

MEETING OF THE TOWN BOARD
TOWN OF GLENVILLE
MAY 5, 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 Nathaniel J. Nichols, Legal Counsel and Jason Cuthbert, Comptroller

Town Council Reports:

Councilman Godlewski – “I attended the forum last Wednesday regarding the recent legislation on marijuana. It was an informative session, thank you Mr. Supervisor for organizing that. It was certainly interesting to hear diverse range of opinions on the matter. There is a survey on the town’s website regarding this issue. We would love to get further input on this issue and how the community feels about this topic.

If you are looking to use the trails make sure you wear some good boots or shoes and be mindful of the fact that you are going to be encountering some mud this time of year.”

Supervisor Koetzle – “One thing I just want to piggy-back on the forum was you and I agreed on something but I have come to learn that we were both wrong. So, the question was “can the board call a permissive referendum”? We were both right, in town law we can do that but our counsel corrected me that in the actual legislation it prohibits towns to actually do that. Villages can but towns cannot so, the actual legislation prohibits it. I just wanted to clarify that for people. It would have to be by petition.”

Councilwoman Wierzbowski – “I was able to attend the Town Chief’s Town of Glenville meeting that was held at the end of April. This was the first in person meeting in over a year for that group they had been meeting virtually. It was good to see them all back together. They have all been fairly busy throughout the pandemic. I would just like to give them all a shout out because they do a lot for our communities and this past year has been difficult for them to maintain a high level of readiness with their training with the restrictions that have been in place. They have all made it to do a fantastic job to serve the residents.”

Councilman Martin – “I attended a meeting of the Glenville Local Development Corporation (LDC) last week. They were giving an update on the status of the emergency loan fund that was established with the shutdown in reaction to the pandemic. It was a very enlightening story and very encouraging. There were thirteen (13) loans made for \$176,000 and none of the businesses are in default. As you may recall we had a one-year forgiveness on the re-payment on that program and some of the businesses are actually starting to pay the loans back. There were a number of comments made as the LDC members were going out into the community following up on the status of the loans. A number of the businesses commented that if it had not been for that program they would have went under. I sincerely hope that the Gazette would get out and do some investigated reporting on the program and the effect it had in the small business community. It is really a good story, one we could all use and it was very much a positive. It is good to hear that it had that intended impact. I am pleased to report on that and more pleased to report that these businesses are making it through and the program did help.”

Councilman Aragosa – “We held a food distribution in Collins Park last Wednesday so I was unable to attend your forum. I do appreciate you sending out your power point presentation.”

Supervisor Koetzle – “Item No. 5 is a public hearing to hear all persons interested in the proposed amendments of Article V, “Uses Permitted and Dimensional Regulations by District”, Chapter 270-19.1, 270-20, 270-23 and 270-24 of the Code of the Town of Glenville.”

Councilman Martin – “This is one of the links in closing the loop on our establishment of large-scale solar farms as an allowed use in our zoning code. It is inserting this as a use in the Highway Commercial, Research Technology District and the Riverfront Recreation Commercial District and the Airport Zoning District. It’s a use that is allowed under a conditional use permit.”

Supervisor Koetzle opened the public hearing at 7:10 pm

No one wished to speak; Supervisor Koetzle closed the public hearing at 7:12 pm.

No one wished to exercise the privilege of the floor.

Supervisor Koetzle moved ahead with the agenda.

Discussion...

Supervisor Koetzle – “This PDD allows for a few things. It is also going through the Planning Board. The PDD calls for a shovel ready clean site. That means everything on that site has to be cleaned up and ready for development. We believe the economics of the site, because there are wetlands in the back. It is a 100 ft frontage site. It could be considered a flag lot or a key lot, that this would help the economics of the redevelopment and getting it shovel ready particularly would be the case. It does call for a bond that is equivalent to three years of property taxes so in the case the developer does not meet the obligations of redevelopment that bond would be cashed and the town would at least have that revenue. It also calls for the \$161,000 in our Solar for Parks Program. It also has a decommissioning component which is extremely important. It won’t sit as a ghost site after the life of the farm and significant buffering in the PDD.”

RESOLUTION NO. 99-2021

Moved by: Councilman Martin

Seconded by: Councilwoman Wierzbowski

WHEREAS, an applicant proposes a Commercial Planned Development District at 66 Freemans Bridge Road, SBL #30.-1-3, formerly the location of Sarnowski’s Greenhouses; and

WHEREAS, the proposed commercial planned development district will include both a solar farm in the back of the parcel as well as a commercial retail site facing Freemans Bridge Road; and

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

WHEREAS, lead agency letters were sent to NYS Department of Environmental Conservation, Schenectady County Planning, National Air Guard, the various boards reviewing the proposal for the Town of Glenville, Army Corps of Engineers and US Department of Energy and none of the interested or involved agencies commented except to support the Town Board taking lead agency; and

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

WHEREAS, the Planning Zoning Commission (PZC) reviewed the submitted materials and will make a recommendation to the Town Board after its May 10th meeting; and

WHEREAS, a duly scheduled public hearing must be held in order to amend the existing code and create the PDD by Local Law;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Glenville will meet at the Glenville Municipal Center, 18 Glenridge Road, Glenville, New York on Wednesday, May 19, 2021 at 7:00 P.M., or as soon thereafter as possible, at which time it will hear all persons interested in the proposed PDD for addition to the Code of the Town of Glenville; and

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

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

Motion Carried

RESOLUTION NO. 100-2021

Moved by: Councilman Martin
Seconded by: Councilwoman Wierzbowski

WHEREAS, an applicant proposes a Solar Overlay District at 81 Freemans Bridge Road, formerly the location of Piotrowski's Farm; and

WHEREAS, the proposed solar overlay district will include a solar farm in the north west section of the parcel within the 500-year flood zone; and

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

WHEREAS, lead agency letters were sent to NYS Department of Environmental Conservation, Schenectady County Planning, National Air Guard, the various boards reviewing the proposal for the Town of Glenville, Army Corps of Engineers and US Department of Energy and none of the interested or involved agencies commented except to support the Town Board taking lead agency; and

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

WHEREAS, the Planning Zoning Commission (PZC) reviewed the submitted materials and will make a recommendation to the Town Board after its May

10th meeting; and

WHEREAS, a duly scheduled public hearing must be held in order to amend the existing code and create the solar overlay district by Local Law;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Glenville will meet at the Glenville Municipal Center, 18 Glenridge Road, Glenville, New York on Wednesday, May 19, 2021 at 7:00 P.M., or as soon thereafter as possible, at which time it will hear all persons interested in the proposed zoning change for addition to the zoning map of the Town of Glenville; and

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

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

Motion Carried

Discussion...

Councilwoman Wierzbowski – “I would like to say thank you to our court clerks. It has been a very challenging year for them, they are facing an enormous back log of cases and people who need to come before the court. I would just like to make sure that they are recognized along with our judges of course but the court clerks are the ones who do the bulk of the work and they have had to adapt to some difficult circumstances.”

RESOLUTION NO. 101-2021

Moved by: Councilwoman Wierzbowski
Seconded by: Councilman Martin

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

WHEREAS, the records of the Town Justice Court for the Town of Glenville for the year January 1, 2020 through December 31, 2020 have been audited pursuant to Section 2019-a of the Uniform Justice Court Act;

NOW, THEREFORE, BE IT RESOLVED, that upon review of the aforesaid audit, the Town Board of the Town of Glenville hereby accepts said audit report and finds and determines that the fines collected by the Town Justice Court during calendar year 2020 have been turned over to the proper officials of the Town, as required by law; and

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

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

Abstentions: None

Motion Carried

RESOLUTION NO. 102-2021

Moved by: Councilwoman Wierzbowski

Seconded by: Councilman Martin

WHEREAS, the Commissioner of Public Works has informed the Town Board that the commercial slide gate at the Town of Glenville Water Treatment Plant is in need of replacement; and

WHEREAS, the slide gate is necessary to maintain the Water Treatment Plant as a secure facility; and

WHEREAS, the Commissioner of Public Works has solicited for written quotes from three vendors for the procurement of a PowerMaster slide gate operator unit which meets the specifications required by the Town; and

WHEREAS, Precision Gate & Fence, LLC of Clifton Park, New York, is the lowest responsible bidder with a quote of \$6,540; and

WHEREAS, funding for this purchase is available within the 2021 Adopted Budget;

NOW, THEREFORE, BE IT RESOLVED, that the Commissioner of Public Works is hereby authorized to purchase one PowerMaster SG-2020 3/4HP 115V 1PH gate operator unit from Precision Gate & Fence, LLC of Clifton Park, New York at a total cost of six thousand five hundred forty dollars (\$6,540) with said expense charged to account SW-011-8330-2000 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. 103-2021

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 V, "Uses Permitted and Dimensional Regulations by District", Chapter 270-19.1, 270-20, 270-23 and 270-24 for the Code of the Town of Glenville; and

WHEREAS, the intent of this section is to clarify the required approval process for large scale solar applications within eligible zoning districts 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, May 5, 2021 at 7:00 PM, at which time and place were heard all persons interested in the amendment of Article V, "Uses Permitted and Dimensional Regulations by District", Chapter 270-19.1, 270-20, 270-23 and 270-24 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 No. 10 of 2021 amending Article V, "Uses Permitted and Dimensional Regulations by District", Chapter 270-19.1, 270-20, 270-23 and 270-24 of the Code of the Town of Glenville; and

BE IT FURTHER RESOLVED, that Local Law No. 10 of 2021 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 – "We worked very hard on Freemans Bridge Road. This is a major connection that is going to continue connections. This will connect, not only into Schenectady, this will now connect into Maxon Road, it will connect into the development over at the casino. We also have money connecting the Hike Bike Trail from Freemans Bridge Road to Schonowee in the Village of Scotia. We are connecting three (3) communities with pedestrian paths and we are connecting all the way up to Dutch Meadows which when that project starts in the next thirty (30) to sixty (60) days they will also be putting sidewalks in between Route 50 and Freemans Bridge Road. So, they are further connecting into neighborhoods on the other side of Route 50 potentially. It is just starting to come together and I remember vividly, twelve years ago when we started the criticism that came that you are building sidewalks to nowhere. The sidewalks are connecting, they are connecting neighborhoods, businesses, parks and people. I think it is just a huge step forward where we are right now and I'm proud of the effort of the staff and the board and the committees have put into this. I am looking forward to this getting done. Let's not forget the connections of the Safeway to Schools. All three of those are going forward as well."

RESOLUTION NO 104-2021

Moved by: Councilman Martin

Seconded by: Councilwoman Wierzbowski

WHEREAS, a Project, Freemans Bridge Road Multi-Use Path, Town of Glenville, Schenectady County, PIN 1761.59, (the Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of **80** % Federal funds and **20**% non-federal funds.

WHEREAS, the Town of Glenville desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of Design and ROW Incidentals with immediate 80% reimbursement upon submittal of design and ROW incidental invoices to NYSDOT.

NOW, THEREFORE, the Glenville Town Board duly convened does hereby

RESOLVE, that the Glenville Town Board hereby approves the above-subject

project, construction of a 4800 LF multi-use path on Freemans Bridge Rd connecting the bridge to Dutch Meadows Lane that includes three crossings, and one railroad pedestrian arm; and it is hereby further.

RESOLVED, that the Glenville Town Board hereby authorizes the Comptroller to pay in the first instance 100% of the federal and non-federal share of the cost of **Design and ROW Incidentals work** for the Project or portions thereof; and it is further

RESOLVED, that the sum of **\$284,000.00** hereby appropriated from capital project account HH-046 Freemans Bridge Road Multi-Use Path and made available to cover the cost of participation in the above phases of the Project; and it is further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, Glenville Town Board shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and it is further

RESOLVED, that the Glenville Town Supervisor be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the Town of Glenville with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project and it is further

RESOLVED, this Resolution shall take effect immediately

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

Motion Carried

RESOLUTION NO. 105-2021

Moved by: Councilwoman Wierzbowski
Seconded by: Councilman Martin

WHEREAS, there are accounts as described and funded in the 2021 Adopted Budget which are anticipated to exceed budgeted appropriations; and

WHEREAS, there are sufficient funds within the 2021 Adopted Budget to fund these accounts without appropriation of additional fund balance; and

WHEREAS, the Town Board of the Town of Glenville has previously approved capital projects which now require funding from the appropriate capital reserve accounts; and

WHEREAS, the Town of Glenville Fund Balance Policy requires that unassigned and unappropriated fund balance amounts in excess of certain limits shall be transferred to dedicated reserve accounts for future use;

NOW, THEREFORE, BE IT RESOLVED, that the Glenville Town Board hereby authorizes the following 2021 budget amendments and interfund transfers:

TOWN GENERAL FUND

Increase Appropriation Codes

AA-000-7110-1000 – Parks-Wages, Full-Time, by \$20,506
AA-000-9030-8938 – Employee Benefits-Social Security, by \$1,600
AA-000-9040-8948 – Employee Benefits-Workers' Compensation, by \$1,687
AA-000-9060-8968 – Employee Benefits-Health, Dental, Vision, by \$11,500
Total Increases to AA Appropriation Codes = \$35,293

Increase Revenue Code

AA-000-2750 – AIM-Related Payments, by \$35,293

TOWN OUTSIDE THE VILLAGE FUND

Increase Appropriation Codes

BB-000-3120-1012 – Police-Accrued Time Cash Out, by \$188,000
BB-000-3650-4500 – Building Demolition-Fees for Services, by \$26,800
Total Increases to BB Appropriation Codes = \$214,800

Decrease Appropriation Code

BB-000-1990-4600 – Contingent Account-Miscellaneous, by \$188,000

Increase Revenue Code

BB-000-1570 – Demolition Fees, by \$26,800

HIGHWAY FUND

Increase Appropriation Codes

DB-000-5112-2200 – Permanent Improvements-CHIPS, by \$86,375
DB-000-5112-2201 – Permanent Improvements-Extreme Winter Recovery, by \$28,105
DB-000-5112-2202 – Permanent Improvements-PAVE NY, by \$32,981
Total Increases to DB Appropriation Codes = \$147,461

Increase Revenue Codes

DB-000-3501 – CHIPS, by \$86,375
DB-000-3597 – Extreme Winter Recovery, by \$28,105
DB-000-3598 – PAVE NY, by \$32,981
Total Increases to DB Revenue Codes = \$147,461

INTERFUND TRANSFERS

From AA917 Unassigned Fund Balance to AA884 Debt Reserve \$200,000
From AA917 Unassigned Fund Balance to AA878 Capital Reserve \$370,000
From AA878 Capital Reserve to Capital Projects-H32 Yates Mansion \$110,000
From AA878 Capital Reserve to Capital Projects-H36 Maalwyck Park \$80,000
From BB915 Unappropriated Fund Balance to BB878 Capital Reserve \$65,000
From BB915 Unappropriated Fund Balance to DB878 Capital Reserve \$630,000
From BB915 Unappropriated Fund Balance to DB884 Debt Reserve \$100,000
From DB915 Unappropriated Fund Balance to DB878 Capital Reserve \$110,000
From DB878 Capital Reserve to Capital Projects-H45 Safe Routes to School \$310,000
From DB878 Capital Reserve to Capital Projects-H46 Freemans Bridge Road Multi-Use Path \$300,000

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

Noes: None

Absent: None

Abstentions: None

Motion Carried

RESOLUTION NO. 106-2021

Moved by: Councilman Godlewski

Seconded by: Councilman Aragosa

BE IT RESOLVED, that the minutes of regular Town Board meeting held on April 21, 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

RESOLUTION NO. 107-2021

Moved by: Councilwoman Wierzbowski
Seconded by: Councilman Martin

BE IT RESOLVED, that the Town Board of the Town of Glenville hereby adjourns into Executive Session regarding a personnel matter to discuss the employment of a particular person in the Highway Department.

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

Motion Carried

Supervisor Koetzle adjourned this portion of the meeting at 7:35 PM and entered into Executive Session.

Time being 8:00 PM; Supervisor Koetzle reconvened the meeting, no action was taken.

Supervisor Koetzle asked for a motion to adjourn; Moved by Councilman Aragosa; Seconded by Councilwoman Wierzbowski, everyone being in favor the meeting was adjourned at 8:01 PM.

ATTEST:

Linda C. Neals
Town Clerk