

MEETING OF THE TOWN BOARD
TOWN OF GLENVILLE
MARCH 1, 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 Deputy Town Clerk, Julie Davenport, to call the roll.

Present: Supervisor Christopher A. Koetzle, Councilman James M. Martin and Councilwoman Gina M. Wierzbowski

Absent: Councilman Pytlovany

Also present – Michael Cuevas, Attorney, Jason Cuthbert, Comptroller and Kevin Corcoran, Planner

Supervisor Koetzle – “I spoke with Councilman Pytlovany this evening and he ask me to share with the residents that he has been absent for some time and he will be absent for at least another three (3) weeks recuperating from a back injury which is now leading to back surgery this month. On behalf of the Board we all convey our best wishes to him and hope for a speedy recovery.”

Supervisor Koetzle – “We now move into the first resolution of the night which is a resolution appointing David Hennel to the vacant Town Board seat.”

Discussion...

Supervisor Koetzle – “As you all know the Town Board has a vacancy when Councilman Boulant resigned. In the event of a vacancy NYS Town Law and the Election Law provides that in the event of a vacancy the Town Board is empowered to appoint a town resident to server for the remainder of the calendar year. We advertised and invited interested candidates to interview for the position. The interview committee appointed by the Town Supervisor and after interviewing dozens of residents the committee recommended that David Hennel to be appointed to this seat.

I was a member of the search committee and I want to say first to all of the applicants “thank you” for you interest and your desire to serve the town. We had a great bunch of qualified applicants. It was difficult. Mr. Hennel was a front runner from the beginning and the reason why I feel so comfortable in this decision is for a couple of reasons – first of all I find it an incredible achievement, not only me but Jamie and Heather and all of the folks involved in the Oktoberfest, to take an idea, I remember first running on that idea when I was a councilman so many years ago and I couldn’t get the Town Board when I was in that seat to adopt the Oktoberfest. You guys took it and made it happen and not only made it happen but it grew from 3,000 people to 10,000 people. The leadership in that role has been phenomenal over the past seven, eight years. Secondly, your work on the Zoning Board of Appeals (ZBA) six-seven years on the ZBA, most of that time as Chairman and the leadership you have shown on that committee is very impressive, your knowledge of our zoning laws and our code, all of that experience is very hard for someone else to come in and beat. Third, your financial background, working at GE with something to do with corporate taxes and lastly your work with Rotary, the countless hours you volunteer for the town with Rotary, working in the parks and all of the community events that you all do spoke volumes. Not to be forgotten you are known as “Governor” in Rotary and it shows you have leadership quality that will translate very well here as well. For me it was a hard choice but it was an easy choice. I am thrilled and excited for you to join the Board.”

Councilman Martin – “Having also served on the selection committee. It was very impressive to see the talents and skills that the residents and citizens in this town shines through. A very diverse group, very intelligent, articulate people and the vast

majority which just simply want to serve their community to make it better and that was very refreshing to see. It made the choice that more difficult but I think for all the reasons that the Supervisor mentioned it was a hard choice but Dave certainly did shine through for me as well and I just want to welcome him to the Board and at the same time a heartfelt thanks to all those who participated and put their names forth.”

Councilwoman Wierzbowski – “I would echo pretty much all of the sentiments that have been said here. Every time we have gone through this process I always find it very hard to make this decision because we do get such a great group of people who come forward and say they are excited about our town and they want to be involved. I think we generally try to find ways even if they were not the choice for an open board seat, try to find ways for them to be involved and I know we have several people who have been put on some of our volunteer boards and without them we couldn’t really run some things as efficiently as we do. I have known Dave since I got on the board and I echo the Supervisor’s comments. I was not involved in the interviewing process but I think Dave is going to be a great fit and I think he will represent the community to the best of his ability every time he sits here and conducts town business.”

Supervisor Koetzle – “I think what was most heartening on the whole interviewing process was of all the applicants was a common theme. People were excited about the Town of Glenville and wanted to be a part of something that is positive and the progress that is happening. That was a nice thing to see, that folks just want to be a part of something.”

Dave A. Hennel was sworn in as Town Councilman by Supervisor Koetzle.

Councilman Hennel – “I am a lifelong resident of Glenville, my family chose to reside in Glenville and I went to Scotia-Glenville Schools. When it was time to start a family I chose to return to Glenville. It’s been a great choice. My family has a history of volunteer service within the community. My father and my grandfather were both longtime volunteer firemen, my mom was very involved with literacy volunteers and garden clubs and anything else she could try and improve our community. I am a member of Glenville Rotary and I did that because I wanted to give back to our community. Through the Rotary I was able to make a difference to the lives of people here and around the world. I have very much enjoyed all of my time with the Glenville Oktoberfest. This is a great group of people that I have had the pleasure to work with, I think we work well together. I thank you for your trust and I look forward to serving the Town of Glenville.”

RESOLUTION NO. 81-2017

Moved by: Councilwoman Wierzbowski

Seconded by: Councilman Martin

WHEREAS, a vacancy currently exists on the Town Board of the Town of Glenville due to the recent resignation of Town Board member Alan Boulant; and

WHEREAS, New York State Town Law and Election Law provide that in the event of such a vacancy, the Town Board is empowered to appoint a town resident to serve for the remainder of the calendar year; and

WHEREAS, the Town Board advertised the opening and invited interested candidates to interview for the position with an interview committee appointed by the Town Supervisor; and

WHEREAS, after interviewing over a dozen interested residents, the members of the interview committee recommended that David Hennel be appointed to fill the vacancy on the Town Board; and

WHEREAS, Mr. Hennel has expressed his interest and willingness to serve as a member of the Town Board and is well qualified by his prior service to the Town as Chairman of the Zoning Board of Appeals and by his volunteer service;

NOW THEREFORE, BE IT RESOLVED that the Town Board of the Town of Glenville hereby appoints David Hennel of 109 Acorn Drive, Glenville, New York to the position of Member of the Town Board of the Town of Glenville for a term of office commencing March 1, 2017 and ending December 31, 2017.

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

Motion Carried

Town Council Reports:

Councilwoman Wierzbowski – “I attended a meeting of the Glenville Town Chiefs Association last Thursday evening. They didn’t have any pressing business that they were discussing. They did have a representative there from Fastenal who was there and threw the tools around to show that they do not break when you toss them. They appreciate our support.”

Councilman Martin – “Just an update on the Comprehensive Plan. The Town Board has completed our review of the narrative sections of the document. We are in a final editing stage as per our original schedule we are right on track. We will be due to entertain a public hearing in the coming weeks, a resolution to set a public hearing.”

Supervisor Koetzle – “The next board meeting we should have a resolution for that public hearing after our work session.”

Councilman Martin – “We have the plan areas to go through and then the final piece of the document, executive summary, vision statement, that type of thing. That will mark the end of our edit and then we will be in the position to set the hearing. Then our only remaining stuff for SEQRA is to do the environmental assessment and then we will have the actual resolution for adoption.”

Privilege of the Floor:

Jenna Bongermينو, 369 Lovers Lane – She was speaking on behalf of the waiver for Chris Hess and submitted a packet of information to each board member. Ms. Bongermينو stated that she appreciated the openness of the town in regards to the way they publish their meeting minutes. She questioned why her comments made under privilege of the floor at the February 1, 2016 meeting were not verbatim.

She read the following from the Planning & Zoning Commission’s January 9, 2017:

The PZC recommends that the Town Board deny the waiver based on the following:

1. There is limited knowledge/information with regard to the lighting, scoreboard, base lines, and the parcel itself to make an informed decision.
2. The level of development indicates it is more involved than just a group of individuals getting together to play wiffleball (i.e. scoreboard, lighting, website, etc.)
3. There is little evidence of a hardship by the applicant as other venues are available, suitable for playing wiffleball.
4. At present, there is not a viable outdoor recreation definition.
5. The moratorium is in place for a reason.

Ms. Bongermينو stated that the Planning and Zoning Commission are the experts in this area and she believes that the Board should give deference to the recommendation and deny the waiver.

She stated that she has found clear evidence that this organization is in fact

a commercial operation and submitted documentation which was included in the packet. She asked if this commercial organization have a place in Glenville. The Planning and Zoning Commission recommended that Mr. Hess work with the Town to create a field in a town park, which she agrees with. She does not feel this commercial operation belongs in a rural residential neighborhood.

She stated that Supervisor said the moratorium was put in place to delay any commercial outdoor operational facilities going forward until the new comprehensive plan is implemented. She said that an approval of this waiver will allow this project to be embedded under the old rules of the current master plan. There is significant impact on the quality of life and character of the neighborhood of those residents.

She asked the Board to deny the waiver but work with Mr. Hess to find an appropriate place to play in Glenville.

No one else wished to speak; Supervisor Koetzle closed the privilege of the floor.

Supervisor Koetzle shared the following information with the Board:

I had the opportunity to be a part of a press conference at the State Senate regarding SWAP which is a replacement the infrastructure program in communities. I believe this idea came from Councilman Martin a couple of years when he talked about how to address all the infrastructure problems in communities much like in NYS you get the CHIPS program, you get a certain amount of money every year that you can put into paving. We also came up along with Clifton Park the idea to put that same type of money every year guaranteed in the budget into infrastructure because of the aging infrastructure our communities are facing. So we are calling on the Governor to put this program in the budget and it was very successful, I believe, it got a lot of support across the state.

The Comptroller, the Attorney and I along with a few others are meeting with the City to renew our sewer agreement. The most up to date report on that is that it is going forward. I think we have had some good dialogue. We have responded to their latest proposal and waiting for them to respond to ours.

Councilwoman Wierzbowski and I had the opportunity to attend the DARE graduation at Glendaal Elementary School.

I attended the Association of Towns and engaged in the legislative agenda for 2017. The SWAP Program is one of the things they are looking to try to accomplish but on top of that I think you know the Governor has a proposal in his budget that would really and why I'm so opposed to it, would really drive a stake through the heart of home rule. Home rule is so precious to me and I believe so important for local governments. This proposal gives the county the authority to reach into the town and to do whatever they want with the towns, take whatever services they want, cut whatever services they want with no input from the towns or the cities or the villages and do this under the guides of consolidation to save money which is a hoax. There is a lot that we are going to be talking about what the state is doing to put the burden on the towns, on the local governments, even the counties. If he would just take an opportunity to address those issues it would free a tremendous amount of pressure off the local governments. You all know, we went through this at budget time, where we have digression they are holding the line, where we have no digression the state requires us to do certain things either in mandates or in obligation that's where our expenses are split. So if the Governor were to create an atmosphere that would allow us to be more competitive and work on some of those issues we wouldn't have a problem. Our tax cap has kept us to about .6% this year and last year, you can't do with less than that. We will talk more about this as we go forward.

As you saw emails going back and forth, we are still working with the Mayor and the Trustees on trying to create the Village joint committee on a joint vision for both the Town and the Village. It is getting bogged down and everybody had different ideas on certain things. We are trying to work through it. I think it is an important committee and we want to make sure it gets constituted. I said it before and I said it to the Mayor if the

Village doesn't want to come along because nothing is going to be off the table as we requested and then the town would be on its own and create a vision committee and start working on how we can work together with local government partners. To me it makes no sense to constitute a committee and tell that committee you can't talk to x y & z. Everything should be able to be talked about. It makes no sense to me the Mayor wants it to be limited to what he, just a very few things that he wants to discuss.

Councilman Martin and I had an opportunity to attend the Glenville Business Professional Association breakfast on Freemans Bridge Road at the Lighthouse. We had a great meeting with the local businesses about two dozen local business down there about the future of Freemans Bridge Road.

I met with our new History Events and Culture Committee. There are a lot of things they have planned, a lot of events they have planned. One of the things that I think we are going to get accomplished this year in August we are looking at launching a Concert in the Park series. We are going to try and get a couple of acts there. They are starting to work on the celebration for the bi-centennial.

I met with the YMCA to continue our conversation on creating a fitness course in Indian Meadows. Everyone has a different idea on this one. We talked about getting Councilman Hennel involved very quickly in the parks area. One of the things that they want to do is put somewhat of a challenge course in Indian Meadows. They want to then put the fitness components, the machines, on the bike path so we can redo the pike path down by the river between Schonowee Avenue and the Lighthouse. Then they want to talk about bringing in Ultimate Frisbee Golf to Maalwyck Park. So there are a lot of exciting things happening in the parks. Councilman Hennel you came on board at the right time, we want you to head up parks, seniors and youth.

I just want to bring up some numbers for you guys to think about. I spoke to the Assessor and in the Town of Glenville we have a total of 2.4 million dollars of assessed value of that 316 million is holy exempt, either religious exemptions, government exemptions. Of that 316 million dollars, 100 million dollars in the Town of Glenville is government just about a third, of that 100 million dollars, 88 million dollars is county property. This is something I have been talking about a long time. The Town of Glenville suffers under the fact that much of our land, a lot of our land is county land. So of that 316 million dollars holy exempt property that represents \$950,000 in real money off of our budget. Now the non-holy exempt which is the other exemptions, this is all of the exemptions the State of New York provides for folks, you name it whatever it is the State of New York tells the local government they have to give to some group and that's over 65 million dollars so that is another \$196,000 out of our budget. Now when you talk about the State of New York telling local governments you have got to figure out how to do more with less, the State of New York has got to stop putting these burdens on local governments. If they want to fund an exemption they can fund an exemption but to tell a local government you have to do it and you have to give up the resources to do it is wrong. With all of these exemptions we have one million dollars out of our 18 million dollar budget. That's a significant amount of money

Supervisor Koetzle moved ahead with the agenda items.

RESOLUTION NO. 82-2017

Moved by: Councilman Martin

Seconded by: Councilwoman Wierzbowski

WHEREAS, the Town of Glenville currently has in place a temporary moratorium on the issuance of permits for projects on "Suburban Residential"-zoned properties that require a conditional use permit, site plan approval, or building permit for the establishment of townhouses, duplexes, twin homes, or two-family dwellings; and

WHEREAS, Mr. James Hale, who resides at 1008 Pleasantview Avenue, Glenville, and who owns vacant property at 810 Pleasantview Avenue, is seeking to

submit a conditional use permit to build a duplex at his 810 Pleasantview Avenue property; and

WHEREAS, Town of Glenville Local Law #2 of 2017 authorized a six-month extension of the moratorium on duplexes within “Suburban Residential” zoning districts, effective until August, 2017, that effectively prohibits Mr. Hale from submitting a conditional use permit application for a duplex at this time; and

WHEREAS, Local Law #2 of 2017 provides an appeals procedure whereby applications may be made to the Town Board for an exception or variance from the moratorium on the basis of extraordinary hardship and that a variance will not adversely affect the health, safety, and general welfare of the citizens of the Town upon payment of a \$250 administrative processing fee; and

WHEREAS, such appeals procedure requires a referral to the Planning and Zoning Commission for comment and a public hearing before the Town Board; and

WHEREAS, James Hale, owner of 810 Pleasantview Avenue, has submitted a letter/appeal request to the Town Supervisor seeking relief from the aforementioned moratorium; and

WHEREAS, the Planning and Zoning Commission considered Mr. Hale’s moratorium variance request at their February 13, 2017 meeting, whereupon the Commission deadlocked on their recommendation with a 3-3 vote, effectively resulting in a “no recommendation” to the Town Board;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Glenville hereby directs the Town Clerk to schedule a public hearing, to be held by the Town Board of the Town of Glenville for the purpose of considering the appeal of James Hale, at 7:00 PM on March 15, 2017, at the Glenville Municipal Center, 18 Glenridge Road, Glenville, New York; and

BE IT 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.

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

Motion Carried

Discussion...

Attorney Cuevas – “Within the Zoning Chapter of our Code we have a definition of commercial and that is an occupation, employment or enterprise that is carried on for profit by the owner, lessee or licensee.”

Supervisor Koetzle – “So profit is a condition.”

Attorney Cuevas – “Yes, carried on for profit.”

Councilman Martin – “I wanted to make sure we got that on the record because I think that frames the commercial discussion, the portion of this discussion relating to the use. I have a number of questions for Mr. Hess, I understand that is a membership fee to play in the league as a team. Does the individual team provide a fee to play in the league?”

Mr. Hess – “Yes, it’s very informal. I’ve had teams not pay me in full.”

Councilman Martin – “What is that fee used for?”

Mr. Hess – “Wiffle balls, spray paint, bats, we use it for food when we have people over.”

Councilman Martin – “Does anybody associated with the league or teams in the league make any money, do they turn any profits to themselves or to the league as a result of those fees paid?”

Mr. Hess – “One hundred percent of the money is put into the league. It is a hobby and I have spent thousands of my own dollars for the league.”

Councilman Martin – “There was a term tossed out there and my read flag went up, arbitrary and capricious, somebody is setting up a record so I want to set up a record too. I want to specifically say I am not doing this in an arbitrary or capricious manner. I have been affiliated with zoning for thirty (30) years of my life and I will continue to do what I have always done and ask you every matter related to zoning. I am currently a zoning administrator and I will do every matter on its merits individually and that’s the end of that. It’s neither arbitrary nor capricious it is always within the confines of the regulations that we have to work under.

I would also like to take up the five points here in the PZC recommendations, they were referred to as well.

1. There is limited knowledge/information with regard to the lighting, scoreboard, base lines, and the parcel itself to make an informed decision.

Councilman Martin’s response – “Those are site specific issues relating to the site plan itself. They will have an opportunity to address those subject to a special use permit and site plan review. So those are ideal items to be taken up in a site plan review and a special use permit as per our regulations, again not arbitrary nor capricious. We are not the Planning Board, we do not do site plan review.”

2. The level of development indicates it is more involved than just a group of individuals getting together to play wiffleball (i.e. scoreboard, lighting, website, etc.)

Councilman Martin’s response – “I understand that and I have to agree with that point, I think this is more like a club. From our recent discussions concerning the new comprehensive plan I think there is going to be clubs in some shape or form, in my opinion as one board member, on the allowed use schedule for the zoning that will occur within the West Glenville area.”

Supervisor Koetzle – “Now, just on point to that. The comments from the neighborhood, the community in West Glenville, supports “club” being included in the comprehensive plan.”

Councilman Martin’s response – “We’ve had that discussion, we’ve already taken up that aspect of the comprehensive plan, the new plan and during deliberations I think that’s the conclusion that we came to in those deliberations. So I do feel that it is somewhat organized but to me that’s keeping within the club nature of other things that are organized up there as well.

3. There is little evidence of a hardship by the applicant as other venues are available, suitable for playing wiffleball.

Councilman Martin’s response – “I also agree there, there’s not necessarily a hardship per say but I don’t know that that’s a germane standard here. I, for one as a Town Board Member, I respect zoning. We are seeing where this is not a perfect science here but I don’t know if that’s a standard here. I for one, again one member, I do not want to get into the realm of starting to tell people what to do with their personal property down to this level. I think we are dancing on very concerning ground for me.”

4. At present, there is not a viable outdoor recreation definition.

Councilman Martin's response – "I would highlight the word viable there. We do have an outdoor recreation definition. We all feel it needs improvement. I don't know if viable is the right word. I think it needs to be upgraded and improved upon and revised. We will certainly take that up."

5. The moratorium is in place for a reason.

Councilman Martin's response – "The moratorium is in place for a reason. It does set around those high impact commercial type uses that we have had some experience with and have shown to be problematic for the neighborhood, the residents up there. That is what I perceive as the reason."

Now with that said, again speaking for me personally, I do think there needs to be a very careful pragmatic review done by the Planning Board going forward, as they always do, in the review of this application should it come to a special use permit/site plan review because Mr. Hess has offered some further perimeters under which this could operate that I think would be useful in terms of diminished number of games, limitations on time of play, those types of things I think would be useful discussion and I will also hope that there would be a very thorough in detail plan submitted for the Planning and Zoning Commission to conduct a thorough review as they always do."

Supervisor Koetzle – "I agree with you, Councilman Martin, this is anything but arbitrary and capricious. We have spent a lot of time and a lot of questions on this. I will just say, I won't take up the same comments, when we look at some of the standards that are presented to us today on what makes this commercial and what doesn't and this is what it is really coming down to is it a commercial endeavor or not a commercial endeavor. Part of a national organization, there's a schedule, there's rules, uniforms need to be worn, there is an umpire, there's social media presence, there's sports media coverage, high tech equipment is in use, an open invitation to watch. None of these in my mind and I think now support our definition in our Code rises to the level of commercial declaration. So you go to the intent in the moratorium, the intent in the moratorium is to limit commercial recreation in rural/agriculture zones. The intent was not to stop clubs from forming or clubs being used. Either a gun club or a ski club or a wiffle ball club for this matter. So the intent of the moratorium doesn't even cover, in my mind, this land use which is why I think we are going the way we are going with this. This waiver also only allows the applicant to go forward as Councilman Martin indicated to the Planning Board and to the Zoning Board and ZBA for both site plan and conditional use permit. That's where all of this gets ironed out. It's not at the Town Board. The Town Board only considers the waiver to allow the application to go forward. As Councilman Martin pointed out we are 98% there with particularly this issue and we know what the comprehensive plan says on this and the comprehensive plan says there is going to be some form of club level recreation allowed in West Glenville and that is supported by the neighbors. That is an important part here. That was supported by the neighbors in the entire process, two (2) year process through this. But one of the things that sticks with me through the entire zip line process was when we talked with the West Glenville folks and we said, well what about the gun club, the gun club seems like it might have commercial aspects to it, they certainly have fund raisers there, I've been there when they were parking on the street, big events. The ski club seems to have... to the tee down the line everyone said that's a club and we are okay with clubs and now all of a sudden a wiffle ball club...and that's concerning to me. I think we have said enough on it."

Councilwoman Wierzbowski – "I am ready to vote however I would like to explain my vote prior to having it entered into the record. I did not know until pretty much this moment how I was going to vote tonight. This is not an easy issue, this involves the neighbors, neighbors that live next door to each other, neighbors who have an impact on each other's lives even just driving up and down a driveway. I don't think it is the privy of the Town Board to get involved in neighbor disputes quite frankly. I think that should be settled by neighbors who are adults. However, the original use as shown to us by the one neighbor who is opposed to this adventure does seem like it is quite overreaching. If I had to live next door to that I wouldn't be happy either. So I was

asked, as Councilman Martin has asked, going forward whatever this plan looks like, whatever plan you bring to the Planning and Zoning Commission please remember that this woman and her family and all of the other neighbors that are around you live there. They bought their home in that neighborhood because they wanted peace and quiet. They bought their home in that neighborhood because of the character there. I lived on Ridge Road and Rector Road for twenty (20) years before I moved off of Swaggertown and I know the character of that area. I know why people build homes there and I know why people move there because they don't want to be bothered. They want to be left alone. So please follow Councilman Martins advise, I would guarantee you if you want help we will help you. We will try to come up with something that may not be completely acceptable to the other side of the argument but I would also ask going forward that you all remember that you're neighbors and neighbors need to be good neighbors to each other. Whatever ends up happening at the Planning and Zoning Commission and the Zoning Board of Appeals, everybody needs to be respectful and everybody needs to abide by it. Those Boards are there for a reason. Ms. Bongermينو, you stated that the Planning and Zoning Commission are the experts, yes, that is why it is not my job to get involved in that. It's not my job to get that deep in the weeds. I appreciate all of your thoughts and your comments, your research, your documents and Mr. Hess you as well. It does factor into the things that we decide here. All of that said, addressing just the resolution that we are voting on tonight I feel it is fair to let Planning and Zoning actually have a crack at deciding what this is going to look like at the end of the day and ZBA and I feel my vote of "yes" will allow that to happen. I trust our P & Z Commission and our ZBA, they are all extremely competent and capable individual. Ms. Bongermينو you will have a chance to be heard and I suspect you will be there at every meeting which is great, that is wonderful. I prefer when residents become involved in a process. It makes it a little bit easier for us when we hear from somebody who has thoughts that may be on the opposite side of the fence."

RESOLUTION NO. 83-2017

Moved by: Councilman Martin

Seconded by: Councilwoman Wierzbowski

WHEREAS, the Town of Glenville currently has in place a temporary moratorium on the issuance of permits for projects in Rural Residential and Agricultural zones that require conditional use permits and site plan review ; and

WHEREAS, the Town of Glenville Zoning Code defines "Outdoor Recreation Facilities" as "Any number of structures or uses of land that permit or encourage ball playing, bicycle riding, skateboarding, in-line skating, jogging, cross-country skiing, ice skating, and other out-of-doors activities that one typically finds in a park-type setting" .; and

WHEREAS, the Building Inspector/Zoning Officer has determined that the Hess Field Wiffleball operation is a "recreation facility" on the premises located at 367 Lovers Lane which is a use that requires a conditional use permit and site plan review; and

WHEREAS, the local law imposing the moratorium contains an appeals procedure whereby application may be made to the Town Board for an exception or variance from the moratorium on the basis of extraordinary hardship and that a variance will not adversely affect the health, safety, and general welfare of the citizens of the Town upon payment of a \$250 administrative processing fee; and

WHEREAS, Christopher Hess, one of the owners of 367 Lovers Lane and the operator of Hess Whiffleball Field has submitted a letter/appeal request to the Town Supervisor seeking relief from the aforementioned moratorium; and

WHEREAS, pursuant to such appeals procedure, the Town Board referred the matter to the Planning and Zoning Commission for comment and a public hearing before the Town Board on January 18, 2017 at which time all persons

interested were given an opportunity to address the Town Board; and

WHEREAS, the Town Board of the Town of Glenville now finds that the imposition of the moratorium has prevented Christopher Hess from applying for site plan review and a conditional use permit for his whiffle ball field; that as a result Christopher Hess was forced to cancel all whiffle ball games scheduled to be played at “Hess Field” during the 2016 resulting in the transportation, set-up and tear down of the backstop, scoreboard, radar and other equipment at an alternate location for each and every game day; all resulting in extraordinary hardship; and

WHEREAS, the Town Board further finds and determines that Christopher Hess has sufficient acreage on which to establish his whiffle ball field in a rural part of the Town with very few neighbors within 500 feet such that granting the variance from the moratorium will permit the Planning and Zoning Commission to impose such conditions of approval, assuming such approval is granted, to ensure no significant adverse impacts on the health, welfare and safety of the residents of the Town,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Glenville hereby grants the appeal of Christopher Hess for a variance from the moratorium and grants him the opportunity to apply for site plan review and a conditional use permit for the siting and operation of a non-commercial whiffle ball field at 367 Lovers Lane, and it is further

RESOLVED, that the Town Clerk is hereby authorized and directed to provide a copy of this resolution to Christopher Hess, the Town Building Inspector’s office and to the Chairman of the Planning and Zoning Commission.

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

Motion Carried

RESOLUTION NO. 84-2017

Moved by: Councilwoman Wierzbowski
Seconded by: Councilman Hennel

WHEREAS, the Town of Glenville and the Glenville Police Benevolent Association (GPBA) are parties to a collective bargaining agreement for a term which expired December 31, 2016; and

WHEREAS, the Town and the GPBA have been negotiating the terms of a successor agreement since the prior agreement’s expiration; and

WHEREAS, the PBA has filed a contract grievance regarding the timing of the advancement of certain new Police Officers from the Training Rate to the Police Officer (1st Year) rate and from the Police Officer (1st Year) rate to the Police Officer (2nd Year) rate; and

WHEREAS, the Town and the GPBA have come to agreement to amend the language of Article IV, Section 5 of the collective bargaining agreement to clarify the language and to adjust the salary rates of the affected Police Officers retroactively in accordance therewith, all as outlined in the Memorandum of Agreement (MOA) attached to this resolution; and

NOW THEREFORE, BE IT RESOLVED that the Town Board of the Town of Glenville hereby approves the attached memorandum of agreement with the GPBA that would amend by clarifying the terms and conditions of employment for GPBA members and authorizes the Supervisor to enter into such MOA.

Ayes: Councilmen Martin, Hennel, Councilwoman Wierzbowski and

Noes: Supervisor Koetzle
Absent: None
Abstention: Councilman Pytlovany
None

Motion Carried

RESOLUTION NO. 85-2017

Moved by: Councilwoman Wierzbowski
Seconded by: Councilman Martin

BE IT RESOLVED, that the minutes of the regular meeting held on February 15, 2017 are hereby approved and accepted as entered.

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

Motion Carried

RESOLUTION NO. 86-2017

Moved by: Councilwoman Wierzbowski
Seconded by: Councilman Hennel

WHEREAS, a written petition has been presented to and filed with the Town Clerk of the Town of Glenville requesting an extension to Water District No.11 of the Town of Glenville be established to include real property described by section, block and lot number in the petition and consisting of one parcel located at 55 Swaggertown Road in the Town of Glenville; and

WHEREAS, a map, plan and report is not required as the extension is an addition of one service lateral to the water main in Swaggertown Road as anticipated by report prepared when the main was extended to the Baptist Health Campus previously approved by the Town Board, with connections to be added with the approval of the Commissioner of Public Works; and

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

ORDER

1. A petition to add an Extension to Water District No. 11 from an existing water line in the right of way of Swaggertown Road and 55 Swaggertown Road has been filed with the Town Clerk on or about February 23, 2017.
2. The real property to be included in the extension is described by section, block and lot number as identified on the Schenectady County Real Property Tax Service Agency Tax Map as: 30.9-2-14.
3. The improvements proposed are the installation of a service lateral connection to the water main of approximately 100 feet for an individual service connection along the route described in "1" as indicated above.
4. The amount proposed to be expended for the extension is approximately \$2000.00 to be borne entirely by the developer.
5. No portion of the cost this extension will be attributable to Water District No.11.
6. The estimated annual cost to the typical property is:
 - a. District: \$52.27
 - b. O & M: \$47.05
7. The requirement for a map, plan and report describing the extension has been dispensed with as the service lateral connects to a water main previously approved by Town Board with additional lateral connections
8. The proposed financing method to be employed in the construction of this connection in this Water district extension is private financing by the developer.

NOW, THEREFORE BE IT RESOLVED that the Town Board of the

Town of Glenville will hold a public hearing on the petition to establish this extension to Water District No. 11 on March 15, 2017 at 7:00 PM or as soon thereafter as the matter can be reached, at the Glenville Municipal Center at 18 Glenridge Road, Glenville, New York to hear all persons interested in the establishment of this extension to the Water district; and

BE IT FURTHER RESOLVED that a copy of this order certified by the Town Clerk shall be published at least once in the official newspaper of the Town and that said publication be not less than ten nor more than twenty days before the March 15, 2017 public hearing date.

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

Motion Carried

RESOLUTION NO. 87-2017

Moved by: Councilman Martin
Seconded by: Councilman Hennel

WHEREAS, a vacancy currently exists in the position of Chairperson on the Town of Glenville Zoning Board of Appeals; and

WHEREAS, Town Law provides that in the event of such a vacancy, the Town Board is empowered to appoint a town resident to serve for the remainder of the calendar year; and

WHEREAS, the Town Supervisor has spoken with certain qualified candidates, each of whom would serve the Town well in this capacity; and

WHEREAS, the Supervisor recommends Margaret Huff to serve as Interim Chairperson on the Zoning Board of Appeals due to her vast experience as prior Counsel to the ZBA, as an alternate member and current member of the ZBA and her long and distinguished service to the Town; and

WHEREAS, Ms. Huff has expressed her interest and willingness to serve as Chairperson of the Zoning Board of Appeals on an interim basis;

NOW THEREFORE, BE IT RESOLVED that the Town Board of the Town of Glenville hereby appoints Margaret Huff of 1018 Tomahawk Trail, Glenville, NY to the position of Chairperson of the Town of Glenville Zoning Board of Appeals for a term of office commencing March 1, 2017 and ending December 31, 2017.

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

Motion Carried

RESOLUTION NO. 88-2017

Moved by: Councilman Martin
Seconded by: Councilwoman Wierzbowski

WHEREAS, a vacancy currently exists on the Town of Glenville Planning and Zoning Commission; and

WHEREAS, Town Law provides that in the event of such a vacancy, the Town Board is empowered to appoint a town resident to serve for the

remainder of the unexpired term; and

WHEREAS, the Town Board has maintained a list of candidates qualified to serve the Town well in different capacities; and

WHEREAS, the Town Supervisor has recommended Jenny Lippmann to fill the vacancy on the Planning & Zoning Commission; and

WHEREAS, Ms. Lippmann has expressed her interest and willingness to serve as a member of the Planning & Zoning Commission and is qualified by her prior knowledge of engineering, planning, and zoning issues;

NOW THEREFORE, BE IT RESOLVED that the Town Board of the Town of Glenville hereby appoints Jenny Lippmann, Glenville, New York to the position of Member of the Town of Glenville Planning & Zoning Commission for a term of office commencing March 1, 2017 and ending 2019.

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

Motion Carried

New Business

Supervisor Koetzle – “With the addition of Councilman Hennel we had an opportunity to talk about some of the things he was interested in doing as Councilman. As we all know you all have your areas that you focus on and I have asked Councilman Hennel to take on what we call community or resident services and that would include seniors, youths and parks. One of the requests we had was would you be the liaison to the Zoning Board of Appeals? It seems to make sense.”

Councilman Hennel – “That would be fine.”

Supervisor Koetzle asked for a motion to adjourn; motion to adjourn; Moved by Councilman Martin; Seconded by Councilwoman Wierzbowski, everyone being in favor the meeting was adjourned at 8:03 PM.

ATTEST:

Linda C. Neals
Town Clerk