we can do. We will discuss them and some of the issues that were brought up here tonight at our work session on April 11th.

We are starting to get some numbers together or at least try to report quarterly on our budget. Where we ended with the fund balance in 2011, in cash, is about 3 million dollars, but then you have to take against that number the appropriated funds to the 2012 budget, what we did in our fund balance to try and offset a tax increase. That takes about \$816,000 out of that number. Then we have on top of that reserve for debt, we have some debt payment that is reserved out of that and that's another \$53,000. The third piece to this is the NYS Retirement requires pre-payment in the first quarter that comes before sales tax money comes so you have to use that cash, that will be replenished but we have to keep \$227,000 on hand for the prepayment across those three funds.

So our equity position, take away our obligations is 1.9 million dollars ending 2011. If we look at 2012 we are looking at trending about a 2.2 million dollar fund balance at the end of 2012, about \$800 less then the 3 million that we did in 2011 and after you take the obligations against that, again trended obligations, it would be about 1.1 million dollar cash at the end of 2012 that we have in the fund balance. We have to remember we allocated \$815,000 this year so we have to come somewhere around that as we continue our trend of backing off hopefully it is going to be less but we have got \$815,000 whole that we are going to have to fill one way or another by using fund balance or additional cuts.

That is kind of where we are; 3 million, 1.9 after obligations at the end of 2011; we anticipate 2.2 million, 1.1 after obligations at the end of 2012. We have got some challenges coming ahead of us, one of the challenges is that the NYS Pension System will be sending us a bill very shortly for the retro-pays that we gave in the contracts, they don't bill that immediately because they are on a fiscal year of March to March. Some of that is offset by some people who have left this year and they are counting towards pension contributions but they haven't been on the payroll a lot. In the end it's not going to be enough to offset the bill, a six figure number has been popped out as a rough estimate.

One more reminder to the Board is that when we did our budget last year, we responsibly took the position of tightening that budget up and not having the replenishment of that fund balance every year as past administrations have done where there are some things in that budget that would help recharge the fund balance; we took a lot of that out of this budget so there is not a lot of room for replenishment of the fund balance as we have seen in the past. We do have some savings in some of the staff changes that happened in town hall but all said and done that is about a \$20,000 savings right now after we replaced the dog control officers' money back to the correct fund; after we moved some money from the receiver of taxes into the town clerks, after all of those moves were made it amounts to a \$20,000 savings over our budgeted number for 2012. We do have a little bit of a challenge in the police department, there is a position there that wasn't fully funded and there was a buyout that wasn't fully funded so we are down in that area by about \$48,000 if we were to go ahead and fill that position.

One of the things to watch out for is the fund balance; we are going to have a rate review very shortly and the fund balance going from a 3 million projected to 2 million could potentially impact our bond rating. That is something we have to watch out for, I don't anticipate that it would but that is something to be mindful of.

You all received the email that we got a little more sales tax from Metroplex, \$70,000; highway gets \$35,000 and the A Fund gets \$35,000 extra. We did take a little bit of a hit in our other sales tax line because our assessed values were lower relative to Rotterdam and that is how this is paid out, but that hit is only \$12,000 so it's \$6,000 between highway and \$6,000 to the A Fund. Mortgage tax is still pretty flat.

This is a rough estimate of our position right now and again all of these numbers will be coming your way but I wanted to get a report out on it for the public."

Supervisor Koetzle moved ahead with the agenda.

RESOLUTION NO. 70-2012

Moved by: Councilman Boulant
Seconded by: Councilman Pytlovany

WHEREAS, over the past several years, the Town of Glenville has hired a certified public accounting firm to complete Audits of the Town's Financial Statements, and

WHEREAS, this audit is conducted in accordance with generally accepted auditing standards, the standards for financial audits contained in Government Auditing Standards; and

WHEREAS, for 2010 two bids for fixed prices for financial statement and single audits for three years(2009-2011) were received from a request for quotes sent out to six CPA firms in the region; and

WHEREAS, the UHY LLP Certified Public Accountants (an independent Member of Urbach Hacker Young International) bid for 2011 of \$21,750 for the financial statement audit represented the lower price and a qualified bidder with over 35 years of experience, and

WHEREAS, the UHY LLP Certified Public Accountants (an independent Member of Urbach Hacker Young International) has estimated for 2011 that \$4,000 will be the costs for the single audit required due to the level of federally funded grants received in 2011, and

WHEREAS, the 2011 budget for appropriations line 01.00.1320.4500 (Auditor- Fees For Services) has sufficient funds at \$25,750 for both the single and financial statement audits, and

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Glenville hereby authorizes the Supervisor to enter into an agreement with UHY LLP Certified Public Accountants, 66 State Street, Albany, New York, 12207-2595, to provide the audit of the Town's general purpose financial statements and the single audit for the year ended December 31, 2011, in the form of the N.Y. State Comptrollers' Annual update document; and

BE IT STILL FURTHER RESOLVED that the fees for this service shall be Twenty-One Thousand Seven Hundred and Fifty Dollars (\$21,750) for the financial statement audit and Four Thousand Dollars (\$4,000) for the single audit based on preliminary estimates by the current auditor charged to account 01.00.1320.4500 (Auditor-Fees for Services).

Ayes: Councilmen Boulant, Pytlovany, Ramotar, Councilwoman Wierzbowski and Supervisor Koetzle
Noes: None
Absent: None
Abstentions: None

Motion Carried

RESOLUTION NO. 71-2012

Moved by: Councilman Boulant
Seconded by: Councilman Pytlovany

WHEREAS, the Town Board of the Town of Glenville at its organizational meeting of January 6, 2010, created a Budget and Finance Advisory Committee for the purpose of open and transparent governing,

NOW, THEREFORE, BE IT RESOLVED that the following individuals are hereby appointed to said Budget and Finance Committee for a term from March 22, 2012 through December 31, 2013:

Keith Austin	928 Sacandaga Road, Glenville
Robert Colley, Chairman	29 Dorothy Lane, Glenville
Beth Kissinger	2649 Ridge Road, Glenville

Ayes: Councilmen Boulant, Pytlovany, Ramotar, Councilwoman Wierzbowski and Supervisor Koetzle
Noes: None
Absent: None
Abstention: None

Motion Carried

Discussion...

Supervisor Koetzle – “At the last work session we talked about an opportunity that the Town had to take its 2002 callable bonds, which is basically a variety of bonds, capital project bonds, and refinance them from about a 5% interest rate to about a 2.45% is what we talked about at the last work session. We did get some news today that bond rates are on the move and they are going up so the new rate is 2.97%. The savings, when we talked about it last week were 2.45% which would have been \$34,000 a year and it would have been over a half a million for the next 15 years. The new rate of 2.97% will still yield a \$25,000 a year savings and that will add up to about \$400,000 savings over 15 years. That savings will be allocated over the water fund at about 90% and 10% would be applied to the general fund.

Our comptroller got these new numbers to us as soon as he heard about the change which was about 10 minutes before the meeting and we still have a savings it just isn't what we had last week.”

RESOLUTION NO. 72-2012

Moved by: Councilman Boulant
Seconded by: Councilman Pytlovany

REFUNDING BOND RESOLUTION DATED MARCH 21, 2012

A RESOLUTION AUTHORIZING THE ISSUANCE PURSUANT TO SECTION 90.00 OF THE LOCAL FINANCE LAW OF REFUNDING BONDS OF THE TOWN OF GLENVILLE, SCHENECTADY COUNTY, NEW YORK, TO BE DESIGNATED SUBSTANTIALLY "TOWN OF GLENVILLE REFUNDING (SERIAL) BONDS", AND PROVIDING FOR OTHER MATTERS IN RELATION THERETO AND THE PAYMENT OF THE BONDS TO BE REFUNDED THEREBY.

WHEREAS, the Town of Glenville, Schenectady County, New York (hereinafter, the “Town”) heretofore issued an aggregate principal amount of \$4,932,100 Public Improvement (Serial) Bonds, 2002, pursuant to certain bond resolutions to pay the cost of acquisition of land, a water district extension and landfill closure, the periods of probable usefulness for which were forty (40) years and twenty (20) years, and a Certificate of Determination of the Supervisor of the Town (hereinafter referred to as the “2002 Refunded Bond Certificate”), such (Serial) Bonds, 2002, being dated June 15, 2002 and maturing or matured on June 15 annually, as more fully described in the 2002 Refunded Bond Certificate (the “Refunded Bonds”); and

WHEREAS, it would be in the public interest to refund all, or one or more, or a portion of one or more, of the outstanding principal balance of the Refunded Bonds by the issuance of refunding bonds pursuant to Section 90.00 of the Local Finance Law; and

WHEREAS, each of such refunding will individually result in present value savings in debt service if so required by Section 90.00 of the Local Finance Law;

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Glenville, Schenectady County, New York, as follows:

Section 1. For the object or purpose of refunding the \$3,355,000 outstanding aggregate principal balance of the Refunded Bonds, including providing moneys which, together with the interest earned from the investment of certain of the proceeds of the refunding bonds herein authorized, shall be sufficient to pay (i) the principal amount of the Refunded Bonds, (ii) the aggregate amount of unmatured interest payable on the Refunded Bonds to and including the date on which the Refunded Bonds which are callable are to be called prior to their respective maturities in accordance with the refunding financial plan, as hereinafter defined, (iii) the costs and expenses incidental to the issuance of the refunding bonds herein authorized, including the development of the refunding financial plan, as hereinafter defined, compensation to the underwriter or underwriters, as hereinafter defined, costs and expenses of executing and performing the terms and conditions of the escrow contract or contracts, as hereinafter defined, and fees and charges of the escrow holder or holders, as hereinafter mentioned, and (iv) the premium or premiums for a policy or policies of municipal bond insurance or cost or costs of other credit enhancement facility or facilities, for the refunding bonds herein authorized, or any portion thereof, there are hereby authorized to be issued not exceeding \$3,600,000 refunding serial bonds of the Town pursuant to the provisions of Section 90.00 of the Local Finance Law (the "Refunding Bonds" or the "Refunding Bonds"), it being anticipated that the amount of Refunding Bonds actually to be issued will be approximately \$3,570,000, as provided in Section 4 hereof. The Refunding Bonds described herein are hereby authorized to be consolidated for purposes of sale in one or more refunding serial bond issues. The Town Refunding Bonds shall each be designated substantially "TOWN OF GLENVILLE REFUNDING (SERIAL) BOND" together with such series designation and year as is appropriate on the date of sale thereof, shall be of the denomination of \$5,000 or any integral multiple thereof (except for any odd denominations, if necessary) not exceeding the principal amount of each respective maturity, shall be numbered with the prefix R-12 (or R with the last two digits of the year in which the Refunding Bonds are issued as appropriate) followed by a dash and then from 1 upward, shall be dated on such dates, and shall mature annually from 2012 through 2027, bearing interest semi-annually on such dates, at the rate or rates of interest per annum, as may be necessary to sell the same, all as shall be determined by the Town Supervisor pursuant to Section 4 hereof. It is hereby further determined that (a) such Refunding Bonds may be issued in series and (b) such Refunding Bonds may be issued as a single consolidated issue. It is hereby further determined that such Refunding Bonds may be issued to refund all, or any portion of, the Refunded Bonds.

Section 2. The Refunding Bonds may be subject to redemption prior to maturity upon such terms as the Town Supervisor shall prescribe, which terms shall be in compliance with the requirements of Section 53.00 (b) of the Local Finance Law. If less than all of the Refunding Bonds of any maturity are to be redeemed, the particular refunding bonds of such maturity to be redeemed shall be selected by the Town by lot in any customary manner of selection as determined by the Town Supervisor. Notice of such call for redemption shall be given by mailing such notice to the registered owners not less than thirty (30) days prior to such date and as otherwise provided in Securities and Exchange Commission Release No. 34-23856, as the same may be amended from time to time. Notice of redemption having been given as aforesaid, the bonds so called for redemption shall, on the date for redemption set

forth in such call for redemption, become due and payable, together with interest to such redemption date, and interest shall cease to be paid thereon after such redemption date.

The Refunding Bonds shall be issued in registered form and shall not be registrable to bearer or convertible into bearer coupon form. In the event said Refunding Bonds are issued in non-certificated form, such bonds, when issued, shall be initially issued in registered form in denominations such that one bond shall be issued for each maturity of bonds and shall be registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York ("DTC"), which will act as securities depository for the bonds in accordance with the Book-Entry-Only system of DTC. In the event that either DTC shall discontinue the Book-Entry-Only system or the Town shall terminate its participation in such Book-Entry-Only system, such bonds shall thereafter be issued in certificated form of the denomination of \$5,000 each or any integral multiple thereof (except for any odd denominations, if necessary) not exceeding the principal amount of each respective maturity. In the case of non-certificated Refunding Bonds, principal of and interest on the bonds shall be payable by check or draft mailed by the Fiscal Agent (as hereinafter defined) to The Depository Trust Company, New York, New York, or to its nominee, Cede & Co., while the bonds are registered in the name of Cede & Co. in accordance with such Book-Entry-Only System. Principal shall only be payable upon surrender of the bonds at the principal corporate trust office of such Fiscal Agent (or at the office of the Town clerk as Fiscal Agent as hereinafter provided).

In the event said Refunding Bonds are issued in certificated form, principal of and interest on the Refunding Bonds shall be payable by check or draft mailed by the Fiscal Agent (as hereinafter defined) to the registered owners of the Refunding Bonds as shown on the registration books of the Town maintained by the Fiscal Agent (as hereinafter defined), as of the close of business on the fifteenth day of the calendar month or first business day of the calendar month preceding each interest payment date as appropriate and as provided in a certificate of the Town Supervisor providing for the details of the Refunding Bonds. Principal shall only be payable upon surrender of bonds at the principal corporate trust office of a bank or trust company or banks or trust companies located or authorized to do business in the State of New York, as shall hereafter be designated by the Town Supervisor as fiscal agent of the Town for the Refunding Bonds (the "Fiscal Agent").

Refunding Bonds in certificated form may be transferred or exchanged at any time prior to maturity at the principal corporate trust office of the Fiscal Agent for bonds of the same maturity of any authorized denomination or denominations in the same aggregate principal amount.

Principal and interest on the Refunding Bonds will be payable in lawful money of the United States of America.

The Town Supervisor, as chief fiscal officer of the Town, is hereby authorized and directed to enter into an agreement or agreements containing such terms and conditions as he shall deem proper with the Fiscal Agent, for the purpose of having such bank or trust company or banks or trust companies act, in connection with the Refunding Bonds, as the Fiscal Agent for said Town, to perform the services described in Section 70.00 of the Local Finance Law, and to execute such agreement or agreements on behalf of the Town, regardless of whether the Refunding Bonds are initially issued in certificated or non-certificated form; provided, however, that the Town Supervisor is also hereby authorized to name the Town Clerk as the Fiscal Agent in connection with the Refunding Bonds if said Refunding Bonds are issued in non-certificated form.

The Town Supervisor is hereby further delegated all powers of this Town Board with respect to agreements for credit enhancement, derived from and pursuant to

Section 168.00 of the Local Finance Law, for said Refunding Bonds, including, but not limited to the determination of the provider of such credit enhancement facility or facilities and the terms and contents of any agreement or agreements related thereto.

The Refunding Bonds shall be executed in the name of the Town by the manual or facsimile signature of the Town Supervisor, and a facsimile of its corporate seal shall be imprinted thereon. In the event of facsimile signature, the Refunding Bonds shall be authenticated by the manual signature of an authorized officer or employee of the Fiscal Agent. The Refunding Bonds shall contain the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Town Supervisor shall determine. It is hereby determined that it is to the financial advantage of the Town not to impose and collect from registered owners of the Refunding Bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the Fiscal Agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the Fiscal Agent.

Section 3. It is hereby determined that:

- (a) the maximum amount of the Refunding Bonds authorized to be issued pursuant to this resolution does not exceed the limitation imposed by Section 90.00 of the Local Finance Law;
- (b) the maximum period of probable usefulness permitted by law at the time of the issuance of the respective Refunded Bonds, for each of the objects or purposes for which such respective Refunded Bonds were issued is fifteen years;
- (c) the last installment of the Refunding Bonds will mature not later than the expiration of the period of probable usefulness of each of the objects or purposes for which said respective Refunded Bonds were issued in accordance with the provisions of Section 90.00 of the Local Finance Law;
- (d) the estimated present value of the total debt service savings anticipated as a result of the issuance of the Refunding Bonds, if any, computed in accordance with the provisions of Section 90.00 of the Local Finance Law, with regard to each of the series of Refunded Bonds, is as shown in the Refunding Financial Plan described in Section 4 hereof.

Section 4. The financial plan for the refunding authorized by this resolution (collectively, the "Refunding Financial Plan"), showing the sources and amounts of all moneys required to accomplish such refunding, the estimated present value of the total debt service savings and the basis for the computation of the aforesaid estimated present value of total debt service savings, are set forth in Exhibit A attached hereto and made a part of this resolution. The Refunding Financial Plan has been prepared based upon the assumption that the Refunding Bonds will be issued in a single series to refund all of the Refunded Bonds in the principal amount of \$3,355,000, and that the Refunding Bonds will mature, be of such terms, and bear interest as set forth on Exhibit A attached hereto and made a part of this resolution. This Town Board recognizes that the Refunding Bonds may be issued in series, and for only one or more of the Refunded Bonds, or portions thereof, that the amount of the Refunding Bonds, maturities, terms, and interest rate or rates borne by the Refunding Bonds to be issued by the Town will most probably be different from such assumptions and that the Refunding Financial Plan will also most probably be different from that attached hereto as Exhibit A. The Town Supervisor is hereby authorized and directed to determine which of the Refunded Bonds will be refunded and at what time, the amount of the Refunding Bonds to be issued, the date or dates of such bonds and the date or dates of issue, maturities and terms thereof, the provisions relating to the redemption of Refunding Bonds prior to maturity, whether the Refunding Bonds will be insured by a policy or policies of municipal bond insurance or otherwise enhanced by a credit enhancement facility or facilities, whether the Refunding Bonds shall be sold at a discount in the manner authorized by paragraph e of Section 57.00 of the Local Finance Law, and

the rate or rates of interest to be borne thereby, whether the Refunding Bonds shall be issued having substantially level or declining annual debt service and all matters related thereto, and to prepare, or cause to be provided, a final Refunding Financial Plan for the Refunding Bonds and all powers in connection therewith are hereby delegated to the Town Supervisor; provided, that the terms of the Refunding Bonds to be issued, including the rate or rates of interest borne thereby, shall comply with the requirements of Section 90.00 of the Local Finance Law. The Town Supervisor shall file a copy of his certificate determining the details of the Refunding Bonds and the final Refunding Financial Plan with the Town Clerk not later than ten (10) days after the delivery of the Refunding Bonds, as herein provided.

Section 5. The Town Supervisor is hereby authorized and directed to enter into an escrow contract or contracts (collectively the "Escrow Contract") with a bank or trust company, or with banks or trust companies, located and authorized to do business in this State as said Supervisor shall designate (collectively the "Escrow Holder") for the purpose of having the Escrow Holder act, in connection with the Refunding Bonds, as the escrow holder to perform the services described in Section 90.00 of the Local Finance Law.

Section 6. The faith and credit of the Town of Glenville, Schenectady County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on the Refunding Bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall be annually levied on all the taxable real property in said Town a tax sufficient to pay the principal of and interest on such Refunding Bonds as the same become due and payable.

Section 7. All of the proceeds from the sale of the Refunding Bonds, including the premium, if any, but excluding accrued interest thereon, shall immediately upon receipt thereof be placed in escrow with the Escrow Holder for the Refunded Bonds. Accrued interest on the Refunding Bonds shall be paid to the Town to be expended to pay interest on the Refunding Bonds. Such proceeds as are deposited in the escrow deposit fund to be created and established pursuant to the Escrow Contract, whether in the form of cash or investments, or both, inclusive of any interest earned from the investment thereof, shall be irrevocably committed and pledged to the payment of the principal of and interest on the Refunded Bonds in accordance with Section 90.00 of the Local Finance Law, and the holders, from time to time, of the Refunded Bonds shall have a lien upon such moneys held by the Escrow Holder. Such pledge and lien shall become valid and binding upon the issuance of the Refunding Bonds and the moneys and investments held by the Escrow Holder for the Refunded Bonds in the escrow deposit fund shall immediately be subject thereto without any further act. Such pledge and lien shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the Town irrespective of whether such parties have notice thereof.

Section 8. Notwithstanding any other provision of this resolution, so long as any of the Refunding Bonds shall be outstanding, the Town shall not use, or permit the use of, any proceeds from the sale of the Refunding Bonds in any manner which would cause the Refunding Bonds to be an "arbitrage bond" as defined in Section 148 of the Internal Revenue Code of 1986, as amended, and, to the extent applicable, the Regulations promulgated by the United States Treasury Department thereunder.

Section 9. In accordance with the provisions of Section 53.00 and of Section 90.00 of the Local Finance Law, the Town hereby elects to call in and redeem each series of Refunded Bonds which the Town Supervisor shall determine to be refunded in accordance with the provisions of Section 4 hereof and with regard to which the right of early redemption exists. The sum to be paid therefor on such redemption date shall be the par value thereof plus the redemption premium, as provided in the Refunded Bond Certificate, and the accrued interest to such redemption

date. The Escrow Agent for the Refunding Bonds is hereby authorized and directed to cause notice of such call for redemption to be given in the name of the Town in the manner and within the times provided in the Refunded Bond Certificate. Such notice of redemption shall be in substantially the form attached to the Escrow Contract. Upon the issuance of the Refunding Bonds, the election to call in and redeem the callable Refunded Bonds and the direction to the Escrow Agent to cause notice thereof to be given as provided in this paragraph shall become irrevocable, provided that this paragraph may be amended from time to time as may be necessary in order to comply with the publication requirements of paragraph a of Section 53.00 of the Local Finance Law, or any successor law thereto.

Section 10. The Refunding Bonds shall be sold at private sale to Roosevelt & Cross, Inc. (the "Underwriter") for purchase prices to be determined by the Town Supervisor, plus accrued interest from the date or dates of the Refunding Bonds to the date or dates of the delivery of and payment for the Refunding Bonds. The Town Supervisor is hereby authorized to execute and deliver a purchase contract or similar agreement for the Refunding Bonds in the name and on behalf of the Town providing the terms and conditions for the sale and delivery of the Refunding Bonds to the Underwriter. After the Refunding Bonds have been duly executed, they shall be delivered by the Town Supervisor to the Underwriter in accordance with said purchase contract in accordance with the terms of the agreement therewith upon the receipt by the Town of said purchase price, including accrued interest.

Section 11. The Town Supervisor and all other officers, employees and agents of the Town are hereby authorized and directed for and on behalf of the Town to execute and deliver all certificates and other documents, perform all acts and do all things required or contemplated to be executed, performed or done by this resolution or any document or agreement approved hereby.

Section 12. All other matters pertaining to the terms and issuance of the Refunding Bonds shall be determined by the Town Supervisor and all powers in connection thereof are hereby delegated to the Town Supervisor.

Section 13. The validity of the Refunding Bonds may be contested only if:

1. Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
2. The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
3. Such obligations are authorized in violation of the provisions of the Constitution.

Section 14. A summary of this resolution, which takes effect immediately, shall be published in the official newspapers of said Town, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Ayes: Councilmen Boulant, Pytlovany, Ramotar, Councilwoman Wierzbowski and Supervisor Koetzle
Noes: None
Absent: None
Abstentions: None

Motion Carried

Councilman Ramotar made a motion to remove Bruce Wurz, at his request, as a candidate for the Board of Assessment Review due to another obligation; Seconded by Councilwoman Wierzbowski – All in favor.

RESOLUTION NO. 73-2012

Moved by: Councilman Ramotar
Seconded by: Councilwoman Wierzbowski

WHEREAS, the Town of Glenville Board of Assessment Review has been structured to consist of five members in accord with the state Real Property Tax Law; and

WHEREAS, the Town lost two members of the Board in the past year so there exists two vacancies on the town of Glenville's Board of Assessment Review; and

WHEREAS, a full complement of five Board members is desirable to ensure that at least three members are available at all times necessary for the hearings and deliberations of the Board; and

WHEREAS, prospective members of the Board are required to be residents of the Town and familiar with real property values in the town; and

WHEREAS, the Town of Glenville solicited interest for these vacancies and received letters of interest from two qualified candidates,

NOW, THEREFORE, BE IT RESOLVED, that Dorothy Hickok Skomp, 1537 Washout Rd., Glenville, NY, is hereby appointed to fill the existing vacancy for an unexpired term from March 22nd, 2012 through September 30th, 2012.

Ayes: Councilmen Boulant, Pytlovany, Ramotar, Councilwoman Wierzbowski and Supervisor Koetzle
Noes: None
Absent: None
Abstention: None

Motion Carried

RESOLUTION NO. 74-2012

Moved by: Councilman Boulant
Seconded by: Councilman Pytlovany

WHEREAS, the Town of Glenville desires to continue to develop the Town Center as a distinct and clearly defined business district that will attract and retain businesses, provide convenient services to residents and improve the quality of life in the Town; and

WHEREAS, one element of the Master Plan for the Town Center that will help achieve the Town's goals is distinctive and aesthetically pleasing street lighting; and

WHEREAS, the redevelopment of the former K-Mart site into the site of a new Target store has progressed to the point where street lighting will soon be installed along the portion of property fronting on Route 50; and

WHEREAS, currently, the street lighting along Route 50 and Glenridge Road are in a Schenectady County lighting district; and

WHEREAS, Schenectady County is amenable to having such portion(s) of Route 50 and/or Glenridge Road placed in a Town lighting district, if the property owners in such proposed new district agree and the County is also willing to place the

order for new street light fixtures for the eight locations identified in the Target project site plan upon the Town's submission of a letter of intent to create a Town lighting district encompassing at least that portion of Route 50; and

WHEREAS, Town of Glenville desires to create a new Town lighting district for the Town Center area,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Glenville hereby authorizes the Supervisor to sign and send a letter of intent to the Schenectady County Department of Public Works, indicating the Town's intent to form a town lighting district in the Town Center area, encompassing at least that portion of Route 50 which contains the Target store parcels and the eight new street lights.

Ayes: Councilmen Boulant, Pytlovany, Ramotar, Councilwoman Wierzbowski and Supervisor Koetzle

Noes: None

Absent: None

Abstention: None

Motion Carried

RESOLUTION NO. 75-2012

Moved by: Councilman Ramotar

Seconded by: Councilwoman Wierzbowski

WHEREAS, the Town of Glenville Water District No.11 entered into a five-year agreement with Rivercrest Water District No.2 for the sale of bulk water in October 2010, with an ending date of December 31, 2014; and

WHEREAS, the aforesaid agreement permitted the Rivercrest Water District No.2 to terminate the agreement on one year's notice to Glenville Water District No.11; and

WHEREAS, the Town of Clifton Park, on behalf of Rivercrest Water District No.2 notified the Town of Glenville in January 2012 that Rivercrest might be interested in terminating the bulk water sale agreement and such notice was confirmed by a letter from Clifton Park's Supervisor to Supervisor Koetzle, dated February 29, 2012; and

WHEREAS, the termination date requested is on or about June 30, 2012, which would effectively make the notice given only three months rather than 12 months; and

WHEREAS, the revenue received from the sale of water to Rivercrest only averages about \$2500.00 per year and the annual equivalency charge only averages about \$1400.00 and considerable Glenville Town staff time is spent on the administration of the agreement; and

WHEREAS, the Attorney for the Town has identified two issues which Clifton Park has agreed to address in consideration of an agreement to allow early termination of the water sale agreement; those issues being: (1) the maintenance of the borings along Glenridge Road under the railroad overpass and under the stream that carry the water lines to Clifton Park and (2) the payment of unbilled annual equivalency charges for 2011 and 2012,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Glenville, acting as the Board of Water Commissioners for Glenville Water District No.11, hereby authorizes the Supervisor to sign a modification of the existing agreement between Glenville Water District No.11 and Rexford Water District No.2 to permit the termination of said agreement on the notice actually given, effective on or about June 30, 2012, provided the Town of Clifton Park has arranged for the continued

maintenance of the Glenridge Road borings and has paid any and all outstanding water equivalency charges to the satisfaction of the Attorney for the Town.

Ayes: Councilmen Boulant, Pytlovany, Ramotar, Councilwoman Wierzbowski and Supervisor Koetzle
Noes: None
Absent: None
Abstention: None

Motion Carried

RESOLUTION NO. 76-2012

Moved by: Councilman Ramotar
Seconded by: Councilwoman Wierzbowski

BE IT RESOLVED that the **Monthly Departmental Reports** for February, 2012 as received from the following:

Assessor's Department
Dog Control
Economic Development & Planning Department
Highway Department
Justice Department
Receiver of Taxes
Town Clerk's Office

be, and they hereby are accepted, approved for payment and ordered placed on file.

Ayes: Councilmen Boulant, Pytlovany, Ramotar, Councilwoman Wierzbowski and Supervisor Koetzle
Noes: None
Absent: None
Abstentions: None

Motion Carried

RESOLUTION NO. 77-2012

Moved by: Councilman Ramotar
Seconded by: Councilwoman Wierzbowski

BE IT RESOLVED, that the minutes of the regular meeting held on March 7, 2012 are hereby approved and accepted as entered.

Ayes: Councilmen Boulant, Pytlovany, Ramotar, Councilwoman Wierzbowski and Supervisor Koetzle
Noes: None
Absent: None
Abstentions: None

Motion Carried

New Business:

Councilwoman Wierzbowski – “With regard to the comments made by the Pashley Road resident; I think that part of our lives are always so busy that we are always rushing to go where we are going and I think a lot of times we don't realize how fast we are going. Anyone that walks or runs on the roads within the Town whether they are a town, a county or a state road can attest to this as I can myself. The cars that come at you are very scary and I think that as drivers we have a responsibility to try to remember that whatever we are driving the vehicle is a lot bigger than the person who is walking, running

or biking on the side of the road. As a matter of safety and consideration if we could try to remember to slow down a little bit, move over a little bit and share the road I think that that would go a long way to creating a better community in our town. I think his plan is good. We have walked that area for two years now, campaigning, and people do go quite fast around those corners and down that road. Hopefully we will be able to help him.”

RESOLUTION NO. 78-2012

Moved by: Councilman Boulant
Seconded by: Councilman Pytlovany

BE IT RESOLVED, that the Town Board of the Town of Glenville hereby adjourns into Executive Session to discuss upcoming collective bargaining agreements.

Ayes: Councilmen Boulant, Pytlovany, Ramotar, Councilwoman Wierzbowski and Supervisor Koetzle
Noes: None
Absent: None
Abstention: None

Motion Carried

Supervisor Koetzle adjourned this portion of the meeting at 8:25 p.m. and entered into Executive Session.

Time being 9:00 p.m.; Supervisor Koetzle reconvened the meeting and announced that no action was taken during the Executive Session.

Supervisor Koetzle asked for a motion to adjourn; motion to adjourn was Moved by Councilman Boulant; Seconded by Councilman Pytlovany, everyone being in favor the meeting was adjourned at 9:01 PM.

ATTEST:

Linda C. Neals
Town Clerk