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AGENDA
TOWN BOARD MEETING
TOWN OF GLENVILLE
18 GLENRIDGE ROAD
November 17, 2021
7:00 P.M.
www.townofglenville.org

Supervisor:

Christopher A. Koetzle

Council Members

Gina M. Wierzbowski,

Deputy Supervisor

Michael Aragosa

Michael R. Godlewski

James M. Martin

1. Invocation
2. Pledge of Allegiance to the Flag.
3. Roll Call
4. Town Council Reports
5. A Public Hearing at 7:00 P.M., or as soon thereafter as possible, at which time it will hear all persons interested in the proposed imposition of liens on the parcels of real property listed on Schedule "A" (attached) for cutting of Grass, Brush and Weeds and administrative fees pursuant to Chapter 99 of the Code of the Town of Glenville.
6. Public Hearing 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 15 amendments of Chapter 270-9F, "Accessory Uses" of the Code of the Town of Glenville.
7. Public Hearing at 7:00 P.M., or as soon thereafter as possible, at which time it will hear all persons interested in the in the proposed Local Law 16 amendments of Chapter 232, "Garbage and Refuse" of the Code of the Town of Glenville.
8. Public hearing on November 17, 2021 at 7:00 PM at the Glenville Municipal Center, 18 Glenridge Road, Glenville, New York to hear all persons interested regarding the imposition of a lien on 513 Elliott Street.
9. Proclamation honoring Armand Canestraro for being recognized with the Schenectady County Life Time Achievement Award.
10. Privilege of the Floor
11. Supervisor's Comments to the Board
12. Resolution scheduling a Public Hearing for Wednesday, December 1, 2021 at 7:00 PM at the Glenville Municipal Center, 18 Glenridge Road, Glenville, New York to hear all persons interested in the proposed zoning change for addition to the zoning map of the Town of Glenville.
13. Resolution scheduling a Public Hearing for Wednesday, December 1, 2021 at 7:00 P.M., or as soon thereafter as possible, at which time it will hear all persons interested in the proposed amendments of Chapter 139, "Fees" of the Code of the Town of Glenville.

14. Resolution adopting the 2022 Preliminary Budget as the 2022 Final Budget of the Town of Glenville for the fiscal year commencing January 1, 2022.
15. Resolution authorizing the imposition of liens on certain parcels of real property for cutting of Grass, Brush and Weeds and administrative fees imposed pursuant to Chapter 99 of the Code of the Town of Glenville.
16. Resolution authorizing the imposition of a lien on the parcel known as 513 Elliott Street for demolition expenses.
17. Resolution approving the Town of Glenville independently audited financial statements for the fiscal year ending December 31, 2020.
18. Resolution rejecting all bids received for the 2022 Bulk Item pickup program.
19. Resolution accepting the lowest bid received for Water Break Paving 2021-Phase Two.
20. Resolution accepting the lowest bid received for the paving at Maalwyck Park.
21. Resolution authorizing payment to Empire Paving.
22. Resolution adopting the proposed Local Law 15 amendments of Chapter 270-9F, "Accessory Uses" of the Code of the Town of Glenville.
23. Resolution adopting the proposed Local Law 16 amendments of Chapter 232, "Garbage and Refuse" of the Code of the Town of Glenville.
24. Resolution authorizing the Town Supervisor to enter into an agreement with NYSHTFC and NYSOCR.
25. Resolution authorizing the Town Supervisor to enter into an agreement with Barton and Loguidice.
26. Resolution approving the minutes of the Regular Town Board meeting held on November 3, 2021.
27. Resolution approving the monthly Department Reports for October 2021.
28. Resolution authorizing the Supervisor to enter into a consent order and judgment with Glen Esk Apartments LLC to settle tax assessment cases.
29. New Business

ADD-ON

1. Resolution declaring old radio equipment as surplus.

Sponsored by: Jim Martin, Town Councilman
Submitted by: Melissa Cherubino, Community Development Director

RESOLUTION NO. 12-2021

Moved by:
Seconded by:

WHEREAS, the applicant requests a zoning change as permitted under the Code of the Town of Glenville section 270-24.1 sub-section D, "Solar Overlay District for construction of a solar farm at 653 Swaggertown Road; and

WHEREAS, the proposed solar overlay district will include approximately 113-acres, which is split by Swaggertown Road. The applicant intends to develop both the west and east sides of Swaggertown Road with ground mounted solar arrays; and

WHEREAS, the west side will be rated at 3.35 MW DC / 2.58 MW AC with a project area of roughly 9 acres out of 38.4-acres of which the ground disturbance is expected to be approximately 2.89 acres; and

WHEREAS, the east side will be rated at 5.79 MW DC / 4.45 MW AC with a project area of roughly 15.3 acres out of 75-acres of which the ground disturbance is expected to be approximately 4.46 acres; and

WHEREAS, consideration of the solar overlay constituted a Type I Action under the State Environmental Quality Review Act (SEQRA) which required a coordinated review; and

WHEREAS, lead agency letters were sent to NYS Department of Environmental Conservation, Schenectady County Planning, and the various boards reviewing the proposal for the Town of Glenville; and

WHEREAS, the Glenville Environmental Conservation Commission (GECC) reviewed the submitted application materials which included site plans, a draft PDD, full environmental assessment form part 1, a glare analysis and the associated applications, based on which the GECC recommends a negative declaration for SEQR purposes; and

WHEREAS, the Planning Zoning Commission (PZC) reviewed the submitted materials at its October 18th meeting and made a recommendation for the Town Board to approve the proposal; and

WHEREAS, a duly scheduled public hearing must be held in order to amend the existing code and create the solar overlay district 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, December 1, 2021 at 7:00 P.M., or as soon thereafter as possible, at which time it will hear all persons interested in the proposed zoning change for addition to the zoning map of the Town of Glenville; 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 and to provide same to the Village of Scotia and the City of Schenectady; and

BE IT STILL FURTHER RESOLVED that the Town Clerk is directed to place the public hearing on the December 1, 2021 Town Board meeting agenda

Ayes:

Noes:

Absent:

Abstentions:

Motion Carried/Defeated

Town Board Decision on November 17, 2021

MOTION

In the matter of the recommendation to the Town Board for the zoning change to the Solar Overlay District for Swaggertown Solar I, LLC located at 653 Swaggertown Road, the Planning and Zoning Commission recommends that the Town Board approve the application.

Reasons supporting the recommendation:

1. This application does fit into the previously adopted legislation with respect to the location of solar farms and substations.
2. The support of clean energy within the Town of Glenville.

Additional comments:

1. The Town Board needs to consider several of the items below that will be addressed at the site plan review.
 - ☐ The applicant should minimize existing tree removal particularly on the western side.
 - ☐ Both east and west locations should be screened to the maximum extent possible with particular attention given to coming down Bolt Road, with a significant several hundred-foot elevation change, from Sacandaga Road to Swaggertown Road. The solar farm will likely be visible at any time of the year.
 - ☐ It should also be noted in the GECC 10/4/21 memo to the PZC from GECC Chairman Dan Hill the following:

“because of the slope of Bolt Road, there is potential for the arrays in the east parcel may be visible as one proceeds on Bolt Road east from Sacandaga to Swaggertown. This is in addition to the potential visibility from Bolt of the west parcel arrays and we raise this point only so that the eastward view from Bolt is included in any evaluation of screening that might be needed.”
 - ☐ M. Carr stated he also believes there will be a visibility issue with the western development and the Town Board needs to take this into consideration for the zoning change to the Solar Overlay District.
 - ☐ Consideration should be given to the sensitivity and proximity of the Indian Kill and its tributaries with regard to this project.

Motion

Moved by: M. Carr

Seconded by: P. Ragucci

Ayes: 4 Noes: 0 Absent: 3

Motion Approved

Lynn Gerard Walkuski
Executive Secretary I
Planning Department
518-688-1200 ext. 7



Town of Glenville
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Glenville Environmental Conservation Commission

Edwin Droz • Daniel Hill • Keven Mathes • Donald Rodbell • Charles Story • Robert Titus

Page 1 of 1

October 4, 2021

To: Glenville Planning and Zoning Commission

Copy: Melissa Cherubino, Glenville Director of Community Development
Michael Aragosa, Glenville Town Board (GECC liaison)

Subject: SEQR recommendation for applications by Swaggertown Solar I, LLC and Swaggertown Solar II, LLC to rezone 653 Swaggertown Road (East and West) to Solar Energy Farm Overlay District

After reviewing materials submitted as of September 27, 2021 by Swaggertown Solar I and II, LLC and questioning their engineering representative about these applications per Town Code § 270-24.1.D, GECC finds no factors that indicate the need for a full Environmental Impact Statement and therefore concludes that a negative declaration under SEQR would be appropriate for both applications, and we note this point for Town attention as the review proceeds:

- Because of the slope of Bolt Road, there is some potential that the arrays in the East parcel (Swaggertown Solar II) may be visible as one proceeds on Bolt from Sacandaga toward Swaggertown. This is in addition to the potential visibility from Bolt of the West parcel arrays, and we raise the point only so that the Eastward view from Bolt is included in any evaluation of screening that might be needed.

Daniel Hill
GECC Chair

Sponsored by: Jim Martin, Town Councilman
Submitted by: Earl Redding, Attorney for the Town

RESOLUTION NO. 13-2021

Moved by:
Seconded by:

WHEREAS, a Member of the Town Board of the Town of Glenville is introducing a Local Law to amend Chapter 139, "Fees", with accompanying amendments to the Code of the Town of Glenville (a copy of which is attached hereto); and

WHEREAS, this proposed Code amendment is the product of much study and discussion by the Town of Glenville Code Revision Commission; and

WHEREAS, the Local Law clarifies the existing regulations, and constitutes a Type II Action under the State Environmental Quality Review Act (SEQRA) which does not require further review; 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, December 1, 2021 at 7:00 P.M., or as soon thereafter as possible, at which time it will hear all persons interested in the proposed amendments of Chapter 139, "Fees" of the Code of the Town of Glenville; 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 and to provide same to the Village of Scotia and the City of Schenectady; and

BE IT STILL FURTHER RESOLVED that the Town Clerk is directed to place the public hearing on the December 1, 2021 Town Board meeting agenda

Ayes:
Noes:
Absent:
Abstentions:

Motion Carried/Defeated

Town Board Decision on November 17, 2021

§ 139-5. Miscellaneous documents. [Amended 12-5-1990 by L.L. No. 10-1990; 4-5-2006 by L.L. No. 3-2006; 2-6-2008 by Res. No. 50-2008¹]

A fee shall be paid to the Town of Glenville for the following:

- A. Zoning Ordinance: \$15.
- B. Subdivision Rules and Regulations: \$10.
- C. Zoning Map: \$15.
- D. Comprehensive Plan: \$10.
- E. Landscape Manual: \$5.
- F. Design Manual: \$5.

§ 139-9. Building construction administration. [Amended 8-18-2004 by L.L. No. 1-2004; 2-6-2008 by Res. No. 50-2008; ²2-3-2021 by L.L. No. 1-2021]

The applicant for a building permit, upon filing an application, shall pay to the Town of Glenville a fee for such permit pursuant to the following schedule. Gross floor area is being calculated from the outside dimensions of the building or structure.

- A. Residential buildings.
 - (1) Single-family residence: \$2.50 for \$1,000 of value or portion thereof.
 - (2) Two-family residence: \$2.50 for each \$1,000 of value or portion thereof.
 - (3) Multiple dwelling: \$2.50 per \$1,000 of value or portion thereof.
 - (4) Townhouse: \$2.50 per \$1,000 of value or portion thereof.
 - (5) Combination store and dwelling unit: \$2.50 per \$1,000 of value or portion thereof.
 - (6) Accessory structure: \$25 for each 100 square feet of floor area or portion thereof.
 - (7) Additions, alterations and repairs: by total value of work to be done: \$50 for the first \$1,000 of work to be performed, plus \$10 for each additional \$1,000 of work or portion thereof.
 - (8) All other construction: by total value of work to be done: \$30 for the first \$1,000 of work to be performed, plus \$10 for each additional \$1,000 of work or portion thereof.
 - (9) Demolition: \$50 minimum for all buildings, subject to the following table:

1. Editor's Note: This resolution provided for an effective date of 2-6-2008.

2. Editor's Note: This resolution provided for an effective date of 2-6-2008.

Building Size	Demo Fee
10 to 1,000	\$50
1,001 to 2,500	\$250
2,501 to 5,000	\$500
+1,000	\$15

(10) Woodburning equipment, fireplace and gas insert: \$40.

(11) Plumbing: \$35 minimum, plus \$5 for each fixture.

(12) Pools:

(a) In-ground: \$100.

(b) Aboveground: \$50.

B. Commercial and nonresidential construction.

(1) New construction: \$2.50 per \$1,000 of value or portion thereof.

(2) Additions, alterations and repairs: \$150 for the first \$1,000 of construction value or portion thereof, plus \$10 for each additional \$1,000 of construction value or portion thereof.

(3) Accessory structures: \$50 per \$1,000 of construction value or portion thereof.

(4) Signs: \$40 per \$1,000 of value or portion thereof.

(5) Plumbing: \$50, plus \$5 for each fixture.

(6) Tanks, chemical, gasoline and propane storage: \$100 per unit.

(7) Combination residential unit and commercial: \$2.50 per \$1,000 of value or portion thereof.

(8) Demolition and removal: \$100 minimum for all buildings, subject to the following table:

Building Size	Demo Fee
10 to 1,000	\$100
1,001 to 2,500	\$250
2,501 to 5,000	\$500
+1,000	\$15

C. Miscellaneous.

(1) Certificate of occupancy: \$35, except when it is issued upon completion of construction pursuant to a current building permit, then there shall be no fee.

- (2) Certificate of compliance: \$35.
- (3) Day-care center and community residence: an annual fee of \$35.
- (4) Moving of a structure, residential or commercial: a minimum fee of \$200, plus \$5 per \$1,000 of valuation as determined by records filed in the Town Assessor's office.
- (5) Renewal of building permit: After six months, a permit can be extended for an additional six months with no fee.
- (6) Supplemental permit: After one year, a permit is required for completion. The fee is \$100.
- (7) Other inspections, when not done in conjunction with a building permit: \$50.
- (8) Change of occupancy: \$50.
- (9) Reinspection (failed twice): \$150.
- (10) Plan review fee after resubmission: \$150.
- (11) Zoning certification: \$25.
- ~~(11)~~(12) Working without a building permit: \$300.

§ 139-10. State Environmental Quality Review Act.

- A. The fee for State Environmental Quality Review Act review shall be 1% of the total cost of the project, excluding buildings. This shall include lead agency designation, environmental assessment form for impact, draft environmental impact statement and final environmental impact statement reviews and consultant fees incurred by the Town in connection with a State Environmental Quality Review Act review.
- B. § 132-5: The application fee under Chapter 132 shall be 0.1% of the budgeted or estimated completion cost of the proposed action. [Added 4-5-2006 by L.L. No. 3-2006; amended 2-6-2008 by Res. No. 50-2008³]

§ 139-11. Floodplain review. [Amended 2-6-2008 by Res. No. 50-2008]

- A. The fee for a federal floodplain review shall be \$75.
- B. The fee for a State Environmental Quality Review Act⁴ study in a floodplain shall be \$75.

3. Editor's Note: This resolution provided for an effective date of 2-6-2008.

4. Editor's Note: Sec Environmental Conservation Law § 8-0101 et seq.

§ 139-25. Zoning applications and administration fees. [Amended 12-5-1990 by L.L. No. 10-1990; 6-16-1993 by L.L. No. 4-1993; 9-3-1997 by L.L. No. 3-1997; 8-18-2004 by L.L. No. 1-2004; 12-7-2005 by L.L. No. 4-2005; 2-6-2008 by Res. No. 50-2008; 2-3-2021 by L.L. No. 1-2021]

A nonrefundable fee payable to the Town Clerk shall be required with each application pursuant to Chapter 270, Zoning, in accordance with the following schedule:

- A. Change of zoning to residential: \$350 per lot.
- B. Change of zoning to nonresidential: \$500 per lot.
- C. Development plan (site plan):
 - (1) Residential: \$275/five units plus \$50 each additional unit.
 - (2) Nonresidential¹:

Square Feet	Fee
0 to 4,999	\$350
5,000 to 9,999	\$500
10,000 to 29,999	\$0.06 per square foot
30,000 to 99,999	\$0.04 per square foot or minimum \$1,800
100,000 + over	\$0.03 per square foot or minimum \$4,000
- D. Conditional use permit: \$300.
- E. Area variance, residential: \$150 plus \$50 for each additional area variance included in the application.
- F. Use variance, residential: \$200.
- G. Sign variance: \$185 plus \$50 for each additional sign variance included with the application.
- H. Other variances: \$200.
- I. Planned unit development: \$350 plus \$50 for every additional building.
- J. Subdivision approval: \$275/five lots plus \$100/lot.
- K. Recreation impact fee (subdivision): \$1,000 per lot.
- L. Recreation impact fee (site plan): \$400 per lot.
- M. Home occupation registration: \$50.
- N. Review of revised plans: \$150.

¹ Fees for large scale solar are based on total project area.

5. **Editor's Note: This resolution provided for an effective date of 2-6-2008.**

- O. Area variance, nonresidential: \$250 plus \$50 for each additional area variance included with the application.
- P. Use variance, nonresidential: \$500.
- Q. PZC review of sketch plans: \$50.
- R. PZC review of revised sketch plans: \$150.
- S. MS4 review fee (nonrefundable): \$500 for first acre disturbance plus \$100 each additional acre.
- S.T. Lot line adjustment: \$150

Sponsored by: Christopher Koetzle, Town Supervisor
Submitted by: Jason Cuthbert, Town Comptroller

RESOLUTION NO. 14-2021

Moved by:
Seconded by:

WHEREAS, the 2022 Preliminary Budget of the Town of Glenville was filed with the Town Clerk on October 20, 2021; and

WHEREAS, the Town Board of the Town of Glenville has met and considered the Preliminary Budget for the fiscal year beginning January 1, 2022 and conducted a public hearing thereon on November 3, 2021 as required by Town Law §108; and

WHEREAS, the Town Board has had the opportunity to discuss the Preliminary Budget and any changes, alterations and revisions thereto as the members considered advisable and consistent with law; and

NOW, THEREFORE, BE IT RESOLVED that the 2022 Preliminary Budget is hereby adopted and established as the 2022 Final Adopted Budget for the Town of Glenville for the fiscal year commencing January 1, 2022; and

BE IT STILL FURTHER RESOLVED that the 2022 Final Adopted Budget shall be spread upon the minutes of this Town Board Meeting in its entirety and the Town Clerk shall prepare and certify as provided by law, duplicate copies of the said 2022 Final Adopted Budget hereby adopted and deliver one of such copies to the Supervisor of the Town and one copy to the County Legislature of the County of Schenectady as required by law.

Ayes:
Noes:
Absent:
Abstentions:

Motion Carried/Defeated

Town Board decision on November 17, 2021.

Sponsored by: Gina Wierzbowski, Deputy Supervisor
Submitted by: Thomas Coppola, Commissioner of Public Works

RESOLUTION NO. 15-2021

Moved by:
Seconded by:

WHEREAS, the Commissioner of Public Works of the Town of Glenville has filed a report in writing with the Town Board of the Town of Glenville containing his actions regarding properties cited by the Building Inspector and/or Code Enforcement Officer for violations of Chapter 99 "Brush, Grass and Weeds" of the Code of the Town of Glenville during calendar year 2020; and

WHEREAS, the Commissioner of Public Works of the Town of Glenville has reported that the brush, grass and weeds at each of the cited properties exceeded 10 inches in height at each of the cited locations in violation of Chapter 99 of the Code of the Town of Glenville; and

WHEREAS, the Commissioner caused each of the Property Owners, to be notified in accordance with Section 99-2 of the Code of the Town of Glenville of the requirement to bring their property into compliance with Section 99-1 of the Code of the Town of Glenville; and

WHEREAS, the Property Owners listed on the attached Schedule "A" having taken no steps to cut the brush, grass and/or weeds at the listed premises within the time period provided in the notice served, requiring the Commissioner to cause the brush, grass and weeds to be cut and removed at town expense; and

WHEREAS, the Commissioner caused each of the Property Owners listed to be sent a bill for the removal of the brush, grass and weeds from the listed properties, plus the administrative fees provided for by Chapter 99 of the Code of the Town of Glenville and such charges and fees for the properties listed below remain wholly unpaid; and

WHEREAS, the Town Board of the Town of Glenville adopted a resolution calling for a public hearing on November 17, 2021 at 7:00 PM at the Glenville Municipal Center, 18 Glenridge Road, Glenville, New York to hear all persons interested regarding the proposed imposition of a lien upon the listed properties for the charges and fees stated; and

WHEREAS, having heard all persons at the public hearing held on this matter and after due deliberation thereon;

NOW, THEREFORE, THE TOWN BOARD OF THE TOWN OF GLENVILLE HEREBY FINDS AND DETERMINES THAT:

1. Brush, grass and weeds of a height in excess of 10 inches were found on the listed properties on the dates cited by the Building Inspector and/or Code Enforcement Officer.
2. That the Commissioner of Public Works of the Town of Glenville notified each property owner, in the manner provided by Town Code section 99-2, of the nature of the violations thereon and demanded that the brush, grass and weeds be cut and removed as required by Chapter 99 of the Code.
3. That the brush, grass and weeds were not cut or removed from the listed properties prior to the dates required by the notices given.
4. The brush, grass and weeds on the listed properties were caused to be cut and removed by the Commissioner of Public Works at town expense.
5. That the Town Board adopted a resolution calling for a public hearing regarding the proposed imposition of liens for the unpaid charges and fees associated with the cutting and removal of brush grass and weeds from the listed properties.
6. That the Town Board held the aforementioned public hearing on November 17, 2021 and heard all persons interested in addressing the Board on this issue.

NOW THEREFORE, BE IT RESOLVED that inasmuch as the property owners listed on Schedule "A" attached hereto have failed to comply with the requirements of Chapter 99 of the Code of the Town of Glenville within the deadlines established therein, the Town was authorized and empowered (by virtue of the provisions of the Town Code, Town Law, the New York State Property Maintenance Code, and other applicable provisions of law), to enter upon the premises and to cause the brush, grass and weeds to be cut and removed. The total expense of such work and removal shall be assessed by the Town Board on the property, and the expense so assessed shall constitute a lien and charge on the property on which it is levied until paid or otherwise satisfied or discharged and shall be collected in the same manner and at the same time as other Town charges.

Ayes:

Noes:

Absent:

Abstention:

Motion Carried/Defeated

Town Board decision on November 17, 2021.

SCHEDULE A

A list of properties found in violation of the Code of the Town of Glenville, Chapter 99 "Brush, Grass and Weeds", whereby property owners failed to correct such violations, despite being notified in accordance with said Chapter to correct the violation within the time provided, causing the Commissioner of Public Works to cut and remove brush, grass and weeds from the listed premises at town expense and bill the property owners.

<u>Parcel ID</u>	<u>Address</u>	<u>Property Owner</u>	<u>Amount</u>
12.2-2-1.1	7152 Amsterdam Rd	Hoffman Hill Holdings, LLC	\$600.00
14.-2-25	759 Sacandaga Rd	Lorie J Robinson	\$400.00
15.12-6-35	484 Saratoga Rd	Sierra Brianna Budhraj	\$350.00
15.3-4-11	44 Onderdonk Rd	Fred L Mowers III	\$1,700.00
15.7-4-2	97 Charlton Rd	Carole A Tomlinson	\$300.00
15.8-4-11	572 Saratoga Rd	Beverly J Emerick	\$400.00
15.8-6-25.2	546 Saratoga Rd	Elizabeth Sisk	\$400.00
16.5-2-39	208 Hetcheltown Rd	David M Lovelady	\$500.00
22.11-1-19	12 Mayfair Dr	Anthony M Mannato	\$400.00
22.14-5-27	254 Swaggertown Rd	Gaetano Orlando	\$400.00
23.13-2-22	108 Governor Dr	Rafael Flores	\$350.00
23.-2-5	161 Maple Ave	Edward & Kimberly Rosenberg	\$300.00
23.9-2-13	183 Maple Ave	Samuel Properties LLC	\$400.00
23.9-3-1	188 Maple Ave	Orlando & Barbara Cruz	\$306.65
29.-4-1	2157 Amsterdam Rd	Jason Marcello	\$350.00
30.14-2-14	99 Freemans Bridge Rd	Youseff H & Salem H Tleiji	\$500.00
30.6-2-55	62 Swaggertown Rd	Northern Construction Co	\$400.00
38.11-4-24	613 South Holmes St	Marjorie Crispino	\$400.00
38.11-5-14	802 South Holmes St	Gertrude Catherine Lindstrom	\$400.00
38.7-2-24	816 Sanders Ave	David Savage	\$750.00

Sponsored by: Gina Wierzbowski, Town Councilwoman
Submitted by: Jason Cuthbert, Town Comptroller

RESOLUTION NO. 16-2021

Moved by:
Seconded by:

WHEREAS, the Deputy Building Inspector of the Town of Glenville has filed a report in writing with the Town Board of the Town of Glenville containing his findings and recommendations regarding certain premises situate on 513 Elliott Street designated by Tax Map No. 38.11-6-6, in which report the Deputy Building Inspector states his opinion that said premises are unsafe and dangerous to the public health, safety and general welfare of the community and recommends the immediate demolition of the condemned and unsafe residential structure; and

WHEREAS, the Deputy Building Inspector of the Town of Glenville has reported that the structure is unsafe and unsecured to the elements and wildlife; and

WHEREAS, the Building Inspector's office has notified the Property Owners, Matthew and Jill Kranick, by certified mail and physically posting notice on the property that the structure is unsafe and uninhabitable and should be remediated; and

WHEREAS, the Property Owners having taken no steps to repair or demolish the unsafe residential structure from the premises by October 7, 2020, the Town Board of the Town of Glenville adopted a resolution calling for a public hearing on November 17, 2021 at 7:00 PM at the Glenville Municipal Center, 18 Glenridge Road, Glenville, New York to hear all persons interested regarding the unsafe property at 513 Elliott Street; and

WHEREAS, having heard all persons at the public hearing held on this matter and the Deputy Building Inspector reporting that structure is unsafe and unsecured, and after due deliberation thereon;

NOW, THEREFORE, THE TOWN BOARD OF THE TOWN OF GLENVILLE HEREBY FINDS AND DETERMINES THAT:

1. The residential structure owned by Matthew and Jill Kranick located at 513 Elliott Street in the Town of Glenville, County of Schenectady, State of New York (Tax Map No. 38.11-6-6) has been rendered unsafe and structurally unsound.
2. The Building Inspector's office of the Town of Glenville notified the property owners, by certified mail and by physically posting notice on the property, of the nature of the violations thereon.
3. The residential structure was not secured, repaired, or demolished prior to the

- Town Board Meeting on October 7, 2020.
4. The residential structure was not repaired, secured or made habitable and the structure represents an imminent danger and risk to public health and safety.
 5. The Town Board of the Town of Glenville adopted a resolution on October 7, 2020 directing the Commissioner of Public Works to enter into contracts to demolish the aforementioned structure.
 6. The property owners failed and refused to comply with the Town Board resolution of October 7, 2020 mailed to them by certified mail within the ten days as provided in such resolution.
 7. In light of the failure of the property owners, the Town was required to and did hire a demolition company to demolish the structure and to remove all debris.
 8. The property owners failed to respond to a certified mailing sent to them on May 10, 2021 which included a demand for payment to the Town in the amount of \$28,504.00, said amount representing the cost of the demolition of the structure and the removal of the debris paid by the Town.
 9. The aforesaid property owners have failed and neglected to reimburse the Town the total expense of \$28,504.00 paid for the demolition of the structure and the removal of the debris.
 10. The Town Board adopted a resolution calling for a public hearing regarding the unsafe property located at 513 Elliott Street for November 17, 2021.
 11. The Town Board held the aforementioned public hearing on November 17, 2021 and heard all persons interested in addressing the Board on this issue.

WHEREAS, the Town's legal remedy to enforce the non-payment is to establish a lien on the parcel of real property in accordance with Town Law section 130 (16-g);

NOW, THEREFORE, BE IT RESOLVED, that the total expense of \$28,504.00 for the demolition of the structure at 513 Elliott Street in the Town of Glenville, tax map number 38.11-6-6, shall be assessed by the Town Board on the property, and the expense so assessed shall constitute a lien and charge on the property on which it is levied until paid or otherwise satisfied or discharged and shall be collected in the same manner and at the same time as other Town charges.

Ayes:

Noes:

Absent:

Abstention:

Motion Carried/Defeated

Town Board decision on November 17, 2021.

Sponsored by: Christopher Koetzle, Town Supervisor
Submitted by: Jason Cuthbert, Town Comptroller

RESOLUTION NO. 17-2021

Moved by:
Seconded by:

WHEREAS, the Town Board of the Town of Glenville, New York, retained The Bonadio Group, Certified Public Accountants, to complete an independent audit of the Town's financial statements for the fiscal year ending December 31, 2020; and

WHEREAS, the audit of the Town's financial statements for the fiscal year ending December 31, 2020 was completed on November 9, 2021 and was presented to the Town Board on November 15, 2021;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Glenville hereby approves and formally accepts the Town of Glenville independently audited financial statements for the fiscal year ending December 31, 2020, prepared by The Bonadio Group, Certified Public Accountants, 6 Wembley Court, Albany NY.

Ayes:
Noes:
Absent:
Abstentions:

Motion Carried/Defeated

Town Board decision on November 17, 2021.

Sponsored by: Christopher Koetzle, Town Supervisor
Submitted by: Thomas R. Coppola, Commissioner of Public Works

RESOLUTION NO. 18-2021

Moved by:
Seconded by:

WHEREAS, the Town of Glenville solicited bids for the 2022 Residential Curbside Large Trash Collection; and

WHEREAS, the Town received only one bid for the service; and

WHEREAS, the sole bid received was substantially in excess of the historical expense of this service; and

WHEREAS, the Town of Glenville reserves the right to reject any and all bids that are not in the best interest of the Town; and

WHEREAS, because of the large difference between the expected expense and the bid received, Town of Glenville staff believes the best course of action to move forward on the 2022 Residential Curbside Large Trash Collection program is to revise the specifications and re-bid the program;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Glenville hereby rejects all bids for the 2022 Residential Curbside Large Trash Collection program and directs the Town of Glenville staff to revise the program specifications and re-bid the program.

Ayes:
Noes:
Absent:
Abstention:

Motion Carried/Defeated

Town Board decision on November 17, 2021.

Sponsored by: Christopher Koetzle, Town Supervisor
Submitted by: Thomas R. Coppola, Commissioner of Public Works

RESOLUTION NO. 19-2021

Moved by:
Seconded by:

WHEREAS, the Town of Glenville solicited bids for targeted street paving at the 10 locations identified in Schedule A: Water Break Paving List 2021-Phase Two (attached) in which streets were damaged due to water break repairs in the past year; and

WHEREAS, the Town received two bids for the street paving; and

WHEREAS, the bids have been reviewed by the Commissioner and Deputy Commissioner of Public Works, both of whom recommend acceptance of the low bid in the amount of \$32,360 from Clark Myers Paving, 340 Closson Road, Glenville, New York 12302; and

WHEREAS, funding for this expense is included in the 2021 Amended Budget;

NOW THEREFORE, BE IT RESOLVED that the Town Board of the Town of Glenville hereby accepts the low bid from Clark Myers Paving, 340 Closson Road, Glenville, New York 12302 in the amount of \$32,360 for targeted street paving at the 10 locations specified in the Water Break Paving List 2021-Phase Two with said expense charged to account SW-011-8340-4000 as included in the 2021 Amended Budget.

Ayes:
Noes:
Absent:
Abstention:

Motion Carried/Defeated

Town Board decision on November 17, 2021.

Schedule A

Water Break Paving List 2021-Phase Two

1. 124 Woodhaven Drive
2. 28 Velina Drive

3. 26 Velina Drive
4. 7 Ellen Lane
5. 15 Ellen Lane
6. 17 Ellen Lane
7. 19 Ellen Lane
8. 22 Ellen Lane
9. 812 Sacandaga Road
10. 395 Dawson Road

Sponsored by: Christopher Koetzle, Town Supervisor
Submitted by: Thomas R. Coppola, Commissioner of Public Works

RESOLUTION NO. 20-2021

Moved by:
Seconded by:

WHEREAS, the Town of Glenville solicited bids for targeted paving and striping at Maalwyck Park to include handicapped parking spaces and electric charging stations with all work to be completed prior to the winter season; and

WHEREAS, the Town received two bids for the paving; and

WHEREAS, the bids have been reviewed by the Commissioner and Deputy Commissioner of Public Works, both of whom recommend acceptance of the low bid in the amount of \$22,000 from Commercial Paving Company LLC, 1380 Towpath Lane, Fort Edward, New York 12828; and

WHEREAS, funding for this expense is included in the 2021 Amended Budget;

NOW THEREFORE, BE IT RESOLVED that the Town Board of the Town of Glenville hereby accepts the low bid from Commercial Paving Company LLC, 1380 Towpath Lane, Fort Edward, New York 12828 in the amount of \$22,000 for targeted paving and striping at Maalwyck Park with said expense charged to account AA-000-7110-4000 as included in the 2021 Amended Budget.

Ayes:
Noes:
Absent:
Abstention:

Motion Carried/Defeated

Town Board decision on November 17, 2021.

Schedule A

Water Break Paving List 2021-Phase Two

1. 124 Woodhaven Drive
2. 28 Velina Drive
3. 26 Velina Drive
4. 7 Ellen Lane

5. 15 Ellen Lane
6. 17 Ellen Lane
7. 19 Ellen Lane
8. 22 Ellen Lane
9. 812 Sacandaga Road
10. 395 Dawson Road

Sponsored by: Michael Aragosa, Town Councilman
Submitted by: Earl Redding, Attorney for the Town

RESOLUTION NO. 21-2021

Moved by:
Seconded by:

WHEREAS, the Town of Glenville procurement policy requires all public works contracts in excess of \$35,000 to be formally bid pursuant to General Municipal Law section 103 unless, among other reasons, the contract can be entered into utilizing a contract from another governmental agency, such as those made under state and county contracts; and

WHEREAS, on May 19, 2021, following a competitive bid process, the Town Board of the Town of Glenville approved resolution #119-2021 which awarded Empire Paving of Schenectady, Inc., a contract for street resurfacing in the Glen Oaks area of Glenville, consisting of Heritage Parkway, Hampshire Court, Hampshire CDS, Hillside Drive, Yorkshire Court, Laury Lane, Dalton Road, Farley Place, Somerset Lane, Hillside Court, Hillside CDS, Haviland Drive, Boyle Road, Doris Drive, and Anita Drive; and

WHEREAS, Empire Paving of Schenectady, Inc., performed the work as agreed and was paid the full bid amount of \$256,523.85; and

WHEREAS, the Highway Superintendent subsequently granted verbal approval to Empire Paving of Schenectady, Inc., to perform additional street resurfacing in two different areas of Glenville, the first consisting of Dawn Drive, Bellaire Drive, Catalina Drive, and Montclair Drive, and the second consisting of Hemlock Lane; and

WHEREAS, the additional paving was verbally approved by the Highway Superintendent without utilizing a competitive bid process and without utilizing a contract from another governmental agency; and

WHEREAS, the additional paving was performed without the prior approval of the Town Board of the Town of Glenville; and

WHEREAS, Empire Paving of Schenectady, Inc., has presented an invoice in the amount of \$89,050.00 for the additional street resurfacing on Dawn Drive, Bellaire Drive, Catalina Drive, Montclair Drive, and Hemlock Lane; and

WHEREAS, Town Board approval is necessary to allow the Town Comptroller authorization to make payment for the additional paving work performed by Empire Paving of Schenectady, Inc.; and

WHEREAS, Empire Paving of Schenectady, Inc., did perform the additional street resurfacing work on Dawn Drive, Bellaire Drive, Catalina Drive, Montclair Drive, and Hemlock Lane in a satisfactory manner and the Town Board does not wish to impact the vendor;

NOW THEREFORE, BE IT RESOLVED that the Town Board of the Town of Glenville hereby authorizes the payment of \$89,050.00 to Empire Paving of Schenectady, Inc. for the additional street resurfacing work performed on Dawn Drive, Bellaire Drive, Catalina Drive, Montclair Drive, and Hemlock Lane; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Glenville reminds the Highway Superintendent to follow all Town of Glenville and New York State procurement policies in the expenditure of public taxpayer dollars.

Ayes:

Noes:

Absent:

Abstention:

Motion Carried/Defeated

Town Board decision on November 17, 2021.

Sponsored by: James Martin, Councilman

Submitted by: Melissa Cherubino, Community Development Director

RESOLUTION NO. 22-2021

Moved by:

Seconded by:

WHEREAS, the Town of Glenville is proposing a Local Law 15 (a copy of which is attached) that amends Article I, Chapter 270-9F, "Accessory Uses", for the Code of the Town of Glenville; and

WHEREAS, the intent of this section is to clarify allowed maximum size and required setback of accessory structures within the Rural Residential Agricultural District (RRA) in the Town of Glenville since a number of area variances have been granting exceptions with sufficient frequency to warrant a change in the zoning code; and

WHEREAS, the Glenville Town Board has determined that this code amendment constitutes a "Type II Action" in accordance with 6 NYCRR Part 617.4(b)(2) of the State Environmental Quality Review Act in that it involves a clarification of an existing section of the zoning code; and

WHEREAS, New York State Town Law and the Code of the Town of Glenville, require that the Town Board hold a public hearing before a code amendment or a local law may be adopted; and

WHEREAS, the Town Board of the Town of Glenville held a public hearing with respect to the zoning code amendment and adoption of said Local Law on Wednesday, November 17, 2021 at 7:00 PM, at which time and place were heard all persons interested in the amendment of Article I, Chapter 270-9F, "Accessory Uses" for the Code of the Town of Glenville,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Glenville met at the Glenville Municipal Center, 18 Glenridge Road, Glenville, New York on Wednesday, November 17, 2021 at 7:00 P.M., that the proposed Local Law 15 amending Article I, Chapter 270-9F, "Accessory Uses", of the Code of the Town of Glenville be and hereby is adopted; and

BE IT FURTHER RESOLVED, that Local Law 15 of 2021 shall take effect twenty (20) days after filing with the Secretary of State of the State of New York.

Ayes:

Noes:

Absents:

Abstentions:

Motion Carried/Defeated

Town Board Decision on November 17, 2021

§ 270-9. Accessory uses and structures.

A. Permitted accessory uses and structures in residential zoning districts:

- (1) Private garages not attached to the dwelling. [Amended 9-3-2008 by L.L. No. 4-2008]
- (2) Carports.
- (3) Private swimming pools.
- (4) Decks and patios.
- (5) Tennis courts, basketball courts, volleyball courts, shuffleboard courts, horseshoe pits, and similar outdoor recreation facilities for use by the residents and their guests, but not for commercial gain.
- (6) Storage sheds and similar outbuildings for the storage of lawn maintenance equipment, tools, bicycles, toys, swimming pool equipment and supplies, etc.
- (7) Receive-only antennas.
- (8) Doghouses and similar shelters for household pets.
- (9) Outdoor fireplaces and barbecue pits.
- (10) Heat pumps, air-conditioning units, and similar climate-control and utility devices typically located outside of the house.
- (11) Rolloffs and other temporary dumpsters designed to hold discarded building materials, provided the roll-off or dumpster does not remain on the property for more than 31 days in any six-month period.
- (12) Barns, silos, stables, coops, crop bins, milk houses, and similar structures on properties used for farming purposes.
- (13) Portable storage containers are permitted on properties with a principal dwelling under the following conditions: [Added 8-18-2010 by L.L. No. 5-2010]
 - (a) The property owner must obtain a permit from the Building Inspector and pay the applicable fee therefor. Such permit shall be issued for a period of 30 days, and in no event shall permits be granted for more than 90 days in any twelve-month period.
 - (b) Only one portable storage unit may be permitted on a residential lot.
 - (c) Portable storage units must be placed a minimum of 10 feet from any front, side and/or rear property line. Such units must be located so as to minimize visibility from both public streets and other residential land uses. Units may not be placed in public or private roads or rights-of-way. If placed in a private driveway, the container must be at the furthest

accessible point from the street without blocking any building or accessory structure doors, entrances, or exits.

B. Permitted accessory uses and structures in nonresidential zoning districts:

- (1) Private and public garages.
- (2) Carports.
- (3) Swimming pools.
- (4) Decks and patios.
- (5) Tennis courts, basketball courts, volleyball courts, shuffleboard courts, horseshoe pits, ball fields, outdoor fireplaces, barbecue pits, and similar outdoor recreation facilities.
- (6) Storage buildings, sheds, and similar outbuildings that house equipment, vehicles, and materials for the tenant(s) of the principal structure.
- (7) Receive-only antennas.
- (8) Outhouses and portable bathrooms in association with temporary events of a duration of not more than 14 days.
- (9) Utility structures and heating and air-conditioning units.
- (10) Dumpsters.
- (11) Barns, silos, stables, coops, crop bins, milk houses, and similar structures on properties used for farming purposes.
- (12) Portable storage containers are permitted on nonresidential property containing a principal commercial building under the following conditions: **[Added 8-18-2010 by L.L. No. 5-2010]**
 - (a) The property owner must obtain a permit from the Building Inspector and pay the applicable fee therefor. Such permit shall be issued for a period of 30 days, and in no event shall permits be granted for more than 90 days in any twelve-month period.
 - (b) The maximum number of containers that may be permitted on a nonresidential property will be determined by the Building Inspector after review of the size of the property, the proximity to residential properties, the owner's needs, the anticipated length of time the containers will be utilized and other appropriate factors. In no event shall any one property be permitted more than five portable storage units within any twelve-month period.
 - (c) Portable storage units must be placed a minimum of 10 feet from any front, side and/or rear property line. Such units must be located so as to minimize visibility from both public streets and other residential land

uses. Units may not be placed in public or private roads or rights-of-way. If placed in a private driveway, the container must be at the furthest accessible point from the street without blocking any building or accessory structure doors, entrances, or exits. The units must be placed on paved surfaces unless prior approval from the Building Inspector is obtained.

- C. Location. No permitted accessory use or building shall be located in any front yard.
- D. Height. No accessory building or structure shall exceed 15 feet in height in a residential zoning district, unless the accessory structure is a roof-mounted receive-only antenna, or if the structure is used in association with a farm.
- E. Setback for swimming pools. All swimming pools and their associated equipment and structures (i.e., decks, pumps, etc.) must be located at least 10 feet from side and rear property lines. **[Amended 9-3-2008 by L.L. No. 4-2008]**
- F. Accessory structures in the RA Zoning District: **[Added 9-3-2008 by L.L. No. 4-2008¹]**
- (1) All accessory structures less than 280 square feet in size must be located a minimum of five feet from side and rear property lines.
 - (2) All accessory structures 280 square feet up to 1,200 square feet in size must be located a minimum of 10 feet from side and rear property lines
 - (3) All accessory structures 1,200 square feet up to 2,400 square feet in size must be a minimum of 20 feet from side and rear property lines.
 - ~~(3)~~(4) No more than 20% of the lot may be covered by accessory structures.
- G. Accessory structures in all other residential zoning districts: **[Added 9-3-2008 by L.L. No. 4-2008]**
- (1) All accessory structures less than 280 square feet in size must be located a minimum of five feet from the side and rear property lines.
 - (2) All accessory structures 280 square feet up to 576 square feet in size must be located a minimum of 10 feet from side and rear property lines.
 - (3) No more than 20% of the lot may be covered by accessory structures.
 - (4) The combined footprint of all accessory structures may not exceed 75% of the footprint of the dwelling.
- H. Setbacks for residential decks. All decks associated with a residential use must be located a minimum of 10 feet from side and rear property lines. **[Added 9-3-2008 by L.L. No. 4-2008]**
- I. Setbacks for all other permitted accessory structures/uses. With the exception of swimming pools and of those noted in Subsections F, G and H, all permitted

1. Editor's Note: This local law also repealed former Subsections F through J, regarding setbacks for residential accessory structures, setbacks for nonresidential accessory structures, footprint of residential accessory uses, lot coverage and location of garages, respectively, and provided for the redesignation of former Subsection K as Subsection J.

accessory structures/uses must be located a minimum of five feet from the side and rear property lines. **[Added 9-3-2008 by L.L. No. 4-2008]**

- J. Dumpsters. All dumpsters associated with a nonresidential use shall be screened from public streets, rights-of-way, and areas where pedestrians frequently travel. Said screening shall consist of a solid row of evergreens and/or solid fencing sufficient to hide the dumpster from public view. **[Amended 9-3-2008 by L.L. No. 4-2008]**

Sponsored by: James Martin, Councilman

Submitted by: Melissa Cherubino, Community Development Director

RESOLUTION NO. 23-2021

Moved by:

Seconded by:

WHEREAS, the Town of Glenville is proposing a Local Law 16 (a copy of which is attached) that amends Article I, Chapter 232, "Garbage and Refuse", for the Code of the Town of Glenville; and

WHEREAS, the intent of this section is to clarify storage of garbage cans and waste receptacles on non-collection days within the Town of Glenville; and

WHEREAS, the Glenville Town Board has determined that this code amendment constitutes a "Type II Action" in accordance with 6 NYCRR Part 617.4(b)(2) of the State Environmental Quality Review Act in that it involves a clarification of an existing section of the zoning code; and

WHEREAS, New York State Town Law and the Code of the Town of Glenville, require that the Town Board hold a public hearing before a code amendment or a local law may be adopted; and

WHEREAS, the Town Board of the Town of Glenville held a public hearing with respect to the zoning code amendment and adoption of said Local Law 16 on Wednesday, November 17, 2021 at 7:00 PM, at which time and place were heard all persons interested in the amendment of Chapter 232, "Garbage and Refuse", for the Code of the Town of Glenville,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Glenville met at the Glenville Municipal Center, 18 Glenridge Road, Glenville, New York on Wednesday, November 17, 2021 at 7:00 P.M., that the proposed Local Law 16 amending Article I, Chapter 232, "Garbage and Refuse", of the Code of the Town of Glenville be and hereby is adopted; and

BE IT FURTHER RESOLVED, that Local Law 16 of 2021 shall take effect twenty (20) days after filing with the Secretary of State of the State of New York.

Ayes:

Noes:

Absents:

Abstentions:

Motion Carried/Defeated

Town Board Decision on November 17, 2021

ARTICLE I
Garbage and Refuse
 [Adopted 8-17-1971 by L.L. No. 4-1971 (Ch. 22 of the 1966 Code)]

§ 232-1. Title.

This article shall be known as "Chapter 232 of the Code of the Town of Glenville."

§ 232-2. Definitions.

As used in this article, the following terms shall have the meanings indicated:

CLEAN FILL — Consists solely of topsoil, earth, rock, gravel, quarry process or sand. "Topsoil" is the exposed layer of the earth's surface, and "earth" is the layer of soil immediately beneath the topsoil and above rock. "Rock" excludes boulders, boulders being detached and rounded or worn pieces of rock, the greatest side of which is no less than six inches. All other materials are excluded. Excluded materials include, but are not limited to, muck, peat, timber, debris, stumps and roots of trees, demolished structures, construction or any other refuse; provided, however, that said excluded items shall not have been reprocessed so as to conform with the definition of "clean fill" herein provided. "Muck" is soft silt or clay, very high in organic content, which is usually found in swampy areas. "Peat" is a soil composed principally of partially decomposed vegetable matter. [Added 6-21-1989 by L.L. No. 2-1989]

GARBAGE — Includes waste food, dead animals or parts thereof and/or any other matter which shall be capable of fermentation or decay.

PERSON — Includes an individual, society, firm, club, partnership, corporation or association of persons and municipality other than the Town of Glenville or Village of Scotia.

RUBBISH — Includes waste material, tin cans, ashes, cinders, glass, discarded paper, cardboard, wood, lumber and all other discarded solids and/or liquids.

SANITARY LANDFILL SITE — Any lands now used or hereafter acquired or leased by the Town of Glenville for use as a sanitary landfill.

§ 232-3. Dumping restricted. [Amended 4-5-2006 by L.L. No. 3-2006]

The use of any lands within the Town of Glenville, exclusive of the Village of Scotia, as a dump or dumping grounds is hereby prohibited.

§ 232-4. Restrictions and regulations.

- A. No person, for the purpose of final disposal thereof, shall throw, deposit or cause to be thrown or deposited any garbage, rubbish or abandoned vehicles or parts thereof, in or upon any private or public lands within said Town of Glenville. [Amended 4-5-2006 by L.L. No. 3-2006; 9-2-2020 by L.L. No. 15-2020]
- B. No person, firm or corporation shall leave or deposit any garbage or rubbish of any kind upon any street, avenue, highway, park or public place within the Town of

Glenville, except that householders and business places may place garbage and rubbish in properly covered containers, in front of their premises for authorized collection and removal to a sanitary landfill site. [Amended 4-5-2006 by L.L. No. 3-2006] All waste containers shall be placed at the curb solely for collection. No person, firm or corporation shall place waste containers at any designated area for collection prior to 5:00 p.m. of the day immediately preceding the scheduled collection time for such designated area. Waste containers must be removed from the front of the property or any designated area for collection prior to 9:00 p.m. of the day of collection and may not be stored in front of the property.

- C. The owner or his agent or the occupant of any premises within the Town of Glenville shall be responsible for the sanitary condition of the premises occupied or owned by him. No person or persons shall store, or cause to be stored, garbage or rubbish from a private residence or business establishment upon the premises of a private residence or business establishment outside of a closed building except in solid covered containers. [Amended 9-2-2020 by L.L. No. 15-2020]
- D. Neither garbage nor rubbish shall be permitted on a vacant lot. [Added 9-2-2020 by L.L. No. 15-2020]

§ 232-5. Requirements for vehicles. [Amended 4-5-2006 by L.L. No. 3-2006]

- A. All garbage and rubbish transported, brought and/or carried through the Town of Glenville shall be contained securely and battened down within or upon the vehicles transporting the same.
- B. All commercial vehicles used in the transportation of rubbish shall be equipped with proper tarpaulin or other type of enclosing cover, and all trucks transporting garbage, with or without rubbish, shall have watertight metal containers, which shall be kept clean when not in use. If garbage is not in watertight containers, the body of this vehicle itself must be reasonably tight. Vehicles must be kept in reasonably good mechanical and body condition. They must be kept as sanitary as the nature of the use permits. The vehicles must bear the name of the operator in letters at least six inches high.¹

§ 232-6. Licenses.

- A. A license shall be issued by the Town Clerk to each garbage and rubbish collector upon the payment by the applicant of a fee as set from time to time by resolution of the Town Board,² and of a further fee as set from time to time by resolution of the Town Board for each additional truck or other conveyance owned by any person, firm or organization used by him, them or it in such removal or transportation. Rental trucks may be submitted for regularly licensed trucks without fee while the same are out of order for repair, but they must carry the same identification markings as the trucks they replace, and their use must be first reported to the Town Clerk. [Amended 11-16-1982 by L.L. No. 5-1982; 4-5-2006 by L.L. No. 3-2006]
- B. Licensees under this section shall not collect garbage and/or rubbish on Sundays or such other days as the Town Board shall from time to time direct. No collection of

garbage and/or rubbish shall be permitted in residential areas before the hour of

1. Editor's Note: Original § 22-6, Compliance with rules, and original § 22-7, Permits, as amended 11-16-1982 by L.L. No. 5-1982, both of which immediately followed this subsection, were deleted 4-5-2006 by L.L. No. 3-2006.
2. Editor's Note: See Ch. 139, Fees.

6:00 a.m.

- C. All licenses shall be issued on or before and effective as of January 1 of any year and shall be for the period covering January 1 to December 31 of such calendar year. Applicants for such licenses who apply at any other time shall pay a pro rata portion of the entire fee applicable from the date of issuance of the license to expiration time of December 31 of the license year.
- D. In addition to the other requirements of this article, all license and permit applications shall include a schedule of rates to be charged and services to be rendered, together with approximate hours of collection in each block or a map showing approximate hours of collection in each area shown. "Approximate" shall mean whether morning or afternoon hours and on what day. A separate schedule must be furnished for each vehicle licensed.
- E. Applications must be filed six weeks before a license expires or is to become effective, to allow for proper investigation and processing.
- F. All license applications shall be investigated under the supervision of the Superintendent of Highways, and all officers and employees of the Town shall cooperate with him in investigating applicants and inspecting equipment. **[Amended 4-5-2006 by L.L. No. 3-2006]**
- G. Licenses described in this § 232-6 are limited to collectors collecting in the Town of Glenville. **[Amended 11-16-1982 by L.L. No. 5-1982; 4-5-2006 by L.L. No. 3-2006]**
- H. A roster of licenses shall be maintained by the Town Clerk for public inspection.³
- I. Each collector shall file a certificate of a \$10,000/\$20,000 public liability policy and a certificate of his vehicle liability policy with the Town Clerk.

§ 232-7. Penalties for offenses. [Amended 6-21-1989 by L.L. No. 2-1989; 9-2-2020 by L.L. No. 15-2020]

- A. If any such person shall fail or neglect to provide for the removal of garbage or rubbish as described in § 232-4, the Commissioner of Public Works, his designee or any Code Enforcement Officer of the Town shall give written notice to said person by personal service or by affixing the notice to the door of the offending property and by mailing the notice by first-class mail to the person to be served at his or her last known residence ordering such cutting and removal within five days after such notice is given.
- B. If, after due notice as set forth above, said person shall refuse, neglect or fail to comply with the order to cut and remove such growth, the Commissioner shall cause said garbage or refuse to be removed, and the cost thereof, plus an administrative fee equal to the greater of 15% of the cost of such work or \$200,

3. Editor's Note: Original Subsection I, regarding distribution of rules, which immediately followed this subsection, was deleted 4-5-2006 by L.L. No. 3-2006.

shall be assessed against the property by the Town Board, which shall constitute a lien and charge on such land and may be assessed upon said land in the manner provided in § 64, Subdivision 5-a, of the Town Law.

- C. Any person, firm or corporation who shall violate any of the provisions of this article or fail to comply therewith or with any of the provisions thereof shall be guilty of a misdemeanor and, upon conviction thereof, shall be punishable by a fine not exceeding \$500 for each offense or by imprisonment in the county jail for a term not to exceed six months, or by both such fine and imprisonment.

§ 232-8. Additional penalties.

- A. In addition to the penalties above provided, after a public hearing the Town Board may revoke any license or special permit issued pursuant to this article if the Town Board at such public hearing determines the holder of such license or special permit to be an undesirable person or incapable of or unwilling to comply with the provisions of this article. The licensee or special permittee shall have an opportunity to be heard at such public hearing, which shall be held after such licensee or special permittee shall be served by written notice of such public hearing in person or by registered mail, return receipt requested, not less than 15 days prior to the date of such hearing.
- B. The Town Board shall also have such other remedies as are provided by law.
- C. Any vehicle used in violation of this article shall be confiscated by the Town of Glenville and shall become the property of the Town of Glenville. [Added 6-21-1989 by L.L. No. 2-1989]

§ 232-9. Inspection of trucks and carriers. [Amended 11-16-1982 by L.L. No. 5-1982]

The Town Board shall, by resolution, designate one or more Town employees to inspect all trucks and other carriers transporting garbage and rubbish prior to issuance or renewal or during the period of time licenses or special permits are in effect and also with the enforcement of such other provisions of this article as the Town Board may designate.

§ 232-10. Complaints.⁴

All complaints of collectors submitted by customers, by employees of collectors or by the Town shall be investigated by the Superintendent of Highways and a report made to the Town Board before action is taken pursuant to § 232-8 or before pending license applications are issued by the Town Clerk.⁵

§ 232-11. Exceptions. [Added 6-21-1989 by L.L. No. 2-1989⁶]

4. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

5. Editor's Note: Original § 22-13, Fees, as amended, which immediately followed this section, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

6. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- A. The provisions of this article prohibiting the use of any lands within the Town of Glenville, exclusive of the Village of Scotia, as a dump or dumping grounds does not apply to the property owned by the County of Schenectady in the Town of Glenville and for which the County of Schenectady has obtained approval to construct and operate a compost facility.
- B. The provisions of this article prohibiting the use of any lands within the Town of Glenville, exclusive of the Village of Scotia, as a dump or dumping grounds does not apply to the disposal of septic tank wastes. The disposal of septic tank wastes is regulated by §§ 217-15 through 217-19 of the Code of the Town of Glenville.
- C. The provisions of this article prohibiting the use of any lands within the Town of Glenville, exclusive of the Village of Scotia, as a dump or dumping grounds does not apply to the depositing of clean fill upon land in the Town of Glenville for the purpose of reclaiming land to enable it to be used for construction of buildings or for the construction of septic systems.

§ 232-12. Effective date.

This article shall take effect October 1, 1971; provided, however, that no additional licensing fees shall be charged commercial collectors now licensed by the Town of Glenville prior to January 1, 1972.

ARTICLE II
Recycling
[Adopted 4-19-1989 (Ch. 32 of the 1966 Code)]

§ 232-13. Definitions.

As used in this article, the following words are intended to include and be defined as follows:

JUNK MAIL — Any unwanted paper that comes in the mail and office papers, including writing paper, note paper, computer paper, fax paper, copy paper, other stationery and envelopes, including window envelopes, but excluding carbon paper and brown mailing envelopes or folders. **[Added 6-15-1994; amended 7-19-2000]**

NEWSPAPER — Dry newspapers, including inserts.

RECYCLABLE MATERIALS — Newspapers, yard and garden waste, glass, plastics, corrugated cardboard, tin, aluminum, brown paper bags, magazines, glossy brochures, catalogs, junk mail, juice boxes and juice and milk cartons. **[Amended 9-20-1989; 4-3-1991; 5-1-1991; 6-15-1994]**

SCAVENGING — The uncontrolled and unauthorized picking, sorting and removal of solid waste, either before, during or following disposal.

SOLID WASTE — All types of waste materials, including but not limited to residential, commercial, institutional and industrial waste.

UNSEPARATED RECYCLABLE MATERIALS — Recyclable materials, as specified herein, that are mixed with other solid waste.

YARD WASTE — Residential or commercial leaf waste, lawn clippings and brush.

§ 232-14. Separation of recyclable materials required.

- A. All waste generators and handlers in the Town of Glenville shall source-separate recyclable materials from all other solid wastes. **[Amended 7-19-2000]**
- B. Newspaper and inserts shall be placed at the curbside only in plastic twenty-gallon or less containers having handles and lids and having the Scotia-Glenville recycling sticker affixed thereto. **[Added 8-16-1989]**
- C. Yard waste shall be placed at the curbside in conformity with the requirements of the composting facility operated by the County of Schenectady or as those requirements may be amended from time to time. **[Added 8-16-1989]**
- D. Residential solid waste (nonrecyclables), if packaged in plastic bags, shall be packaged in clear plastic bags. **[Added 5-1-1991]**
- E. Recyclables, if packaged in plastic bags, shall be packaged in clear plastic bags. **[Added 5-1-1991]**

§ 232-15. Scavenging. [Amended 6-12-2013 by L.L. No. 4-2013]

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

§ 232-16. Penalties for offenses. [Amended 4-5-2006 by L.L. No. 3-2006]

Any person, firm or corporation violating any provision of this article shall be guilty of a misdemeanor punishable by a fine not to exceed \$1,000 or imprisonment not to exceed six months, or by both such fine and imprisonment.

§ 232-17. Effective date.

This article shall take effect on July 1, 1989.

Sponsored by: Jim Martin, Town Councilman
Submitted by: Melissa Cherubino, Community Development Director

RESOLUTION NO. 24-2021

Moved by:
Seconded by:

WHEREAS, a Member of the Town Board of the Town of Glenville is introducing a resolution authorizing the Town Supervisor to enter into an agreement with NYS Housing Trust Fund Corporation (NYSHTFC) and NYS Office of Community Renewal (NYSOCR); and

WHEREAS, NYSHTFC awarded Town of Glenville \$300,000 in Community Development Block Grant Economic Development program assistance (CDBG) to fund a Microenterprise program that will support small business owners; and

WHEREAS, the purpose of any grant funding will be to support small business for start-up and expansion of small businesses of less than 25 employees with grants of between \$5,000 and \$35,000 for pandemic related expenses; and

WHEREAS, offering the grant constitutes a Type II Action under SEQR 6 NYCRR 617.5 (c)(26) (26) *routine or continuing agency administration and management* and any individual awards will be subject to SEQR review if they meet or exceed any Type I thresholds;

WHEREAS, Town Law requires Town Board approval to authorize the Town Supervisor to enter into a state contract with NYSHCR and a draft of the contract is attached; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Glenville met at the Glenville Municipal Center, 18 Glenridge Road, Glenville, New York on Wednesday, November 17, 2021 at 7:00 P.M., and hereby authorizes the Town Supervisor to enter into an agreement with NYSHTFC and NYSOCR.

Ayes:
Noes:
Absent:
Abstentions:

Motion Carried/Defeated

Town Board Decision on November 3, 2021

Sponsored by: Jim Martin, Councilman
Submitted by: Melissa Cherubino, Director of Community Development

RESOLUTION NO. 25-2021

Moved by:
Seconded by:

WHEREAS, NYSDOT opened the Transportation Improvement Program (TIP), enabling municipalities to apply for sidewalk and roadway improvement funds; and

WHEREAS, the Town's Economic Development and Planning Department issued a Request for Expression of Interest (REI) to the region's full list of engineering firms requesting TIP grant application preparation at no cost to the town with the firm awarded the work given subsequent design services as detailed in the Consultant Procurement section of Chapter Six in the Local Projects Manual; and

WHEREAS, the town received two (2) expressions of interest (EOI) from design professional engineering firms of MJ Engineering and Barton & Loguidice (B&L); and

WHEREAS, five Town of Glenville employees, representative of the oversight of public projects such as the proposed multi-use paths, were selected to form a review committee, namely the Deputy Commissioner of Public Works, two Code Enforcement Officers, the Executive Assistant responsible for Planning Administration and the Community Development Director; and

WHEREAS, the committee reviewed the EOI submissions and selected Barton and Loguidice (B&L) through a scoring matrix that accounted for firm experience, quality of staffing and ability to stay on schedule; and

NOW THEREFORE, BE IT RESOLVED that the Town Board of the Town of Glenville hereby approves the contract with B&L for grant application preparation; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Glenville hereby authorizes the Town Supervisor to enter into an agreement with Barton and Loguidice (B&L).

Ayes:
Noes:
Absent:
Abstention:

Motion Carried/Defeated

Town Board decision on November 17, 2021



October 27, 2021

Christopher Koetzle
Town Supervisor
Town of Glenville
18 Glenridge Road
Glenville, NY 12302

Re: Proposal for Professional Services
Transportation Improvement Program Applications

File: P710.1597

Dear Supervisor Koetzle:

Barton & Loguidice, D.P.C. (B&L) is pleased to have been selected to provide this letter proposal to prepare an application to the 2022-2027 Transportation Improvement Program (TIP) Update solicitation offered by the Capital District Transportation Committee (CDTC). Based on the selection, B&L will also complete design and construction support and inspection services upon successful award of TIP funding.

SCOPE OF SERVICES

Based on consultation with Director of Community Development Melissa Cherubino, B&L will provide grant application preparation services in the pursuit of funding for the following projects:

- Freemans Bridge Road Multi-Use Path Extension from Dutch Meadows Lane to the Empire State Aerosciences Museum, and
- Maalwyck Park Bicycle and Pedestrian Neighborhood Connections.

Submission of applications in response to the solicitation is due by December 3, 2021.

B&L proposes the following general scope of services:

- A. Correspondence with Director of Community Development Melissa Cherubino and other relevant Town staff on Town priorities and preferences for the route configuration and design of each proposed multi-use path extension.
- B. B&L will develop the necessary narratives, conceptual plans, and budget estimates required to support the TIP application in consultation with Town staff. We will conduct field reconnaissance as necessary in addition to any relevant communication of other affected stakeholders. B&L will also coordinate the collection of any required documentation with appropriate Town staff including support letters.

Christopher Koetzle, Town Supervisor
Town of Glenville
October 27, 2021
Page 2



- C. Upon successful award, B&L will develop an appropriate scope and fee per the state and federal funding requirements to complete preliminary design, final design, right-of-way, and construction support and inspection services.

FEE FOR SERVICES

As noted in the request for expressions of interest for this project, B&L will provide TIP application preparation services at no cost to the Town of Glenville. As noted in the above scope of services, B&L will develop an appropriate scope and fee to complete preliminary design, final design, right-of-way, and construction support and inspection services upon successful TIP funding announcement in 2022.

We appreciate this opportunity to continue to provide professional services to the Town. Should you have any questions or if you would like to discuss the project, please do not hesitate to contact Bob Murphy or myself at 518.218.1801.

Sincerely,
BARTON & LOGUIDICE, D.P.C.

A handwritten signature in cursive script, appearing to read 'Thomas C. Baird', is written over a horizontal line.

Thomas C. Baird, P. E.
Associate

RJM/tms

Authorization to Proceed

Barton & Loguidice, D.P.C., is hereby authorized by the Town of Glenville to proceed with the services described herein in accordance with the attached contract terms and conditions.

Signature

Date

STANDARD TERMS AND CONDITIONS
for
PROFESSIONAL ENGINEERING SERVICES
provided by
BARTON & LOGUIDICE, D.P.C. ("ENGINEER")

The OWNER and the ENGINEER, for themselves, their successors and assigns, have mutually agreed and do agree with each other as follows:

1.0 Basic Agreement

Engineer shall provide, or cause to be provided, the services set forth in the proposal to which these terms and conditions are attached (PROPOSAL), and Owner shall pay Engineer for such Services as set forth in PROPOSAL. The PROPOSAL, in conjunction with these terms and conditions, is referred to herein as "Agreement".

2.0 Payment Procedures

Engineer will prepare a monthly invoice in accordance with Engineer's standard invoicing practices and submit the invoice to Owner. Invoices are due and payable within 30 days of the date of the invoice. If Owner fails to make any payment due Engineer for services and expenses within 30 days after the date of Engineer's invoice, the amounts due Engineer will be increased at the rate of 1.0% per month (or the maximum rate of interest permitted by law, if less) from said thirtieth day. In addition, Engineer may, without liability, after giving seven days written notice to Owner, suspend services under this Agreement until Engineer has been paid in full all amounts due for services, expenses, and other related charges.

3.0 Additional Services

If mutually agreed by Owner and Engineer, or if required because of changes in the Project, Engineer shall furnish services in addition to those set forth in the PROPOSAL if requested by the Owner. Owner shall pay Engineer for such additional services as follows: (1) as mutually agreed by Owner and Engineer, or (2) an amount equal to the cumulative hours charged to the Project by each class of Engineer's employees times standard hourly rates for each applicable billing class; plus reimbursable expenses and Engineer's consultants' charges, if any.

4.0 Termination

If Engineer's services related to the project are terminated for any reason, Engineer shall be compensated for time plus reasonable expenses associated with demobilizing personnel and equipment, and, if requested in writing by the OWNER, for completion of tasks whose value would otherwise be lost, to prepare notes as to the status of completed and uncompleted tasks, and to assemble Project materials in orderly files.

5.0 Controlling Law

This Agreement is to be governed by the law of the state in which the Project is located.

6.0 Successors, Assigns, and Beneficiaries

Owner and Engineer each is hereby bound and the partners, successors, executors, administrators, and legal representatives of Owner and Engineer (and to the extent permitted herein the assigns of Owner and Engineer) are hereby bound to the other party to this Agreement and to the partners, successors, executors, administrators, and legal representatives (and said assigns) of such other party, in respect of all covenants, agreements, and obligations of this Agreement. Neither Owner nor Engineer may assign, sublet, or transfer any rights under or interest (including, but without limitation, moneys that are due or may become due) in this Agreement without the written consent of the other, except to the extent that any assignment, subletting, or transfer is mandated or restricted by law. Unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under this Agreement.

7.0 General Considerations

A. The standard of care for all professional engineering and related services performed or furnished by Engineer under this Agreement will be the care and skill ordinarily used by members of the subject profession practicing under similar circumstances at the same time and in the same locality. Engineer makes no warranties, express or implied, under this Agreement or otherwise, in connection with Engineer's services. Engineer and its consultants may use or rely upon the design services of others, including, but not limited to, contractors, manufacturers, and suppliers.

B. Engineer shall not at any time supervise, direct, or have control over any contractor's work, nor shall Engineer have authority over or responsibility for the means, methods, techniques, sequences, or procedures of construction selected or used by any contractor, for safety precautions and programs incident to a contractor's work progress, nor for any failure of any contractor to comply with laws and regulations applicable to contractor's work.

C. Engineer neither guarantees the performance of any contractor nor assumes responsibility for any contractor's failure to furnish and perform its work in accordance with the contract between Owner and such contractor.

D. Engineer shall not be responsible for the acts or omissions of any Contractor, Subcontractor, or Supplier, or of any of their agents or employees or of any other persons (except Engineer's own agents, employees, and Consultants) at the Site or otherwise furnishing or performing any Work; or for any decision made regarding the Contract Documents, or any application, interpretation, or clarification, of the Contract Documents, other than those made by Engineer.

E. All design documents prepared or furnished by Engineer are instruments of service, and Engineer retains an ownership and property interest (including the copyright and the right of reuse) in such documents, whether or not the Project is completed.

F. To the fullest extent permitted by law, Owner and Engineer (1) waive against each other, and the other's employees, officers, directors, agents, insurers, partners, and consultants, any and all claims for or entitlement to special, incidental, indirect, or consequential damages arising out of, resulting from, or in any way related to the Project, and (2) agree that Engineer's total liability to Owner under this Agreement shall be limited to \$50,000 or the total amount of compensation received by Engineer pursuant to the PROPOSAL, whichever is greater.

G. The parties acknowledge that Engineer's scope of services does not include any services related to a Hazardous Environmental Condition (the presence of asbestos, PCBs, petroleum, hazardous substances or waste, and radioactive materials) except as may be specifically defined in the Scope of Services. If Engineer or any other party encounters a Hazardous Environmental Condition, Engineer may, at its option and without liability for consequential or any other damages, suspend performance of services on the portion of the Project affected thereby until Owner: (i) retains appropriate specialist consultants or contractors to identify and, as appropriate, abate, remediate, or remove the Hazardous Environmental Condition; and (ii) warrants that the Site is in full compliance with applicable Laws and Regulations.

H. The services to be provided by Barton & Loguidice under this Agreement DO NOT INCLUDE advice or recommendations with respect to the issuance, structure, timing, terms or any other aspect of municipal securities, municipal derivatives, guaranteed investment contracts or investment strategies. Any opinions, advice, information or recommendations provided by Barton & Loguidice are understood by the parties to this Agreement to be strictly *engineering* opinions, advice, information or recommendations. Barton & Loguidice is not a "municipal advisor" as defined by 15 U.S.C. 78o-4 or the related rules of the Securities and Exchange Commission. The other parties to this Agreement should determine independently whether they require the services of a municipal advisor.

8.0 Dispute Resolution

Owner and Engineer agree to negotiate all disputes between them in good faith for a period of 30 days from the date of notice by either party of the existence of the dispute. If the parties fail to resolve a dispute through negotiation then Owner and Engineer agree that they shall first submit any and all unsettled claims, counterclaims, disputes, and other matters in question between them arising out of or relating to this Agreement or the breach thereof ("Disputes") to mediation by a mutually acceptable mediator. Owner and Engineer agree to participate in the mediation process in good faith and to share the cost of the mediation equally. The process shall be conducted on a confidential basis, and shall be completed within 120 days. If such mediation is unsuccessful in resolving a Dispute, then (1) the parties may mutually agree to a dispute resolution of their choice, or (2) either party may seek to have the Dispute resolved by a court of competent jurisdiction.

9.0 Accrual of Claims

All causes of action between the parties to this Agreement including those pertaining to acts, failures to act, failures to perform in accordance with the obligations of the Agreement or failures to perform in accordance with the standard of care shall be deemed to have accrued and the applicable statutes of limitations shall commence to run not later than either the date of Substantial Completion for acts, failures to act or failures to perform occurring prior to Substantial Completion, or the date of issuance of the Notice of Acceptability of Work for acts, failures to act or failures to perform occurring after Substantial Completion.

10.0 Total Agreement

This Agreement constitutes the entire agreement between Owner and Engineer and supersedes all prior written or oral understandings. In the event of a conflict with contractual provisions in a Purchase Order authorization related to this Agreement, the provisions of this Agreement shall control. This Agreement may only be amended, supplemented, modified, or canceled by a duly executed written instrument.

Melissa Cherubino
Dir. of Community Development

Michael S. Burns
Planner 1

Lynn Walkuski
Executive Assistant

Town of Glenville
Economic Development and Planning Department
18 Glenridge Road
Glenville, N.Y. 12302
www.townofglenville.org



Christopher A. Koetzle
Town Supervisor

Gina M. Wierzbowski
Deputy Town Supervisor

Michael Aragosa
Michael R. Godlewski
James Martin

Tel. (518) 688-1200, ext.7
Fax: (518) 384-0140

September 21, 2021

Bob Murphy
Barton & Loguidice
10 Airline Dr Ste 200
Albany, NY 12205

RE: Transportation Improvement Program (TIP)

Dear Mr. Murphy:

In accordance with the Local Design Services Agreement - Consultant Selection Procedure, the Town of Glenville is requesting an Expression of Interest for the above referenced program.

The Town is seeking to retain an engineering firm to assist in preparing one or more applications for the funding of a pedestrian access and safety project. Work may include identifying potential project locations, obtaining project data and performing any other investigations, developing programmed project cost, preliminary evaluation of right of way needs, schedule of project implementation, preparing funding application and any other information pertinent to improving chances for funding under TIP.

The application development and any cost associated with the preparation of the application document(s), gathering field data and identifying the appropriate pedestrian treatments by the selected firm will be completed at no cost to the Town. If funding is received to implement the project(s), the selected firm may be utilized to perform preliminary design, final design, right of way, and construction support and inspection services. Any cost associated with the firm's assistance in preparing the application is at no cost to the Town.

Selection process: The Town will select the most highly qualified firm according to the following criteria listed in order of decreasing importance:

- Understanding of work to be done (25%);
- Experience with similar kinds of projects (20%);
- Quality of Staff for work to be done (15%);
- Familiarity with Federal and State Requirements (15%);
- Organization and Financial Responsibility (15%);
- Logistics and Familiarity with the project area (10%)


Interested firms should submit three (3) copies of their Expression-of-Interest (EOI) to the address noted below no later than September 30, 2021. An EOI consists of no more than three typewritten, single-sided pages providing sufficient information regarding the firm's qualifications as they relate to the above selection criteria. This information shall address the selection criteria stated above. For the quality of staff, the engineering form should only include full-time employees currently employed as of the date of the EOI. For similar projects experience, include the date the project started and completed or identify that it is ongoing. Interested applicants will be reviewed by the Town's Selection Committee to ascertain the most qualified applicant. The successful firm will be selected based upon an evaluation of the submitted material. Designation of a firm does not guarantee contract award. Subconsultants (including DBE participation) that were part of the firm's LDSA submission are permitted to be included and utilized for the project.

Please submit the EOI for review by the Selection Committee to:

Melissa Cherubino
Community Development Director
Town of Glenville
18 Glenridge Rd
Glenville, NY 12302

Please contact me at the phone number given below if you have any questions in regards to the preparation of the EOI.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Cherubino', written in a cursive style.

Melissa Cherubino

Sponsored by: Michael R. Godlewski, Town Councilman
Submitted by: Julie Davenport, Interim Town Clerk

RESOLUTION NO. 26 -2021

Moved by:
Seconded by:

BE IT RESOLVED, that the minutes of the Regular Town Board meeting held on November 3, 2021 are hereby approved and accepted as entered.

Ayes:
Noes:
Absent:
Abstentions:

Motion Carried/Defeated

Town Board decision on November 17, 2021

Sponsored by: Michael R. Godlewski, Town Councilman
Submitted by: Julie Davenport, Interim Town Clerk

RESOLUTION NO. 27 -2021

Moved by:
Seconded by:

BE IT RESOLVED that the **Monthly Departmental Reports** for October, 2021 as received from the following:

Assessors Department
Justice Department
Receiver of Taxes
Town Clerk's Office
Police Department

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

Ayes:
Noes:
Absent:
Abstentions:

Motion Carried/Defeated

Town Board decision on November 17, 2021

Sponsored by: Christopher A. Koetzle, Town Supervisor
Submitted by: William S. Purtell, Town Assessor

RESOLUTION NO. 28-2021

Moved by:
Seconded by:

WHEREAS, a Petition and Notice to Review the Assessment for taxation for the tax roll years 2020 and 2021 was commenced by Glen Esk Apartments LLC, the owner of the real property described on the assessment rolls as tax map No. 29.15-4-2.111 (the "Larger Parcel") and 29.15-4-2.112 (the "Smaller Parcel") and commonly known as 207 Sacandaga Road, Glenville, New York (S/B/L # 29.15-4-2.111 and 29.15-4-2.112) and was duly served upon the Assessor in 2020 and 2021; and

WHEREAS, the Town, through its Assessor, have thoroughly reviewed this matter and are prepared to enter into a Consent Order and Judgment in compromise and settlement of their differences as follows;

That the proceedings for tax roll years, 2020 and 2021 in relation to the subject parcels of real property shall be discontinued and the proceedings for the tax roll years 2020 and 2021 shall be settled on the following terms and conditions:

1. This settlement is made in resolution of all past and present claims or proceedings with respect to the subject properties' real property tax assessment;
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. Pursuant to Real Property Tax Law section 727, the proceedings for the subject tax roll years shall be settled by establishing the assessment of the Larger Parcel at the assessed values as follows:

Year	Tax Map Number	Original Assessment	Revised Assessment	Reduction
2020	29.15-4-2.111	\$7,156,000	\$4,760,000	\$2,396,000
2020	29.15-4-2.111	\$7,156,000	\$4,760,000	\$2,396,000

4. That the Town shall refund 50% of any excess Town, Highway and Special District taxes and special district charges on the uncorrected 2020 and 2021 assessments of the Larger Parcel to be paid.
5. That the current assessment of the Smaller Parcel shall remain unchanged.

6. That the tax roll assessment of the Larger Parcel for the years 2022-23, 2023-24 and 2024-25 shall be set at \$4,760,000.00 and for the Small Parcel shall remain fixed during this time.
7. That RPTL 727 shall apply to this settlement for the 2022, 2023 and 2024 tax years.
8. All provisions of the RPTL section 727, including RPTL 727 (2) shall apply to this settlement. That is, the property owner agrees not to bring another tax certiorari proceeding with respect to this property for the three years following the affected tax year unless the improvements on the property shall be destroyed, demolished or removed and the Assessor agrees to maintain the assessment based upon the current assessed value for 2021 (as stated above) for those three years unless required by additions, alterations or capital improvements.
9. 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.
10. The parties agree that the Consent Order and Judgment 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 Consent Order and Judgment may be filed in the office of the Schenectady County Clerk and an Order may be entered, based upon the Consent by either party on notice to the other.

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

NOW THEREFORE, BE IT RESOLVED that the Town Board of the Town of Glenville hereby authorizes the Assessor for the Town to enter into Consent Order and Judgment with Glen Esk Apartments LLC for the settlement of the tax certiorari proceedings brought relative to the property known as 207 Sacandaga Road, Glenville, NY (S/B/L # 29.15-4-2.111 and 29.15-4-2.112) under the terms outlined above.

Ayes:

Noes:

Absent:

Abstention:

Motion Carried / Defeated

Town Board decision on November 17, 2021

Sponsored by: Christopher Koetzle, Town Supervisor
Submitted by: Stephen V. Janik, Chief of Police

RESOLUTION ADD-ON NO. 1-2021

Moved by:
Seconded by:

WHEREAS, the Town of Glenville police department recently received new radio equipment as part of a countywide public safety communications initiative; and

WHEREAS, the new equipment has been installed and is fully operational, thus rendering the old equipment unnecessary for departmental operations;

WHEREAS, the inventory of old equipment includes 27 Harris portable radios, 8 Motorola XTL 1500 car radios, 1 Motorola Max Trac car radio, 12 M/A-Com KRY1011632/12 car radios, 1 Harris-HHC-731 handheld radio, and 1 M/A-Com-CU101239V1 handheld radio; and

WHEREAS, the Town of Glenville no longer has a use for this old radio equipment;

NOW, THEREFORE, BE IT RESOLVED, that the Town of Glenville radio equipment listed above is hereby declared surplus, and the Town Comptroller is authorized to dispose of said equipment in the most cost effective manner possible.

Ayes:
Noes:
Absent:
Abstention:

Motion Carried/Defeated

Town Board decision on November 17, 2021.