

REGULAR MEETING OF THE TOWN BOARD
TOWN OF GLENVILLE
OCTOBER 17, 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, Comptroller George Phillips and Highway Superintendent Tom Coppola.

Supervisor Koetzle – “There are two add-on resolutions on the agenda; one appointing a Sergeant in the police department and the second one is a resolution entering into an agreement regarding Van Buren Lane. We would like to move the appointment of the Sergeant after the public hearings before the privilege of the floor.”

Town Council Reports:

Councilman Ramotar – “The archeological dig at Maalywck Park is still going on. It looks like when they finish the first part they will have some news shortly.

We have had interviews for the Senior Center Coordinator with quite a few qualified candidates. We are down to two so we will have a discussion tomorrow and a name within the next week.”

Councilwoman Wierzbowski – “Leave pickup will start within the next couple of weeks. Please remember to not put your leaves in the roadway, just at the edge of the road. We will be making one sweep through each neighborhood. Check the Town’s website to see if we are going to be in your neighborhood in the coming weeks.”

Councilman Boulant – “With the cuts that we have had to do as a Town Board it has affected a lot of people. There are a lot of good employees in the Town of Glenville that dedicate a lot of their free time that goes unnoticed. This past Saturday Highway Superintendent Tom Coppola, Cathy Visco from the Water Department, Sgt. Mike Petroski from the Police Department and me put together a spaghetti dinner fund raiser at the Senior Center for Rosemary Pryne. I just want to let people know that there are a lot of good employees in the Town of Glenville that dedicate a lot of their free time for the cause and help. We were able to raise a little bit of money to help their budget deficit.”

Supervisor Koetzle – “Item #5 is a public hearing on the Assessment Roll for Water District No. 11 and Extensions No. 1 through 37.”

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

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

Supervisor Koetzle – “Item #6 is a public hearing on the Assessment Roll for Sewer District No. 9 and Woodcrest Sewer Extension.”

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

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

Supervisor Koetzle – “Item #7 is a public hearing on the Assessment Roll for Acorn Drive Sewer District and Woodhaven Sewer District Waste Treatment Plant.”

Supervisor Koetzle opened the public hearing at 7:39 pm.

No one wished to speak; Supervisor closed the public hearing at 7:40 pm.

Supervisor Koetzle – “Item #8 is a public hearing on the Assessment Roll for Alplaus Sewer District No. 1 and Extension No. 1.”

Supervisor Koetzle opened the public hearing at 7:41 pm.

No one wished to speak; Supervisor closed the public hearing at 7:42 pm.

RESOLUTION NO. 168-2012

Moved by: Councilman Pytlovany

Seconded by: Councilman Boulant

WHEREAS, a vacancy currently exists in the Glenville Police Department for the position of Sergeant; and

WHEREAS, Officer Matthew E. Weise placed first on the current certified Sergeant list from Schenectady County Civil Service, and

WHEREAS, Following an interview of the top three candidates by police officials, Michael D. Ranalli, Chief of Police, hereby recommends that Officer Matthew E. Weise be promoted to the position of Sergeant,

NOW, THEREFORE, BE IT RESOLVED that this Town Board does hereby appoint Officer Matthew E. Weise to the vacant civil service position of Sergeant with the Glenville Police Department with an effective date of October 21, 2012; and

BE IT FURTHER RESOLVED that the compensation for Sergeant Matthew E. Weise be as set forth in the current P.B.A. Collective Bargaining Agreement for Police Sergeant, and

BE IT HEREBY FURTHER RESOLVED that the Town Clerk, on behalf of this Town Board, be and she hereby is authorized and directed to notify Sergeant Matthew E. Weise of the afore mentioned appointment.

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

Noes: None

Absent: None

Abstention: None

Motion Carried

Supervisor Koetzle – “Congratulations, Matt, we wish you well and look forward to working with you.”

Matthew E. Weise was sworn in by Supervisor Koetzle.

Privilege of the Floor:

No one exercised the privilege of the floor.

Supervisor's Comments:

Supervisor Koetzle shared the following information:

I had the pleasure of being the guest speaker at the ESAM (Empire State Aeroscience Museum) Annual dinner last week; it was a well attended dinner. ESAM does a tremendous amount of things in our County and region. It was really nice talking with them and I had a chance to share some of the visions that we have as a Board through the strategic plan. We talked about the budget, we talked about development in the Town, and they were all very excited. We talked about the road that may be going up Rudy Chase Drive but we had a long discussion o some of that stuff. I congratulate them. They are doing so much lately. Just to call attention to a few things they have done, obviously we've see the three war birds come in from Britain, the US and Russia and actually ESAM is the only British plane left during the cold-war era is here in this country and in our Town. They do a great Amelia Earhart exhibit and they brought the bombers in about two weeks ago.

I also had the opportunity to be a speaker at the Glenville Rotary last week to present the budget to the Rotarians which got a pretty good reception. They understand our vision and where we are going, what we are trying to do with the budget. They thought the levy increase was pretty reasonable for what we are up against.

Jamie, Mike and I had a chance to talk to our energy providers tonight. We got a good hour or so long overview of the energy market. What we are really starting to see is that although some supply is starting to enter the market and we had an acceptably warm winter last year. A lot of those reserves have dwindled because people have not been drilling to a level they should have been drilling because there is do much surplus on the market. We are starting to see some increases creeping up in electricity supply. As you know most of our supply is locked down in a fixed contract so we have protection on that but we do have twenty-nine accounts that were locked down in a 50/50 blend, fixed variable, they are maturing this November so we have to make a decision to lock them down or to let them float. The advise we got from our broker was to do a 90/10 lock down in the winter, come out of the winter the prices usually fall in the spring open it up them to another 50/50 blend until you get to the summer where you see another blip and then you go back to a 90/10. So we are going to tightly manage it much more than kind of say 50/50 and put it on autopilot, we are going to manage it through the seasons that way. There is a resolution on tonight that would authorize me to enter into an agreement based on pricing that we are going to get tomorrow because the pricing is a day ahead so tomorrow when the market opens we will get October 19th price. These are smaller accounts but they account for about \$5,000 - \$7,000 of our energy spend every month.

We were all there for the Target opening. What an exciting day that was for Glenville. It's a beautiful store and a lot of our residents are very happy.

We had a request from the Local Development Corporation (LDC) their board to come and address our board on November 7th to present their action plan.

Baptist Retirement Center is having their ground breaking on Friday the 19th at 3:00 pm and all of you are invited.

The Chamber dinner is on the 23rd and they are going to be honoring one of our own, Jumpin Jacks, Mark Lansing.

Mail'N'More had their 25th anniversary the other day. We proclaimed this to be Mail'N'More Week in the Town of Glenville in honor of their 25th anniversary.

We will take action tonight to go from the Tentative to the Preliminary Budget. There are a few changes that have come up. One of them is that there was a request to put \$15,000 back into the equipment line in the sewer fund. That was an equipment line I reduced, a budget request was submitted, I reduced it, it was over

\$60,000. I had the understanding it was all for a truck but some of it was for emergency repairs so the request was to put \$15,000 back into that line and we will take that matter up tonight. The other one is an amendment that we received word that the Target PILOT is not going to be in effect in 2013 so we have to lower our PILOT revenue by \$32,000. That PILOT will be in effect but it's just not in time in time to impact our 2013 budget so it will come on in our 2014 budget. We have an added debt item for the Brookwood Drive sewer line that we talked about. We are going to look for a twenty year payout on it so the added debt service will be \$9,240 to that line. All of these changes together really have a minimal impact on the final outcome. You're essentially looking at about a \$21.29 increase per average home in the Town of Glenville per year and we are looking at about a \$2.72 increase per average home in the Village of Scotia if we take action on all of these items.

Supervisor Koetzle moved ahead with the agenda items.

Supervisor Koetzle – "The Tentative Budget has been modified as follows and becomes the Preliminary Budget: adding a debt service of \$9,240 to cover the Brookwood Drive project, which was necessary to help the Target project move forward; adding \$15,000 in potential equipment purchase to the sewer budget; amended the PILOT income to decrease to \$32,000 because the PILOT is not yet on record."

RESOLUTION NO. 169-2012

Moved by: Councilman Boulant
Seconded by: Councilman Pytlovany

WHEREAS, the 2013 Tentative Budget for the Town of Glenville was filed with the Town Clerk on October 1, 2012; and

WHEREAS, the Tentative Budget was presented to the members of the Town Board of the Town of Glenville at a regular meeting of said board, held on October 3, 2012; and

WHEREAS, the Town Board has had the opportunity to discuss the Tentative Budget and any changes, alterations and revisions thereto as the members considered advisable and consistent with law; and

WHEREAS, the Tentative Budget as modified by the Town Board shall become the Preliminary Budget; and

WHEREAS, Section 108 of the Town Law requires that a public hearing be held by the board on said Preliminary Budget, on or before the Thursday immediately following the General Election,

NOW, THEREFORE, BE IT RESOLVED that the Tentative Budget is hereby amended to establish the elected officials' salaries at:

Supervisor	\$ 19,152.00
Town Council Members (four).....	\$ 11,639.00 [each]
Town Clerk.....	\$ 60,679.00
Town Highway Superintendent.....	\$ 74,276.00

BE IT FURTHER RESOLVED, that the Tentative Budget as amended be adopted as the Preliminary Budget for 2013; and

BE IT FURTHER RESOLVED by the Town Board of the Town of Glenville that a public hearing upon said preliminary budget shall be held at the Glenville Municipal Center, 18 Glenridge Road, in said Town on November 7, 2012 at 7:30 P.M., or as soon thereafter as can be reached; and

BE IT FURTHER RESOLVED that the Town Clerk be and she hereby is directed to prepare the proper notice of said public hearing and to publish and post said

notice in accordance with said Section 108 of the Town Law; and

BE IT STILL FURTHER RESOLVED that the Town Clerk be and she hereby is directed to have twenty-five (25) copies produced of the Preliminary Budget for public distribution and another (25-50) if and when the need arises.

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

Noes: None

Absent: None

Abstentions: None

Motion Carried

RESOLUTION NO. 170-2012

Moved by: Councilman Boulant

Seconded by: Councilman Pytlovany

BOND RESOLUTION OF THE TOWN OF GLENVILLE, NEW YORK (THE "TOWN"), DATED OCTOBER 17, 2012 AUTHORIZING REPAIRS TO THE TOWN'S BROOKWOOD DRIVE DRAINAGE LINE; ESTIMATING THE AGGREGATE COST THEREOF TO BE NO MORE THAN \$170,000.00; APPROPRIATING SAID AMOUNT THEREFOR AND AUTHORIZING THE ISSUANCE OF UP TO \$170,000.00 SERIAL BONDS OF THE TOWN TO FINANCE SAID COST.

WHEREAS, on September 19, 2012, the Town Board of the Town of Glenville (the "Board") was advised that numerous areas of pipe joint displacement, cracks and intrusions into the Town's Brookwood Drive drainage line, resulting in sinkholes above the line and the potential for significant future blockage of the line; and

WHEREAS, the Board determined that a public emergency existed in said Town arising out of an unforeseen occurrence or condition whereby circumstances affecting the life, health, safety or property of the Town required immediate action which could not await competitive bidding in that the sinkholes developing endangered the life, health and safety of the public and also threatened to undermine state and town highways; and

WHEREAS, the Board adopted a resolution on October 3, 2012, pursuant to which it determined that the Supervisor of the Town was authorized to enter into agreement with J.H. Maloy, Inc., 421 Albany Shaker Road, Albany, New York 12211 ("Maloy"), to perform the necessary repairs to the Brookwood Drive drainage line preliminarily estimated to be in the amount of \$154,000.00, and that the cost of said work would be paid from the proceeds of a bond anticipation note in an amount ultimately determined by the unit pricing of the Maloy proposal;

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Town Board of the Town of Glenville, New York as follows:

SECTION 1. Pursuant to Sections 31.00 and 32.00 of the Local Finance Law, constituting Chapter 33-A of the Consolidated Laws of the State of New York (the "Law"), the Town hereby authorizes the capital improvements and project listed below:

The cost of the repairing/replacing the Brookwood Drive drainage line (the "Project"), the maximum aggregate cost thereof being hereby estimated to be no more than \$170,000.00, appropriating said amount therefor and authorizing the issuance of up to \$170,000.00 serial bonds to finance such costs; and

SECTION 2. It is hereby determined that the period of probable

usefulness of the aforesaid purpose is as follows:

Thirty (30) years pursuant to Section 11.00(a)(4) of the Law.

SECTION 3. The plan of financing includes the issuance of \$170,000.00 serial bonds and the levy of a tax upon all of the real property in the Town to pay the principal of and interest on said bonds as the same shall become due and owing.

SECTION 4. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized to be expended pursuant to Section 165.10 of the Local Finance Law for the specific objects or purposes described in Section 1 of this resolution. If such temporary funds are used for any expenditure authorized in this resolution, the Town intends to reimburse such funds with the proceeds of the tax-exempt borrowing authorized and identified pursuant to Section 1 above.

SECTION 5. The proposed average maturity date of the bonds authorized pursuant to this resolution is expected to exceed five (5) years.

SECTION 6. The serial bonds issued to finance the cost of each object or purpose described in Section 1 above shall mature no later than the date of the expiration of the period of probable usefulness for each such object or purpose.

SECTION 7. The Town hereby covenants and agrees with the holders from time to time of the serial bonds of the Town issued pursuant to this resolution, and any bond anticipation notes of the Town issued in anticipation of the sale of said bonds, that the Town will duly and faithfully observe and comply with all provisions of the United States Internal Revenue Code of 1986, as amended (the "Code"), and any proposed or final regulations of the Internal Revenue Service issued pursuant thereto (the "Regulations") unless, in the opinion of Bond Counsel to the Town, such compliance is not required by the Code and Regulations to maintain the exemption of interest on said obligations from Federal income taxation.

SECTION 8. Pursuant to Section 617.5(a) of the regulations of the New York State Department of Environmental Conservation, in the event that certain components of the Project set forth in Section 1 of this resolution are subject to the procedures required by the State Environmental Quality Review Act ("SEQRA"), no "action", as the same is referred to in Article 9 of SEQRA and SEQRA regulations, shall be taken and no serial bonds shall be issued until all of the procedures and requirements set forth therein have been completed with respect to such project.

SECTION 9. Each of the serial bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds shall contain the recital of validity prescribed by Section 52.00 of the Law and said serial bonds and any notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by a general tax upon all the real property within the Town without legal or constitutional limitation as to rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said serial bonds and any bond anticipation notes issued in anticipation of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and notes to mature in such year, and (b) the payment of interest to be due and payable in such year.

SECTION 10. Subject to the provisions of this Bond Resolution and the Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of serial bonds and bond anticipation notes, or the renewals of said obligations and of Section 50.00 and Section 60.00 of the Law, the powers and duties of the Board of Supervisors relative to authorizing serial bonds and bond anticipation notes and prescribing the terms, form and content as to sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Treasurer of the Town, the chief

fiscal officer of the Town. Pursuant to the provisions of paragraph a of Section 56.00 of the Local Finance Law, the power to determine whether to issue bonds and bond anticipation notes having substantially level or declining annual debt service, as provided in paragraph d of Section 21.00 of the Local Finance Law, is hereby delegated to the Treasurer of the Town, the chief fiscal officer of said Town. In addition to the delegation of powers described above, the powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Town Treasurer, who shall advertise such bonds for sale, conduct the sale and award the bonds in such manner as she shall deem best for the interests of the Town; provided, however, that in the exercise of these delegated powers, she shall comply fully with the provisions of the Local Finance Law and any other order or rule of the State Comptroller applicable to the sale of municipal bonds.

SECTION 11. All costs and expenses in connection with the acquisition and development of the objects and purposes set forth in Section 1 above, and the financing thereof by the sale of bonds, including but not limited to, the fees and expenses of bond counsel, financial advisors, underwriters feasibility consultants, counsel for the Town and other professionals, shall be paid to the extent permitted by law from the proceeds of the sale of such bonds.

SECTION 12. The validity of the bonds authorized by this bond resolution and of any notes issued in anticipation of said bonds may be contested only if:

- (a) Such obligations are authorized for any object or purpose for which the Town is not authorized to expend money; or
- (b) The provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or
- (c) Such obligations are authorized in violation of the provisions of the constitution.

SECTION 13. This resolution shall be published in full in the designated official newspapers of the Town for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Law.

SECTION 14. This bond resolution shall take effect immediately upon its adoption by the required votes by the Town Board of the Town.

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

Noes: None

Absent: None

Abstention: None

Motion Carried

RESOLUTION NO. 171-2012

Moved by: Councilman Pytlovany

Seconded by: Councilman Boulant

WHEREAS, in order to maintain a safe and efficient fleet of vehicles to meet the public safety needs of the Town, the Police Chief wishes to purchase one marked replacement police vehicle to replace a marked police vehicle that was declared a total loss by the Town insurance carrier due to water damage to said vehicle, and

WHEREAS, the purchase of said vehicle is partially provided for within the current approved 2012 police budget, which contains twenty thousand dollars (\$20,000.00) for that purpose, and the insurance payout on the damaged vehicle is in

an amount of eleven thousand nine hundred dollars (\$11,900.00), and

WHEREAS, in the absence of a N.Y.S. contract for police vehicles, the County of Ontario solicited bids and accepted the lowest qualified bidders for several categories of police vehicles; and

WHEREAS, General Municipal Law §103 (3) permits a municipality to make a purchase through any county within the state pursuant to County Law §408 (2) provided that such purchases are determined to result in cost savings after considering all factors, including service and delivery charges and providing that the purchase can be made on the same terms, conditions and specifications as the county with the contract; and

WHEREAS, the Chief of Police has determined that the Town of Glenville will be able to obtain a Dodge Charger LDDE48 on the same terms, conditions and specifications as the County of Ontario, which will result in a savings to the Town after consideration of all applicable costs and factors,

NOW, THEREFORE, BE IT RESOLVED, that the Chief of Police is hereby authorized to purchase one marked police vehicle at a total cost not to exceed thirty two thousand dollars (\$32,000.00), including all necessary equipment, as per utilization of a Ontario County Board of Supervisors bid accepted on March 8, 2012, resolution # 134-2012, Item 6 – Dodge Charger LDDE48 as awarded to Main Motorcar, 224 W. Main Street, Johnstown, NY 12095; and that thirty two thousand dollars (\$32,000.00) towards that vehicle be charged to account 02.00.3120.2000 (Equipment) as set forth in the approved 2012 budget of twenty thousand dollars (\$20,000.00); with the remaining paid for by a budgetary increase to 02.00.3120.2000 of twelve thousand dollars (\$12,000.00) offset by an increase to Revenue account 02.00.2680.0000 of eleven thousand nine hundred dollars (\$11,900.00) (Insurance Recovery) and the remaining one hundred dollars (\$100.00) offset by allocating from General Town Outside the Village Fund Balance; and

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

Noes: None

Absent: None

Abstentions: None

Motion Carried

RESOLUTION NO. 172-2012

Moved by: Councilman Pytlovany

Seconded by: Councilman Boulant

WHEREAS, the Chief of Police desires to purchase a special use vehicle for use in investigations, forensics and drug enforcement, and that the department asset forfeiture funds are sufficient to cover the cost of a used vehicle, and recommends that another unmarked vehicle be declared as surplus property, and

WHEREAS, although the state General Municipal Law has been amended to allow purchases of vehicles or equipment up to \$20,000.00 without formal sealed bids and a typical competitive bidding process, the Town of Glenville procurement policy still refers to the old GML §103 purchase limit of \$10,000.00; and

WHEREAS, the Town Board may waive the application of the procurement policy in appropriate circumstances,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Glenville hereby finds good and sufficient cause to suspend the Town procurement policy as to this particular purchase; and

BE IT FURTHER RESOLVED, that the Chief of Police is hereby

authorized to purchase one unmarked used vehicle at a total cost not to exceed fifteen thousand dollars (\$15,000.00), from a car dealership with the appropriate make and model of vehicle, by soliciting proposals with specific criteria to at least three car dealerships and accepting the best value vehicle that most closely meets the solicitation criteria as determined by the Chief in consultation with the Highway Superintendent , with the expense charged to the New York State asset forfeiture reserve account, as allocated to the 02.00.3120.2000 (Equipment) account for payment purposes; and

BE IT FURTHER RESOLVED, that the vehicle being replaced is hereby declared surplus property after the receipt of new replacement vehicle and the transfer of necessary equipment; and

BE IT FURTHER RESOLVED, that such surplus vehicle shall be offered for sale upon such terms and conditions as the Chief of Police may direct with all proceeds credited to account 02.00.2660.0000 (Sale of Vehicles).

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

Motion Carried

RESOLUTION NO. 173-2012

Moved by: Councilwoman Wierzbowski
Seconded by: Councilman Ramotar

WHEREAS, Thomas R. Coppola, Superintendent of Highways has informed the Town Board that state and local public safety entities are required by a Federal Communications Commission regulation to switch all mobile radios to “mandatory narrow banding” on or before January 1, 2013; and

WHEREAS, the Highway Department has had all Public Work’s radios inventoried and inspected for narrow banding capabilities and it has been determined that three mobile, three portable and one base radio are not capable of narrow banding and therefore must be replaced and the remaining 30 radios require re-programming,

WHEREAS, ARB Upstate Communications LLC Db a Leonard Wireless Systems has state contract Award No. 19521 entitled Radio Communications Equipment,

WHEREAS, this is an unbudgeted mandate from the Federal Communications Commission,

NOW, THEREFORE, BE IT RESOLVED, that the Town Superintendent of Highways is hereby authorized to purchase three Kenwood VHF 50W 128 Channels Mobile Radio with mic and mounting hardware, three Kenwood TK-2360 VHF Portable radio with battery and charger, and one Kenwood VHF Repeater with tone remote as outline in the 9/28/12 quotation from ARB Upstate Communications LLC Db a Leonard Wireless Systems,

BE IT FURTHER RESOLVED, that the Town Superintendent of Highways is hereby authorized to hire ARB Upstate Communications LLC Db a Leonard Wireless Systems for installation of above radio communication equipment and to re-program remaining Department of Public Work radios,

BE IT FURTHER RESOLVED, that funding for this unbudgeted Federal Communications Commission mandate shall be from 04.00.5130.4480 in the sum of \$1,800 and the remaining \$5,630.05 from the Highway fund balance.

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

Motion Carried

RESOLUTION NO. 174-2012

Moved by: Councilwoman Wierzbowski
Seconded by: Councilman Ramotar

WHEREAS, Thomas R. Coppola, Superintendent of Highways has informed the Town Board that they are in need of purchasing a pick up with plow; and

WHEREAS, the Superintendent of Highways has advertised and received three bids – Carbone GM, Carbone Ford of Benn. and Morris Ford;

WHEREAS, Carbone GM was the lowest responsible bidder;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Glenville hereby authorizes the Superintendent of Highways to purchase one new 2013 Chevrolet 2500 Silverado pick up with Fisher Model 8'6"XV PC plow from Carbone GM, 5043 Commercial Drive, Yorkville, NY 13495 in a sum not to exceed \$27,850; and

BE IT FURTHER RESOLVED, that the funding for such purchase shall be out of the 2012 Equipment budget line 04.00.5130.2000.

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

Motion Carried

RESOLUTION NO. 175-2012

Moved by: Councilwoman Wierzbowski
Seconded by: Councilman Ramotar

WHEREAS, the Royal Bank of Canada (RBC) has committed a sum of \$50 million dollars over ten years to the RBC Blue Water Project which focuses on "watershed protection" and access to clean drinking water"; and

WHEREAS, RBC Community Action Grants of \$1,000 to \$5,000 are awarded to organizations for local watershed protection; and

WHEREAS, areas of the Town of Glenville are in aquifer protection zones that could benefit from the RBC Blue Water Project; and

WHEREAS, the Town of Glenville is acutely aware, as a result of last year's hurricane and severe tropical storm, of the need to protect its well fields and water treatment facilities and has appointed a committee to make recommendations for same; and

WHEREAS, Sterling Environmental Engineering is prepared to research information about our aquifer and water supply, develop PowerPoint presentations for educational purposes and construct kiosks in Town parks with information on our water resources and how to best protect them; and

WHEREAS, the Town applied for and was awarded a RBC Community Action Grant in the amount of \$5,000 and the Town Board desires to accept same and to engage Sterling Environmental Engineering to fulfill our grant program obligations at a cost not to exceed the \$5,000 grant award and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Glenville hereby authorizes the Supervisor to accept a RBC Community Action Grant in the amount of \$5000, to retain Sterling Environmental Engineering to fulfill our grant obligations at a cost now to exceed the \$5,000 grant award and to thank Royal Bank Canada for helping us to protect our most precious resource – our drinking water supply.

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

Noes: None

Absent: None

Abstention: None

Motion Carried

RESOLUTION NO. 176-2012

Moved by: Councilman Pytlovany

Seconded by: Councilman Boulant

WHEREAS, the Town of Glenville utilizes Rockit Science Solutions for information technology services through an existing contract and Rockit Science Solutions has proposed to reduce the price for computer maintenance to assist the Town with cost control, and

WHEREAS, the Town of Glenville is pleased with the services provided by Rockit Science Solutions and wishes to continue utilizing Rockit Science Solutions as the town's IT vendor under the terms of the proposed master services agreement being revised to a lower price of computer maintenance,

NOW, THEREFORE, BE IT RESOLVED, that the Supervisor of the Town of Glenville is hereby authorized to sign an addendum to reduce pricing of computer maintenance in the agreement with Rockit Science Solutions for services described in a pricing addendum to April 2012 master service agreement, in calendar year 2012, such services to be charged to budget account 01.00.1680.4000.

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

Noes: None

Absent: None

Abstention: None

Motion Carried

Supervisor Koetzle asked for a motion to amend resolution #177-2012 to change in the second "Whereas" 18 months to **30 months**, we felt that as though we were getting more price protection for very little additional costs and also amending the expiration date to April 30, 2015.

Moved by: Councilman Boulant; **Seconded by:** Councilman Pytlovany

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

Noes: None

RESOLUTION NO. 177-2012

Moved by: Councilman Boulant

Seconded by: Councilman Pytlovany

WHEREAS, The Town of Glenville has certain contracts with Constellation NewEnergy, Inc. (Constellation), a subsidiary of Constellation Energy Group, for the purchase of electricity supply to the Town, one encompassing the supply of electricity to 29 sites within the Town is due to expire in November; and

WHEREAS, Constellation proposes a new electricity supply agreement to replace that which is expiring that would fix the Town's cost for 50% of the supply and allow the other 50% to float at the market rate for a term of 30 months; and

WHEREAS, it is anticipated that at the expiration of this new agreement, the Town will be in a better position to lock in lower, fixed rates for a longer term;

NOW THEREFORE, BE IT RESOLVED that the Town Board of the Town of Glenville hereby accepts the bid for a blended rate for electricity supply and authorizes the Supervisor to execute an agreement with Constellation NewEnergy, Inc. to run through April 30, 2015.

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

Noes: None

Absent: None

Abstention: None

Motion Carried

RESOLUTION NO. 178-2012

Moved by: Councilman Ramotar

Seconded by: Councilwoman Wierzbowski

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

Dog Control
Economic Development & Planning 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

Discussion...

Attorney Cuevas – “This proceeding was brought against the Town and the former Town Highway Superintendent with respect to the maintenance of part of Van Buren Lane. The Town back in the ‘70’s accepted a deed to Van Buren Lane, what was unclear was whether the Town in doing that thought they were accepting, what some people refer to as access land, off of the paved portion of Van Buren and in this case, a kind of switch back road about 600 ft. that leads down basically to the river. That whole area had been a private road network there when it had been a camp property and then the camps became fulltime residences and that’s why the homeowners association that had owned the private roads sought to turn them over to

the Town. This matter was litigated and Supreme Court, Schenectady County Judge decided that the Town had accepted the road, including that portion leading down to the river and made it a Town road by dedication. We had appealed and in the course of the appeal the other party, the homeowner at the end of the road offered to split the difference with the Town. That he is and will by this agreement agree to share half of the cost of bringing the Town, that portion of the road up to public safety standards or rural road standards. Which means putting in some pressure run and making the curve in the road a little gentler so if a public safety vehicle has to get done that road that it can.

The resolution calls for the cost not to exceed \$40,000; the Highway Superintendent believes it is going to be much less than that.

The homeowner's attorney asked today if we could amend that to say \$30,000, they don't believe that the total project cost is going to be as much as \$40,000 from all of the discussions that they have had with any of the people involved in the design so the Town's portion would be reduced to not more than \$15,000 and the homeowner's portion would not be more than \$15,000."

Supervisor Koetzle asked for a motion to amend resolution #179-2012 to change the "not to exceed to **\$30,000** and the Town's share not to exceed **\$15,000**.

Moved by: Councilwoman Wierzbowski; Seconded by Councilman Ramotar
Ayes: Councilmen Boulant, Pytlovany, Ramotar, Councilwoman Wierzbowski and Supervisor Koetzle
Noes: None

RESOLUTION NO. 179-2012

Moved by: Councilwoman Wierzbowski
Seconded by: Councilman Ramotar

WHEREAS, a proceeding under Article 78 of the Civil Practice Law and Rules was commenced against the Town of Glenville and its former Highway Superintendent on or about January 16, 2009; and

WHEREAS, the Town, through its former attorney submitted an Answer on or about February 24, 2009 and submitted an Amended Answer through the present Attorney for the Town on or about May 24, 2010, and

WHEREAS, a trial was held on this matter in the Supreme Court, Schenectady County on June 1, 2010 and June 3, 2010 and a decision/order was rendered by the Court on October 7, 2011, with a copy of the Decision/Order served upon the Town on or about October 19, 2011; and

WHEREAS, the Town filed a Notice of Appeal on November 15, 2011 and the matter is presently pending before the Appellate Division, Third Department of the Supreme Court; and

WHEREAS, the Town has had numerous discussions with the petitioner, Benjamin Huisjen and his attorney regarding a final settlement and resolution of this matter; and

WHEREAS, the parties have the framework of an agreement whereby the Town and the petitioner would agree to equally share the cost of improving the road leading from the paved portion of Van Buren Lane to the petitioner's residence in substantial compliance with the Town's Rural Road standard at a total cost not to exceed \$30,000 and the Town's share not to exceed \$15,000; and

WHEREAS, it appears to be in the best interests of the Town to settle said matter as recommended by the Attorney for the Town and the Highway Superintendent

without further attendant legal and other costs, to avoid the potential of an adverse appellate decision and to provide a safe access to the river from Van Buren Lane for all Town residents;

NOW THEREFORE, BE IT RESOLVED that the Town Board of the Town of Glenville hereby authorizes the Attorney for the Town to enter into an agreement with Benjamin Huisjen of 23 Van Buren Lane, Glenville, New York for the settlement of the Article 78 proceeding and appeal brought relative to the roadway known as a direct access lane to Van Buren Lane under the terms outlined above, any Town costs of same to be charged to the appropriate Highway budget lines in the 2013 Highway budget.

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

Noes: None

Absent: None

Abstention: None

Motion Carried

New Business:

Councilman Ramotar – “I would just like to thank everyone that has worked on this budget. It is extremely hard to do especially where there are only cuts and to perform the same services with less money is hard.”

Councilman Boulant – “This is our last meeting until November 7th. This is a very important year for our elections please get out and vote. Don’t talk about it just get out and vote.”

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 8:24 PM.

ATTEST:

Linda C. Neals
Town Clerk