

MEETING OF THE TOWN BOARD
TOWN OF GLENVILLE
FEBRUARY 3, 2021
AT THE GLENVILLE MUNICIPAL CENTER
18 GLENRIDGE ROAD, GLENVILLE, NEW YORK

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

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

Present: Supervisor Christopher A. Koetzle, Councilmen James M. Martin, Michael Aragosa, Michael R. Godlewski and Councilwoman Gina M. Wierzbowski

Absent: None

Also present were Courtney Heinel, Attorney for the Town and Melissa Cherubino, Director of Community Services

Supervisor Koetzle – “Item #24 is being pulled off the agenda. We are just not ready to move forward with that grant fund application at this time, related to the Green Infrastructure Storm Water Management practices within the Freemans Bridge Road Gateway area.”

Town Council Reports:

Councilman Godlewski – “There is a drive thru food pantry scheduled for February 23rd at 6:00 pm in Collins Park on Kawanis Way, entrance is off of Schonowee Avenue. Anybody that is in need or if you know of anyone that is in need please share that information.”

Councilwoman Wierzbowski – “I would like to thank all of our highway/DPW workers that were out plowing in the storm. It’s been long hours and I like to recognize them and say thank you for keeping our roads safe and clearing our roads. I’d like to thank our town hall employees as well because I know they had to have their eye on the ball in serving our residents and making sure their needs have been met.”

Councilman Aragosa – “I have been approached by the Village about the idea of the town and the village working together on another food drive coming up in March. I’d like to talk about that at our next work session. The need is definitely out there.”

Supervisor Koetzle opened the privilege of the floor.

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

Supervisor’s Comments

Supervisor Koetzle shared the following information:

We continue to hold our Police Reform Committee Meetings in this room on Thursday evenings with Chief Janik and the committee members. We have had our second meeting now. In our second meeting we looked at crime stats in the Town of Glenville and broke those down by gender and demographic information and analyzed that with the committee members about the hot spots. It turns out there is only one hot spot in the Town of Glenville and I don’t have to tell you where that is, Walmart. Walmart has driven a lot of our arrests, shop lifting arrests in particular. We will be meeting again tomorrow and we will be talking about law enforcement assisted diversion programs. We will be talking about community-based outreach and conflict resolution ideas and violence reduction interventions. I want to thank Steve Janik, he has done a phenomenal job. He has put together a tremendous amount of information for the committee to conduct its work. We will have a report ready, it will come to this

Board, there will be a public hearing on it for folks to weigh in and then we will have a report ready the Governor by April 1st, which is the deadline.

April 1st is also the deadline for the pandemic plan that I am writing and Earl and Vicki are assisting in. The pandemic plan goes to the union presidents tomorrow for review and comments. After that it comes back to me and then we will have that plan ready to go as well.

I am really excited that after a long awaited, Melissa and I were very excited that we finally signed the Department of Environmental Conservation (DEC) sidewalk grant that will bring sidewalks to the Burnt Hills School District, the Niskayuna School District and the Scotia-Glenville School District in proximity to their schools. This is something that we led on, that the Town of Glenville got done for our school districts, for our families, for our children. This was put on hold after COVID last year, we are about a year behind unfortunately but we are going forward with this. This grant that I just signed and that we applied for brings in \$434,000 in this town to help the three (3) school districts get the sidewalks done. It is going to make it more walkable, something that this administration has been very focused on, it is going to make it safer for our children and I am proud to say that when I went down there I stood in the middle of the road with these folks and they said, you know Chris, for thirty years we have been trying to get sidewalks here and it just can't get done. I said, we are going to get it done and I am proud today that we are getting it done. We are moving forward. The Scotia-Glenville sidewalk going to the Sacandaga Elementary School is ahead of the other two currently because that is a town road shared with the village and we are able to move that along faster. The Alplaus one we are working very closely with and in good relations with the county on that because that is a county road. They will be doing an engineering study so that we can move forward with that one. We are only waiting for the county; the money is now available. We will be moving the Burnt Hills/Ballston Lake one further along as well and is also a county road.

I had the opportunity to meet with a boy scout pack virtually. Every time that I get a chance, it is part of our youth outreach to meet with the boy scouts and girl scouts and talk about local government and general civics. It was a very good meeting. I got a ton of questions and if you ever get questioned by a person under the age of sixteen you get very interesting questions. That was a lot of fun.

Vicki and I met with Park Planning virtually to discuss a variety of projects going on in the parks in 2021. It is going to be a very good year. I also had the opportunity to meet with Scotia Rotary and the Glenville Rotary and working with them as well and others we are close to getting our inclusive playground started in Maalwyck Park. That is a very important project to us and to the park. We are working with the Native Americans now on the archeological dig that is required in that very sensitive area. Once that is done we will be able to get our tubes in the ground and get our equipment in the ground. Everyone is excited about this one. We have a lot of partners working with us including the county, Kawanis as I mentioned the two rotary clubs and we have a grant into Stewarts so hopefully Stewarts will help us with that as well.

I also met with the veterans on the Legacy Project to discuss the next steps on that project here in the Town of Glenville. I want to mention that the Banner Program continues. We are very excited about the Banner Program for our veterans. We have about thirty applicants in so far. We have thirty-three poles. What I think we are deciding to do, talking with our partners, is go front to back and open it up to have sixty. We are going to continue to push for that. If anyone knows of any Scotia/Glenville residents who are veterans who are interested to be on the banners let me know.

Our fourth quarter sales tax check was better than we anticipated so, that is good news. It is higher then our fourth quarter check in 2019. But our total year sales tax has fallen 1.5% which is very good for us in a year of COVID. We hope that things will return to normal after COVID and get back to sales tax growth but we will see. We had a better quarter than we anticipated.

Our revenues rebounded somewhat in the fourth quarter as well but still in 2020 with the lowest year with court revenues since 2016. That is really because they are closed and that is an issue. Our 2020 court revenues of \$184,000 represent a 22% drop from 2019 so we did take it pretty hard in court revenues as far as the budget is concerned. So that 22% translates to \$51,000 shortfall in that line. That is going to be an issue. We don't know when court is going to open but as I understand it or has been told, as of April 1st the legislature, I guess, passed and the Governor has signed a new law that would prohibit suspension of licenses for non-payment of tickets. Now there is no mechanism to compel anyone to pay their ticket without a suspension as an option. We believe we will probably see a greater, I'm told a third if not more of our tickets come in on a threat of suspension and that is when they actually start paying. I'm also told that this bill compels our court to now take installment payments. So, you could have a \$200 ticket and you can say here is \$3.00, thank you very much, and as long as I give you \$3.00 you can't issue a warrant against me because now I am technically in the installment plan. This is getting crazy; I have to be honest with you. This is where we are and we will just have to adjust accordingly to living in the great state of New York.

Most notably the items regarding our retirement for multiple members of our police department has come in fairly high. There are some more retirements than we anticipated. Four retiring officers so their unused sick and vacation time plus accumulated comp will total \$225,000 that we will have to pay this year. This is a moment for us to pause and make a point. If it was not for our solid finances and our solid planning of protecting the fund balance and not overspending that in previous budgets we would not have been able to have our reserve accounts for this very situation. But because we have a retirement reserve account we are able to meet this obligation without any new impacts to our residents or any negative impacts to our budget. That is an important point and I hope people understand it, because this is what we are doing to make sure that we are protecting our taxpayers in this town. We will be able to meet that payout in 2021 while still keeping the tax rate below 1%.

Although we are into February our 2020 books remain open for a few more weeks but we do expect surpluses even in the year of COVID in the Town General, Town Outside and Sewer Funds. We expect to break even in the Highway Fund and we are going to run a small deficit in the Water Fund.

We have had a number of water breaks recently. Last year we had a record amount of water breaks. Our infrastructure is aging. We need to make investments in our infrastructure. We are trying to get the state to create an infrastructure fund. I want to take a moment as Councilwoman Wierzbowski talked about the highway workers and they have done a phenomenal job. Our department of public works folks in dealing with these water breaks. On Friday night, if you remember the temperature was like 3 degrees, our employees were in a hole dealing with frozen water, getting wet, it was snowing and they stayed on the job late into Friday night. I just want to thank them for that. It was very much appreciated by the residents. Thank you!

Supervisor Koetzle moved ahead with the agenda

Supervisor Koetzle – “Item No. 7 is a public hearing regarding proposed amendments to Chapter 130, “Fees”

Supervisor Koetzle opened the public hearing at 7:20 PM

Supervisor Koetzle – “This is increasing the fees regulating to the number of staff hours needed for our building and planning offices for drawing, review, administrated work and inspection of sites. This includes new fees to building permits for swimming pools, zoning certification letters and review of resubmittal drawings during the application process for both building permits and planning approvals.”

Councilman Martin – “This is also...the building permit process, as mandated by NYS is an ever-increasing complex process. The Code just changed a

year or two ago again. It is requiring more staff time or reviews of the plans as they come in for compliance. The training is more and more robust for the staff to meet state requirements. It is requiring more and more time in the field for inspections as a result of that. I just want people to understand this is not enforcement of the local code or just our local laws but a lot of it is the state building code increasing complexity associated with that.”

No one wished to speak; Supervisor Koetzle closed the public hearing at 7:23 PM.

Supervisor Koetzle – “Item No. 8 on the agenda is a public hearing regarding proposed amendments of Article II, Terminology.

This is to change terminology or to add with the changing times, I should say, makes an amendment to add definitions of CBD Oil, Hookah, Recreational Marijuana in order to clarify the intent of the exemptions in the definitions of retail. The current code exempts vape-shops in the definition of retail. The intent was to exempt e-cigarette shops, CBD and recreational marijuana shops as well as hookah retail of both equipment and smoking materials. So, this is a change to the code that would further define the terminology that in our earlier law wasn’t contemplated and really defines what we are talking about in vape shops.’

Supervisor Koetzle opened the public hearing at 7:25 PM

No one wished to speak; Supervisor Koetzle closed the public hearing at 7:26 PM

Supervisor Koetzle – “Item No. 9 on the agenda is a public hearing regarding the proposed amendments of Section 270-24.1D, “Solar Farm Overlay District”.

This is to allow commercial solar projects. It’s also an important part for our solar for projects initiative. The Glenville Environmental Conservation Committee (GECC) giving us a negative declaration recommendation to the Town Board after their extensive review of the SEQRA as well as the review of the language of the proposed overlay district zoning amendments. GECC has reviewed this and they have provided for a recommendation of a negative declaration.”

Supervisor Koetzle opened the public hearing at 7:28 PM

No one wished to speak; Supervisor Koetzle closed the public hearing at 7:29 PM

The following resident wished to speak during the previous public hearing regarding #8, Terminology amendments.

Susan Booth-Binczik, 391 Green Corners Road – “She stated that “cannabidiol” was spelled wrong. I don’t know if it is an error or what in the marijuana dispensary definition you have - An establishment for selling marijuana and associated products, both medical (CBD) or recreational concentrations...CBD is not medical marijuana. Medical marijuana are completely different things. CBD does not have any of the active components of marijuana in it. It doesn’t get you high so by having that written that way you are implying something that people might have a reason to be alarmed about CBD and I don’t know if that is intentional because you want to regulate it as an adult business. It doesn’t make any sense because it doesn’t make you high. That’s my comments on that, the definition is not accurate and it is misleading.”

Supervisor Koetzle – “Item No. 10 is a public hearing regarding the proposed amendments of Article XVI Site Plan Review adding Chapter 270-111, regarding a public benefit fee for projects in the solar district overlay district.”

Supervisor Koetzle opened the public hearing at 7:31 PM

This goes hand and hand with the public hearing we just had and with the solar for parks initiative that we have going on. This is an amendment that adds solar overlay district to permit solar farms on 30 or more-acre properties within half of a mile of a sub-station. The proposed text was reviewed and approved by the Code Committee, GECC, the Planning Board and the County Planning Department.

No one wished to speak; Supervisor Koetzle closed the public hearing at 7:32 PM

Supervisor Koetzle – “Item No 11 is a public hearing regarding the proposed amendments of Chapter 270-157A, “Penalties for Offenses”.

This one proposes to create a minimum fine of \$150 for zoning violations. At this time there is no minimum only maximum set at \$350, \$700 and \$1,000 based on the number of offenses. There seems to be an increase in zoning violations as of late. There seems to be no penalty attached to them, there are maximums that can be set but no minimum. This would seek to add the minimum of \$150.

Supervisor Koetzle opened the public hearing at 7:34 PM

No one wished to speak; Supervisor Koetzle closed the public hearing at 7:35 PM

Supervisor Koetzle – “Item No. is a public hearing regarding a proposed zoning map amendment to designate parcels 231 Saratoga Road and 233 Saratoga Road as General business Zoning District.”

Before I open the public hearing I would like to invite Allison with MJ Engineering.

Allison - We are seeking to rebuild two parcels 231 Saratoga Road and 233 Saratoga Road. The 233 Saratoga Road is the “Well Now” property and 231 Saratoga Road is the current dentist office and our client would like to turn it into a food service and that is not allowed in the current zone. So, we would like to extend the general business zone to 231 and 233 Saratoga Road.

Councilman Martin – “The references to the variances, have they been approved?”

Supervisor Koetzle – “No, variances have not been approved. The first step is to change the zoning.

Supervisor Koetzle opened the public hearing at 7:40 PM

No one wished to speak; Supervisor Koetzle closed the public hearing at 7:41 PM

Supervisor Koetzle – “Item No. 13 on the agenda is a public hearing regarding proposed amendments of Section 270-24.1B4 “Adult Uses Overlay District, Uses Allowed”

This is an amendment that adds the newly defined Recreational marijuana CBD Oil, Hookah to the list of permitted uses allowed within the Adult Overlay District.

Supervisor Koetzle opened the public hearing at 7:43 PM

Susan Booth-Binczik, 391 Green Corners Road – “It is silly to act like marijuana dispensaries are something worse or dangerous or more distasteful than liquor stores given that alcohol is much more dangerous in terms of public health,

psychological health, physical health then marijuana is but I know that a lot of people don't believe that and are prejudice against marijuana so putting that aside and repeat what I said before CBD is not marijuana. It doesn't have any of the active chemicals in marijuana that get people high. It has none of those intoxicating effects or anything like that. There is no rational justification for treating CBD shop as an adult business. There is nothing to put them in that category. Does this mean that anybody who maybe currently selling CBD from their house, which I am sure you know people are currently doing here in Glenville, that that would now be illegal?"

Supervisor Koetzle – "We will bring that question up when we get to the actual resolution.

No one else wished to speak; Supervisor Koetzle closed the public hearing at 7:47 PM.

RESOLUTION NO. 54-2021

Moved by: Councilman Aragosa

Seconded by: Councilwoman Wierzbowski

WHEREAS, a written petition has been presented to and filed with the Town Clerk of the Town of Glenville requesting an extension to Sewer District No. 9 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 58 Swaggertown Road in the Town of Glenville; and

WHEREAS, a map, plan and report were previously filed in the office of the Town Clerk of the Town of Glenville with respect to the Extension to Sewer District No. 9 down Swaggertown Road filed in conjunction with the Baptist Retirement/Judson Meadows project which anticipated lateral connections such as the one now proposed; 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 Sewer District No. 9 from an existing Force Main in Swaggertown Road has been filed with the Town Clerk on or about December 01, 2020.
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: 30.6-2-53.
3. The improvements proposed are the installation of a ground pump and lateral connection to the force main for one individual service connection at 58 Swaggertown Road.
4. The amount proposed to be expended for the extension is to be borne entirely by the property owner/developer.
5. No portion of the cost this extension will be attributable to Sewer District No. 9.
6. The estimated annual cost to the typical property is:
 - a. District debt service: \$ 48.59
 - b. Operation & Maintenance: \$ 205.79
7. The prior map, plan and report describing the extension of Sewer District No. 9 down Swaggertown Road is on file in the Town Clerk's Office and may be inspected by members of the public.
8. The proposed financing method to be employed in the construction of this connection in this sewer district extension is private financing by the developer.

BE IT FURTHER RESOLVED that the Town Board of the Town of

Glenville will hold a public hearing on the petition to establish this extension to Sewer District No. 9 on February, 17, 2021 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 sewer 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 February 17, 2021 public hearing date.

Ayes: Councilmen Martin, Aragosa, Godlewski, Councilwoman Wierzbowski and Supervisor Koetzle
Noes: None
Absent: None
Abstention: None

Motion Carried

RESOLUTION NO. 55-2021

Moved by: Councilwoman Wierzbowski
Seconded by: Councilman Martin

WHEREAS, a written petition has been presented to and filed with the Town Clerk of the Town of Glenville requesting an extension to Sewer District No. 7 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 5 Van Slyck Avenue in the Town of Glenville; and

WHEREAS, a map, plan and report were filed in the office of the Town Clerk of the Town of Glenville with respect to the Extension to Sewer District No. 7 for 5 Van Slyck Avenue filed in conjunction with the current petition; and

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

ORDER

9. A petition to add an Extension to Sewer District No. 7 from an existing Force Main in Van Slyck Avenue has been filed with the Town Clerk on or about January 08, 2021.
10. 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: 30.13-2-33.1.
11. The improvements proposed are the installation of a ground pump and lateral connection to the force main for one individual service connection at 5 Van Slyck Avenue.
12. The amount proposed to be expended for the extension is to be borne entirely by the property owner/developer.
13. No portion of the cost this extension will be attributable to Sewer District No. 7.
14. The estimated annual cost to the typical property is:
 - a. Operation & Maintenance: \$ 29.13
15. The map, plan and report describing the extension of Sewer District No. 7 for 5 Van Slyck Avenue is on file in the Town Clerk's Office and may be inspected by members of the public.
16. The proposed financing method to be employed in the construction of this connection in this sewer district extension is private financing by the developer.

BE IT FURTHER RESOLVED that the Town Board of the Town of Glenville will hold a public hearing on the petition to establish this extension to Sewer District No. 7 on February 17, 2021 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 sewer 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 February 17, 2021 public hearing date.

Ayes: Councilmen Martin, Aragosa, Godlewski, Councilwoman Wierzbowski and Supervisor Koetzle
Noes: None
Absent: None
Abstention: None

Motion Carried

RESOLUTION NO. 56-2021

Moved by: Councilman Martin
Seconded by: Councilwoman Wierzbowski

WHEREAS, the Town of Glenville is proposing a Local Law (a copy of which is attached) that amends Section 139, "Fees", of the Code of the Town of Glenville; and

WHEREAS, the intent of this section is to communicate to property owners the requirements for garbage removal and storage in the Town of Glenville; and

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

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

WHEREAS, the Town Board of the Town of Glenville held a public hearing with respect to the zoning code amendment and adoption of said Local Law on Wednesday, February 3, 2021 at 7:00 PM, at which time and place were heard all persons interested in the amendment of Section 139, "Fees", for the Code of the Town of Glenville,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Glenville does hereby adopt Local Law #1 of 2021 amending Section 139, "Fees", of the Code of the Town of Glenville; and

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

Ayes: Councilmen Martin, Aragosa, Godlewski, Councilwoman Wierzbowski and Supervisor Koetzle
Noes: None
Absents: None
Abstentions: None

Motion Carried

Discussion... Responding to questions from Susan Booth- Binczik during public hearing. Description of CBD Oil.

Melissa Cherubino – “I had listed it that way meaning in the Adult Use Overlay but there are three separate issues. Cannabis is both potentially recreational potentially health related and when I did a little bit of research it appeared that CBD which is just a different mix of the chemicals in the plant had more therapeutic uses and that is what I meant by medicinal. There may be additional that what we considered the smoking marijuana that people use recreationally and for pain reduction capacities but the CBD does as well. I am not a pharmacist; I am not waving into an area that I am an expert in but that was the rationale for it. CBD is more of the health pain relief for palliative type of care. Hookah was listed in the actual adult uses overlay which is considered more of a tubing, traditionally it’s the tubing and the pipes and also the recreational marijuana has its own group of tools that would be used. That was the rationale behind it.”

Supervisor Koetzle – “In reality there is a link between all of these products. They are all pretty much sold in the same place, same store. So, it makes sense to link them. This went through the Code Review Committee. I am comfortable with the definitions. There was a question on the home sales which will come up in resolution number 23. Please answer that question now Melissa.”

Melissa Cherubino – “Anyone who is doing home occupation and has to obtain a permit from our building department and that would include retail. The reason for it is limiting the nuisances of traffic, number of people on the site at one time, signage.”

Councilman Martin – “This is all about concentrations of use. What this is addressing here is the primary use is retail sales of products. Somebody who conducts CBD sales out of their home that is a secondary use. It is accessory and incidental to primary use which is the residence. That is properly termed as a home occupation and it is not affected by this law. The other thing about the definition the way I read that a marijuana dispensary is – an establishment for selling marijuana and associated products both medical, CBD, more recreational concentrations which is a higher concentration of THC in any form topical, edible or inhalant. What that definition is saying is, it’s the establishment of selling these products it’s not commentary in the products themselves. I am fine with the definitions and I think the preservation of CBD oil sales out of the home is preserved by virtual of our home occupation clause.”

Councilman Godlewski – “If a business is currently selling CBD oil outside of the Adult Overlay District would they be grandfathered in?”

Councilman Martin – “Yes”

Supervisor Koetzle – “All non-conforming us is grandfathered in; they just can’t expand.”

RESOLUTION NO. 57-2021

Moved by: Councilman Martin

Seconded by: Councilwoman Wierzbowski

WHEREAS, the Town of Glenville is proposing a Local Law (a copy of which is attached) that amends Article II, “Terminology” Section 270-3, “Definitions”, for the Code of the Town of Glenville; and

WHEREAS, the intent of this section is to clarify sale and distribution of vape products and paraphernalia within the Town of Glenville; and

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

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

WHEREAS, the Town Board of the Town of Glenville held a public hearing with respect to the zoning code amendment and adoption of said Local Law on Wednesday, February 3, 2021 at 7:00 PM, at which time and place were heard all persons interested in the amendment of Article II “Terminology” Section 270-3, “Definitions”, of the Code of the Town of Glenville,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Glenville does hereby adopt Local Law #2 of 2021 amending Article II, “Terminology” Section 270-3, “Definitions”, of the Code of the Town of Glenville; and

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

Ayes: Councilmen Martin, Aragosa, Godlewski, Councilwoman Wierzbowski and Supervisor Koetzle
Noes: None
Absents: None
Abstentions: None

Motion Carried

RESOLUTION NO. 58-2021

Moved by: Councilman Aragosa
Seconded by: Councilman Martin

WHEREAS, the Town of Glenville NY Code Committee proposes a solar overlay district which provides for the responsible development of parcels adequately sized, located within half a mile of a substation, that are otherwise difficult, as solar farms; and

WHEREAS, the proposal was recommended for approval by the Planning Zoning Commission at its December 14th 2020 meeting; and

WHEREAS, the Community Development Department submitted a Full Environmental Assessment Form (FEAF) Part I and Part II to determine whether the proposed zoning code amendment could result in any significant environmental impacts under the State Environmental Quality Review Act (SEQRA);

WHEREAS, the Glenville Environmental Conservation Committee reviewed the FEAF parts 1 and 2 and recommend a negative declaration for SEQR purposes; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Glenville met at the Glenville Municipal Center, 18 Glenridge Road, Glenville, New York on Wednesday, February 3, 2021 at 7:00 P.M., and made the following findings with regard to SEQRA under TITLE 6. DEPARTMENT OF ENVIRONMENTAL CONSERVATION, CHAPTER VI. GENERAL REGULATIONS:

1. The zoning code amendment meets Type I Action standards described in 6 CRR-NY §617.4(b)(2), which specifically states “the adoption of changes in the

allowable uses within any zoning district, affecting 25 or more acres of the district;” and

2. After the requisite hard look, the Glenville Environmental Conservation Committee (GECC) recommends a negative declaration;
3. Town Board makes a negative declaration SEQR determination for the proposed zoning code amendment within 270-24.1D for solar farms as the proposal:
 - a. takes advantage of a safe, abundant, renewable and non-polluting energy resource;
 - b. fosters low-impact development of sites that are otherwise difficult to develop located near existing substations;
 - c. decreases the cost of electricity to the owners of residential and commercial properties, including single-family houses;
 - d. increases employment and business development in the Town, to the extent reasonably practical, by furthering the installation of Solar Energy Systems;
 - e. broadens the economic tax-base without further depleting or drawing on limited resources;
 - f. mitigates the impacts of Solar Energy Systems on environmental resources such as important agricultural lands, forests, wildlife and other protected resources, and;
 - g. creates synergy between solar and other community goals pursuant to the Comprehensive Plan, such as to responsibly create vibrant neighborhoods, revitalize business growth, manage land uses, create walkable communities, and encourage investment into town services.

Ayes: Councilmen Martin, Aragosa, Godlewski, Councilwoman Wierzbowski and Supervisor Koetzle

Noes: None

Absent: None

Abstentions: None

Motion Carried

RESOLUTION NO. 59-2021

Moved by: Councilman Martin

Seconded by: Councilwoman Wierzbowski

WHEREAS, the Town of Glenville is proposing a Local Law (a copy of which is attached) that amends 270-24.1, “Overlay Districts”, for the Zoning Code of the Town of Glenville; and

WHEREAS, the intent of this section is to allow solar farms in the Town of Glenville; and

WHEREAS, the Glenville Town Board has determined that this code amendment constitutes a “Type I Action” in accordance with 6 NYCRR Part 617.4(b)(3) of the State Environmental Quality Review Act in that it involves the adoption of changes in the allowable uses in the zoning code impacting 25 or more acres; and

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

WHEREAS, the Town Board of the Town of Glenville held a public hearing with respect to the zoning code amendment and adoption of said Local Law on Wednesday, January 20, 2021 at 7:00 PM, at which time and place were heard all persons interested in the amendment of Chapter 270-24.1D Zoning, "Solar Farm Overlay District", of the Code of the Town of Glenville,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Glenville does hereby adopt Local Law #3 of 2021 amending Section 270-24.1D, "Solar Farm Overlay District", of the Code of the Town of Glenville; and

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

Ayes: Councilmen Martin, Aragosa, Godlewski, Councilwoman Wierzbowski and Supervisor Koetzle

Noes: None

Absents: None

Abstentions: None

Motion Carried

RESOLUTION NO. 60-2021

Moved by: Councilman Martin

Seconded by: Councilwoman Wierzbowski

WHEREAS, the Town of Glenville is proposing a Local Law (a copy of which is attached) that amends Article XVI Site Plan Review adding Chapter 270-111, regarding a public benefit fee for projects in the solar district overlay in the Code of the Town of Glenville; and

WHEREAS, the intent of this section is to communicate to property owners the legal underpinnings for the public benefit fee regarding a project that triggers the solar overlay district in the Town of Glenville; and

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

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

WHEREAS, the Town Board of the Town of Glenville held a public hearing with respect to the zoning code amendment and adoption of said Local Law on Wednesday, February 3, 2021 at 7:00 PM, at which time and place were heard all persons interested in the amendment of Article XVI Site Plan Review adding Chapter 270-111, regarding a public benefit fee for projects in the solar district overlay for the Code of the Town of Glenville,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Glenville does hereby adopt Local Law #4 of 2021 adding Chapter 270-111, regarding a public benefit fee for projects in the solar district overlay, of the Code of the Town of Glenville; and

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

Ayes: Councilmen Martin, Aragosa, Godlewski, Councilwoman Wierzbowski and Supervisor Koetzle
Noes: None
Absents: None
Abstentions: None

Motion Carried

RESOLUTION NO. 61-2021

Moved by: Councilman Martin
Seconded by: Councilwoman Wierzbowski

WHEREAS, the Town of Glenville is proposing a Local Law (a copy of which is attached) that amends Section 270-157A, “Penalties for Offenses”, for the Code of the Town of Glenville; and

WHEREAS, the intent of this section is to communicate to property owners the minimum fee for zoning violations in the Town of Glenville as \$150; and

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

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

WHEREAS, the Town Board of the Town of Glenville held a public hearing with respect to the zoning code amendment and adoption of said Local Law on Wednesday, February 3, 2021 at 7:00 PM, at which time and place were heard all persons interested in the amendment of Section 270-157A “Penalties for Offenses”, for the Code of the Town of Glenville,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Glenville does hereby adopt Local Law #5 of 2021 amending Section 270-157A “Penalties for Offenses”, of the Code of the Town of Glenville; and

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

Ayes: Councilmen Martin, Aragosa, Godlewski, Councilwoman Wierzbowski and Supervisor Koetzle
Noes: None
Absents: None
Abstentions: None

Motion Carried

Discussion...

Supervisor Koetzle – “This is the very important first step in getting our beloved and much anticipated Chipotles here. This has been a long process and we are very excited to welcome them. I spent a lot of time working on this project and I

want to thank all of those; Melissa, the Planning Board and Jim, all of the Small Business and Economic Development for all the work everyone has done on this. Shovel is not in the ground yet but this is step one to get us there.”

Councilman Martin – “I just want to say it has been a long-focused area of town center or on the edge of town center. There has been a lot of hurdles to overcome on those properties to get this done. This will bring some very nice revitalization to our commercial center and at the same time this is being respectful of the residential neighbor that adjoins it. This is a very positive step for our business community and it is a win, win and that people have expressed the idea for having food choices in the community and we continue to expand that. I think this will be a nice member to our restaurant community as well.”

RESOLUTION NO. 62-2021

Moved by: Councilman Martin

Seconded by: Councilwoman Wierzbowski

WHEREAS, a Member of the Town Board of the Town of Glenville is introducing a Zoning Map amendment to designate parcels 231 Saratoga Rd SBL#22.11-3-18, and 233 Saratoga Rd SBL#22.11-3-17.1 as a General Business Zoning District in accordance with section 270-152 of the Zoning Code of the Town of Glenville; and

WHEREAS, the parcels are currently zoned professional residential and community business respectively; and

WHEREAS, the proposal meets several of the Comprehensive Plan goals regarding shared access, pedestrian access and commercial development in the Town Center; and

WHEREAS, this proposed zoning designation provides opportunity for the basic community services, employment, convenience shopping and recreation for persons residing in nearby residential areas and the local community; and

WHEREAS, the proposed zoning map amendment abuts parcels to the north and east which are also presently classified as General Business and both parcels are also within the Town Center Overlay zoning district; and

WHEREAS, the proposed zoning map amendment was referred to the Planning & Zoning Commission (PZC) for review and the PZC made a recommendation to approve the zoning change at its Monday December 14th 2020 meeting; and

WHEREAS, the PZC considered whether the zoning map amendment could result in any significant environmental impacts under the State Environmental Quality Review Act (SEQRA); and

WHEREAS, the zoning map amendment is categorized as a Type II Action as it will not rise to a Type I Action under section 617.4b(2) for a zoning change of 25 or more acres or 617.4b(3) a zoning change meeting any other threshold of the Type I Actions and therefore will not result in any significant environmental impacts under the State Environmental Quality Review Act (SEQRA); and

WHEREAS, Economic Development and Planning provided the County of Schenectady Department of Economic Development and Planning with a referral pursuant to General Municipal Law §239-m; and

WHEREAS, the Town Board of the Town of Glenville held a public hearing with respect to the zoning map amendment Wednesday, February 3, 2021 at 7:00 PM, at which time and place were heard all persons interested in the zoning map amendment of the Town of Glenville; and

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

Town of Glenville does hereby adopt the proposed zoning map amendment for 231 Saratoga Road SBL#22.11-3-18, and 233 Saratoga Road SBL#22.11-3-17.1 as a General Business Zoning District in accordance with Section 270-152 of the Zoning Code of the Town of Glenville.

Ayes: Councilmen Martin, Aragosa, Godlewski, Councilwoman Wierzbowski and Supervisor Koetzle
Noes: None
Absent: None
Abstentions: None

Motion Carried

RESOLUTION NO. 63-2021

Moved by: Councilman Martin
Seconded by: Councilwoman Wierzbowski

WHEREAS, the Town of Glenville is proposing a Local Law (a copy of which is attached) that amends 270-4.1B4, “Adult Use Overlay District, Uses Allowed”, for the Zoning Code of the Town of Glenville; and

WHEREAS, the intent of this section is to clarify the exception to vapor shops in the definition of retail to include both CBD products and recreational marijuana in the Town of Glenville; and

WHEREAS, the Glenville Town Board has determined that this code amendment constitutes a “Type II Action” in that it involves clarification of the allowable uses in the zoning code; and

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

WHEREAS, the Town Board of the Town of Glenville held a public hearing with respect to the zoning code amendment and adoption of said Local Law on Wednesday, January 19th, 2021 at 7:00 PM, at which time and place were heard all persons interested in the amendment of 270-24.1B4, “Adult Use Overlay District, Uses Allowed”, for the Code of the Town of Glenville,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Glenville does hereby adopt Local Law #6 of 2021 amending Section 270-24.1B4, “Adult Use Overlay, Uses Allowed”, of the Code of the Town of Glenville; and

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

Ayes: Councilmen Martin, Aragosa, Godlewski, Councilwoman Wierzbowski and Supervisor Koetzle
Noes: None
Absents: None
Abstentions: None

Motion Carried

RESOLUTION NO. 64-2021

Moved by: Councilman Aragosa
Seconded by: Councilwoman Wierzbowski

WHEREAS, Resolution 16-2021 was carried by the Town Board on January 6, 2021, setting the salaries of employees who are not members of a recognized bargaining unit in the Town of Glenville commencing January 1, 2021; and

WHEREAS, an administrative oversight listed the salary of Dana Gilgore, Deputy Highway Superintendent, Deputy Commissioner of Public Works as \$83,032.00; and

WHEREAS, the salary of Dana Gilgore, Deputy Highway Superintendent, Deputy Commissioner of Public Works should be \$84,227.48.

NOW THEREFORE, BE IT RESOLVED that the salary of Dana Gilgore, Deputy Highway Superintendent, Deputy Commissioner of Public Works be \$84,227.48 retroactive to January 1, 2021.

Ayes: Councilmen Martin, Aragosa, Godlewski, Councilwoman Wierzbowski and Supervisor Koetzle
Noes: None
Absent: None
Abstention: None

Motion Carried

RESOLUTION NO. 65-2021

Moved by: Councilman Martin
Seconded by: Councilwoman Wierzbowski

WHEREAS, the Highway Superintendent has informed the Town Board that the Highway Department is in need of purchasing a new tandem roller; and

WHEREAS, the Highway Superintendent recommends purchase of a Bomag Tandem Roller BW120 SL-5 to best meet the needs of the Town; and

WHEREAS, in order to achieve cost savings, the Highway Superintendent recommends the utilization of pricing available to the Town under the New York State Contract list – Sourcewell contract #P032119-BAI; and

WHEREAS, funding for this purchase was included in the 2021 Adopted Budget;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Glenville hereby authorizes the Highway Superintendent to purchase one Bomag Tandem Roller BW120 SL-5, including freight and pre-delivery inspection, at New York State Contract – Sourcewell pricing from Stephenson Equipment, 3 Industry Drive, Waterford NY 12188 in a total sum not to exceed thirty-five thousand one hundred fifty-six dollars (\$35,156), with said expense charged to account DB-000-5130-2000 as included in the 2021 Adopted Budget.

Ayes: Councilmen Martin, Aragosa, Godlewski, Councilwoman Wierzbowski and Supervisor Koetzle
Noes: None
Absent: None
Abstentions: None

Motion Carried

RESOLUTION NO. 66-2021

Moved by: Councilman Godlewski

Seconded by: Councilman Aragosa

BE IT RESOLVED, that the minutes of regular Town Board meeting held on January 20, 2021 are hereby approved and accepted as entered.

Ayes: Councilmen Martin, Aragosa, Godlewski, Councilwoman Wierzbowski and Supervisor Koetzle

Noes: None

Absent: None

Abstentions: None

Motion Carried

New Business

Councilman Godlewski – “Be safe, take precautions and wear your masks.”

Supervisor Koetzle asked for a motion to adjourn; motion to adjourn; Moved by Councilman Martin; Seconded by Councilman Aragosa, everyone being in favor the meeting was adjourned at 8:00 PM.

ATTEST:

Linda C. Neals
Town Clerk

Glenville will hold a public hearing on the petition to establish this extension to Sewer District No. 7 on February 17, 2021 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 sewer 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 February 17, 2021 public hearing date.

Ayes: Councilmen Martin, Aragosa, Godlewski, Councilwoman Wierzbowski and Supervisor Koetzle
Noes: None
Absent: None
Abstention: None

Motion Carried

Supervisor Koetzle asked for a motion to adjourn; motion to adjourn; Moved by Councilman Martin; Seconded by Councilman Aragosa, everyone being in favor the meeting was adjourned at 7:50 PM.

ATTEST:

Linda C. Neals
Town Clerk