

MEETING OF THE TOWN BOARD  
TOWN OF GLENVILLE  
SEPTEMBER 20, 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

**Town Council Reports:**

Councilman Hennel – “I would like to share a “Welcome” from our friends in the Hamlet of Alplaus they are actually going to be hosting their Fall Apple Festival this Saturday the 23<sup>rd</sup> from 1:00 to 4:00 PM.

This is the last board meeting prior to the Glenville Oktoberfest so I would like to thank all of the people that volunteered countless hours in planning the event and it will be held at Maalwyck Park on Saturday, September 30<sup>th</sup> from 12:00 to 9:00 PM.

Councilwoman Wierzbowski – “I have one event that I would like to make sure that everyone is aware of. The Muddy Sneakers Event is this weekend at the YMCA.”

Councilman Pytlovany – “Last Sunday the Glenville DARE Program had a golf tournament to support the DARE Program here in the Town of Glenville. This is something that we use to do from year to year and unfortunately we abandoned it about three years ago and we decided to start it up again. With short notice we had a wonderful day golfing. I don’t have a figure on how much we made but it was a great turnout and great weather.”

Supervisor Koetzle – “Item No. 5 on the agenda is a public hearing to consider the request of Mark Hindes for a waiver of the Attorney General no action letter of the Town Code sections 242-31 B (2) pursuant to the authority granted the Town Board in the Town Code section 238-21 with respect to his approved 3 lot single family residential subdivision on Rosemere Road.”

Supervisor Koetzle opened the public hearing at 7:05 PM

Lori Antal, 33 Rosemere Road – “I am here tonight to try to get some answers to what is actually going in down at the end of that road. It went from a private home with two plots for family members to a subdivision back to a single family home and now saying he wants four lots back there. My question too is what happens with Rosemere Road extension. Lately, the other day I noticed there was a private road sign on it. I am under the assumption that in Glenville there can be no more than four homes on a private road so there are a lot of what ifs and controversy as to what is actually going down there.”

Supervisor Koetzle – “I want to correct something where the agenda said four lots it’s really three.”

Ms. Antal – “So it has been approved for subdivision.”

Supervisor Koetzle – “Yes”

Ms. Antal – “What about the private road, how far is that going to extend. People are using my property as a turn-a-round because Mr. Hines has put up a “No Trespassing” sign going towards his driveway. I own property past that “Private Property” sign. The road is being used as a speedway with people going up and down to Mr. Hines’ property. My concerns are that we have young children and we have people who live there that don’t want them racing up and down. So that was my concern.”

Supervisor Koetzle – “The private road, as I understand, starts where it always has started, that has not changed.”

Ms. Antal – “What four houses would constitute because there were two existing houses there, mine and one across the road.”

Supervisor Koetzle – “There are only four houses, the other two were already connected.”

Ms. Antal – “I have no problem with people building but I think the lack of communication is something that causes a lot of issues. I hate to have to come here to constantly complain. Things that have been done have created eyesores in front of my property. I have concerns with the ditches, they are overgrown with weeds and the weeds are coming up onto my property. I just want to find out exactly what is going on. Is it in the Town Code – four houses on a private road?”

Mike Cuevas, Attorney for the Town – “It was a three lot subdivision that is why it was approved for a private road. The two existing houses were connected to terminus of the existing road.”

Ms. Antal – “Where does the private road start? Because when I bought the house in 2006 from Mr. Relyea he never came to take care of that access road. I took care of it for six years. So I’m not sure now what constitutes a private road with four homes.”

Attorney Cuevas – “We do have a legal description. I don’t know if looking at that would help clarify that for you.”

Ms. Antal – “Like I said my property is being used as a turn-a-round because of his “No Trespassing” signs. That is a concern for me as well.”

Paul DeLorenzo, Attorney for Mr. Hines – “We are open at any time to sit down with all of the neighbors and explain exactly what has gone on and what is going on. We don’t want anybody to feel like we are being un-neighborly. We have offered that and I’m still offering it now. It is my understanding that two houses are in the public roadway, the first two homes. Not directly on the private, that is my understanding here.”

Dominick Centurioni, 34 Rosemere Road – “I was just confused about how the far two houses are on the road there and they are not connecting to the town road and they are not included in that number?”

Supervisor Koetzle – “Because the subdivision was approved independent of those two houses.”

Councilman Martin – “Was the parent lot subdivided into three lots and these two lots pre-existed?”

Attorney Cuevas – “Correct”

Councilman Martin – “You were never a part of the three lot subdivision. Do any of the lots have frontage...”

Attorney Cuevas – “Their driveways are connected...”

Councilman Martin – “Your lots meet the letter of the law because you have frontage on a public road the other three lots do not have any frontage on a town road, you do. Even though your driveway goes out to the private road you have frontage on a town road. That’s the difference.”

Mr. Centurioni – “My final question is, at the last meeting that I was able to attend it was mentioned that we could bring it up at this meeting is about the drainage issues. I just want to make sure that everything was approved.”

Supervisor Koetzle – “I know, our highway superintendent, Tom Coppola is not here tonight, has approved the drainage ditches.

We see by the maps that Antal has road frontage, it appears and it appears you have a sliver of frontage on a town road.”

Teresa Ippoliti, 32 Rosemere Road – “I was here at the meeting for the motion to propose the three lot single family subdivision last year. So if I am understanding tonight’s agenda there is a proposed four lot single family subdivision being proposed, is that correct?”

Supervisor Koetzle – “No, we have a typo on the agenda. It is three and it has already been approved, it is not proposed.”

Ms. Ippoliti – “At that last meeting there was many conditions given that I wasn’t sure had been met. One was a bond for possible damage to the road in front of our houses. Another was the drainage when I asked about the drainage under the road that will carry the majority of the drainage. Most of you might know by now the drainage is not under the road. When we have bad rainstorms it completely overflows the drainage into all of our homes. We have 30 ton trucks starting again and the road is pretty damaged from before. At the time this meeting was last year there was talk of having a hammer head so when I left the meeting I thought we would have a cul-de-sac, hammer head. It looked like the Town Planner had talked about it, the attorney had talked about it at this meeting and the next time you know we have a private road no cul-de-sac, no hammer head. The construction of that private road was terrible for all of us. I don’t know how that...when I left here that was decided and I don’t know how that reverted back to a private road. At that time if the hammer head had already been built and the driveway to it the layer had been done with the fabric and stone, I assumed that that was going to be completed but that is not what happened. There is a Town Code that addresses issues such as dust and noise during these builds that are being ignored. I’m not effected by the private road, my house is just above it. The snow removal trucks stop just shy of it, back up and come back out. I’m not effected but my neighbors are so I’m concerned for them. Our concern is really with communication and we have been offered communication but I haven’t seen as much talk as I thought neighbors should be. As a matter of fact at that last meeting our neighbors were admonished for not communicating with us, but it never changed.”

Supervisor Koetzle closed the public hearing at 7:20 PM.

No one wished to exercise the privilege of the floor.

Supervisor’s Comments:

Supervisor Koetzle shared the following information.

I and the officials from First National Bank have been working with National Grid aggressively on trying to move the poles from the corner. We have gone through numerous renditions of ideas, thoughts and ways to make this happen. There doesn’t seem to be a possible solution without somehow impacting a property owner. There are many ideas but the best idea that we have settled on, all three parties, is that we...if you can imagine the Queen and the bank, facing north you take a right with underground wires between the bank and the diner along the property line, you come up to where the banks

shed is in the back corner, you come up to overheads, take a left out to Glenridge in overheads between the bank and the post office. Those trees would have to go, which the bank is okay with and that seemed wonderful, we were already to go but unfortunately what that option does because of the science between a transformer and a switch it would require a bigger poll right in front of the diner an additional one and the owner wasn't too keen on that. So the next thing that we engineered was on the bank property right where their sign is which would mean they would have to move their sign. The sign they got a variance for, the sign that doesn't meet the code of the Town so there is a lot of complexity in this. That is an iconic sign for them. The bank is discussing their options right now and at some point there is going to be an answer here.

The Yates Mansion fundraiser this weekend was a big success this past weekend. We raised \$160,000.

We are working on a website redesign. We have met with the website provider. They have launched a new product that is much more intuitive. I believe Niskayuna has converted to it along with the City of Schenectady and maybe Guilderland.

The Senior Center, as you all know Senator Farley and Senator Tedisco helped release the \$220,000 to add onto the Senior Center. We moved the ceremonial date for that to October 3<sup>rd</sup> at 10:00 AM, to accommodate Senator Farley.

Councilman Hennel and I will be attending the Village/Town Joint Committee Meeting at the Senior Center on September 21<sup>st</sup> at 7:00 PM.

We have one more budget forum next Thursday at 2:00 PM at the Senior Center.

I sent letters to our five different representatives inviting them to a meeting here on September 27<sup>th</sup> at 7:00 PM in this room. We do not have a meeting that night, I checked with the County Legislature and they do not have a meeting so I figured everybody was available, I gave a two week notice which is plenty of time and I didn't hear from anybody. So I emailed them after I had sent a letter in the mail and I still didn't hear a word and then today I got a call from Legislator Buhrmaster at 11:30 AM to say the strangest thing we just got an email from County Manager that she called a special meeting on Wednesday, September 27 at 7:00 PM that all legislators have to be at to hear her unveil her budget that is typically done at a Legislative Meeting. That was an insult to me and I think that is was an insult to every resident in the County but particularly in Glenville and Niskayuna. I will be reaching out again and saying, you pick the date and we will make it work but clearly it's not something they want to engage in.

Supervisor Koetzle moved ahead with the agenda items.

### **RESOLUTION NO. 194-2017**

**Moved by:** Councilman Pytlovany

**Seconded by:** Councilman Martin

**WHEREAS**, the Town Board of the Town of Glenville has been considering a Local Law to add a new Chapter 130, "Excavations and Encumbrances" to the Code of the Town of Glenville; and

**WHEREAS**, this Town Board has held a public hearing on September 6, 2017 at 7:00 P.M., at which time all parties in interest were afforded an opportunity to be heard and to publicly comment on the amending of the Code of the Town of Glenville as set forth above;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Glenville does hereby establish a local law to amend the Code of the Town of Glenville to adopt Local Law # 10 of 2017, adding a new Chapter 130, "Excavations and Encumbrances" as set forth in the attached Local Law text.

**BE IT FURTHER RESOLVED**, that this local law shall take effect twenty days after filing with the Secretary of State of the State of New York.

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

**Motion Carried**

**RESOLUTION NO. 195-2017**

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

**WHEREAS**, Article 17-A of the General Municipal Law (GML) of the State of New York provides a process and procedure for the consolidation of units of local government, one of which involves the initiative of the units to be consolidated by proposing a Joint Consolidation Agreement pursuant to GML §752 ; and

**WHEREAS**, Sewer District No. 4 in the Town of Glenville is currently comprised of just 18 parcels of real property and is adjacent and contiguous to Sewer District No. 6 which is currently comprised of 229 parcels of real property; and

**WHEREAS**, the members of the Town Board of the Town of Glenville serve as the Commissioners of both sewer districts and in such capacity are proposing a Joint Consolidation Agreement to consolidate Sewer District No. 4 into Sewer District No. 6 under the terms and conditions outlined in said Joint Consolidation Agreement, a copy of which is annexed hereto; and

**WHEREAS**, GML §753 requires that within five (5) business days of the date of the Joint Consolidation Plan, the Town make such plan available in certain public places; post such Joint Consolidation Plan and a summary thereof on the Town's website and publish such summary once per week for four (4) consecutive weeks in the town's official newspaper and hold a public hearing on said Joint Consolidation Plan no sooner than 35 days nor later than 90 days hereafter; and

**WHEREAS**, the Town complied with the notice requirements of GML §753 and held a public hearing with respect to the proposed Joint Consolidation Plan for Town Sewer Districts Nos. 4 and 6 on August 16, 2017 at 7:00 PM at the Glenville Municipal Center; and

**WHEREAS**, no persons spoke against the proposed Joint Consolidation Plan and the public hearing and no one submitted any written testimony or comment on the plan; and

**WHEREAS**, the Town Board of the Town of Glenville finds that the proposed Joint Consolidation Plan for Town Sewer Districts Nos. 4 and 6 will serve the best interests of the residents of said districts;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Glenville, as Commissioners of Town Sewer Districts Nos. 4 and 6, hereby adopts the proposed Joint Consolidation Agreement for Town Sewer Districts Nos. 4 and 6, a copy of which is attached hereto, and thereby creates Consolidated Sewer District No. 6 with Article 17-A of the General Municipal Law.

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

**Motion Carried**

**RESOLUTION NO. 196-2017**

**Moved by:** Councilwoman Wierzbowski

**Seconded by:** Councilman Hennel

**WHEREAS**, Scotia Glenville High School participates in a program titled the “Pre-Vocational Experience Program”, the goal of which is to provide students with educational opportunities in a community workplace setting, and

**WHEREAS**, the Glenville Senior Center affords students such an educational opportunity in the form of an unpaid internship experience, and

**WHEREAS**, in order to comply with Federal and State Labor Department and NYS Education Department laws and regulations a memorandum of agreement that satisfies such requirements has been developed by the Scotia Glenville School District.

**NOW, THEREFORE, BE IT RESOLVED**, that the Supervisor of the Town of Glenville is hereby authorized to sign a Memorandum of Agreement between the Scotia Glenville School District and the Town of Glenville (attached) to participate in the “Pre-Vocational Experience Program” thereby affording an unpaid internship experience to a specified high school student while satisfying all local, state and federal legal requirements.

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

**Noes:** None

**Absent:** None

**Abstentions:** None

**Motion Carried**

**Discussion...**

Councilman Martin – “It is with great pride and much appreciation that I offer this resolution. I am very proud of the members of the community who worked on this plan both directly and somewhat indirectly by attending the numerous public hearings that were held for its preparation and review and in terms of appreciation I want to mention a heartfelt appreciation to our staff, Kevin Corcoran worked very hard on this and the Committees that oversaw the preparation of this. I know they met numerous times, hours and hours of work both reviewing and meeting. It was a fine, fine effort and nothing could be more indicative of a community coming together, learning about itself and being better because of it. I just want to say a heartfelt thanks.”

**RESOLUTION NO. 197-2017**

**Moved by:** Councilman Martin

**Seconded by:** Councilman Pytlovany

**WHEREAS**, under the direction of the Town of Glenville Comprehensive Plan Committee, and with assistance from the Town of Glenville Residential Advisory Committee and Town of Glenville Economic Development and Planning Department, and over a period of three years, a new Comprehensive Plan has been drafted for consideration by the Town Board; and

**WHEREAS**, the new Comprehensive Plan was created with the intention of replacing the Town’s current Comprehensive Plan, which was adopted over 27 years ago in April, 1990; and

**WHEREAS**, pursuant to Section 272-a of New York State Town Law, the Town Board is required to hold a public hearing prior to adoption of a Comprehensive Plan;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Glenville hereby schedules a public hearing for Wednesday, October 4, 2017 at 7:00 p.m., or as soon thereafter as the matter can be reached, at the Town of Glenville Municipal Center, at which time and place it will hear all persons interested in commenting on the draft Town of Glenville Comprehensive Plan; and

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

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

**Motion Carried**

**RESOLUTION NO. 198-2017**

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

**WHEREAS**, Glenville Town Code Chapter 195-14 B (5) prohibits various activities pertaining to alcohol use or consumption in Maalwyck Park, and

**WHEREAS**, Glenville Town Code Chapter 195-16 allows for concessions only in the event of permission from the Town Board, and

**WHEREAS**, the Town of Glenville and the Glenville Business and Professional Association will co-host the Annual Glenville Oktoberfest in Maalwyck Park on September 30, 2017 which includes sale of food (under the requirements of a Schenectady County Environmental Health permit) and sale of beer/ale by outside vendors, and

**WHEREAS**, the Town has permitted alcohol use and consumption and the sale of food in town parks for special events (including the Town's annual Oktoberfest celebration) without incident, and

**WHEREAS**, the Town, the GBPA and the outside vendors have otherwise satisfied all necessary provisions of the park permit process including fees and insurance requirements,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Glenville hereby waives the provisions of Town Code sections 195-14 B 5 and 195-16 for the activities proposed during the Glenville Oktoberfest celebration in Maalwyck Park on September 30<sup>th</sup>, 2017.

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

**Motion Carried**

**RESOLUTION NO. 199-2017**

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

**BE IT RESOLVED** that the **Monthly Departmental Reports** for August, 2017 as received from the following:

Assessors Department  
Economic Development & Planning Department  
Justice Department  
Town Clerk's Office

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

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

**Motion Carried**

**RESOLUTION NO. 200-2017**

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

**BE IT RESOLVED**, that the minutes of the special meeting held on July 19, 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. 201-2017**

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

**WHEREAS**, pursuant to Section 2019-a of the Uniform Justice Act, the Town Board of the Town of Glenville is required to examine the records and docket of the Town Justice Court, or cause same to be examined and a report thereon submitted to the Board, and to enter in the minutes of its proceeding the fact that they have been duly examined and that the Fines therein collected have been turned over to the proper officials of the Town; and

**WHEREAS**, the records of the Town Justice Court for the Town of Glenville for the year January 1, 2016 through December 31, 2016 have been audited by The Bonadio Group, 6 Wembley Court, Albany, New York pursuant to Section 2019-a of the Uniform Justice Court Act;

**NOW, THEREFORE, BE IT RESOLVED**, that, based upon a review of the aforesaid The Bonadio Group audit, the Town Board of the Town of Glenville hereby accepts said audit report and finds and determines that the fines collected by the Town Justice Court during calendar year 2016 have been turned over to the proper officials of the Town, as required by law; and

**BE IT FURTHER RESOLVED** that said audit report, together with a copy of this Resolution, shall be filed with the New York State Office of Court Administration.

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

**Noes:** None

**Absent:** None

**Abstentions:** None

**Motion Carried**

**RESOLUTION NO. 202-2017**

**Moved by:** Councilwoman Wierzbowski

**Seconded by:** Councilman Hennel

**WHEREAS**, the Town Board of the Town of Glenville has made it a priority to improve the efficiency of town government to better serve Town residents; and

**WHEREAS**, the Town of Glenville contains numerous special districts providing water and sewer services to residents in various areas of the Town; and

**WHEREAS**, certain water and sewer special districts contain extensions within a district, typically as a result of a prior district expansion which may or may not have required additional debt obligations borne by the new extension; and

**WHEREAS**, in some instances the Town now has certain special districts and extensions which share common infrastructure, revenues, and expenses, and for all intents and purposes are indistinguishable from one another; and

**WHEREAS**, the Town Assessor and the Town Comptroller advise that efficiencies would be gained in the administration and preparation of the Town tax and assessment rolls by merging special district extensions into the larger special district when said extensions and districts are subject to identical ad valorem tax rates, and carry only shared indebtedness or no indebtedness; and

**WHEREAS**, the Town Assessor and Town Comptroller further advise that there are several special district extensions which meet the criteria outlined above and can be merged into larger special districts with no negative consequence on any Town of Glenville taxpayer; and

**WHEREAS**, the Town of Glenville held a public hearing on July 19, 2017 to gather resident input into the proposed consolidation of several special district extensions into larger special districts;

**NOW, THEREFORE, BE IT RESOLVED**, that to improve governmental efficiencies and reduce administrative costs the Town Board of the Town of Glenville hereby authorizes the consolidation of the following special district extensions into already existing special districts:

1. Sewer District 1 Extension 1 is to be merged into Sewer District 1
2. Water District 8 Extension 2 is to be merged into Water District 8
3. Water District 11 Extensions 1, 3, 4, 5, 6, 7, 8, 9, 11, 12, and 13 are to be merged into Water District 11

**BE IT STILL FURTHER RESOLVED** that the Town Assessor and Town Comptroller are authorized to take the necessary actions to immediately effect these changes on the Town of Glenville tax and assessment rolls.

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

**Noes:** None  
**Absent:** None  
**Abstentions:** None

**Motion Carried**

**Discussion ...**

Councilwoman Wierzbowski – “The only reason I wanted to read this is because I take it very seriously when we are taking an action that would cause a resident whether they have been able to be found to basically have their property taken over by the town and cleaned up and all of that. I realize that the neighbors have been very patient with this situation and it is a matter of a quality of life for them. We have done this a couple of other times and it’s never taken lightly.”

Councilman Martin – “I agree with Councilwoman Wierzbowski, these are serious steps that we do not take lightly. I appreciate all of the due-diligence and effort that has been made to make sure that this has properly been recorded. Given the conditions there we have no other alternatives.”

**RESOLUTION NO. 203-2017**

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

**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 9 Van Buren Road designated by Tax Map No.22.11-3-8, in which report the 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 fire damaged residential structure, removal of the garbage, debris, waste materials and abandoned vehicles located on the property; 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 that significant quantities of garbage, debris and waste materials (hereinafter collectively referred to as “rubbish”) and abandoned vehicles have been stored, deposited, thrown and/or discarded on the premises identified above has attracted pests, vermin and rodents; and

**WHEREAS**, the Building Inspector’s office has notified the Property Owner, Joseph Grzybowski, by certified mail and physically posting notice on the property that the structure is unsafe and uninhabitable and should be remediated and that the rubbish should be removed; and

**WHEREAS**, the Property Owner having taken no steps to repair or demolish the unsafe residential structure, to remove the rubbish and abandoned vehicles from the premises by August 16, 2017, the Town Board of the Town of Glenville adopted a resolution calling for a public hearing on September 6, 2012 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 9 Van Buren Road; and

**WHEREAS**, having heard all persons at the public hearing held on this matter and the Deputy Building Inspector reporting that the rubbish has not been removed, that the structure is unsafe and unsecured, that the abandoned vehicles remain and that the structure is still attracting pests, vermin and rodents, 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 Joseph Grzybowski located at 9 Van Buren Road in the Town of Glenville, County of Schenectady, State of New York (Tax Map No. 22.11-3-8) has been damaged by fire and the elements such as to render it unsafe and structurally unsound; that significant quantities of rubbish have been stored, deposited, thrown and/or discarded on the property and that abandoned vehicles are stored on the property.
2. That the Building Inspector's office of the Town of Glenville notified the property owner, by certified mail and by physically posting notice on the property, of the nature of the violations thereon and demanded that the rubbish and vehicles be removed and the premises be secured and repaired.
3. That neither the rubbish nor the vehicles were removed nor was the residential structure secured, repaired or demolished prior to the Town Board Meeting on August 16, 2017.
4. That the Town Board adopted a resolution calling for a public hearing regarding the unsafe property located at 9 Van Buren Road for September 6, 2017.
5. That the Town Board held the aforementioned public hearing on September 6, 2017 and heard all persons interested in addressing the Board on this issue.
6. The residential structure has not been repaired, secured or made habitable. The rubbish has still not been removed from the property and continues to be stored, deposited, thrown and/or discarded on the property. The rubbish presents a health hazard and causes and represents an imminent danger and risk to the health and safety of the public.

**NOW THEREFORE, BE IT RESOLVED** that the property owner is hereby required, directed and ordered within ten days after a certified copy of this resolution is either personally served upon him or mailed to him by certified mail, return receipt requested (addressed to his last known address) to: (i) to remove (at his cost and expense) all of the rubbish from the property and (ii) to have the rubbish immediately thereafter taken to a location where its storage or deposit is in compliance with applicable provisions of law, (iii) to demolish the residential structure or bring it into compliance with the Building Code, and to remove the unregistered vehicles from the subject property; and

**IT IS FURTHER RESOLVED** that in the event the property owner or his agent, if any, fails to comply with the requirements of this resolution within the deadline established herein, the Town is hereby authorized and empowered (by virtue of the provisions of the Town Law, the New York State Building and Fire Code, and other applicable provisions of law), to enter upon the premises and to cause the residential structure to be demolished, the rubbish and unregistered vehicles to be removed from the property, and to secure the premises until such actions can be effected. The total expense of such demolition work and rubbish and vehicle 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; and

**IT IS FURTHER RESOLVED** that in the event it becomes necessary for the Town to secure and demolish the structure and to remove all debris and vehicles from the property, the Supervisor of the Town is hereby authorized and empowered to enter into a contract(s) on behalf of the Town with a suitable contractor(s) or, if the same can be accomplished at a lesser cost through the use of Town employees, with the Department of Public Works, to (i) enter on the property and (ii) secure and /or demolish the residential structure located thereon and (iii) to remove the debris from the premises and the vehicles from the property and to take same to a location where it may be stored or deposited or disposed of in compliance with applicable law.

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

## **Motion Carried**

### **New Business**

Supervisor Koetzle – “Now that the intending new comprehensive plan coming I think it’s time we begin to establish our code review and zoning review committee to start rolling into that work as soon as possible. We have a lot of code issues that need to be addressed. I think we need to, maybe at the next work session on October 11<sup>th</sup>, begin to really start thinking about a resolution for that. I don’t want to wait until January to get it going.”

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 7:45 PM.

ATTEST:

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Linda C. Neals  
Town Clerk