

REGULAR MEETING OF THE TOWN BOARD
TOWN OF GLENVILLE
MARCH 16, 2016
AT THE GLENVILLE MUNICIPAL CENTER
18 GLENRIDGE ROAD, GLENVILLE, NEW YORK

Supervisor Koetzle called the meeting to order at 7:00 PM;

Supervisor Koetzle asked the Town Clerk, Linda C. Neals, to call the roll.

Present: Supervisor Christopher A. Koetzle, Councilmen James M. Martin, John C. Pytlovany and Councilwoman Gina M. Wierzbowski

Absent: Councilman Alan Boulant

Also present were Attorney Michael Cuevas and Jason Cuthbert, Comptroller.

Town Council Reports:

Councilman Martin – “We have our annual economic development event coming up on April 21st at 5:30 PM at the Lighthouse called “Let’s Talk Business”.

Councilman Pytlovany – “I attended the S-G DARE Advisory Board meeting last night. DARE Program was started in 1992 in Scotia/Glenville and the job of the Advisory Board is to raise money in order to support the program and the school. This was the first time that the community, the schools and police departments got together to supply one program. The police department supplies the officer, the school district supplies the classroom and the advisory board supplies the funding that is needed to purchase the workbooks, graduation shirts and certificates etc. There are openings on the DARE Board and we are going to be actively seeking new board members. In the past we had an annual golf tournament, which we didn’t have this year because of a lack of members. Hopefully we can try to build this board back up and have a tournament in the fall or at least next year.”

Supervisor Koetzle shared the following information:

I attended the grand re-opening of the “Plush Hair Salon”. They expanded their space by moving upstairs. It looks great!

We have been meeting with McDonald Engineering on the Town Center lighting plan. We are very close to starting the project.

Jason and Attorney Cuevas tell me that the Tyler Tec contract is ready to execute which is authorizing the purchase of new software for starting with finance but eventually being used throughout the town.

I met with Ray Gillen and Susan Swartz on the unsafe way to school. We will partner between the school, the county and the town to try to make it safer near the Middle School. Metroplex has pledged to pay for a traffic study there.

RESOLUTION NO. 84-2016

Moved by: Councilwoman Wierzbowski

Seconded by: Councilman Martin

WHEREAS, the Town of Glenville Highway Department requires reliable and proper equipment to perform Town duties; and

WHEREAS, the Highway Department now utilizes a 2001 Bobcat Skid Steer which has reached the end of its useful life and requires replacement; and

WHEREAS, the Highway Department is in need of one set of four automotive/truck lifts at the Town of Glenville Highway Garage to replace obsolete units which were removed in 2014; and

WHEREAS, the Highway Department also now utilizes daily a 2012 John Deere Loader which the Highway Superintendent recommends be replaced with a larger unit to improve departmental efficiencies; and

WHEREAS, the Highway Superintendent has found suitable replacements for all of the aforementioned equipment under New York State contract pricing; and

WHEREAS, General Municipal Law section 9-a (2) allows a municipal corporation to temporarily advance moneys held in any fund to any other fund of the municipal corporation so long as such moneys are repaid as soon as possible and within the same fiscal year; and

WHEREAS, the Highway Fund currently has sufficient moneys within the 2016 Final Budget appropriations to temporarily advance to the Capital Projects Fund for the purchase of the automotive/truck lifts and Wheel Loader referenced herein until Bond Anticipation Notes for such purchases can be issued and the proceeds of such BANs received,

NOW, THEREFORE, BE IT RESOLVED, that the Highway Superintendent is authorized to purchase a 2016 Bobcat Compact Track Loader under New York State contract pricing at a cost not to exceed fifty-four thousand dollars (\$54,000), with this expense charged to account 04.00.5130.2000 (Equipment) as included in the 2016 adopted budget; and

BE IT FURTHER RESOLVED, that the Highway Superintendent is authorized to purchase one set of four automotive/truck lifts including jack stands, beam adapters, and ancillary equipment, under New York State contract pricing at a cost not to exceed forty-five thousand dollars (\$45,000), with this expense initially paid through an advance of appropriated Highway fund balance until the receipt of the proceeds of a Bond Anticipation Note to be issued in June 2016, at which time the Capital Projects Fund shall repay the Highway Fund in full; and

BE IT STILL FURTHER RESOLVED, that the Highway Superintendent is authorized to purchase a 2016 Wheel Loader under New York State contract pricing at a cost not to exceed one hundred ninety thousand dollars (\$190,000), with this expense initially paid through an advance of appropriated Highway fund balance until the receipt of the proceeds of a Bond Anticipation Note to be issued in June 2016 at which time the Capital Projects Fund shall repay the Highway Fund in full; and

BE IT STILL FURTHER RESOLVED, that, in lieu of a purchase, the Highway Superintendent is authorized to lease a 2016 Wheel Loader should the Town Comptroller determine that this method of acquisition would provide the best financial value to the Town; and

BE IT STILL FURTHER RESOLVED, that upon purchase and delivery of the 2016 Bobcat Compact Track Loader to the Town of Glenville, the 2001 Bobcat Skid Steer is deemed surplus property and is eligible for disposal in the most cost-effective manner as determined by the Town Comptroller; and

BE IT STILL FURTHER RESOLVED, that upon purchase and delivery of the 2016 Wheel Loader to the Town of Glenville, the 2012 John Deere Loader is deemed surplus property and is eligible for disposal in the most cost-effective manner as determined by the Town Comptroller.

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

Abstentions: None

Motion Carried

RESOLUTION NO. 85-2016

Moved by: Councilwoman Wierzbowski

Seconded by: Councilman Martin

WHEREAS, the Town of Glenville will be opening the Andersen Dog Park this spring necessitating potable water for both dogs and the general public, and

WHEREAS, the specific needs for this water supply include drinking fountains for the general public including handicapped accessibility, a drinking fountain for dogs, a hose bibb and a bottle/jug filler, and

WHEREAS, quotes have been obtained for this type of fountain as required by the town's purchasing policy and the Deputy Supervisor recommends the lowest responsible quote that meets the specified needs.

NOW THEREFORE, BE IT RESOLVED that the Town Board of the Town of Glenville hereby authorizes the purchase of 1- 440 SM Surface Mount Fountain with options specified as provided by Most Dependable Fountains, 5705 Commander Dr., Arlington, TN, 38002-0587 (quote attached), in the amount of \$4,795 (including shipping) to be charged to account number 03.00.7110.4200 (dedicated park fund).

Ayes: Councilmen Martin, Pytlovany, Councilwoman Wierzbowski and Supervisor Koetzle

Noes: None

Absent: Councilman Boulant

Abstention: None

Motion Carried

RESOLUTION NO. 86-2016

Moved by: Councilman Pytlovany

Seconded by: Councilman Martin

WHEREAS, a Member of the Town Board of the Town of Glenville is 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, April 6, 2016 at 7:00 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:

Section 255-6. – Parking, standing and stopping; penalty

ADD:

B. Parking of vehicles prohibited:

(2) The parking of vehicles is hereby prohibited in any of the following locations:

Name of Street	Side Location
Access Boulevard	Both Between Prestige Parkway and Patent Parkway
Business Boulevard	East Between Progress Parkway and Prestige Parkway
Capital Boulevard	Both Between Patent Parkway and Progress Parkway
Charlton Road [Added 4-18-1984 by L.L. No. 1-1984]	Both From New York State Route No. 50 a distance of 500 feet northerly, between the hours of 9:00 p.m. and 1:00 a.m.
Culligan Drive	South Between New York State Route No. 50 and its dead end
Indian Meadows Park Road [Added 8-15-2001 by L.L. No. 4-2001]	Both Between Droms Road and its terminus
Maalwyck Park Road [Added 8-15-2001 by L.L. No. 4-2001 ^(a)]	Both From Route 5 to its terminus
McArthur Drive [Added 9-5-1984 by L.L. No. 3-1984; amended 6-21-1989 by L.L. No. 3-1989]	North Between Pine Street and its end at St. Joseph's School
Patent Parkway	South Between Access Boulevard and Capital Boulevard
Potential Parkway	Both Between Access Boulevard and Capital Boulevard
Prestige Parkway	Both Between Access Boulevard and Capital Boulevard
Schermerhorn Street [Added 1-16-2013 by L.L. No. 1-2013]	East Between Broad Street and its dead end
St. Anthony Lane [Added 9-1-2004 by L.L. No. 2-2004]	West From Glenridge Road northerly for 250 feet
<u>Weatherwax Road</u>	<u>Entire length</u>
Wren Street	North Between Schermerhorn Street and its dead end

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 Martin, Pytlovany, Councilwoman Wierzbowski and Supervisor Koetzle
Noes: None
Absent: Councilman Boulant
Abstentions: None

Motion Carried

RESOLUTION NO. 88-2016

Moved by: Councilwoman Wierzbowski
Seconded by: Councilman Martin

WHEREAS, the Schenectady County Nursing Home is connected to Town of Glenville sewer infrastructure, including a pump station on Hetcheltown Road; and

WHEREAS, the Hetcheltown Road pump station and the sewer mains from the Nursing Home to the pump station and from the pump station are owned and maintained by the Town; and

WHEREAS, during the course of the past year, the Town observed discharges of solid or viscous substances from the County Nursing Home facility into the town sewer system capable of causing obstruction of or interference with the proper operation of wastewater facilities in violation of Section 217-6 C. (4) of the Code of the Town of Glenville; and

WHEREAS, the Town and the County desire to remedy this problem and to prevent obstruction or interference with wastewater facilities and propose to do so by the installation of an impeller at the Hetcheltown Road pump station, at the sole cost and expense of County; and

WHEREAS, the Attorney for the Town, the Town Commissioner of Public Works and Deputy Commissioner of Public Works believe it is in the best interests of the Town to enter into the attached settlement agreement with County in lieu of prosecution of sewer use violations;

NOW THEREFORE, BE IT RESOLVED that the Town Board of the Town of Glenville hereby authorizes the Supervisor to enter into the attached Settlement Agreement and Release which will cover the Town's costs for the impeller and installation thereof at the Hetcheltown Road pump station in satisfaction of any sewer violations which may have been committed up to the date of this agreement.

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

Motion Carried
RESOLUTION NO. 89-2016

Moved by: Councilman Martin
Seconded by: Councilman Pytlovany

BE IT RESOLVED that the **Monthly Departmental Reports** for February, 2016 as received from the following:

- Assessor's Department – January & February
- Building Department
- Economic Development & Planning Department
- Justice Department
- Police Department/Dog Control
- Receiver of Taxes
- Section 8
- Town Clerk's Office
- Water Department – January & February

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

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

Motion Carried
RESOLUTION NO. 90-2016

Moved by: Councilmen Martin
Seconded by: Councilman Pytlovany

BOND RESOLUTION OF THE TOWN OF GLENVILLE, NEW YORK (THE "TOWN"), DATED MARCH 16, 2015 AUTHORIZING (A) THE ACQUISITION OF ONE (1) 2016 WHEEL LOADER AND FOUR (4) AUTOMOTIVE/TRUCK LIFTS, INCLUDING JACK STANDS; ESTIMATING THE AGGREGATE COST THEREOF TO BE NO MORE THAN \$235,000.00; APPROPRIATING SAID AMOUNT THEREFOR AND AUTHORIZING THE ISSUANCE OF UP TO \$235,000.00 SERIAL BONDS OF THE TOWN TO FINANCE SAID COST.

WHEREAS, on the date hereof, the Town Board of the Town of Glenville (the "Board"), in response to a stated need for new machinery and apparatus for the Town's Department of Public Works ("DPW"), adopted a resolution pursuant to which it authorized the DPW to purchase one (1) wheel loader and four (4) automotive/truck lifts, including jack stands in an aggregate amount not to exceed \$235,000.00, and that the cost of said acquisition would be paid from the proceeds of bonds;

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Board as follows:

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

- (A) The acquisition of one (1) new Wheel Loader and four (4) automotive/truck lifts with jack stands (collectively, the "Machinery and Apparatus"), the maximum aggregate cost thereof being hereby estimated to be no more than \$235,000.00, appropriating said amount therefor and authorizing the issuance of up to \$235,000.00 serial bonds to finance such cost; and

SECTION 2. It is hereby determined that the period of probable usefulness of the aforesaid objects or purposes is as follows:

- (A) Machinery and Apparatus - fifteen (5) years pursuant to Section 11.00(a)(28) of the Law.

SECTION 3. The plan of financing includes the issuance of \$235,000.00 serial bonds and the levy of a tax upon all of the real property in the Town to pay the principal of and interest on said bonds as the same shall become due and owing.

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

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

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

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

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

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

SECTION 10. Subject to the provisions of this Bond Resolution and the Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of serial bonds and bond anticipation notes, or the renewals of said obligations and of Section 50.00 and Section 60.00 of the Law, the powers and duties of the Board relative to authorizing serial bonds and bond anticipation notes and prescribing the terms, form and content as to sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Supervisor of the Town, the chief fiscal officer of the Town. Pursuant to the provisions of paragraph a of Section 56.00 of the Local Finance Law, the power to determine whether to issue bonds and bond anticipation notes having substantially level or declining annual debt service, as provided in paragraph d of Section 21.00 of the Local Finance Law, is hereby delegated to the Supervisor of the Town, the chief fiscal officer of said Town. In addition to the delegation of powers described above, the powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Town Supervisor, who shall advertise such bonds for sale, conduct the sale and award the bonds in such manner as he shall deem best for the interests of the Town; provided, however, that in the exercise of these delegated powers, he shall comply fully with the provisions of the Local Finance Law and any other order or rule of the State Comptroller applicable to the sale of municipal bonds.

SECTION 11. All costs and expenses in connection with the acquisition and development of the objects and purposes set forth in Section 1 above, and the

financing thereof by the sale of bonds, including but not limited to, the fees and expenses of bond counsel, financial advisors, underwriters, feasibility consultants, counsel for the Town and other professionals, shall be paid to the extent permitted by law from the proceeds of the sale of such bonds.

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

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

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

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

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

Motion Carried

RESOLUTION NO. 91-2016

Moved by: Councilman Pytlovany
Seconded by: Councilman Martin

WHEREAS, the Town of Glenville currently leases space on its Lolik Lane water tower site to two cell tower firms and Time Warner for a satellite receiver; and

WHEREAS, the lease for the cell tower operated by American Tower LLC will expire in the year 2022; and

WHEREAS, the current lessee, American Towers LLC. has expressed interest in extending its lease for an additional fifteen (15) years; and

WHEREAS, the Town hired a consultant to analyze the market value of its cell tower sites in order to negotiate the best possible leases; and

WHEREAS, with the results of the market analysis, the Attorney for the Town has negotiated terms for a lease extension with American Tower with the following terms:

1. Term: Extended 15 years to 2037
2. Base Rent: Immediate increase from about \$8,500 to \$24,000 per year.
3. Annual Rent Escalator: 3%
4. Revenue share: Fixed \$100/month for each tenant after the first.

5. Signing bonus: \$50,000.00 payable within 30 days.
6. American Tower to utilize additional 500 square feet for equipment.

WHEREAS pursuant to Town Law 64(2) resolutions authorizing leases of Town real property are subject to permissive referendum, and

WHEREAS the Town Board finds and determines pursuant to Article 8 of the Environmental Conservation Law and 6 NYCRR 617.5(c)(26), the renewal of this lease where no material changes have been made in the lease conditions or the scope of permitted activities is a Type II action which is exempt from SEQR review; and

NOW THEREFORE, BE IT RESOLVED that the Town Board of the Town of Glenville, in its own capacity and as the Board of Water Commissioners for Water District 11 hereby authorizes the Town Supervisor to enter into an agreement for a cell tower lease extension with American Tower under the terms outlined above; and

BE IT FURTHER RESOLVED that the Town Clerk be and hereby is directed to publish the attached Notice of Adoption of Resolution Subject to Permissive resolution in the official newspaper of the Town in accordance with law.

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

Motion Carried

Supervisor Koetzle asked for a motion to adjourn; motion to adjourn; Moved by Councilwoman Wierzbowski; Seconded by Councilman Martin, everyone being in favor the meeting was adjourned at 7:30 PM.

ATTEST:

Linda C. Neals
Town Clerk