

REGULAR MEETING OF THE TOWN BOARD
TOWN OF GLENVILLE
AUGUST 21, 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; Jamie MacFarland, Director of Operations; Jason Cuthbert, Comptroller and Kevin Corcoran, Planner.

Supervisor Koetzle – “We have one add on resolution dealing with petty cash in the Justice Department.

Item #4 on the agenda is a public hearing regarding a proposed local law that would adopt a new Chapter 99 of the Code of the Town of Glenville, “Brush, Grass and Weeds”.

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

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

“Item #5 on the agenda is a public hearing regarding the adoption of the conveyance of a portion of First Street, already abandoned, in the Scotia-Glenville Industrial Park, this will help the development of Old Dominion coming to that park”.

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

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

Town Council Reports:

Councilman Ramotar – “This Saturday, August 24th, we have the Rotary Muddy Sneaker 5k Trail Run.

Burnt Hills Junior Baseball Commission, the 12 year-old all stars made it all the way to the State Championship. They one, for NYS, they made it to the regional's. They won two games but ended up loosing to one of those teams that are now playing in the Little League World Series.”

Councilwoman Wierzbowski – “The round-a-bout is partially opened at Glenridge Road and Maple Avenue. If you are motoring through there be conscious of the signs, be conscious of the yield. I think it is something of a learning curve because we don't have any other round-a-bouts in the Town.”

Councilman Boulant – “On Saturday, September 28th we will host our 4th Annual Oktoberfest from noon - 9:00 pm at Richmor Aviation. It is going to change a little bit because there is some construction going on and the hanger will not be used at this point. We will be outside under a tent, but I think the layout works out nicely.”

Privilege of the Floor:

James Valachovic, Joyous Lane – “I would like to thank the Board again for

their continuing support of the Oktoberfest. This is our 4th year and we are due for some good weather.

I would like to invite the community to come out to see what the Glenville Business Community has to offer in a diverse way. We are looking forward to some good German food, German beer and good German music. Mr. MacFarland has promised that we have enough power to get German goulash this year.

We are all looking forward to it and we hope everybody comes especially to see Supervisor Koetzle get dunked in the dunking booth again.”

Ruth Kelly, Wolf Hollow Road – I am here because I was told at the last Traffic Safety Committee that the Town would be voting on issuing a weight limit on Wolf Hollow Road. I don't see it on the agenda.

We have a major issue on Wolf Hollow Road. The hollow itself has been closed since hurricane Irene, between the County and the Town fighting over who is going to take care of what, re-opening it, closing it, whatever. Hoffman Hill is a County road that is not built for the amount of traffic that is on it. We are seeing eighteen wheelers, fifty-three foot trailers coming up our road, we have got speeders. One and one-half years ago we successfully got the speed limit dropped from 45 mph to 30 mph. I have not seen the Glenville Police enforcement of either the speed limit or the stop signs north or the south side of Hoffman Hill. My father is eighty-two years old, it's a country road, and I have a fourteen year old son. We like to use the road as far as pedestrian use, walking it back and forth different times of the day. We are risking our lives, literally walking that road because we are not getting any law enforcement support what so ever. We are very limited in being able to use that road and I am tired of hearing there are priorities. I am a tax payer.

Also along with Glenridge Road, I've talked with Lt. Conley and I have asked him on several occasions, like I said I have been to three Traffic Safety Committee meetings to try to get the speed limit. We have had the trailer out there, we have had the counter out there and it supports my concerns but I am still not seeing anything done.

As far as the town board if we could vote somehow, if not in the near future, because I have had to call three companies, Swift, New England Motor Freight and the last one I didn't get a chance to call yet, I have had to call them myself and request that they do not allow their tractor trailers to use a county road as a highway.

Supervisor Koetzle – “We have not had a referral from the Traffic Safety Committee on that.

Councilman Pytlovany is the Liaison to the Police Department and he will talk to the Chief about it, but as I understand it, on a County road we can't do anything...

Ms. Kelly – No, that's not true, I spoke with Schenectady County...they said that you can post on their road a weight limit. I spoke with Joe Ryan.

Supervisor Koetzle – “The first thing we have to do, John, is find out why it hasn't gotten to us yet.”

Councilman Pytlovany – “I know that we lowered the speed limit, as you said and I know that Lt. Conley was asked about better enforcement during the summer and I know that he said it was kind of difficult especially right at this time but it certainly seems like the summer is winding up and we should be able to get some police up there.”

Supervisor Koetzle – “We will follow up on it and I will defend Lt. Conley and the Police Department they are thinly staffed. I do support you on it, but I do get those calls nearly everyday and I think you have seen the emails from across the entire town. We're enforcing as much as we can enforce with the staff we have. We have a lot of roads and we have these issues, I would say, on almost every county road in the town. Droms Road comes to mind as a huge issue, Charlton Road is another one, I get these

daily and we are doing all we can so when Lt. Conley says that we are thinly staffed it is the truth it isn't that they don't want to do it, they can't do it because there is a staffing issue, there is no question about that. So, we will address, we will follow up with it but the police are doing the best they can. They are very responsive."

Gail – Also spoke regarding Wolf Hollow Road. She also feels that the road is dangerous stretch of road. I have been commuting with the town on a regular basis. We are asking for additional patrol. Just occasionally have a cop write some tickets. They are residents that want to help themselves. Every time we see a business trucks we are calling them. Maybe just a simple sign will help; if we have to go to the county we will do that.

David Wamner – I echo what has been said. I regularly get passed at the stop signs because if you stop they pull right out and go around you. We need to see patrol cars more often on Rte 5; I am not seeing the cars. I have asked about having a sign put up that says "hidden driveway" and we were told we don't need one because it is a 30 mph zone. Now there are signs on both sides that say "suggested speeds" for the curve of 35 mph, so something is wrong.

Jim Denny – I am just here to speak about the proposal that you are considering tonight. I have spoken at the last two meetings about this and we had a pretty good attendance at the public hearing. All of the comments were very good, for and against, I know you received a number of memos, which I have seen copies of and it seems pretty well balanced and for the most part I think pretty thoughtful and worthy of your consideration which I know you have been doing. I know you discussed it during your work session last month and one of the residents you were nice enough to give him another bite at the apple and in return he gave you a nice slap in the face (article in the Gazette). The article was pretty offensive given the fact that the process has been pretty respectful all along; you have been more than considerate of what the letter of the law is. You have gone above and beyond what the letter of the law is. Mr. Denny continued to speak regarding the newspaper article and defending the Town of Glenville. This was well considered, it is a highbred, it's not doing anybody any favors, and it's good for the town. The only thought that I had was that corridor is probably worthy of additional special attention. Maybe it needs it's own master plan because it is a special rural character and you are going to have improvements made to existing buildings which is what we are going to be doing or new buildings going up.

I look at this as kind of the first step, not the last step. I think that corridor needs more attention. I think everybody's comments last month were very valid.

I appreciate the town board's consideration. I know at least two commissions worked on this, advised you and I appreciate their efforts. I spoke a lot to Jamie and he is always a professional, I've dealt professionally with him for many years and I've worked close with Kevin and Mike in the past in some other ways and I know they worked behind the scenes on this pretty hard and I think it's a very sound proposal so I appreciate everybody's efforts.

Gail – I did read the article written by Mr. Lee and I think it is completely awesome that somebody is so passionate about history. As I read it I was quite struck by the fact that back in the 1700's there was Hoffman's Ferry and the Swart Tavern and better roads. Through the years the commercial phase of Rte 5 corridor has changed. It's a natural road flow between Schenectady and Amsterdam. Mr. Denny, the property you bought used to be a truck stop and a diner.

I think the article was misleading to the readers. Business has been there since the 1700's and it's just going to change its face as times change. If we are not willing to change and adapt then we would be back to no running water, out houses. There have always been businesses out there and I would think there is always going to be.

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

Supervisor's Comments:

Supervisor Koetzle shared the following information:

I guess while we are on the subject of the viewpoint that was published in the Gazette I want to thank the residents for speaking so eloquently about the issues. I was prepared with a pretty lengthy rebuttal to Mr. Lee but unfortunately he is not here tonight and I think the comments made about the Gazette, and if anyone has noticed the Gazette really hasn't been to a meeting in some time. It really is a disservice to the community that they no longer seem to be merely interested in local governments and I just think it's a shame they are shadowed but they use to be. It's not surprising that they, as Mr. Denny pointed out, in the manner that they did. I was hoping they would be here tonight to report on this. It seems to be an important enough topic for them to put on their front page in big bold headlines but it's not important enough to come and actually cover the proceeding and deliberation of the actual resolution, which was disappointing. The reporter was invited many times by me indicating to her that this was an important issue and that she should be here.

I just want to point out a few quick items out here. The 71 properties that are being rezoned as Highway Commercial already have a commercial zoning designation. I think it was misleading how that was written; it didn't seem to appear that way. Fifty-five are General Business and sixteen are Professional Residential. The zoning proposal does not involve any properties currently zoned as Rural, Residential and Agriculture, Land Conservation or Riverfront Recreational Commercial. Those are not being changed at all. In fact the Board also took care not to rezone any properties that lie within the sensitive well-head protection and primary recharge zone of our aquifer. That was not mentioned. The Board and I believe, and I'm not speaking for everyone, but I believe generally would support this resolution because we believe that this four lane state highway corridor is an under performing commercially zoned area. By upgrading the commercial zoning designation for these 71 properties you are allowing the effective property owners to market their properties to a wider variety of businesses and uses. The Board has taken steps in recent years which were pointed out by Mr. Denny, of re-energizing Rte 50, re-energizing Freemans Bridge Road; it seems only natural that Rte 5 would also then gain the attention of this Board. I do think it is a good idea that we look at maybe a master plan for that commercial corridor next.

As for the contention that this zoning is not consistent with the town's comprehensive plan and therefor is illegal is simply untrue. It does not reflect current law in the State of New York. The court in fact, in the State of New York, is consistently held over the last couple of decades that zoning decisions do not need to be tied directly to a comprehensive plan but zoning decisions must be made as part of a comprehensive planning process. That is to say that there must be an articulated reason rational for the zoning decisions and amendments. We believe, I certainly do, that this resolution tonight lays out that rational. Keep in mind that the comprehensive plan and I have it here tonight because I think we were accused last time of not looking at it, I do look at it periodically, I think you all have, it does not exist electronically. It is only on paper form, that's how old it is, not in electronic form. It was adopted in 1990, it was worked on in the 80's and I think we all know there have been a lot of changes in the past quarter century certainly to this town and certainly to that corridor. So we have updated other pieces of the comprehensive plan, again, Freemans Bridge Road and Town Center so this Rte 5 corridor has not seen an update since 1990. We acknowledge that we need to make some changes to the comprehensive plan and I think we need to talk about that going forward.

Lastly I would just like to point out and I think Gail did a good job of it. These properties really had some commercial zoning designation since 1978 so this is really nothing new.

I also want to counter the claim – the rezoning effort will open the door for industrial development on Rte 5. Industrial and manufacturing uses are not allowed in Highway Commercial District. It would make no sense to encourage such uses given the

fact that there is no infrastructure which we talked about last time. Enclosed warehousing will be allowed in this district but only by conditional use permits. So there are things in place that would prevent anything that would actually harm the actual corridor.

None of that was brought out in this article, this view point letter but it is important to talk about. I would say emphatically that you can disagree with zoning changes and very often people do, and I understand it, their emotional there's a lot of things behind zoning changes, I don't take it lightly, I know you guys don't take zoning changes lightly, we take them very seriously, we consider all of the facts, weigh the benefits to the town as a whole and make a decision. You can disagree with zoning changes, I don't have a problem with that but they are not because you disagree with them illegal or harmful to the town. This one in particular is neither; in fact I believe it is going to be beneficial to the corridor.

I urge us to pass this tonight.

I would like to thank our staff, Jamie and Kevin in particular, the Small Business and Economic Development Committee (SBED) as part of that, Jim Martin who spearheaded this whole thing for us. We have submitted our Transportation Enhancement Program (TEP) application to the State of New York. We are very excited about this, we think we have a good chance at this, we have a lot of support behind us, and Metroplex stepped up with a very strong support letter. I want to thank Ray Gillen for all of his leadership in this and all of his help and support. Congressman Tonko has gotten very strongly behind us as well. We won't hear anything until November but we are very hopeful this has been a long time coming. We have got funding in place, we've got matches in place, we've got private donations in place and the community is coming behind us. We have had discussions with business owners in the corridor; they are behind it so it is moving forward.

Some of you might have heard about the Basic Star on your school tax. You do have to re-register for the program. If you have any questions about that please visit our website there will be some information available about that or call the State at (518) 457-1836. They are going to be sending out letters with a code and people who have Basic Star are going to have to enter that code to reauthorize that Star discount on your property so please don't miss that.

This is the first time in fifteen years that people will have to do this, so if you can spread the word that would be helpful.

The town is working with our marketing consultants to revise the economic development information on the town website to make it easier to navigate and achieve a more contemporary look. We expect that site to be operational in November as part of our REDI money we are using on the marketing consultant.

On the budget, the town will conduct budget review meetings on Thursday, August 21 at 7:30 pm and the second one will be Wednesday, August, 28th at 7:00 pm at the Glenville Senior Center. These budget meetings are opened to the public and are intended to provide dialogue between the board and departments concerning the 2014 budget in advance of the Supervisor's budget which is due September 30th.

NYS DOT has advised us that they will be doing some work on the round-a-bout on August 31st from 6:00 am to noon and the round-a-bout will be closed for traffic going north onto Hetcheltown Road. The detour plan will move traffic through Woodhaven and Woodcrest Drive during that paving. So plan accordingly.

The town and village will be meeting with McDonald Engineering tomorrow regarding the preliminary results of the joint sewer study. The town and village engaged McDonald to look at alternatives to our current operation or option of using the City of Schenectady's wastewater treatment plant. Preliminary review the town staff and the board will discuss studies and public meetings will occur going forward.

Tomorrow we have a Unified Communication Center (UCC) oversight

committee meeting which I will attend. I am not exactly sure of the agenda just yet but as I understand it we will be talking about the UCC possibly paying for private alarms and the calls and perhaps the job description for the new director overseeing this process.

The Maritime Center will be hosting a Capital Region Fishing Contest and Pig Roast on September 22nd from 8:00 am to 4:00 pm.

Supervisor Koetzle moved ahead with the agenda items.

Discussion...

Councilman Boulant – “These decisions were not made by the five of us sitting up here. There are some members on the Zoning Board of Appeals as well as the Planning and Zoning Boards who are professionals in their field who know a lot more about this than we do. They guided us through this process.”

RESOLUTION NO. 142-2013

Moved by: Councilman Boulant

Seconded by: Councilman Pytlovany

WHEREAS, a local law has been introduced to add a new zoning district (Highway Commercial) to Chapter 270 (*Zoning*) of the Code of the Town of Glenville, along with the uses allowed in each district, the dimensional requirements for the district, and sign regulations for the district; and

WHEREAS, said “Highway Commercial” zoning designation is proposed to be applied to 71 properties fronting certain segments of Amsterdam Road (NYS Route 5), both the north side and south side of the road, including the 16 parcels on both sides of Route 5 between Rector Road and Stone Arabia Road that are currently zoned “Professional Residential;” the nine parcels on the north side of Route 5 between Stone Arabia Road and a point approximately 1/5 mile west of Bridge Street (NYS Route 103) that are currently zoned “General Business;” and the 46 parcels on both sides of Route 5 between Waters Road and Wolf Hollow Road that are currently zoned “General Business;” and

WHEREAS, adoption of this local law constitutes a Type I Action in accordance with 6 NYCRR Part 617 (State Environmental Quality Review Act {SEQRA}), since the rezoning will affect more than 25 acres; and

WHEREAS, the Town Board of the Town of Glenville 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 impacts 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 local law to amend Chapter 270 (*Zoning*) of the Code of the Town of Glenville 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 action, based on the following findings:

- This action involves the rezoning of properties from one commercial zoning category to another, albeit the change will result in the implementation of a more intensive commercial district. However, nearly all commercial development that is proposed for the affected properties will be scrutinized via site plan review or a conditional use permit, and an individual SEQRA review.

- As a code amendment and not a physical project, this action will not impact air quality, groundwater quality, surface water quality, traffic levels, noise levels, solid waste production, etc.
- As a code amendment and not a physical project, this action will not result in the removal of vegetation or fauna, nor will it impact significant wildlife habitat areas.
- This action will not significantly impact agricultural, open space, recreational, historical, aesthetic, or archeological resources, in that it only involves properties that are already commercially-zoned. This rezoning does not involve any properties presently zoned “Land Conservation,” “Public Park Lands,” “Rural Residential and Agricultural,” or “Riverfront Recreational/Commercial” in the Route 5 corridor.

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

Noes: None

Absents: None

Abstentions: None

Motion Carried

Discussion...

Councilman Pytlovany – “As I had stated last week at our work session, I have been notified by one of my relatives that they have a portion of land in this location that they are going to be selling and being that they may possibly profit from this change in the law I am going to abstain from this vote.”

Councilwoman Wierzbowski – “Prior to my vote I would just like to make a few comments for the record.

First I would like to thank the town staff and the many volunteer boards that guide us and help us with changes like this and give us the recommendations that are going to benefit the town. I would also like to thank every resident that came and spoke whether you were for or against this. I have long said that our job is to listen and our job is to respectfully either agree or disagree with a resident and whether I agree or disagree with anyone who writes a letter to the paper or not it’s still my job to listen respectfully. I would like to thank anyone who comes before us with regard to an issue, who takes the time out of their busy lives to come and address us, just like Mr. Denny did, just like the residents who have been here for pretty much every meeting where it’s been discussed. It means a lot to know that they actually do care about our town.

I would just like to state for the record that I’ve lived in the town for 20+ years and that has been traditionally, I wouldn’t say poorly performing because there are businesses there now that have been there a long time and are managing to be profitable and obviously can stay within the town but it is under performing. I think as I have said many other times with regard to development within the town, we have responsibility to the town residents to try to lessen the burden of the tax base on them. 78% of the tax burden is on the residents and any commercial development that is responsible that is in keeping with the basic flavor of wherever we are trying to do it, I think it is our responsibility to do that. You have property owners that can not develop their properties, how fair is it to ask those people to pay tax on land that they essentially have been unable to develop for a number of reasons. Like changing some of the uses that may allow them to gain a benefit from it, I can’t see where it is responsible for us to deny them a benefit just because we don’t want to have change within the town, change is going to happen as we stated over the years and it is our job to try to guide it along proper guide lines.

There were a lot of concerns expressed last week at the work session with regard to industrial development and there are a number of things that I think would preclude that from happening in that area, such as there is no public water or sewer out

there. Companies are not going to come and build enormous complexes somewhere where they have those restrictions, plus to even think of putting water and sewer out there at this point would be a burden that the residents just could not financially bear; there is just not enough density and population to bear the extension of a district. The other thing is you have the aquifer recharge area and you also have the areas that are zoned flood zone. Some of these properties that appear big on the map may not be able to develop their entire property because they won't be able to get the approval to build a facility that they may want to build. So, I think that some of the concerns with regard to a huge industrial complex that are being put out there are not necessarily swept away but there are countered with some actual examination of the area and the geology and the things that go on out there and the restrictions that are already in place. It's not that we didn't think about these types of things I just think with further examination it just appears that the concerns may not be as pressing."

RESOLUTION NO. 143-2013

Moved by: Councilman Boulant

Seconded by: Councilman Pytlovany

WHEREAS, a local law has been introduced to add a new zoning district (Highway Commercial) to Chapter 270 (*Zoning*) of the Code of the Town of Glenville, along with the uses allowed in each district, the dimensional requirements for the district, and sign regulations for the district; and

WHEREAS, said "Highway Commercial" zoning designation is proposed to be applied to 71 properties fronting certain segments of Amsterdam Road (NYS Route 5), both the north side and south side of the road, including the 16 parcels on both sides of Route 5 between Rector Road and Stone Arabia Road that are currently zoned "Professional Residential;" the nine parcels on the north side of Route 5 between Stone Arabia Road and a point approximately 1/5 mile west of Bridge Street (NYS Route 103) that are currently zoned "General Business;" and the 46 parcels on both sides of Route 5 between Waters Road and Wolf Hollow Road that are currently zoned "General Business;" and

WHEREAS, the "Highway Commercial" district is being introduced as a zoning district that bridges the gap between the "General Business" zoning district and the "Research/Development/Technology," in an effort to accommodate land uses that are well-suited for rural highway corridor locations; and

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

WHEREAS, pursuant to New York State Town Law and the Code of the Town of Glenville, a public hearing regarding the "Highway Commercial" rezoning was held by the Town Board on July 17, 2013; 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 and 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 approves this local law amending Section 270 (*Zoning*) of the Code of the Town of Glenville, regarding the creation and application of a new zoning district to be titled "Highway Commercial;" and

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

- It is recognized that Route 5, in the western portion of Glenville, is a four-lane state highway with moderate traffic volumes, yet somewhat limited growth potential due to both natural and man-made barriers to development in the corridor such as floodplains, wetlands, steep slopes, and railroad lines. The Board desires to accommodate reasonable commercial development which is well-suited to those properties along Route 5 that are not encumbered by development constraints. Upgrading the commercial zoning classification for the 71 parcels affected should help landowners realize a better financial return on their properties.
- By limiting the application of the “Highway Commercial” zoning district to properties already zoned commercial, it is the intent that any development/redevelopment of properties being rezoned will be reasonably compatible with neighboring land uses. To that end, this zoning amendment does not apply to any properties presently zoned “Land Conservation,” “Public Park Lands,” “Rural Residential and Agricultural,” and “Riverfront Recreational/Commercial” within the Route 5 corridor.
- This zoning amendment should not negatively impact nearby land values. The rezoning only involves properties that are already zoned commercial. Further, nearly all commercial development proposals within the new “Highway Commercial” zoning district will be subject to site plan review or a conditional use permit, as well as individual SEQRA review. This oversight gives the Town authority to control any new development and to protect nearby property values. It also gives nearby residents an opportunity to voice any objections or concerns they may have with individual development projects via mandatory public hearings for both site plan review and conditional use permit applications.
- Given the fact that this rezoning applies only to properties already zoned commercial, and the fact that the Town will exercise oversight over individual development projects via site plan review, conditional use permit review, and SEQRA review, the character of the area being rezoned should be reasonably preserved.
- This zoning amendment is compatible with various other purposes and provisions of Chapter 270 (*Zoning*) of the Code of the Town of Glenville. In particular, this zoning amendment is consistent with the following objective (Section 270-21): *“Decrease the property tax burden upon residents by increasing the nonresidential tax base through well-conceived and appropriately scaled and located commercial and industrial development.”*

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

Noes: None

Absents: None

Abstentions: Councilman Pytlovany

Motion Carried

RESOLUTION NO. 144-2013

Moved by: Councilman Boulant

Seconded by: Councilman Pytlovany

WHEREAS, the Town of Glenville is proposing a zoning map amendment that would change the zoning of the 0.48 parcel at 437 Saratoga Road, owned by Power Test Realty Limited Partnership and occupied by the Getty gas station, as well as a one acre portion of the existing 13-acre property at 441 Saratoga Road, owned by

Lorajane York, from “Community Business” to “General Business”; and

WHEREAS, the zoning map amendment for the land at 441 Saratoga Road is being synchronized with a lot line reconfiguration proposal by Lorajane York, such that the one acre area to be rezoned at 441 Saratoga Road will coincide with the property boundaries of a new parcel created by the reconfiguration of 441 Saratoga Road and 3 Charlton Road; and

WHEREAS, the one-acre portion of the York property to be rezoned will essentially constitute the easternmost portion of what is presently 441 Saratoga Road, including the frontage along Route 50 and encompassing the vacant building formerly occupied by Triangle Construction; and

WHEREAS, New York State Town Law and the Code of the Town of Glenville require a public hearing before the Town Board before an amendment to a zoning map may be adopted;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Glenville hereby schedules a public hearing for Wednesday, September 4, 2013 at 7:30 p.m., or as soon thereafter as the matter can be reached, at the Town of Glenville Municipal Center, at which time and place it will hear all persons interested in a proposed zoning map amendment involving properties at 437 and 441 Saratoga Road; and

BE IT FURTHER RESOLVED that the Town Clerk be, and she hereby is directed to prepare the proper notice of said hearing in accordance with law and to publish same at least ten days prior to the date of the public hearing.

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

Motion Carried

Discussion...

Supervisor Koetzle – “This is the signature event for us. It has turned into a great community event. I am very proud that we are able to run it and I look forward to another great celebration this year.”

RESOLUTION NO. 145 - 2013

Moved by: Councilman Boulant
Seconded by: Councilman Pytlovany

WHEREAS, for the past three years, the Town’s Small Business and Economic Development Committee and the Glenville Business and Professional Association have joined with the Town and business and corporate sponsors to present an annual event at the Schenectady County airport property known as “Oktoberfest”; and

WHEREAS, the Oktoberfest celebration has proven hugely popular and is attended by thousands of town residents each year; and

WHEREAS, the Town, the SBEA and the GBPA desire to present an even bigger and better Oktoberfest celebration this year; and

WHEREAS, the County of Schenectady has again consented to allow the Oktoberfest celebration on its airport property;

NOW THEREFORE, BE IT RESOLVED that the Town Board of the Town of Glenville hereby authorizes the Supervisor to enter into a license agreement with the County of Schenectady to conduct the Town's annual Oktoberfest celebration on the grounds of the Schenectady County airport on September 28, 2013, subject to the review and approval by the attorney for the town and the provision of event insurance.

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

Motion Carried

Discussion...

Supervisor Koetzle – "I would just like to thank Councilman Boulant for all of his work on this, which he has been working on for almost three years. I think it will be important once it is up and placed that we have an emergency shelter for not just our residents but county residents but certainly convenient to our residents. I think we are doing some other things with the highway superintendent on some other locations perhaps as well with some generators we recently required."

RESOLUTION NO. 146 - 2012

Moved by: Councilman Boulant
Seconded by: Councilman Pytlovany

WHEREAS, in the past few years, our region has suffered several extreme weather events, including Hurricane Sandy and Tropical Storm Lee, that have caused residents of the region to lose power and suffer damage to their homes and property; and

WHEREAS, in planning for the reoccurrence of similar events and others that may require County residents to seek emergency shelter, the County office of Emergency Management/Homeland Security has sought to establish emergency shelters about the County; and

WHEREAS, Scotia-Glenville High School is a suitable site of an emergency shelter and the Scotia-Glenville School District agrees to make the high school available as an emergency shelter; and

WHEREAS, the County of Schenectady has secured an emergency generator capable of supplying power to the high school and is willing to lease same to the school district at no cost and the school district is willing to enter into the lease and provide proper insurance on the generator; and

WHEREAS, equipping the high school with the generator so that it can serve as an emergency shelter within the Town provides a benefit to Town residents, the Town is willing to contribute to the cost of maintaining the generator to ensure that it will be in good working order when and if needed,

NOW THEREFORE, BE IT RESOLVED that the Town Board of the Town of Glenville hereby authorizes the Supervisor to enter into an inter-municipal agreement with the County of Schenectady and the Scotia-Glenville School District for maintenance of an emergency generator at the Scotia-Glenville High School at an annual cost to the Town not to exceed \$1800.00.

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

Abstention: None

Motion Carried

RESOLUTION NO. 147-2013

Moved by: Councilman Ramotar

Seconded by: Councilwoman Wierzbowski

BE IT RESOLVED that the **Monthly Departmental Reports** for July, 2013 as received from the following:

Dog Control
Economic Development & Planning Department
Highway Department
Justice Department
Receiver of Taxes
Section 8 Voucher Program
Town Clerk's Office

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

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

Noes: None

Absent: None

Abstentions: None

Motion Carried

RESOLUTION NO. 148-2013

Moved by: Councilman Ramotar

Seconded by: Councilwoman Wierzbowski

WHEREAS, the Town Justice Court maintains a petty cash account to provide change to those who do business with the Court in cash and to pay for miscellaneous items authorized to be paid in cash; and

WHEREAS, the Town Board is charged with establishing a petty cash policy for the Town Justice Court as town funds are used for the court's petty cash fund; and

WHEREAS, the Town Justice Court has maintained a petty cash fund in the amount of Sixty and no/100 (\$60.00) Dollars, but has determined that such amount is insufficient to deal with the increased fines, surcharges and volume of transactions and requests an increase in the fund to the amount of One Hundred and no/100 (\$100.00) Dollars; and

WHEREAS, the Town Comptroller having reviewed the request, recommends the approval of the increased petty cash fund amount for the Justice Court;

NOW THEREFORE, BE IT RESOLVED that the Town Board of the Town of Glenville hereby authorizes the increase in the Town Justice Court petty cash fund from \$60.00 to \$100.00 effective immediately and directs the Comptroller to provide the necessary funds.

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

Noes: None

Absent: None

Abstention: None

Motion Carried

Discussion...

Attorney Michael Cuevas – “We held a public hearing on this evening on this and there is some urgency to the adoption of the resolution.

RESOLUTION NO. 149-2013

Moved by: Councilman Boulant

Seconded by: Councilman Pytlovany

WHEREAS, by Resolution No. 117-86, The Town Board of the Town of Glenville agreed to accept a deed to the roads in the Industrial Park, and

WHEREAS, a Quitclaim Deed was made and filed in the Schenectady County Clerk’s office on April 8, 1988 at Book 1181, Page 56 conveying certain roadways from the Schenectady County Industrial Development Agency to the Town of Glenville; and

WHEREAS, by Resolution No. 128-96, at the request of the Schenectady County Industrial Development Agency and, with the consent of all the adjacent property owners and the Highway Superintendent, the Town Board abandoned that portion of First Street in the Town of Glenville between the westerly boundary of A Street and the easterly boundary of Avenue Y and agreed to convey same to the Schenectady County Industrial Development Agency in exchange for a certain easement for snow plowing purposes; and

WHEREAS, it appears that the conveyance to the Schenectady County Industrial Development Agency was never completed; and

WHEREAS, the Schenectady County I.D.A., the Schenectady County Department of Economic Development and Planning, the Metroplex Development Authority, and the owners of the real property adjoining that portion of First Street all desire and request that the Town convey its interest in that portion of First Street, already abandoned, to the adjoining property owners: Scotia Industrial Park, Old Dominion Freight Co., Inc. and Mohawk Maalwyck, Inc.; and

WHEREAS, the Town Highway Superintendent joins in the request as the transfer will resolve a legal issue and reduce maintenance costs for the Town for a roadway that serves no useful purpose to the Town;

NOW, THEREFORE, BE IT RESOLVED, the Town Board of the Town of Glenville hereby authorizes the Supervisor to execute deeds and other papers necessary to effect the conveyance of a portion of First Street to the adjacent property owners for no monetary consideration in order to promote development in the area and to reduce town maintenance and liability, upon receipt of the Highway Superintendent’s certificate and waivers from the adjoining property owners.

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

Noes: None

Absent: None

Abstentions: None

Motion Carried

RESOLUTION NO. 150-2013

Moved by: Councilman Ramotar

Seconded by: Councilwoman Wierzbowski

BE IT RESOLVED, that the minutes of the regular meeting held on June 19, 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 8:30 PM.

ATTEST:

Linda C. Neals
Town Clerk