

SPECIAL MEETING OF THE TOWN BOARD
TOWN OF GLENVILLE
JUNE 12, 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 Jamie MacFarland.

Supervisor Koetzle – “ We have a relatively busy evening, this is a special meeting and then we will go into a regular work session at the conclusion of the meeting.

Item #4 on the agenda is a public hearing to hear all persons interested in the proposed Local Law to amend Chapter 232-15 (Scavenging) of the Code of the Town of Glenville.

Supervisor Koetzle opened the public hearing at 7:32 pm.

Joan Bunn, 141 Birch Lane – “I feel very badly that you might eliminate the people who try to recycle our junk. I always feel good when I see my junk outside and someone can come and use it. I would think it would save the town money and that they would have to pick up a lot less. The newspaper article said that someone was upset because they went in to get a drink of water and they left their lawn mower. Where did they leave their lawn mower, was it too close to the edge? It is only a couple of weeks a year and I would just like to see you not do this. It also helps the people who are trying to make a few extra bucks by using our junk.”

Deborah Ferrara, 135 Touareuna Road – “My concern actually is the fact that poor people are getting useful stuff that other people throw out and I don’t see anything wrong with that. As far as the donations go, for clothing I think we as people should really think about the poor people. I don’t think it is right, I think they should be able to take the stuff that we homeowners buy and we should be able to give it to whoever we want.”

Frank Mueller, 126 Birch Lane – “I myself collected something from a home, I asked the owner, it was a treadmill. I had to order some parts and I got it working again. I don’t think this law is appropriate because I think the laws on the book already stand if someone vandalizes and scatters it around. I have seen someone take solar lights from someone’s house and smash them in the street and I have had to pick up that. I think those are the things we should be prosecuting but as far as somebody coming along and taking something that has other use...I went to the recycling center recently and the cost for steel was 9 cents a pound, I had a propane tank and you have to pay to get rid of them so if someone were to be thrifty and were to put in a lot of extra effort to get a little bit of money I think a \$500 fine is excessive. I think someone that would vandalize and scatter it around, I think that is wrong.”

Janet Mueller, 126 Birch Lane – “I agree with my husband, we have seen people put out some very nice things and we have put some things out also. I think that the people that are doing the damage, from what I understand, it’s at night time under the cover of darkness and that’s when usually things like that happen. I was thinking if they are going to make any kind of law why don’t they just say “after darkness” they can’t do this because during the daylight everybody can see what you are doing and the vandalism would mostly take place at night time.”

Kurt Semon, 181 Droms Road – “I used to be of light mind, live and let live, one man’s junk is another man’s gold. I came from another town some years ago where we had a spring and a fall pickup but we didn’t have any scavenging probably because we were not from a suburban neighborhood. But since my time here I also had a lawn mover taken from my front yard, I am not that person, I went in for lunch and when I came out the mower was gone in broad daylight. Another time I put storm windows out and if someone makes use of them great except they took the frame off of the glass and left the glass. I also understand that it actually makes it more expensive for hauling because the contractor offsets the cost of hauling with the material they collect, the metals in particular. We have seen messes left behind, we have seen dangerous conditions left behind as I described and also places the contractors that do our hauling at a greater risk as well as placing the scavengers at a greater risk when they put themselves in dangerous situations which then raises concerns of the homeowner’s liability. The only problem I see with the law is enforcing it. You are going to have an increased cost in patrols and you are going to have to have a community that reports that there are people out scavenging. I do like the part that if someone comes to my door and asks I am more than happy to show them where it is and even help them pick it up.”

Supervisor Koetzle closed the public hearing at 7:40 pm.

Discussion...

Supervisor Koetzle – “An important piece of this proposed legislation is that nobody is saying that you can’t give your stuff away, nobody is saying that you can’t invite people either in a garage sale or an opportunity to come and take something free from your property but we are just saying that people don’t have the right to be scavenging through things that are put out at the curb.

I want to say to the person that proposed this as well and hearing from a lot of the residents as well about a lot of the issues, Mr. Semon you talked about the lawn mower and last year someone else called that had the same problem. There are a lot of issues, a lot of safety issues involved in scavenging. Parents are concerned that these trucks come through and they are looking at the piles of trash, they are not looking at neighborhood kids running around. The scavenging actually costs the town more money which is something that has to be crystal clear here. The trash haulers have doubled their price in the past couple of years because everything worth while to them is being taken away. There is a reason we license trash haulers in this town, so it is done safely, so it is done responsibly, so it is done under certain standards. Like the gentleman talked about things aren’t left behind, glass isn’t left behind. So to have licensing of these trash haulers is something that is appropriate and we have issues today with personal privacy, well we have people come through now and look at people’s trash. It isn’t that much more difficult for them to start looking through recycle bins where people may have private information. This is not something that we should be having today.

I think it is important that we do something. I do like the idea that we could have it for night time but the fact remains that the danger still happens in the day time as well and maybe more so at night. It is more of a disturbance at night because of the noise and there is a law for that “disturbing the peace”.

Councilman Pytlovany – “The point is that the cost is going up because the trash hauler was going to realize some money in the recyclable metal that they were going to bring in. What’s happening is the scavengers are just looking for the metal. The windows would be a good example, that the aluminum is worth money but the glass isn’t. We have a lot of issues like that in the town where they are going through the garbage, throwing it around or not paying attention and just getting the metal and trying to get out of there as soon as possible. I think that was one of the main reasons that we were looking at this law is that it’s costing us more money, you have the people at night doing this and not enough teeth in the law for the police officers to do something. Something was mentioned about it costing more money for the police officers, I am sure the Town of Glenville is not going to do a “scavenger night patrol” tonight that is not what they are focusing on. What this is going to help is that when the officer’s are on patrol and they come across somebody who is doing this then they have something that they can enforce

and bring that person in so that the word gets spread around that you can't do this in the Town of Glenville. It is mostly, in my opinion, about this scavenging of metal which has ended up costing us money. There are good points about people taking things to use again or recycle and maybe I didn't think about that aspect as much because as a former police officer I was looking at these people who do it in the middle of the night, totally trash the front yard, take only the metal, costing us more money and the police can't do anything about it."

Councilman Boulant – "I have mixed emotions about this, but in the overall scheme of things something has to be done. I don't think it is going to be something where we are going to get more police patrol and I think it is going to be harder. It could help us in one area that Commissioner Coppola struggles with on a regular basis and it's pretty much the same time that we have the bulk pick up that a lot of people don't think about is that they pick up a lot of the stuff and they disappear. A lot of the products that they realize they really didn't want ends up in back roads, ends up in catch basins and what happens is our employee's have to go pick it up. That's an expense that nobody has talked about, that's a lot more than people realize. There is an aspect there that we have to pay attention to that this gets much broader. The stuff leaves the lawn, you hope it goes to where it's supposed to go and ends up on back roads, down at the parks, in the catch basins and causes more aggravation for us and the cost of the bulk item contract keeps going up because of the metals that are being stripped."

Councilwoman Wierzbowski – "The impetus for this was the bulk item pick up which is a service that is provided by the town every year for all of our residents. About four years ago we did actually have to do a different type of pick up because there wasn't enough money in the budget to cover the item, the bid came in higher and we had to have a contractor come in and we had a drop off site here at Town Hall for the residents. Unfortunately it made it so that many of our residents, especially the elderly, could not even participate in the bulk item pick up and could not get rid of their unwanted items because they couldn't get here. I think we are trying to elevate concerns of residents which I think are as valid as your concerns. I have a hard time with this law because I don't believe that legislating to ban things that might benefit someone is necessarily good but the other concerns that have been brought forward to us are just as valid. The safety issues for the neighborhood, the safety issues of somebody parking on the side of the road in the middle of the night and they are rummaging through things and somebody might hit them. I think we are trying to strike a balance of still providing a service to you. Still giving you something for your money, that's going to allow you to get rid of the items that you don't want. We are trying to keep the service accessible to all of the residents without having the other safety issues and nuisance issues that seem to keep popping up year after year."

Councilman Ramotar – "From someone that works in the financial service industry, one of the things that is a high percentage of identity theft is right in your own garbage and a lot of people don't realize that. People who pick up things and this is not going to prevent people from picking anything up and the cops are not going to give anyone a ticket but the bottom line is that when someone's garbage is next to a bulk item pick up it gives someone the right to just dig through that and then someone finds out they have a credit card in California, they are buying land in some other state and they have no idea how this is happening. It is because someone has stolen their identity."

Supervisor Koetzle – "I just want to emphasize, I know we said it already, again valid points but this isn't a law that is preventing people from recycling their goods, it isn't a law that is preventing people from finding a way to have their goods recycled if they want to take them to the County Farm, or if they want to invite people onto their property. We have the Woodhaven Association we have the Village of Scotia and we have Alplaus that all do neighborhood wide garage sales just previous to the program and it's for that purpose of trying to give away and sell things they don't want to throw out but they don't want anymore. So people still have that right, this isn't anything that prevents anyone's ability to give anything away that they want to give away. This is a bulk pickup program, a program meant for our trash hauler to come in and clean out the town so we don't have stuff littered around the town. It's not anything that abridges anyone's rights."

RESOLUTION NO. 116-2013

Moved by: Councilwoman Wierzbowski
Seconded by: Councilman Ramotar

WHEREAS, the Town Board of the Town of Glenville has been considering a Local Law to amend Section 232-15, regarding 'scavenging', of the Code of the Town of Glenville; and

WHEREAS, this Town Board has held a public hearing on June 12, 2013 at 7:30 P.M., at which time all parties in interest were afforded an opportunity to be heard and to publicly comment on the amending of the Code of the Town of Glenville as set forth above;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Glenville does hereby establish a local law to amend section 232-15 of the Code of the Town of Glenville to adopt Local Law #4 of 2013, as set forth below:

§232-15. Scavenging.

- A. Upon placement of household waste, garbage, refuse, recyclables (including, but not limited to paper, glass, plastic and metal items), furniture, or other material out for residential curbside collection, Town bulk item pick up or upon delivery to any disposal location designated by the Town, it shall be a violation of this article for any person other than a Town licensed garbage and refuse collector hired by the property owner or authorized agents or employees of the Town to disturb, rummage in or sort through, remove, collect or pick up any such waste, garbage, refuse, recyclables, furniture or other material or cause the same to be disturbed, sorted through, removed, collected or picked up.
- B. Nothing in this article shall abridge the right of any person to give or sell their recyclables or unwanted personal property to any person, provided that such items have not been set out for residential curbside collection, Town bulk item pick up or delivered to a Town designated disposal location.

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

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

Motion Carried

RESOLUTION NO. 117-2013

Moved by: Councilman Boulant
Seconded by: Councilman Pytlovany

WHEREAS, Town of Glenville Police Sergeant Michael E. Petroski joined the Glenville Police Department in 2001; and

WHEREAS, within one year after joining the department, then Officer Petroski elected to participate in the retirement option available under Retirement and Social Security Law (RSSL) Section 384-d by submitting a fully executed application to the Town Comptroller's Office; and

WHEREAS, the Town Comptroller's Office recently learned from the N.Y.S.

Police and Fire Retirement System that Sergeant Petroski is not enrolled in the RSSL 384-d retirement plan; and

WHEREAS, the failure to enroll Sergeant Petroski in the RSSL 384-d plan is through no fault of the Sergeant, but likely due to an inadvertent clerical error in not timely submitting his application to the Retirement System; and

WHEREAS, the Senate and Assembly bills were amended, requiring submission of a new Home Rule resolution and forms; and

WHEREAS, the Town Board of the Town of Glenville desires to correct the omission by the enactment of Senate bill No. S.4735-A/ Assembly bill No.A.6811-A, pursuant to Article IX of the State Constitution, having requested and received a fiscal note from the Retirement System of the cost to accomplishing same;

NOW THEREFORE, BE IT RESOLVED that the Town Board of the Town of Glenville hereby requests the enactment of Senate bill No. S.4735-A/Assembly bill No. A.6811-A, entitled “AN ACT to allow Michael E. Petroski to join the optional twenty year retirement plan, town of Glenville, county of Schenectady” and authorizes the Supervisor and the Town Clerk to complete and submit the requisite Home Rule Request forms to each house of the Legislature.

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

Motion Carried

Discussion...

Supervisor Koetzle – “This is just a technical correction to a resolution that was passed previously. The numbers in the previous resolution were not the correct ones, these numbers are the correct ones.”

Attorney Cuevas – “The number in this resolution are the numbers that were advertised for the public hearing so we have to make those number match what we advertised for the public hearing.”

RESOLUTION NO. 118-2013

Moved by: Councilman Boulant
Seconded by: Councilman Pytlovany

WHEREAS, the Village of Scotia and the Town of Glenville have been parties to a five-year agreement to provide fire protection and emergency medical services to the Town of Glenville Fire District No. 4 pursuant to Town Law and Opinions of the State Comptroller permitting; and

WHEREAS, the most recent agreement between the Village and the Town was made on or about November 22, 2010 for a term from January 1, 2011 through December 31, 2015; and

WHEREAS, the Town and Village Boards believe it is in the best interests of the Village and the Town to continue to have the Village provide such services to Town Fire District No. 4 for a five-year term, commencing January 1, 2014 and ending December 31, 2018 by replacing and superseding the existing agreement with a new agreement; and

WHEREAS, the Town and Village Boards understand the constraints of managing municipal budgets under the state tax cap restraints and wish to recognize

those restraints in their new agreement, and

WHEREAS, the Town Board conducted a public hearing on May1, 2013, pursuant to a notice duly published, at which all members of the public had an opportunity to be heard on the issue of the proposed fire protection and emergency medical services agreement between the Village of Scotia and the Town of Glenville Fire District No. 4; and

WHEREAS, the Town Board passed resolution number 105-2013 to authorize the aforementioned agreement, but said resolution contained typographical errors in the amounts of the payments to be made to the Village and the Town desires to correct same to correspond with the amounts advertised for the public hearing and as agreed to by the Village.

NOW THEREFORE, BE IT RESOLVED that the Town Board of the Town of Glenville in its capacity as the Board of Fire Commissioners for Fire District No. 4, hereby amends and corrects Resolution No. 105-2013 and authorizes the Supervisor to enter into an agreement with the Village of Scotia to provide fire protection and emergency medical services to Town Fire District No. 4, on the terms and conditions contained in the proposed agreement, a copy of which is on file in the office of the Town Clerk, for a term commencing January 1, 2014 and providing that the Village be paid the following amounts for the years indicated:

2014 - \$418,430.11
2015 - \$426,798.71
2016 - \$435,334.69
2017 - \$444,041.38
2018 - \$452,922.21

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 adjourn; motion to adjourn; Moved by Councilman Boulant; Seconded by Councilman Pytlovany, everyone being in favor the meeting was adjourned at 7:55 PM.

ATTEST:

Linda C. Neals
Town Clerk