

REGULAR MEETING OF THE TOWN BOARD
TOWN OF GLENVILLE
MARCH 6, 2013
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 and Director of Operations James MacFarland, Planner Kevin Corcoran and Comptroller Jason Cuthbert.

Town Council Reports:

Councilman Ramotar – “During the month of May, all across America, there is recognition for seniors for “Senior of the Year” and “Senior with Outstanding Contribution”. Schenectady County has asked that the Senior Center nominate two people within the community and I am happy to say that we have nominated for “Senior of the Year”, Stanley Gordon for his volunteer work on the building and grounds for many years and “Senior with Outstanding Contribution”, Richard McMann, he is the editor of the Senior Moments Newsletter that gets published six times a year and distributed to over 2,000 people.”

Councilwoman Wierzbowski – “There has been a water main break at 400 Saratoga Road, in front of Immaculate Conception Church this morning. At this point we are working very hard to repair it. There has also been a boil water order issued by Schenectady County, Department of Public Health services for these areas; 353 – 417 Saratoga Road, all of Edmel Road, Glendale Road, Stottle Lane, Pineridge Trailer Court and the Glenville Terrace housing complex. These notices are being brought to the residents in these areas to make sure that they are all aware. You can call the Water Department for the Town of Glenville, the Schenectady County Public Health Services for more information.”

Councilman Boulant – “Our 2nd annual developers meeting, called Glenville Let’s Talk Business will be held on April 25th starting at 5:30 pm at the Water’s Edge Lighthouse. It was very well attended last year with over 100 people there. It is very exciting with the things we have going on in the community I am sure it will be more attended then last year.”

Privilege of the Floor:

Kate Toombs, 108 Marson Avenue, stated that she is a defender of due process and the Second Amendment. Ms. Toombs expressed that she is committed to liberty, not a hunter nor a member of the National Guard. The U.S. Constitution is similarly stated in the U.S. Civil Rights Law that the right of the people to keep and bear arms shall not be infringed. This statement is not limited to hunting or the militia. This statement expresses the American Civil Liberty of the right to bear arms to protect hearth and home.

What we witnessed; the message of necessity used by our Governor to expedite the passage of the SAFE Act bypassed the people’s opportunity for input. This message of necessity was an abuse of power and total disregard for due process. What we have witnessed is tyranny. We the people must never acquiesce to any violation of the Constitution or our civil liberty. Let legislation over this importance not be done the democratic way or the republican way but the right way.

I ask my fellow town residents to be ever vigilant, prepared and committed to

liberty, to counter the tyranny which we have been witness to. I ask this Glenville Town Board to pass a resolution reaffirming these American principles. I ask this Glenville Town Board to pass a resolution calling for repeal or major amendment of the SAFE Act.

Carl George, 603 Wagner Road, as Chairman of the Glenville Wellfield Protection Committee, tonight we submit to you the final report as developed by an exceptional Committee with very, very special thanks to gentlemen of the Town, Jamie MacFarland and Kevin Corcoran and Councilwoman Wierzbowski as our liaison. Thank you, we commend you for your leadership and fostering such an undertaking. It was a great experience for me and now we pass the baton down to you with very best wishes.

Supervisor Koetzle – “Thank you Carl, I think we will be passing the baton back to you shortly. Thank you for all of your work, it was a phenomenal report.”

Tom Gentile, 10 Saint Anthony Lane, spoke about “Agenda 21”. It’s being pushed by the United Nations. Essentially, what it is going to do will effect our family’s budgets, increase gas prices, taxes, where you live, how you use your land, your family and your future. Mr. Gentile distributed literature to the Board.

Supervisor’s Comments:

Supervisor Koetzle shared the following information:

Councilwoman Wierzbowski and I attended the ground breaking at the Animal Protection Facility (APF). They got a check for \$500,000 from the ASPCA and they are almost at their million dollar goal to pay for the spay/neutering clinic. They have an event on May 9th which they hope will raise the money they need to meet their goal.

On March 1st I attended the DARE graduation at Glendaal School. On March 8th Glen Worden will hold their ceremony.

Councilwoman Wierzbowski and I attended the ribbon cutting at Scotia Manor. I think it is a beautiful project which improved the Mohawk Avenue business corridor.

On February 26th I went to the Center of Economic Growth (CEG) lunch to meet with the CFA Group to discuss the next round of economic development grants coming out of the Governor’s Office and coming from the State. We have to identify a project and I have all of the guidelines that connects to 8 or 9 priorities that the Council from the Capital District put forward which came from the State down. The State puts out these initiatives; the Council picks a couple of them that they figure as priorities, we try to find a project that marries up somewhere. I have to tell you looking down at them it’s going to be hard to find something in our town. There is a lot of education stuff on there; there are a lot of things that quite frankly aren’t really focused on towns; they are more focused on city redevelopment. I will share that with you at the next Small Business and Economic Development Committee meeting. The good news is that I made a lot of contacts with people on the Council so we know where to go to talk about projects.

We put in for the lighting district; it didn’t connect to anything that was a priority for the Council. But we also didn’t interact with the Council, we made that mistake. What people do is develop these relations, go forward, talk to them about it and they will tell you if you are hot or cold or where you should really focus or what you should do and have that back and forth exchange. We will do that going forward into the 2013-2014 funding year.

On February 28th I attended the oversight committee for the Unified Communication Center (UCC). I really don’t have a lot of news to report. They are down to three (3) locations; none of them really fit their criteria so they are kind of go back to the drawing board on that, but they are focused on really getting a site selected as soon as possible so they can go forward. Our next meeting is two (2) months from now and we hope to have more to report.

Tomorrow night I will be attending a check ceremony with the Royal Bank to get a grant for our water initiative, we have a \$5,000 grant from the bank. Steve Hamor and I will be there tomorrow night to accept that on behalf of the Town.

As Dr. George said the advisory report is before you, we will accept it tonight. There is a lot in here; the work was very comprehensive, very, very well done. What we believe we would like to do now as far as our process is, once we accept the plan the Town Board is going to come back and ask the Committee to accept the charge of prioritizing the recommendations and assist us in the implementation. There are a lot of things in there that we don't necessarily know that we can afford to do all at once or frankly at all maybe until we sit down and prioritize where we need to focus first and start taking these things one at a time.

The Town of Glenville will lead the discussion with the County Watershed Board to discuss a County wide improvement plan, which we believe is important I think as part of our report and then implement those prioritized recommendations. So we are going to ask the Committee to continue its work, prioritizing for us and coming up with an implementation and assigning costs to some of these recommendations.

Today is a fund raiser "Jeans of Genes Day", raising money for Cystic Fibrosis Foundation.

When a bond is refinanced your rate can go up or down. Last time it happened our rating went up. This time Moody's affirmed our rating where it is when it was raised last year which is very good news. When you read through the opinion some of what Moody's said about the Town happened to be very good news. The rating incorporates to Town's strong financial position, they write, marked by healthy reserves in the operating funds, a moderately sized tax base that's likely to grow going forward and a manageable debt burden with minimal future borrowing plans. That summarizes the three (3) initiatives that we really have fought for over the past four years. One is to reduce our dependency on the fund balance, which we have done, cut our debt, which we have, from 23 million when we came in to 19 million now and to invest in economic development. A big piece of why they are so high on the Town is all of the economic development that is starting to happen. You will see our tax base expand in the future.

I won't go through the whole Moody's report but a few highlights are: some of our strengths being a significant operating reserve and strong equity position; the Town having strong reserves and conservative budgetary practices; talked about the Town having more surpluses this year expecting its operating funds. So there is really a lot of good news in this opinion.

Another piece of good news, we have to go back in time a little bit when we first got here in 2010. We inherited a franchise agreement with Time Warner which expired in 1993. So for 19 years we didn't have a contract and we thought it was time to negotiate a new one. In that process a resident came to us and said hold on a minute there is a problem here. Time Warner has been passing on expenses at a 5% rate when they were only allowed to do it at a 2% rate according to the contract. Our Attorney Mike Cuevas took the fight up, we negotiated, Time Warner disagreed, and we went through a long history in trying to get some agreement on this. The Gazette wrote an editorial on this and said it wasn't an important issue for the Town. In 2011 the Attorney General's Office got a hold of this and began negotiating with Time Warner along with our Attorney and today reached an agreement that in fact the Town of Glenville was correct, that Time Warner was collecting too much money and now Time Warner has agreed to reimburse our residents for all of the overcharges. So what does that mean, residents in the Town of Glenville will be getting a total of almost 1.2 million dollars back from Time Warner to 7,640 subscribers. This is an average of about \$150 per subscriber that will be coming back. Some will get more it will depend on your services so you will get any where from \$150 to about \$300 back on your bill because of these overcharges. The payments will be a lump-sum payment on the bill issued within the next ninety (90) days and will be identified as franchise fee credit. Also Time Warner has agreed to stop the 5% pass through and only pass through 2% so every resident going forward will have a slightly lower bill because the franchise fee will be lower.

What's important about this is that a resident came to us with a problem and by all accounts when that resident came before us said you can't beat Time Warner this is too big of an issue, you are wasting your time, don't bother and the Board, I have to commend you for staying so engaged on this and making sure a wrong was made right and Mike for all you did on this as well.

I would have been easy at any point over the last four years to say we tried our best, we couldn't...what are we going to do...let's move on but the Board decided not to do that and I think in the end our residents are much, much, much better off for it.

I want to share a letter that I received from a resident about two (2) of our employees, about what a great job they did for this person. He wants to commend the style and interest shown by both our building department and our engineering department. This gentleman found the Building Inspector Paul Borisenko to be working in his best interest and his desire was to insure proper professional work that was being preformed. He also said the same was true for Dana Gilgore of the Engineering Department and that he had incredible knowledge and care in helping him and his wife in this project.

Supervisor Koetzle moved ahead with the agenda items.

RESOLUTION NO. 70-2013

Moved by: Councilwoman Wierzbowski
Seconded by: Councilman Ramotar

WHEREAS, on January 4, 2012 the Town Board of the Town of Glenville appointed the Glenville Wellfield Protection Committee (WPC), a Committee consisting of seven members, and scheduled to meet on a monthly basis; and

WHEREAS, prior to appointment of the WPC, the Committee had been meeting informally as a study group since the spring of 2011; and

WHEREAS, as articulated in the Town Board resolution appointing the Committee on January 4, 2012, the WPC's mission and goals are as follows:

Mission: To identify potential threats to the Town of Glenville Water Supply and to develop strategies and programs that can be applied to minimize or eliminate these threats.

Goals: 1) Identify, consolidate and make available relevant studies and data on the Town's water supply system.
2) Educate Glenville residents and property owners about the Town's water supply system and articulate what residents and property owners can do to minimize contamination of our water supply.
3) Develop a fruitful relationship with key landowners, stakeholders, and decision-makers in an effort to minimize threats to the Town's drinking water.
4) Consider alternative water supply sources for the Town and identify options for intermunicipal connections.
5) Identify funding sources that can be tapped in order to pursue the Committee's mission and goals;

and

WHEREAS, following a year-long series of meetings of the Committee; the hosting of several individuals from regulatory agencies involved in management of public water supplies, flooding, and the Mohawk River/NYS Barge Canal and its series of locks; attendance at conferences and workshops on Mohawk River flooding and the management of the Canal locks; and research of a variety of data and publications on these same subjects, the WPC has produced a series of recommendations to address vulnerabilities of the Town of Glenville Wellfield; and

WHEREAS, the Committee's recommendations, as well as narrative, data, and graphics supporting the recommendations, are embodied in a report by the Committee entitled "Town of Glenville Advisory Report on Protection of the Glenville Well-field," dated February, 2013;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Glenville hereby accepts with gratitude the advisory report of the Wellfield Protection Committee; and

BE IT FURTHER RESOLVED, that the Wellfield Protection Committee, which has been re-appointed to continue serving through the 2013 calendar year, is hereby charged with continuing pursuit of its mission and goals, with particular focus on implementation of the Committee's various recommendations, detailed in the February, 2013 Advisory Report.

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

Noes: None

Absent: None

Abstentions: None

Motion Carried

Councilman Boulant – "I would like to thank the Committee. It is nice to know that there are people in the community who will put the effort forth and not get paid for it and make us look good. We couldn't do all we do without them. Thank you, I appreciate it very much."

Supervisor Koetzle – "I agree, thank you very much. I would like to thank Kevin for all of his work on this along with Jamie and Tom Coppola. We are going to go forward. We are going to ask for your help and we look forward to working with you."

RESOLUTION NO. 71-2013

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 2012 four bids for fixed prices for financial statement, single, court fund, town clerk, and tax collector audits for three years (2012-2014) were received from a request for quotes sent out to four CPA firms in the region; and

WHEREAS, the Bonadio & Co., LLP bid for 2012 of \$18,000 for the financial statement audit represented the lower price and a qualified bidder with over 35 years of experience; and

WHEREAS, Bonadio & Co., LLP has estimated for 2012 that \$2,000 will be the costs for the single audit that may be required due to the level of federally funded grants received in 2012; and

WHEREAS, Bonadio & Co., LLP has estimated for 2012 that \$2,000 will be the costs for a court fund audit and \$1,250 will be the costs for a town clerk or tax collector audit; and

WHEREAS, any audit of the court fund, town clerk, or tax collector will be

undertaken solely at the Town's discretion; and

WHEREAS, the 2013 budget for appropriations line 01.00.1320.4500 (Auditor - Fees for Services) has sufficient funds at \$26,750 for the financial statement, single, court fund, town clerk, and tax collector audits,

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Glenville hereby authorizes the Supervisor to enter into an agreement with Bonadio & Co., LLP, 6 Wembley Court, Albany, New York, 12205, to provide the audit of the Town's general purpose financial statements and, if required, the single audit for the year ended December 31, 2012, and, if so desired, a court fund, town clerk, or tax collector audit, 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 Eighteen Thousand Dollars (\$18,000) for the financial statement audit, Two Thousand Dollars (\$2,000) for the single audit, Two Thousand Dollars (\$2,000) for a court fund audit, and One Thousand Two Hundred Fifty Dollars (\$1,250) for a town clerk or tax collector audit, with all fees 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. 72-2013

Moved by: Councilman Ramotar

Seconded by: Councilwoman Wierzbowski

BE IT RESOLVED, that the minutes of the regular meeting held on February 20, 2013 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

Supervisor Koetzle asked for a motion to adjourn; motion to adjourn; Moved by Councilman Boulant; Seconded by Councilman Pytlovany, everyone being in favor the meeting was adjourned at 8:00 PM.

ATTEST:

Linda C. Neals
Town Clerk