

1 MEETING OF THE TOWN BOARD  
TOWN OF GLENVILLE  
SEPTEMBER 6, 2017  
AT THE GLENVILLE MUNICIPAL CENTER  
18 GLENRIDGE ROAD, GLENVILLE, NEW YORK

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

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

**Present:** Supervisor Christopher A. Koetzle, Councilman James M. Martin, Councilman John C. Pytlovany, Councilman David Hennel and Councilwoman

**Absent:** None

Also present – Michael Cuevas, Attorney for the Town, Jason Cuthbert, Comptroller, Kevin Corcoran, Planner, Steve Janik, Police Chief and Mike Petroski, Lt.

**Town Council Reports:**

Councilman Hennel – “Thank you to all of the sponsors that contributed to the events that we had “Thursdays in the Park” at Indian Meadows. We had nice turnouts with the movies and the concerts there and we appreciate the sponsors that made that possible for everybody.

It’s always exciting to welcome new businesses to Glenville and the Riverside Maple Farms on Route 5 had a sneak preview and will be having a grand opening soon. They have maple syrup, candy, cotton candy and they will be at our Oktoberfest which is coming up on September 30<sup>th</sup>.

Councilman Pytlovany – “Just a reminder that the DARE Advisory Board is having a golf tournament to raise money for the DARE Program on September 17<sup>th</sup> at the Fairways of Halfmoon. If you are interested you can contact Kevin Dunbar at the Glenville Police Department.”

Supervisor Koetzle – “Before we open the public hearing I would like to invite our building inspector Arnie Briscoe to address the Board in relation to 9 Van Buren Road and then we will open the hearing for public comment.

Arnie Briscoe – “Just to give you a quick history on the property. I am asking that the Board take the necessary action to conduct demolition of the unsafe structures and the removal of all of the garbage, debris and junk vehicles located on the property of 9 Van Buren Road. On November 14, 2013 East Glenville Fire Department responded to a structure fire at the residence, fortunately no one was home at the time but while they were there they discovered the house was filled with trash, debris so much so that they could not really access a lot of the structure. There were walking trails to go in and about the rooms. That evening the house was posted as an unsafe structure, inhabitable and the homeowner was advised that property had to be taken care of. March 2014 no action had been taken on the structure whether it was taking care of the issue with the fire or cleaning it out so a notice of violation was issued to the homeowner. April of 2014 still no communication from the property owner, a reminder notice was sent, no action or communication based on that notice. May of 2014 still no communication, no action so a summons was issued to the property owner to appear in court. That court hearing was scheduled on May 29, 2014 and the property owner did not appear. Currently it is in a state of disarray, totally unsafe to enter to be able to clean it out at this point. It has been reported by neighbors that the vehicles and the building itself are starting to be inhabited by animals, raccoons and foxes. It has gotten out of hand and it is obvious that the property owner will not address it so I am asking the Board to take the necessary actions to take care of this property.”

Councilman Martin – “The cost of the demolition is that something that is put

on the tax lien?”

Mike Cuevas, Attorney for the Town – “That’s correct.”

Councilwoman Wierzbowski – “Arnold, do you know if the taxes have been kept current on the property so there is a record of who has been paying them?”

Mr. Briscoe – “They have not.”

Councilwoman Wierzbowski – “Has a foreclosure notice been issued by the County yet or they are not moving on that yet?”

Mr. Briscoe – “I am not aware of that.”

Councilwoman Wierzbowski – “You have not been able to locate the owner.”

Mr. Briscoe – “No”

Supervisor Koetzle – “Item No. 5 on the agenda is a public hearing to hear all interested parties regarding the unsafe property at 9 Van Buren Road.

Supervisor Koetzle opened the public hearing at 7:08 PM.

Mark Gatta, 11 Van Buren Road – “I live right next to this house. We have noticed all of the animals, I have been reporting them. We were told that he is still in a home. The reason it was taking so long was he was paying the taxes and paying on the house still. The guy has a severe brain injury so some times when I talked to him it was like having the same conversation over again. When representatives from the Town talked to him they said every time they talked to him he would think it was the first time. So mentally I don’t think he was able to do what he was supposed to do. It was over 2 years I kept reporting after the incident that two of the windows were not boarded up. I did pest control for three to four years but knowing all of the water damage and how that was opened like that a big concern of mine is termites and cockroaches and stuff like that. The fence right next to it on the border of our house has been coming down. I have been trying to nail that up to try and keep it up the best I can. I don’t want my kids anywhere near that property. I know there have been plenty of contractors that have come near my house trying to buy and flip the property but they can’t get ahold of anybody. I personally have been getting a lot more snakes and mice over in my yard since this has happened. I think a lot of it is due to all of the overgrown grass and shrubs over there. There are also two sheds in the back that are packed with stuff. I don’t know how they are still standing up. It’s been five years and I think something definitely needs to be done about it.”

Erica Leveillee, 16 Van Buren Road – “Like Mark, I have called numerous times since the fire to report that the grass has not been up kept, that the property is deteriorating, that there are animals, there are vehicles, it is quite the eyesore. My kids walk past there to get to the bus stop. I did report to the Town to have it mowed or to have it maintained. I also did report it to the comptroller’s office regarding zombie properties and it did not qualify because there was no mortgage so there was no way to foreclose on it. I also did confirm with the County Clerk’s Office and the Town that the taxes had not been paid in over four years and it’s upwards of \$30,000 in back taxes. Schenectady County Clerk did say that it could be put up for a tax foreclosure but they weren’t sure exactly the time on that. So we would like to expedite do to the fact that there has been no taxes, no owner, no real maintenance and I just feel like it is very dangerous. As Mark stated with the windows being open since the fire there’s probably lots of spores and mold. In talking to other neighbors, who weren’t able to be here that were also hoping to have it demolished. Hopefully with some safety around the demolition so that it would not send overflow into the neighboring houses.”

Supervisor Koetzle – “Arnie, on the house coming down what about the rest of the property, so all of the wood piles, trees and everything – would we clean the entire property out?”

Mr. Briscoe – “Yes that would be our mission.”

Supervisor Koetzle – “Who maintains the property going forward?”

Mr. Briscoe – “The town would maintain that.”

No one else wished to speak; Supervisor Koetzle closed the public hearing at 7:15 PM.

Supervisor Koetzle – “Item No. 6 on the agenda is a public hearing to hear all persons interested in a proposed local law adding a new Chapter 130 “Excavations and Encumbrances to the Code of the Town of Glenville.”

Supervisor Koetzle opened the public hearing at 7:16 PM.

No one wished to speak; Supervisor Koetzle closed the public hearing at 7:17 PM.

The following people exercised the privilege of the floor:

Ross Thornhill, 82 Fredericks Rd – Mr. Thornhill discussed the budget. He stated as a lifelong resident of Glenville he loves living here, there are many reasons why we decided to stay in the Town and part of them are certainly services that we receive from the Town, like from the police department, public works. He stated that as a resident he truly appreciates everything that the Board does. He stated that the town needs to have the correct staffing for the amount of growth that we have seen in this town. He is pleased with the economic boom but as that occurs he wants to make sure that safety still occurs. He also stated that the police department needs to be properly funded as well. He also stated that the building department is under staffed with only two employees. Mr. Thornhill also stated that the highway department is understaffed too. He stated that he wants to make sure that the departments are funded appropriately and make sure that they have the resources and tools that they need to protect us and provide the services that they provide.”

Lori Antal, 33 Rosemere Rd. - She attended the meeting to ask questions regarding the waiver that Mark Hines is requesting. She also asked what was going to happen with the road in front of her house, her neighbor's house and the ditches.

Supervisor Koetzle – “Privilege of the Floor is not a question and answer session. Your questions are highway related and our Highway Superintendent is not here tonight to answer those questions. We can facilitate another meeting in house to answer questions.”

Ms. Antal – She stated that she plans on putting her house up for sale in about six months and asked when would be the best time to ask these questions.

Supervisor Koetzle – “I have your contact information and we can reach out to each other and set something up for that. Tonight we are dealing with scheduling a public hearing, we are not accepting anything yet. The next meeting you will want to speak at is September 20<sup>th</sup> and we will have your answers at that time.”

Don Centurioni, 34 Rosemere Rd. – He expressed his concerns about the ditches on Rosemere Rd. and the issues they have been having with Mr. Hines. He stated that he is not trying to obstruct anything but we just want to get some answers from the Town.

David Shumacher, 138 Spring Rd. – He is attempting to build a home on Rosemere Rd. He stated that nine months ago a subdivision was filed with Schenectady County and he thought then at that time he should be able to get a building permit. He is getting taxed for a building lot. He stated that the road really has nothing to do with his building lot. He got a building permit issued for a partial building on February 21<sup>st</sup>. He explained that he since then he had a capped foundation which is getting wet, and it is

starting to rot. He stated that he attempted to cover it several times and the wind blew it off. This situation is causing him a hardship. He put his house on the market because he had a building permit, he is closing tomorrow. Mr. Schumacher stated that he had a lot of money invested and that he can't back out. He doesn't understand what the roadway has to do with his building permit.

Jon Pearson, 17 Via Maria Dr. – Mr. Pearson has concerns that eight and one-half years after the recession ended we are still pulling money out of our reserves. He thinks the budget should be balanced without taking money out of the reserve we are overdue for another recession.

Shauneen Kuczek, 343 Goldfoot Rd – Ms. Kuczek purchased land from Mark Hines for the 3 lot subdivision that was approved in November. Her land was purchased on January 27<sup>th</sup>. She has a builder lined up and a house being delivered in September. She stated that she has a lot of money put into this project and she cannot get a building permit. She is being taxed as it is a buildable lot. She stated that she doesn't feel that it is fair to be taxed on a building lot when she can't build on it. She feels that the Town needs to make a decision to at least allow them to start their building process. Ms. Kuczek does not feel that this impacts their houses and does not impact the road. She feel that maybe the Town could prematurely approve this subdivision without having everything in place. She asked if the Board could reconsider.

Bonnie Ausfeld, 15 Harmon Road – She made a couple of comments involving the budget. There was a fire at 7 Harmon Road a couple of years ago. She had spoken a couple of times with the building inspector who did everything that he can with that property. It is now in receivership with a bank. She stated that it is still an eyesore. She also thanked the police department. She stated that she lives next door to the resident that committed suicide and she was amazed at the high level of service that the police department provided to the entire neighborhood.

Ms. Ausfeld also stated that she wants for the holidays sparkly wreaths somewhere in this town along Route 50.

She told the Board that as they go through the budget she would really like some kind of entertainment in this town. She said that every time she wants to do something she has to leave the town. She does not want a Clifton Park here but would like to have some kind of entertainment here, a movie theatre or something.

Jim Donahue, 29 Rosemere Road – Mr. Donahue stated that he has lived on Rosemere Road for twenty years. There has been a lot of construction over the last twenty years in his neighborhood. He mentioned that it is pretty tough with trucks rumbling down the street. He has had his wires pulled down, there is a ton of dust and he feels before any waivers are granted the developer should comply with all of the conditions that were a part of his agreement.

Supervisor Koetzle presented his 2018 Budget Forum  
(The entire presentation is available on our website [www.townofglenville.org](http://www.townofglenville.org) )

Supervisor Koetzle moved ahead with the agenda items.

### **RESOLUTION NO. 187-2017**

**Moved by:** Councilwoman Wierzbowski

**Seconded by:** Councilman Hennel

**WHEREAS**, Chapter 242, Subdivision of Lands, section 242-3, Private roads, of the Code of the Town of Glenville provides that a developer of a subdivision of four or fewer single-family dwelling lots may propose a private drive, to be designed and constructed consistent with the Town's Street and Roadway Design Standards; and

**WHEREAS**, Mark Hindes proposed a three lot subdivision on an approved extension of Rosemere Road with such extension being a private road; and

**WHEREAS**, the Hindes subdivision was approved by the Planning & Zoning Commission conditioned upon the Town's final approval of the road extension; and

**WHEREAS**, Section 242-31 B. (2) requires that the applicant obtain approval of the private road by the NYS Attorney General or a no action letter from the Attorney General; and

**WHEREAS**, the Attorney General has indicated that he will not issue a no action letter due to the fact that two pre-existing driveways for residential lots are accessed by the proposed private road; and

**WHEREAS**, the Attorney General indicated that the Town could waive the provision of the Code requiring the no action letter if it was satisfied that the road would be perpetually maintained for the benefit of the lot owners; and

**WHEREAS**, the developer has submitted proposed, perpetual easements to be filed in the Office of the Schenectady County Clerk for the benefit of the owners of the lots in the subdivision; and

**WHEREAS**, the Town Board wishes to hold a public hearing with respect to the request of Mark Hindes that the Town Board grant a waiver from the requirement for the Attorney General no action letter and that it accept instead the proposed, perpetual easements;

**NOW, THEREFORE, BE IT RESOLVED**, that a public hearing be held by the Town Board of the Town of Glenville at 7:00 PM on September 20, 2017, at the Glenville Municipal Center, 18 Glenridge Road, Glenville, New York to hear all persons wishing to be heard with respect to the request of Mark Hindes for a waiver of the Attorney General no action letter of Town Code sections 242-31 B (2) pursuant to the authority granted the Town Board in Town Code section 238-21 with respect to his approved 3 lot single family residential subdivision on Rosemere Road, and it is further

**RESOLVED** that the Town Clerk is hereby authorized and directed to cause public notice of said hearing to be given as provided by law and to notify all owners of lots on the proposed Rosemere Road extension.

**Ayes:** Councilmen Martin, Pytlovany, Hennel, Councilwoman Wierzbowski and Supervisor Koetzle  
**Noes:** None  
**Absent:** None  
**Abstentions:** None

**Motion Carried**

**RESOLUTION NO. 188-2017**

**Moved by:** Councilman Hennel  
**Seconded by:** Councilwoman Wierzbowski

**WHEREAS**, a Petition and Notice to Review the Assessment for taxation for the tax roll years 2015, 2016 and 2017 of the real estate owned by Maalwyck Mohawk Holdings, commonly known as 2000 7<sup>th</sup> Street, Glenville, New York (S/B/L # 29.-3-16.141) was duly served upon the Assessor in July, 2015, July 2016 and July 2017 respectively; and

**WHEREAS**, the Town, through its attorney and the Assessor are prepared to enter into an agreement and stipulation of compromise and settlement of their differences as follows:

That the proceedings for tax roll years 2015, 2016 and 2017 in relation to the property 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 property's 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 proceeding for 2015 and later years shall be settled by establishing the assessment of the property at the revised assessed value of \$5,600,000.00 for the 2015 tax roll, \$5,675,000.00 for the 2016 tax roll and \$5,750,000.00 for the 2017 tax roll. That the Comptroller is authorized to calculate the amount of any refund for 2016 and 2017 Town, Highway and Special District taxes already paid and to pay same over to the property owner, without interest, upon receipt of a fully executed stipulation.
4. It is further stipulated and agreed that the assessed value for the 2018 tax roll shall be established at \$5,800,000, the 2019 tax roll at \$5,850,000 and the assessed value for the 2020 tax roll at \$5,900,000.
5. All other 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 revised assessed values (as stated above) for those three years unless required by additions, alterations or capital improvements or in the event of a revaluation.
6. 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.
7. The parties agree that the Stipulation is entered into for good and valuable consideration, that it is the entire agreement of the parties, that it is made to resolve this litigation and shall not be offered in any other proceeding by any party as competent evidence of any fact, that the stipulation may be filed in the office of the Schenectady County Clerk and an Order may be entered, based upon the Stipulation by either party on notice to the other.

**WHEREAS**, it appears to be in the best interests of the Town to settle said matter as recommended by the Attorney for the Town and the Assessor without further attendant legal and appraisal costs; and

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

**NOW THEREFORE, BE IT RESOLVED** that the Town Board of the Town of Glenville hereby authorizes the Attorney for the Town to enter into an agreement with Maalwyck Mohawk Holdings for the settlement of the tax certiorari proceedings brought relative to the property known as 2000 7<sup>th</sup> Street (S/B/L # 29.-3-16.141 under the terms outlined above.

**Ayes:** Councilmen Martin, Pytlovany, Hennel, Councilwoman Wierzbowski and Supervisor Koetzle  
**Noes:** None  
**Absent:** None  
**Abstention:** None

**Motion Carried**

**RESOLUTION NO. 189-2017**

**Moved by:** Councilman Hennel

**Seconded by:** Councilwoman Wierzbowski

**BE IT RESOLVED**, that the minutes of the regular meeting held on June 21, 2017 are hereby approved and accepted as entered.

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

**Noes:** None

**Absent:** None

**Abstentions:** None

**Motion Carried**

**RESOLUTION NO. 190-2017**

**Moved by:** Councilman Hennel

**Seconded by:** Councilwoman Wierzbowski

**BE IT RESOLVED**, that the minutes of the regular meeting held on July 12, 2017 are hereby approved and accepted as entered.

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

**Noes:** None

**Absent:** None

**Abstentions:** Councilman Pytlovany

**Motion Carried**

**RESOLUTION NO. 191-2017**

**Moved by:** Councilman Hennel

**Seconded by:** Councilwoman Wierzbowski

**WHEREAS**, in order to provide for autumn maintenance in the Highway Department it is necessary to hire seasonal employees; and

**WHEREAS**, the Town of Glenville has provided funding for these seasonal employees in the 2017 budget; and

**WHEREAS**, seasonal employment is allowable for a maximum of thirteen weeks per individual; and

**NOW, THEREFORE, BE IT RESOLVED**, that three seasonal employees be appointed to the position of Highway Laborer-Seasonal at the budgeted rate of \$10.00 per hour with no benefits for a period not to exceed September 11, 2017 through December 10, 2017; and

**BE IT FURTHER RESOLVED**, that the Commissioner of Public Works is hereby authorized to appoint qualified candidates to the seasonal positions upon consultation with the Town Supervisor.

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

**Noes:** None

**Absent:** None

**Abstention:** None

**Motion Carried**

**RESOLUTION NO. 192-2017**

**Moved by:** Councilman Hennel  
**Seconded by:** Councilwoman Wierzbowski

**WHEREAS**, there currently exists a vacancy for the position of Laborer in the Glenville Highway Department; and

**WHEREAS**, the Highway Superintendent advises that Matthew Traficante has been employed as a seasonal laborer throughout summer 2017 and has performed all job duties satisfactorily; and

**WHEREAS**, the Highway Superintendent recommends that Matthew Traficante be appointed to the position of Laborer;

**NOW THEREFORE, BE IT RESOLVED** that the Town Board of the Town of Glenville hereby provisionally appoints Matthew Traficante, 715 Sanders Avenue, Glenville, New York to the position of Laborer, effective August 21, 2017, at a starting rate for such title of \$14.91 per hour and benefits as determined by the agreement between the Town and the Highway Department Employees Association.

**Ayes:** Councilmen Martin, Pytlovany, Hennel, Councilwoman Wierzbowski and Supervisor Koetzle  
**Noes:** None  
**Absent:** None  
**Abstention:** None

**Motion Carried**

**RESOLUTION NO. 193-2017**

**Moved by:** Councilman Martin  
**Seconded by:** Councilman Pytlovany

**BE IT RESOLVED**, that the Town Board of the Town of Glenville hereby adjourns into Executive Session to discuss a contract negotiation item.

**Ayes:** Councilmen Martin, Pytlovany, Hennel, Councilwoman Wierzbowski and Supervisor Koetzle  
**Noes:** None  
**Absent:** None  
**Abstention:** None

**Motion Carried**

**New Business**

Councilwoman Wierzbowski – “I would like to thank all of the residents and some police officers, Jason and Arnold for coming this evening and sitting not only through the budget presentation but the other discussions that were held. Often we don’t have that many people in the room with us and whether you agree with us or not if you are here to learn and you are here to know about what we do and I personally appreciate that. I thank everybody that was here and expressed an opinion. I personally have been on the board for seven years now almost eight and I’ve always learned something from meetings like this where we have a lot of high level participation from the people that live and enjoy our town just like I do. So thank you very much, I appreciate that.”

Councilman Martin – “I would like to echo those comments and as you can see I get quite animated over the sales tax issues but it’s because it’s important. I decided



to get involved in this capacity because the real property tax is a particular issue in this community and this goes to the heart of that issue. I hope you all get engaged, there is a lot of information out there. Look at you County budget, look at the budgets of neighboring towns and see what's going on out there. I would personally love to see people march on the County Office Building, I mean it. This has got to change, it's absolutely lewdegrist what's going on with that sales tax agreement."

Councilman Pytlovany – "I echo the same feelings."

Supervisor Koetzle – "I want to thank everybody here for their participation here. This is something I take very passionately as well. I like the discussions and the different point of views and we all have different ideas. I want to thank everyone for participating. We don't have to do these forums, it's unusual, what other town does this, there is no other town that does this because we want that mitigation, and we do want that feedback so I am very thankful that you are all here for that tonight.

I few upcoming events:

Sept. 19<sup>th</sup> – E. Glenville Church is having a community picnic their services start at 10:30 AM.

Sept. 11<sup>th</sup> – Anniversary of 9-11, ceremony at 5:00 PM at the Lighthouse.

Sept. 15<sup>th</sup> – Yates Benefit Concert at the Riverstone Manor. Tickets are available at Town Hall or by contacting me.

Sponsored by: Christopher A. Koetzle, Town Supervisor  
Submitted by: Michael Cuevas, Attorney

#### **RESOLUTION NO. 193-2017**

**Moved by:** Councilman Martin  
**Seconded by:** Councilman Pytlovany

**BE IT RESOLVED**, that the Town Board of the Town of Glenville hereby adjourns into Executive Session to discuss a contract negotiation item.

**Ayes:** Councilmen Martin, Pytlovany, Hennel, Councilwoman Wierzbowski and Supervisor Koetzle  
**Noes:** None  
**Absent:** None  
**Abstention:** None

#### **Motion Carried**

Supervisor Koetzle adjourned this portion of the meeting at 9:18 PM and entered into Executive Session.

Time being 10:22 PM; Supervisor Koetzle reconvened the meeting and announced that no action was taken during the Executive Session.

Supervisor Koetzle asked for a motion to adjourn; motion to adjourn; Moved by Councilman Martin; Seconded by Councilman Pytlovany, everyone being in favor the meeting was adjourned at 10:23 PM.

ATTEST:

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Linda C. Neals  
Town Clerk