

REGULAR MEETING OF THE TOWN BOARD
TOWN OF GLENVILLE
JULY 18, 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, Sid Ramotar and Councilwoman Gina M. Wierzbowski

Absent: Councilman John Pytlovany

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

Supervisor Koetzle announced that the Board would be entering into executive session at the end of the meeting to discuss pending litigation.

Town Council Reports:

Councilman Ramotar – “During one of our work sessions this spring we sent out for proposal to perform an archaeological investigation in Maalwyck Park that required utilizing a \$150,000 federal grant that we were awarded. We want to find out exactly how much it is going to cost before we make decisions regarding the dog park as well as further development of Maalwyck Park. We received two proposals, the lowest being \$24, 207 which will be considered later this evening. This is a great price and this study is required to develop the park and we have money in the park fund the State Historic Preservation Officer advises us that both the Request for Proposal (RFP) and the proposal have great quality so I encourage our support of the resolution on the agenda this evening.

Our long-time Senior Center Coordinator Cindy Amell is relocating in Glens Falls therefore resigning effective September 7, 2012. Cindy has been the mainstay in the Center since its opening and will be greatly missed.

There was an article in last Sunday’s Gazette regarding a Frisbee Tournament that was held at Maalwyck Park. After our development I am sure we will have a lot of other great Frisbee Tournaments etc.”

Councilwoman Wierzbowski – “The Town does not have a water restriction in place at this time but I would ask that residents be a little judicious with their usage. New York State has a burn ban so please refrain from any type of open burning.”

Supervisor Koetzle – “Item No. 5 is a public hearing on a petition to establish an extension to Sewer district No. 9 (Patriot Square).”

Supervisor Koetzle opened the public hearing at 7:35 pm.

Jason Dell, engineer with Lansing Engineering – “I am here on behalf of the applicant. I am here to answer any questions pertaining to this project.”

No one else wished to speak; Supervisor Koetzle closed the hearing at 7:36 pm.

Supervisor Koetzle – “Item No. 6 is a public hearing for a proposed zoning map amendment for property located at 53 Maple Avenue (Animal Protective Foundation).”

Supervisor Koetzle opened the public hearing at 7:37 pm.

Tom Andress, ABD Engineers and Surveyors representing the applicant.”

Councilman Boulant – “Please explain exactly what you are thinking, do you have a project in mind?”

Mr. Andress – “We do, this has been a longer process. We actually made application to the Zoning Board of Appeals, although we have that tabled right now because of pending action from this Board. What we are looking to do is add a spay/neuter clinic to the north side of the building, adjacent to the garage area and tie that in and a short time after that we are looking to construct a whole new entrance area.”

No one else wished to speak; Supervisor Koetzle closed the hearing at 7:38 pm.

The following people exercised the privilege of the floor.

Wendy Senecal, 618 Elliott Street – Ms. Senecal asked the Board to consider adopting an ordinance like the Village of Scotia has regarding outdoor burning. The Village prohibits it completely, she was not asking for that but maybe the Board could adopt some rules that could be enforced if there was a problem. She stated that the reason for this is that many town properties are just as close in proximity to each other as in the Village, especially those of us that are below Glen Avenue. Ms. Senecal further stated that when her neighbor burns she has to close her windows and feels this is unfair that the neighbor has to have a fire. She explained to the Board that her quality of life has been diminished because of this. She is breathing smoked filled air instead of fresh air. She can't hang her laundry out to dry because it smells like smoke. She does not feel that it is appropriate for someone to burn from morning to night when the weather is beautiful. Something needs to be done about this type of nuisance especially this year being so dry it makes it dangerous with sparks flying through the air to surrounding yards and could start a fire.

Ms. Senecal stated that she is not asking that open burning be completely outlawed because the Town has much bigger properties than in the Village but there are also a lot of properties that are close like in the Village and it's a problem and the police cannot enforce it.

Supervisor Koetzle – “What kind of burning is it?”

Ms. Senecal – They made like a fireplace right next to my neighbors fence, which has burnt that too. It is killing their tree. We are very close down there.

Councilman Ramotar – “Was this a one time event like for a graduation party?”

Ms. Senecal – No, this is continuously. I have called the police several times.

Councilwoman Wierzbowski – “What happens when you call?”

Ms. Senecal – Originally I was told that they could tell them to put it out by Lt. Conley but then the last officer that responded told me that it was a neighbor problem and that they had better things to do.

Councilwoman Wierzbowski – “Being an Assistant Fire Chief we often go to calls with regards to open burns and the fire department is required to put it out and can request police assistance in regards to that. I don't know if that would help your situation or not but I know we do get calls like that quite a bit and we are required to put them out.”

Ms. Senecal – I guess it is a gray area in the Town.

Councilwoman Wierzbowski – “Right now it is against the law to be burning. July 16th a new ban was issued.”

Ms. Senecal – They can burn twigs and firewood.

Councilwoman Wierzbowski – “Except in a designated time like March through May because there is a high risk for brush fires and they will issue a state wide burn ban which supersedes any local law and then once that time is up then the local municipalities then take it back over.

I know there are other people that have issues with this because I have talked with them.”

Supervisor Koetzle – “We will do a little research on it and see what the options are and go from there.”

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

Supervisor Koetzle shared the following information:

We were alerted by the police department on Sunday night that there had been a partial collapse of the GSA property in the Business and Technology Park. Highway Superintendent Coppola and his staff secured the site to the best of their ability by locking the entrance gate and placing the barrier tape around the building. GSA has been notified and is responding by sending a team of officials tomorrow to the site to evaluate it and make an action plan. Schenectady County and Metroplex are trying to acquire the property as well encouraging clean-up of PCP plume. We have also been in touch with GSA and Congressman Tonko’s office and both the County and the Congressman have offered their support to the Town in trying to eliminate any health and safety hazards. Building Inspector Paul Borisenko examined the building and site today and has forwarded a letter to the GSA and other parties to describe the hazards that are currently present by this partial collapse of the building. Mr. Borisenko does believe that an immediate full demolition of the building is required. No immediate hazards to any residents currently, obviously there is asbestos in the building but everything seems to be contained at this point.

A meeting was held with First National Bank and the Tax Receiver’s Office. Pat Aragosa, Tax Receiver and the Bank worked through various issues associated with the bank assisting with the fall school tax collection. There are no barriers that we are aware of having the bank assist with the school tax collection so as planned a resolution will be introduced at the August Town Board meeting to formalize an agreement with First National Bank. We just went through the water collection that went very smooth by both the bank and the Receiver’s Office so it makes sense to go forward at this point.

We received a report from the Town Historian, Joan Szablewski that details her activities from the period of January to June of this year. She has been collecting information about some of our Vietnam War veterans. She is also working on a display for the Vietnam War and the War of 1812 to be used at the Senior Center in November. She always does a nice display for the Veterans Day event there. If you have a chance take a look at that.

We recently put in for two consolidated refunding applications to the State of New York; one for the development of a comprehensive sidewalk and lighting improvement district in the Town Center and the other for needed improvements for the Town’s portion of the bike path that runs between Washington Avenue and Freemans Bridge Road. We won’t hear until September and the reports that I am hearing there are far fewer applicants, about 40% fewer than last time but the applications are much higher quality. I don’t know if we have met some of the criteria, we are trying to find

private/public partnership. Of course ours is funding a district; a beautification district which I think has a lot of benefits for the private sector so we are hoping that that is favorably looked upon by the committee.

The budget memo will be distributed tomorrow to the department heads. Essentially what we are asking is that the department heads really look at some of the concerns we might be facing in 2013. We have got to be cautious on where we are going. We don't have a lot of solid information but if we look at 2013 and look at the unknowns that we go through every year and that is essentially what our state retirement costs are going to be, health insurance increase is unknown, if it goes up 10% that's \$154,000 so already this would exceed the tax cap. We always go in wondering if we have retirement because cash outs could be costly. This year is particularly uncertain because we have the sales tax sharing formula up for negotiations this fall and so we will be dealing with this budget largely without knowing what our sales tax revenue is. We have three labor contracts up for negotiations this year. A 1% rate, town wide would equal about \$80,000 already just about the tax cap. If you start putting some of these threats together the health insurance going up, maybe a wage increase and maybe some sales tax revenue changing so we are not getting the same type of revenue, we could be in significant trouble pretty quickly.

With that said the budget is looking pretty good. I am optimistic that the 2012 budget is pretty good with a little ahead in our revenues and a little behind in expenses that is always a good place to be. The goals I am going to set for my memo is that I want to reduce the budget fund balance allocation again. We have reduced that over the past three years from 1.5 million dollars to \$800,000 and that's about half and I would like to reduce it another 15% for 2013 to bring it to \$650,000.

I would like to have the department heads thinking about continuing investment in economic development and paving. Town Center Redevelopment and beautification will be a priority in my budget, meeting the tax cap is essential. My budget will be delivered meeting the tax cap and utilizing technology to cut operating expenses and enhance service. I think we saw in the receiver's office that utilizing that technology brings huge savings and we have to continue to figure out how to introduce technology town wide. Find more opportunities to partner with other municipalities.

Supervisor Koetzle moved ahead with the agenda items.

RESOLUTION NO. 124-2012

Moved by: Councilman Boulant

Seconded by: Councilman Ramotar

WHEREAS, the Town of Glenville is proposing a series of zoning text revisions designed to allow, following site plan review and approval, the establishment of microbreweries and microwineries in Rural Residential and Agricultural (RA), Community Business (CB), General Business (GB), and Research/Development/Technology (RDT) zoning districts; and

WHEREAS, these zoning amendments constitute an "Unlisted Action" in accordance with 6 NYCRR Part 617 (State Environmental Quality Review Act {SEQRA}); and

WHEREAS, the Glenville Town Board has assumed SEQRA Lead Agency in this instance; and

WHEREAS, the Glenville Environmental Conservation Commission recommended that the Town Board find no significant adverse environmental impact associated with these proposed zoning text amendments, and that the Board issue a SEQRA "Negative Declaration;"

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Glenville hereby determines that the proposed amendments to the Town of Glenville

Zoning Ordinance regarding microbreweries and microwineries will not result in a significant adverse environmental impact; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Glenville hereby issues a SEQRA “Negative Declaration” (attached) for this proposal, based on the following findings:

- These revisions will not result in any development or physical alterations to the land. Rather, they establish that microbreweries and microwineries are permitted uses, by site plan review, within four different zoning districts. Any construction subsequent to these zoning amendments will be subject to individual SEQRA review, as well as site plan review.
- This action will not impact air quality, groundwater quality, surface water quality, traffic levels, noise levels, solid waste production, etc.
- This action will not result in the removal of vegetation or fauna, nor will it impact significant wildlife habitat areas.
- This action will not create a conflict with the Town’s Comprehensive Plan or Zoning Ordinance, or any other land use policy document. This action merely identifies land uses (microbreweries and microwineries) that were not contemplated when the current Town of Glenville Zoning Ordinance was adopted in 2001, and authorizes establishment of these uses, by site plan review, within four different zoning districts.

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

Noes: None

Absents: Councilman Pytlovany

Abstentions: None

Motion Carried

RESOLUTION NO. 125-2012

Moved by: Councilman Boulant

Seconded by: Councilwoman Wierzbowski

WHEREAS, an ordinance to add a series of related zoning text amendments regarding micro-breweries and micro-wineries to Chapter 270 (“Zoning”) of the Code of the Town of Glenville is being introduced at the recommendation of the Town of Glenville Economic Development and Planning Department; and

WHEREAS, the proposed amendments involve adding definitions for the terms “micro-brewery” and “micro-winery,” as well as adding “micro-breweries” and “micro-wineries” to the list of uses allowed by site plan review within the Rural Residential and Agricultural (RA), Community Business (CB), General Business (GB), and Research/Development/Technology (RDT) zoning districts; and

WHEREAS, the Town Board of the Town of Glenville, pursuant to 6 NYCRR Part 617 (State Environmental Quality Review Act {SEQRA}), and as SEQRA Lead Agency, has issued a “Negative Declaration,” concluding that there will be no significant adverse environmental impacts associated with these zoning text amendments; and

WHEREAS, pursuant to New York State Town Law and the Code of the Town of Glenville, a public hearing regarding the proposed zoning amendments was held by the Town Board on June 20, 2012; and

WHEREAS, the Town of Glenville Planning and Zoning Commission has recommended that the Town Board approve these zoning amendments; and

WHEREAS, the Schenectady County Department of Economic Development & Planning, pursuant to Sections 239-l, 239-m, and 239-n of General Municipal Law, has reviewed the proposed zoning amendments and “defers to local consideration;”

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Glenville hereby adopts Local Law No. 3-2012 amending Chapter 270 (“Zoning”) of the Town Code of the Town of Glenville regarding micro-breweries and micro-wineries; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Glenville bases its approval on the following findings:

- These revisions are compatible with the Town of Glenville Comprehensive Plan, and in particular, the overall goal of the Comprehensive Plan, which states ... *“Provide for appropriate growth and change in Glenville, in coordination with the provision of transportation and utility services, consistent with natural resource constraints and aesthetic concerns, meeting the housing, economic and social needs of the community.”*

The addition of micro-breweries and micro-wineries - two uses that weren’t contemplated when the current Zoning Ordinance was adopted in 2001 – to the list of allowable uses within four zoning districts, subject to site plan review, does, in fact, allow for appropriate growth, as well as address the economic needs of the community. Micro-breweries and micro-wineries are reasonable additions to both the Community Business and General Business zoning districts, as well as the Research/Development/Technology zoning district, given the stated purposes of these districts and the compatibility of the uses already allowed in these districts. Further, the introduction of micro-breweries and micro-wineries to the list of allowed uses by site plan review within the Rural Residential and Agricultural zoning district is also meritorious, in that micro-breweries and micro-wineries are often associated with agriculture, and can be a good fit in hamlets and rural settlements.

- Micro-breweries and micro-wineries are viewed as compatible uses in the four zoning districts in which they will now be permitted. The requirement of site plan review for any and all new micro-breweries allows Town oversight of any new micro-brewery or micro-winery, and allows an avenue for ensuring neighborhood compatibility.
- Through proper oversight via site plan review, any new micro-breweries or micro-wineries should not negatively affect nearby land values.
- The proposed zoning amendments for micro-breweries and micro-wineries is reasonably compatible with the purposes of the Town of Glenville Zoning Ordinance, as articulated in Section 270-1 of the Code of the Town of Glenville.

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

Noes: None

Absents: Councilman Pytlovany

Abstentions: None

Motion Carried

RESOLUTION NO. 126-2012

Moved by: Councilman Boulant

Seconded by: Councilman Ramotar

WHEREAS, Glenwyck Development, LLC has submitted a zoning map

amendment application seeking to change the zoning of 15 acres of property on the north side of Dutch Meadows Lane from Professional/Residential (4.43 acres) and General Business (10.57 acres) to Multi-Family Residential; and

WHEREAS, the purpose of the zoning map amendment is to permit construction of a 104-unit senior apartment building and a 92-unit assisted living facility; and

WHEREAS, this zoning map amendment constitutes an “Unlisted Action” in accordance with 6 NYCRR Part 617 (State Environmental Quality Review Act {SEQRA}); and

WHEREAS, the Glenville Town Board has assumed SEQRA Lead Agency in this instance; and

WHEREAS, the Glenville Environmental Conservation Commission recommended that the Town Board find no significant adverse environmental impact associated with the zoning map amendment application by Glenwyck Development, LLC;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Glenville hereby determines that the proposed zoning map amendment by Glenwyck Development, LLC will not result in a significant adverse environmental impact; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Glenville hereby issues a SEQRA “Negative Declaration” (attached) for this proposal, based on the following findings:

- This action involves a zoning map amendment, but no construction or physical alteration of land. Any subsequent development of the parcel in question will involve site plan review/approval and an individual SEQRA determination.
- This zoning map amendment is viewed as a “down-zoning,” whereby the new zoning designation (multi-family) permits land uses that are generally less intensive than uses allowed under the current zoning designation (general business and professional/residential). Accordingly, potential environmental impacts associated with any subsequent development of this parcel should be no greater than the potential impacts under the current zoning designation.
- The proposed zoning change to multi-family residential is in full compliance with the Freemans Bridge Road Master Plan, which calls for multi-family housing and/or office development of the parcel in question.
- The proposed action is reasonably consistent with the Town of Glenville Comprehensive Plan, which targets this area for “hamlet-residential”-type development. The hamlet designation is meant to identify areas where public sewer and other infrastructure is in place to support higher density residential development.
- This action will not impact air quality, groundwater quality, surface water quality, traffic levels, noise levels, solid waste production, etc. Further, this action will not result in the removal of vegetation or fauna, nor will it impact significant wildlife habitat areas.

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

Noes: None

Absents: Councilman Pytlovany

Abstentions: None

Motion Carried

RESOLUTION NO. 127-2012

Moved by: Councilman Boulant

Seconded by: Councilwoman Wierzbowski

WHEREAS, Glenwyck Development, LLC has submitted a zoning map amendment application seeking to change the zoning of 15 acres of property on the north side of Dutch Meadows Lane (metes and bounds description attached) from Professional/Residential (4.43 acres) and General Business (10.57 acres) to Multi-Family Residential; and

WHEREAS, the purpose of the zoning map amendment is to permit construction of a 104-unit senior apartment building and a 92-unit assisted living facility; and

WHEREAS, the Town Board of the Town of Glenville, pursuant to 6 NYCRR Part 617 (State Environmental Quality Review Act {SEQRA}), and as SEQRA Lead Agency, has issued a “Negative Declaration,” concluding that there will be no significant adverse environmental impacts associated with this zoning map amendment; and

WHEREAS, pursuant to New York State Town Law and the Code of the Town of Glenville, a public hearing regarding this zoning map amendment proposal was held by the Town Board on June 20, 2012; and

WHEREAS, the Town of Glenville Planning and Zoning Commission has recommended that the Town Board approve these zoning amendments; and

Whereas, the Schenectady County Department of Economic Development & Planning, pursuant to Sections 239-l, 239-m, and 239-n of General Municipal Law, has reviewed the proposed zoning map amendment and “defers to local consideration;”

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Glenville approves the zoning map amendment application of Glenwyck Development, LLC, to change the zoning of 15 acres on Dutch Meadows Lane from Professional/Residential and General Business to Multi-Family Residential; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Glenville bases its approval on the following findings:

- The proposed zoning map amendment is consistent with the Freemans Bridge Road Master Plan in that the Master Plan targets the property in question for multi-family housing and/or office development. Further, this zoning map amendment is reasonably consistent with the Town of Glenville Comprehensive Plan, which calls for “hamlet residential”-type development in this area; a land use designation applied to areas where the availability of public sewer and other infrastructure makes higher density residential development desirable.
- A senior apartment building and assisted living facility will be compatible with neighboring land uses, which include a multi-family development (Oak Ridge Gardens) across Route 50 from the project site, a big box retail store (Wal Mart) just east of the project site on Dutch Meadows Lane, and a nursing home (Baptist Retirement) a short distance away on the west side of Route 50. Further, the location of this project site on a CDTA bus route, and with easy access to Route 50 and within a reasonable distance of the Town of Glenville Senior Center renders the project site well-suited for multi-family residential zoning.
- The proposed senior apartment and assisted living project should not negatively impact nearby land values, considering the commercial/mixed use nature of the area and the proximity of the high traffic volume NYS Route 50.

- The proposed zoning map amendment is reasonably compatible with the purposes of the Town of Glenville Zoning Ordinance, as articulated in Section 270-1 of the Code of the Town of Glenville.

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

Noes: None

Absents: Councilman Pytlovany

Abstentions: None

Motion Carried

RESOLUTION NO. 128-2012

Moved by: Councilwoman Wierzbowski

Seconded by: Councilman Ramotar

WHEREAS, Broad Street is a municipal boundary line between the Village of Scotia and the Town of Glenville, with the line running down the center line of said street; and

WHEREAS, Broad Street and a portion of Schermerhorn Street are in need of regrading, repaving and drainage improvement; and

WHEREAS, the Town Board previously authorized the Supervisor to enter into a memorandum of agreement to jointly undertake this project with the Village through the use of an inter-municipal agreement, authorized by General Municipal Law section 119-o, subject to the right to reject bids exceeding the project estimate; and

WHEREAS, the parties have obtained a low bid of \$197,829.60 from Jersen Construction, 6 Industry Drive, Waterford, NY, 12188, which is lower than the project cost estimate of \$210,000.00 and the Village is willing to accept this bid as long as the Town does also;

NOW THEREFORE, BE IT RESOLVED that the Town Board of the Town of Glenville accepts the bid of Jersen Construction, 6 Industry Drive, Waterford, NY, 12188, in the amount of \$197,829.60 with the cost shared equally by the Town and the Village of Scotia for the re-grading, paving and drainage improvements to the entire length of Broad Street and the continuation of Schermerhorn Street, to be paid from the Highway Department paving budget.

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

Noes: None

Absent: Councilman Pytlovany

Abstention: None

Motion Carried

Discussion...

Supervisor Koetzle – “This has been a long time in the making. We’ve had many discussions with the County and it’s come down to the County making some concessions that we have pointed out over the past 2½ years or so. Some things we have to take on faith, there are some things that we think we were able to improve and make it a better proposal that brought some comfort to us. One of the things we talked about was the 10% solution where it was pointed out that our dispatchers do other work and there would be a 10% on top of the savings that account for that work; the fact that they gave more authority to the oversight committee; the fact that they are going to finance or pay for the cost of the building, one of our biggest concerns was our operational budget, how do you protect the Town from that going out of control. The fact is that now that they are going to take that operational expense that mitigates our

concern tremendously. The circuit breaker, we had a concern if they didn't meet their attrition level they will pick up that cost, although that circuit breaker does not cover any new hirers. If they get to their attrition level then they hire more people that circuit breaker doesn't insulate the Town from new hirers. The fair market value for our new equipment that we just purchased was a big concession, I think it is going to help us make this work a little better and through it all Legislature Jasenski was here at the work session and I told him I will hold him accountable and all that he has told us but we should realize a \$163,000 savings in the first year. The time frame for this would hopefully be live by January 2014. I think it is an important first step of working together and hopefully it is just the beginning of many things we can do together to help our tax payers save some money."

Councilwoman Wierzbowski – "Although we had expressed reservation with regard to this proposal the concessions that you just pointed out were an important part of this and although there may be some of the opinion that we held out really for the Town of Glenville, I do believe that deep down we had everyone's best interest at heart. We were the only ones asking questions, we were the only ones asking for concessions, we were the only ones asking for changes and I believe every municipality that enters into this agreement will now benefit from the things that we asked for to be changed, revised and a better sense of what our costs are going to be. I think it would have been irresponsible for this Board to have engaged in the original agreement that was presented to us over two years ago. I feel comfortable now with the proposal more so than I did and I believe that if we don't pass this resolution it could potentially hurt the Town of Glenville residents more than us holding out for more potential changes. I think what we have done is beneficial to every resident of Schenectady County not just the Town of Glenville."

Councilman Ramotar – "Part of our fiscal responsibility is to watch out for residents and make decisions that benefit the Town and stabilize or save taxes. When we first received the proposal it made sense but not compared to the other towns and not what we thought was fair. We held out for the right reasons, consolidations makes sense, streamlining efficiency makes sense but that proposal didn't make sense compared to the others. Now it makes a lot more sense and obviously we have to do the right thing. We are looking at safety, if it is going to help safety then that's the right thing to do. If it's going to save tax payers dollars then it's the right thing to do. At this point it makes a lot more sense then it did before."

Councilman Boulant – "As much as I am behind it I still have concerns, but I think it's the same concerns that we all have. There is an unknown, we are turning it over, it's not under our control anymore and you've got five different groups that have got to melt into one and somehow make all of this stuff work. I am very optimistic, I am rooting for it and hoping that it works but I think the residents of Glenville need to realize that because they are telling us that they are going to save us a \$160,000 don't think that the bottom line is going to be \$160,000 because these dispatchers did do other things for us. We have the court clerks that are going to be missing something as well as the police department and everybody else. It's going to be a work in progress and I think our work is just beginning. I think it will be difficult uphill but I think communities have to start looking at consolidations."

Supervisor Koetzle – "I want to recognize and thank for their hard and tireless work on this the Chief and his staff, they did a tremendous amount of work, educated us, taught me things I never new about dispatch. Mike Cuevas was another one that was critical over the 2½ years of making sure we have full understanding of the agreement and helped us understand and deliberate. Our Director of Operations, Jamie who worked on this one and also a very good liaison to County staff, getting the numbers, holding them accountable to get the numbers. We really couldn't be here tonight without you three working on this. Legislature Jersenski displayed a tremendous amount of leadership on this, he stayed patient, he stayed committed, he stayed professional and I appreciate the opportunity to work with him and Chairman Dagostino when she came in I think it was a game changer. She has been tremendous through much of last summer and I think helped move this process as well."

RESOLUTION NO. 129-2012

A RESOLUTION AUTHORIZING THE TOWN OF GLENVILLE, THE TOWN OF ROTTERDAM, THE TOWN OF NISKAYUNA, THE TOWN OF DUANESBURG, THE TOWN OF PRINCETOWN, THE CITY OF SCHENECTADY AND THE COUNTY OF SCHENECTADY TO ENTER INTO A MEMORANDUM OF AGREEMENT FOR THE PURPOSE OF ESTABLISHING A CENTRALIZED DISPATCH SYSTEM IN SCHENECTADY COUNTY

Moved by: Councilman Boulant

Seconded by: Councilman Ramotar

BE IT ENACTED, by the
Town Board of the Town of Glenville,
The County Legislature of the County of Schenectady,
And the City Council of the City of Schenectady, as follows:

WHEREAS, there are twenty-five fire departments, seven police agencies and three emergency medical service agencies serving Schenectady County; and

WHEREAS, the current decentralized dispatch system in Schenectady County includes four public service answering points, which no the most effective and efficient manner in which to provide such services; and

WHEREAS, the need for enhanced interagency cooperation and interoperability has increased within the emergency response system; and

WHEREAS, the County of Schenectady and its municipalities secured a New York State Shared Municipal Services Incentive Grant of \$50,000.00 to explore the feasibility of establishing a centralized dispatch system; and

WHEREAS, the feasibility study was completed and recommended the centralizing of dispatch operations to improve public safety, increase effectiveness of response throughout Schenectady County; and

WHEREAS, the County of Schenectady funded the necessary ten percent cash match of the \$111,111.00 for the LGE Efficiency Implementation, and \$55,556.00 for the LGE 21st Century Demonstration Project grant match, required for application to the NYS Department of State Local Government Efficiency Grant Program for the purpose of implementing centralized dispatch operations in the County of Schenectady; and

WHEREAS, the County of Schenectady has agreed to completely fund the cost of construction of the Unified Communications Center or the rental cost of the Unified Communications Center; and

WHEREAS, the NYS Department of State has awarded an implementation grant in the amount of \$1,000,000.00 to Schenectady County for the implementation of a centralized dispatch; and

WHEREAS, the County of Schenectady, Town of Duanesburg, Town of Niskayuna, Town of Princetown, Town of Rotterdam, and the City of Schenectady have reached an agreement on a Schenectady County Unified Communications Center Memorandum of Understanding, a copy of which is attached hereto, and re-alleged as if fully included herein, to establish a centralized dispatch system, which shall be called the Unified Communications Center, and which shall provide dispatch services for law enforcement, fire protection and emergency medical services for a period of twenty (20) years, commencing on or about January 1, 2014; and

WHEREAS, this Governing Body, along with the City of Schenectady and the Towns of Niskayuna, Rotterdam, Duanesburg and Princetown collectively agree that the operation of a Unified Communications Center would provide enhanced public safety and efficiency; and

WHEREAS, this Governing Body, along with the City of Schenectady and the Towns of Niskayuna, Rotterdam, Duanesburg and Princetown agree to enter into a Memorandum of Understanding for the operation of a Unified Communications Center; and

WHEREAS, the County of Schenectady, Town of Duanesburg, Town of Niskayuna, Town of Princetown, Town of Rotterdam and City of Schenectady are desirous of having the Town of Glenville participate in this agreement, and having agreed upon this version of an agreement both with the Town of Glenville, or without the Town of Glenville, and agree to go forward regardless of whether the Town of Glenville participates; and

WHEREAS, the major provisions of the memorandum of agreement include:

1. The County of Schenectady agrees to operate a unified communications center for the purpose of call answering and dispatching appropriate service entities for public safety and emergencies in the City of Schenectady and the Towns of Niskayuna, Glenville, Rotterdam, Duanesburg and Princetown;
2. The County of Schenectady would agree to have the general oversight responsibility for the ownership, management, operation, system maintenance and repair (including staff training) for a Unified Communications Center to serve Schenectady County, and shall pay for the capital cost of construction of a unified communications center (or the rental cost of a facility);
3. The County of Schenectady would agree to employ all necessary staff at the unified communications center;
4. The term of the memorandum of understanding would be for twenty (20) years;
5. The cost sharing for operating costs of the unified communications center shall be based upon a formula outlined in the memorandum of understanding whereby the larger municipalities would pay an annual amount using a "maintenance of effort" methodology both with Glenville and without Glenville; and
6. All existing employees of the municipalities who are working as dispatchers would have the opportunity to be employed by Schenectady County;

NOW THEREFORE, BE IT RESOLVED that the Supervisor of the Town of Glenville is hereby authorized to execute an agreement with the County of Schenectady, Towns of Duanesburg, Glenville, Princetown, Rotterdam, and Niskayuna and the City of Schenectady for the operation of a Schenectady County Unified Communications Center.

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

Motion Carried

RESOLUTION NO. 130-2012

Moved by: Councilman Ramotar
Seconded by: Councilwoman Wierzbowski

WHEREAS, a local law, being proposed as Local Law No. 4 – 2012, a Local Law Regulating the Use of The Return Park and Drainage District Property, a copy of which is attached hereto, was introduced at this meeting by a member of the Town Board of the Town of Glenville; and

WHEREAS, the Town Board wishes to hold a public hearing with respect to the adoption of said Local Law;

NOW, THEREFORE, BE IT RESOLVED, that a public hearing be held by the Town Board of the Town of Glenville with respect to the adoption of the aforesaid Local Law at 7:30 PM on August 15, 2012, at the Glenville Municipal Center, 18 Glenridge Road, Glenville, New York, and it is further

RESOLVED that the Town Clerk is hereby authorized and directed to cause public notice of said hearing to be given as provided by law.

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

Noes: None

Absent: Councilman Pytlovany

Abstentions: None

Motion Carried

RESOLUTION NO. 131-2012

Moved by: Councilman Ramotar

Seconded by: Councilwoman Wierzbowski

BE IT RESOLVED that the **Monthly Departmental Reports** for June, 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, Ramotar, Councilwoman Wierzbowski and Supervisor Koetzle

Noes: None

Absent: Councilman Pytlovany

Abstentions: None

Motion Carried

RESOLUTION NO. 132-2012

Moved by: Councilman Ramotar

Seconded by: Councilwoman Wierzbowski

BE IT RESOLVED, that the minutes of the regular meeting held on June 20, 2012 and the special meeting held on June 27, 2012 are hereby approved and accepted as entered.

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

Noes: None

Absent: Councilman Pytlovany

Abstentions: None

Motion Carried

RESOLUTION NO. 133-2012

Moved by: Councilman Ramotar
Seconded by: Councilwoman Wierzbowski

WHEREAS, the Town of Glenville is the recipient of a federal Land and Water Conservation Fund grant in the amount of \$250,000 for the development of Maalwyck Park, such grant requiring that an archaeological investigation be performed, and

WHEREAS, the Town of Glenville solicited proposals from five firms that perform such investigations, receiving proposals from two qualified firms, and

WHEREAS, the Town of Glenville has consulted with the NYS Office of Parks, Recreation and Historic Preservation regarding the scope of work described in the Request for Proposals and the adequacy of the proposals received to meet the requirements of a Phase I/II Archaeological examination, with the determination from said office that both proposals met such requirements,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Glenville hereby accepts the lowest cost proposal in the amount of \$24,207.32 to perform a Phase I/II archaeological examination of Maalwyck Park received from Landmark Archaeology, 6242 Hawes Rd., Altamont, NY, 12009, and the Supervisor of the Town of Glenville is hereby authorized to enter into agreement with Landmark Archaeology for services described in the attached proposal, such expense to be charged to the dedicated park fund 03.00.7110.

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

Motion Carried

RESOLUTION NO. 134-2012

Moved by: Councilman Boulant
Seconded by: Councilwoman Wierzbowski

WHEREAS, on February 19, 2010, the Town of Glenville entered into a three year agreement with Cpower, a New York corporation, in order to participate in the New York Independent System Operator (NYISO) Demand Response Programs; and

WHEREAS, the Town was, at all applicable times, ready, willing and able to perform its responsibilities under the CPower agreement; and

WHEREAS, CPower has since been acquired by Constellation NewEnergy, Inc. (Constellation), a subsidiary of Constellation Energy Group, and thus a successor to the 2010 agreement with the Town; and

WHEREAS, Constellation proposes a new Master Load Response Services Agreement to manage the Town's participation in the Special Case Resources Program managed by NYISO, a copy of which is attached hereto; and

WHEREAS, Constellation agrees to compensate the Town the sum of Three Thousand (\$4,000.00) Dollars, representing the loss of revenue from the non-performance of the contractor on the CPower agreement; and

WHEREAS, the prior agreement between the parties would expire

February 1, 2013 and the proposed agreement has terms similar to, but not the same as the prior terms and would extend to October 31, 2014;

NOW THEREFORE, BE IT RESOLVED that the Town Board of the Town of Glenville hereby accepts the sum of Four Thousand (\$4,000.00) in full satisfaction of any claim it may have had or now has against CPower or its successor concerning the agreement with the Town and authorizes the Supervisor to execute any necessary release of the CPower agreement and the Town's claim thereunder and authorizes him to enter into a new Master Load Response Services Agreement with Constellation NewEnergy, Inc. to run through October 31, 2014 upon receipt of the claim settlement funds.

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

Noes: None

Absent: Councilman Pytlovany

Abstention: None

Motion Carried

RESOLUTION NO. 135-2012

Moved by: Councilwoman Wierzbowski

Seconded by: Councilman Ramotar

WHEREAS, Highway Department Truck No. 6 is a 2004 Volvo 6x6 Dump Truck equipped with snow operation equipment that is utilized on the "hills" route, and

WHEREAS, Truck No. 6's front end needs to be replaced due to fatigue, an engineering flaw and an ongoing steering problem, and as such has been deemed unsafe to operate, and

WHEREAS, Quotes for repair of No. 6's front end were requested and two were received, from Albany Mack & Howe Brothers.

NOW, THEREFORE, BE IT RESOLVED that the Highway Superintendent is hereby authorized to accept the low quote for repairs to Truck No. 6 in the amount of \$24,500 provided by Howe Brothers, Inc., 16 Sweetmilk Creek Rd., Troy, NY, 12180, such expenditure to be charged to budgetary line Machinery-Repair Parts 04.00.5130.4128.

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

Noes: None

Absent: Councilman Pytlovany

Abstention: None

Motion Carried

New Business:

Councilman Boulant – "It is almost the middle of July and the track opens up this Friday but September 29th is our Oktoberfest and there are a lot of people working diligently behind the scene so please put it on your calendar. I have been informed that it is going to be 70° and sunny that day."

Supervisor Koetzle announced that he will be away from July 24th to August 14th at which time Deputy Supervisor Boulant would act in his absence.

RESOLUTION NO. 136-2012

Moved by: Councilman Boulant

Seconded by: Councilwoman Wierzbowski

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

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 8:15 p.m. and entered into Executive Session.

Time being 8:44 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 Councilwoman Wierzbowski, everyone being in favor, the meeting was adjourned at 8:45 PM.

ATTEST:

Linda C. Neals
Town Clerk