

REGULAR MEETING OF THE TOWN BOARD
TOWN OF GLENVILLE
OCTOBER 2, 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 Tom Coppola, Highway Superintendent.

Town Council Reports:

Councilman Ramotar – “On Sunday, October 20th at 11:00 AM “Paws for the Cause 4K Walk” will be held in Indian Meadows Park.”

Thank you to all of the volunteers that were involved in ‘Oktoberfest”.

Councilwoman Wierzbowski – “Leaf season is approaching and the town will soon be picking up loose leaves. Place them on your property near the roadway but not in the road.”

Councilman Pytlovany – “I attended the tour of the new Unified Communication Center (UCC) in Rotterdam. It is scheduled to be completed by November 1st.”

The following people spoke during privilege of the floor:

Jim Valachovic – Mr. Valachovic thanked the Town Board members, employees and the many volunteers for their involvement in Oktoberfest.

Supervisor’s Comments:

Supervisor Koetzle shared the following information:

Thank you to all who made the Oktoberfest such a great success. We are still getting numbers on how many people attended.

A gentleman came up to me during the event and told me he was up at Saratoga’s festival and it cost him \$3.00 to park and \$10.00 to get in.

Councilman Ramotar and I attended the ribbon cutting last week for a new business on Freemans Bridge Road, Duell Plumbing Services. Baptist Health will have their ribbon cutting on October 18th at 1:00 p.m. I received a call from Maritime Center that Saratoga Academy would be having their grand opening on October 8th.

The Chamber will be having their business awards dinner on October 22nd at 5:30 p.m. at the Glen Sanders Mansion. They will be recognizing our own Ed Capavoni.

I attended the Local Development Corp. meeting (LDC) as the ex-officio and just to report back their progress is going forward. They have interviewed the auditors for the organization. They discussed funding of a potential business already so there are already opportunities in the pipeline for them. They also discussed a poll that they are conducting on line from residents on what they want to see here in the Town.

You all received the budget which was filed with the Town Clerk on September 30th.

I just want to go through some of the highlights of the budget just to key you in so as we go forward between now and November 20th.

Our state tax cap this year is 2.54%. The budget that I proposed is at 1.59%, so that is a total tax levy of about \$133,000 increase. Total appropriation increase \$344,000, all of that is retirement payouts that I budgeted for because at this point we do not know who is retiring and who is not retiring. All we know is who is eligible to the question is, is \$296,000 enough or is it too much? We certainly don't want to over estimate but we have got to have this conversation. It is a little uncomfortable with these potential retirements as we go forward.

This budget includes almost a \$50,000 increase in health insurance and workers compensation expense. Between those two expenses that's our increase in appropriations. If it wasn't for those two things in the budget we would have a decrease in appropriations.

We reduced the use of fund balance appropriations by \$45,000 that represents a 9% reduction. That is less than what my goal has been in the past. We have been at 15% but in light of the retirement payouts, the cash we have to put in that, we thought we would set that back a little. I really didn't want to but I think we have to.

It does include 1% raises for management and non-represented employees that includes all elected full-time employees. That does not include part-time elected officials so it does not include the Supervisor, Town Board members or the Town Justices.

It does include a full year of the dispatch center being here for 2014. We have all heard that there is no way it is not going to happen by March 2014. You are all going to have to decide what you want to do; I decided it was prudent to at least fund it through the year.

I reduced the revenue for our franchise fee from \$335,000 to \$310,000 because Time Warner's payment to us has been decreasing. I think that people are either going to satellite or getting a lower cable package, but their franchise fee has been decreasing.

I did include paying cash for one police car the chief asked for three, I think we will get there but not in 2014. I think we can do something in 2013 to get at least one car. I opted not to do the bonding for all three cars. I just don't think, right now that is where we want to be. It also includes paying cash for four new pickup trucks for public works.

The other biggies are – I included the REDI fund economic and development from \$35,000 to \$40,000. I felt that they are under the cap, I'd like to continue those investments but I also want to include Scotia so we moved it to the A fund so we can do that for the first time.

I restored the S-G Senior Citizen's Center contribution from \$5,500 to \$6,500 which was the pre-tax cap level. If you recall we cut them to stay under the tax cap, now we are having a pretty good year and I think it is fair to bring them back to where they were and the same holds true with Freedom Park Foundation and the Scotia Memorial Day parade. We also increased the bulk item pick up from \$20,000 to \$30,000.

Councilwoman Wierzbowski – "I think it is remarkable that we are allowed 2½% and we are a full percent lower and I think that is indicative of our budgeting over the last few years."

Councilman Ramotar – "Towns are charging fees which obviously are exceeding the tax cap and we haven't done that. Congratulations you are doing a great job."

Supervisor Koetzle – “I forgot to mention that we are the only municipality in the County now that still offers those services free. Rotterdam has just proposed it, if they enact it we will be the only one left.

Oktoberfest - this came from the Chair, Heather Peterson – She wanted us to at least be aware of what Oktoberfest meant to the community and from a volunteer’s stand point. She put together the number of volunteer hours that went into this only during the event, not the planning of it:

Friday night 26 community hours
Saturday 450 volunteer hours
Schenectady Jr. ROTC Group – 32 people at 7 hours each
Union College – 24 students
YMCA of Schenectady Rehab Program – 10 volunteers at 2 hours each
Sunday cleanup 26 hours (BH/BL students assisted with the clean up)
Total of 502 volunteer hours over three days to run this event is huge. We live in such a great community.”

Supervisor Koetzle moved ahead with the agenda items.

RESOLUTION NO. 165-2013

Moved by: Councilwoman Wierzbowski

Seconded by: Councilman Ramotar

A RESOLUTION providing a hearing to consider any objections which may be made to the assessment roll for **Water District No. 11**, Town of Glenville, Schenectady County, New York and to **Extensions No. 1 thru 39** of said Water District.

BE IT RESOLVED AS FOLLOWS BY THE TOWN BOARD OF THE TOWN OF GLENVILLE, NEW YORK:

SECTION 1. A hearing shall be held to hear and consider any objections which may be made to the assessment roll for Water District No. 11, Town of Glenville, Schenectady County, New York and to Extensions No. 1 thru 39 of said Water District, which was filed with the Town Clerk on June 01, 2013. Such hearing shall be held on the 16th day of October 2013 at 7:30 o'clock in the evening or as soon thereafter as they may be reached at the Glenville Municipal Center, 18 Glenridge Road, Glenville, NY.

SECTION 2. Notice of such hearing shall be published once in the official Town newspaper at least ten (10) days prior to the date of said hearing.

SECTION 3. This resolution takes effect immediately.

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

Noes: None

Absent: None

Abstentions: None

Motion Carried

RESOLUTION NO. 166-2013

Moved by: Councilwoman Wierzbowski

Seconded by: Councilman Ramotar

A RESOLUTION providing a hearing to consider any objections which may be made to the assessment roll for **Sewer District No. 9 and Woodcrest Sewer Extension**, Town of Glenville, Schenectady County, New York.

BE IT RESOLVED AS FOLLOWS BY THE TOWN BOARD OF THE TOWN OF GLENVILLE, NEW YORK:

SECTION 1. A hearing shall be held to hear and consider any objections, which may be made to the assessment roll for Sewer District No. 9 and Woodcrest Sewer Extension, of the Town of Glenville, Schenectady County, New York, which was filed with the Town Clerk on June 1, 2013. Such hearing shall be held on the 16th of October 2013 at 7:30 o'clock in the evening or as soon thereafter as they may be reached at the Glenville Municipal Center, 18 Glenridge Road, Glenville, NY.

SECTION 2. Notice of such hearing shall be published once in the official Town newspaper at least ten (10) days prior to the date of said hearing.

SECTION 3. This resolution takes effect immediately.

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

Motion Carried

RESOLUTION NO. 167-2013

Moved by: Councilwoman Wierzbowski
Seconded by: Councilman Ramotar

A RESOLUTION providing a hearing to consider any objections which may be made to the assessment roll for the joint **Acorn Drive Sewer District and Woodhaven Sewer District Waste Treatment Plant**, Town of Glenville, Schenectady County, New York.

BE IT RESOLVED AS FOLLOWS BY THE TOWN BOARD OF THE TOWN OF GLENVILLE, NEW YORK:

SECTION 1. A hearing shall be held to hear and consider any objections, which may be made to the assessment roll for the joint Acorn Drive Sewer District, and Woodhaven Sewer District Waste Treatment Plant, Town of Glenville, Schenectady County, New York, which was filed with the Town Clerk on June 1, 2013. Such hearing shall be held on the 16th of October 2013 at 7:30 o'clock in the evening or as soon thereafter as they may be reached at the Glenville Municipal Center, 18 Glenridge Road, Glenville, NY.

SECTION 2. Notice of such hearing shall be published once in the official Town newspaper at least ten (10) days prior to the date of said hearing.

SECTION 3. This resolution takes effect immediately.

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

Motion Carried

RESOLUTION NO. 167-2013

Moved by: Councilwoman Wierzbowski

Seconded by: Councilman Ramotar

A RESOLUTION providing a hearing to consider any objections which may be made to the assessment roll for the joint **Acorn Drive Sewer District and Woodhaven Sewer District Waste Treatment Plant**, Town of Glenville, Schenectady County, New York.

BE IT RESOLVED AS FOLLOWS BY THE TOWN BOARD OF THE TOWN OF GLENVILLE, NEW YORK:

SECTION 1. A hearing shall be held to hear and consider any objections, which may be made to the assessment roll for the joint Acorn Drive Sewer District, and Woodhaven Sewer District Waste Treatment Plant, Town of Glenville, Schenectady County, New York, which was filed with the Town Clerk on June 1, 2013. Such hearing shall be held on the 16th of October 2013 at 7:30 o'clock in the evening or as soon thereafter as they may be reached at the Glenville Municipal Center, 18 Glenridge Road, Glenville, NY.

SECTION 2. Notice of such hearing shall be published once in the official Town newspaper at least ten (10) days prior to the date of said hearing.

SECTION 3. This resolution takes effect immediately.

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

Noes: None

Absent: None

Abstentions: None

Motion Carried

RESOLUTION NO. 168-2013

Moved by: Councilwoman Wierzbowski

Seconded by: Councilman Ramotar

A RESOLUTION providing a hearing to consider any objections which may be made to the assessment roll for **Alplaus Sewer District No. 1 and Extension No. 1** of the Town of Glenville, Schenectady County, New York.

BE IT RESOLVED AS FOLLOWS BY THE TOWN BOARD OF THE TOWN OF GLENVILLE, NEW YORK:

SECTION 1. A hearing shall be held to hear and consider any objections, which may be made to the assessment roll for Alplaus Sewer District No. 1 and Extension No. 1, Town of Glenville, Schenectady County, New York, which was filed with the Town Clerk on June 1, 2013. Such hearing shall be held on the 16th of October 2013 at 7:30 o'clock in the evening or as soon thereafter as they may be reached at the Glenville Municipal Center, 18 Glenridge Road, Glenville, NY.

SECTION 2. Notice of such hearing shall be published once in the official Town newspaper at least ten (10) days prior to the date of said hearing.

SECTION 3. This resolution takes effect immediately.

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

Motion Carried

RESOLUTION NO. 169-2013

Moved by: Councilman Pytlovany
Seconded by: Councilman Boulant

WHEREAS, it is the intent of this resolution to keep Halloween a safe day for the children trick or treating in Glenville,

NOW, THEREFORE, BE IT RESOLVED that the time Halloween is to be celebrated within the Town of Glenville is from 4:00 PM to 8:00 PM on Thursday, October 31, 2013; and

BE IT FURTHER RESOLVED that the Chief of Police be and he hereby is authorized to print notices of "**Safe Thursday Halloween**" and have them distributed to the Neighborhood Watch Groups, schools, churches, newspapers and at any other locations deemed appropriate.

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

Motion Carried

RESOLUTION NO. 170-2013

Moved by: Councilman Pytlovany
Seconded by: Councilman Boulant

WHEREAS funding has been made available under a competitive grant process through the NYS Justice Departments Justice Court Assistance Program for funding of municipal court security projects,

WHEREAS it is in the best interest of the Town of Glenville to apply for available funding to assist with the financing of such projects for the Town Court,

WHEREAS the Town Board of the Town of Glenville approves the application for funding under the 2013-2014 Justice Court Assistance Program with a request amount not to exceed \$30,000,

NOW THEREFORE BE IT RESOLVED that Christopher A. Koetzle, Supervisor of the Town of Glenville, is authorized to execute all necessary documentation for the 2013-2014 application for court funding under the NYS Justice Departments Justice Court Assistance Program.

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

Motion Carried

RESOLUTION NO. 171-2013

Moved by: Councilman Pytlovany
Seconded by: Councilman Boulant

WHEREAS, I am introducing a Local Law to amend Chapter 255, “Vehicle and Traffic” of the Code of the Town of Glenville; and

WHEREAS, a duly scheduled public hearing must be held in order to amend the existing code by Local Law;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Glenville will meet at the Glenville Municipal Center, 18 Glenridge Road, Glenville, New York on Wednesday, October 16, 2013 at 7:30 p.m., or as soon thereafter as possible, at which time it will hear all persons interested in the proposed local law to amend Chapter 255, “Vehicle and Traffic” chapter of the Code of the Town of Glenville; and

BE IT FURTHER RESOLVED that the Town Clerk be and she is hereby authorized and directed to prepare the proper public notice of said hearing in accordance with law, as follows:

§ 255-2. Stop intersections.

ADD:

The following intersections are hereby designated as stop intersections and stop signs shall be erected on entrances thereto as indicated:

Intersection	Stop Sign On	Entrance(s)
B Street	7 th Street	East

Section 255-7. – Truck Exclusions

ADD:

A. All trucks, tractors, tractor-trailers and commercial vehicles with a maximum gross weight of vehicle and load capacity of four tons are hereby excluded from the following highways within this Town:

Name of Street	Location
Wolf Hollow Road (Schenectady County Road No. 59)	Between its intersection with Route No. 5 and its intersection with West Glenville Road.
Touareuna Road (Town of Glenville Road)	Between its intersection with Wolf Hollow Road and its intersection with West Glenville Road

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. 172-2013

Moved by: Councilwoman Wierzbowski

Seconded by: Councilman Ramotar

WHEREAS, a written petition has been presented to and filed with the Town Clerk of the Town of Glenville requesting an extension to Sewer District No.9 of the Town of Glenville be established to include real property described by section, block and lot number in the petition and consisting of one parcel located at 411 Ballston Road in the Town of Glenville; and

WHEREAS, a site plan and sewer details prepared by Stewart's Shops with a date of July 25, 2013, was been filed in the office of the Town Clerk of the Town of Glenville; and

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Glenville hereby adopts the following order:

ORDER

1. A petition to add an Extension to Sewer District No. 9 from a manhole in Swaggertown Road to the premises on Ballston Road has been filed with the Town Clerk on or about August 1, 2013.
2. The real property to be included in the extension is described by section, block and lot number as identified on the Schenectady County Real Property Tax Service Agency Tax Map as: 30.10-1-23.
3. The improvements proposed are the installation of a lateral connection to the main of approximately three-hundred (300) feet for individual service connections along the route described in "1" as indicated above.
4. The amount proposed to be expended for the extension is approximately \$16,000.00 to be borne entirely by the developer.
5. No portion of the cost this extension will be attributable to Sewer District No.9.
6. The estimated annual cost to the typical property is:
 - a. District debt service: \$30.17
 - b. O & M: \$262.01.
7. The map, plan and report describing this extension to Sewer District 9 regarding this potential extension is on file in the Town Clerk's Office and may be inspected by members of the public.
8. The proposed financing method to be employed in the construction of this connection in this sewer district extension is private financing by the developer.

NOW, THEREFORE BE IT RESOLVED that the Town Board of the Town of Glenville will hold a public hearing on the petition to establish this extension to Sewer District No. 9 on October 16, 2013 at 7:30 PM or as soon thereafter as the matter can be reached, at the Glenville Municipal Center at 18 Glenridge Road, Glenville, New York to hear all persons interested in the establishment of this extension to the sewer district; and

BE IT FURTHER RESOLVED that a copy of this order certified by the Town Clerk shall be published at least once in the official newspaper of the Town and that said publication be not less than ten nor more than twenty days before the October 16, 2013 public hearing date.

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

Noes: None

Absent: None

Abstention: None

Motion Carried

RESOLUTION NO. 173-2013

Moved by: Councilman Ramotar

Seconded by: Councilwoman Wierzbowski

WHEREAS, Petitions and Notices to Review the Assessment for taxation for the tax years 2008, 2009, 2010, 2011 and 2012 of the real estate owned by MFB Glenville LLC a/k/a RD Acquisition #5 LLC or MFB Glenville 202 LLC, commonly known as 202-204 Saratoga Road, Glenville, New York (S/B/L # 22.11-4-14, 15 and 19) were duly served upon the Assessor; and

WHEREAS, the parties have exchanged appraisals, have participated in a conference with the assigned Justice of the Supreme Court and the matters are ready for trial; and

WHEREAS, the Town, through its attorney and the Assessor are prepared to enter into Consent Order and Judgment regarding their differences as fully described in the proposed Consent Order and Judgment attached hereto which contains the following:

That the proceedings for the tax years 2008, 2009, 2010, 2011 and 2012 in relation to the property be settled on the following terms and conditions:

1. This settlement is made in resolution of all claims or proceedings with respect to the subject property's real property tax assessment for the tax years stated above;
2. Approval of this settlement and all required authorizations and enactments by the necessary parties shall be made in good faith and as expeditiously as possible;
3. The provisions of the RPTL section 727, including RPTL 727 (2) shall not apply to this settlement. That is because the property has been reconfigured, re-conveyed and re-developed and improved with new structures and improvements.
4. In consideration hereof, the tax certiorari proceedings brought by the taxpayer shall be discontinued on the merits with prejudice and without costs to either party or against the other.
5. The parties agree that the Stipulation is entered into for good and valuable consideration, that it is the entire agreement of the parties, that it is made to resolve this litigation and shall not be offered in any other proceeding by any party as competent evidence of any fact, that the stipulation may be filed in the office of the Schenectady County Clerk and an Order may be entered, based upon the Stipulation by either party on notice to the other.
6. The parties will pay any refunds for overpayment of taxes in two equal installments, one due sixty days after entry of the Consent Order and the other one year thereafter

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 Assessor without further attendant legal and appraisal costs; and

WHEREAS, the property is located in the Scotia - Glenville School District, and the District has no opposition to the proposed settlement;

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 MFB Glenville LLC a/k/a RD Acquisition #5 LLC or MFB Glenville 202 LLC for the settlement of the tax certiorari proceeding brought relative to the property known as 202-204 Saratoga Road, Glenville, New York under the terms outlined in the attached Consent Order.

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

Motion Carried

RESOLUTION NO. 174-2013

Moved by: Councilwoman Wierzbowski
Seconded by: Councilman Ramotar

WHEREAS, the Town of Glenville is the recipient of a \$24,601 State Archives and Records Administration (SARA) grant to convert paper documents to electronic format in the Building, Planning, Engineering and Water Departments, and

WHEREAS, duties required to be performed for the grant involve lifting, carrying and transporting boxes of paper records to and from storage facilities as well as scanning duties that would involve, at least in part, over-sized documents, such that duties statement for “laborer” most accurately describes the predominant work for this position, and

WHEREAS, the SARA grant is predicated on a laborer pay rate of \$12.00 per hour to accomplish the work to be performed as specified in the grant application,

NOW, THEREFORE, BE IT RESOLVED, that the Glenville Town Board hereby authorizes the Town Supervisor to employ a temporary Laborer for the period from October 7th, 2013 – June 30th, 2014, at a pay rate of \$12.00 per hour, not to exceed 40 hours in any given week, with no benefits, to perform laborer and scanning work as required by the SARA grant.

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

Motion Carried

RESOLUTION NO. 175-2013

Moved by: Councilman Ramotar
Seconded by: Councilwoman Wierzbowski

BE IT RESOLVED, that the minutes of the regular meetings held on September 4 and September 18, 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

New Business

Councilman Ramotar reminded the residents that if they received a letter from the State Tax and Finance Department regarding their Basic STAR to make sure they follow the instructions and visit their website or call to reapply for 2014. He also stated that this does not affect seniors who receive the Senior or Enhanced STAR.

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 8:00PM.

ATTEST:

Linda C. Neals
Town Clerk