

**Meeting of the Town Board  
Town of Glenville  
April 20, 2022  
At The Glenville Municipal Center  
18 Glenridge Road, Glenville, NY**

**Supervisor Koetzle** Calls the meeting to order at 7:04 PM

**Invocation-** Supervisor Koetzle: We are swearing in a new police officer and it is our tradition to read the Police Officers Prayer.

**Pledge of Allegiance**

**Roll Call:** Town Clerk Julie Davenport

Present: Supervisor Koetzle, Councilwoman Wierzbowski, Councilmen Godlewski, Martin and Ramotar

Absent: None

Also present: Courtney Heinel- Attorney for the Town, Stephen Janik- Police Chief, Vicki Hillis- Director of Human Resources.

Town Council Reports:

**Councilman Godlewski:** Brought up some upcoming events, this Friday is Earth Day. A lot of different municipalities celebrating. In Glenville Alplaus is having a spring clean-up starting at 10 AM this Saturday. Also, on Saturday down in the Village of Scotia they are having a Clean-up at Collins Park from 12-3. We have I Love your Parks Day in May at Indian Meadows. But if you are looking for something to do to beautify the community those are two great events to attend and that's all I have, thanks.

**Councilwoman Wierzbowski:** Just a reminder to our residents there is no open burning in the Town of Glenville until at least May 14<sup>th</sup>. We are in a high-risk season for brush fires so no open burning in the Town.

**Councilman Martin:** Couple quick things I'll be attending as liaison to the local Development Corporation, I'll be attending their monthly meeting next Tuesday.

I had a chance to review the Treasurers report. Their assets are now totaling \$421,000 in change.

And the the other item I just wanted to touch upon is the bulk pickup starts. I think next week, right Monday.

Start getting your stuff out to the curb.

It's going to be a one time pass, so make sure you get your stuff out.

There this weekend, not prior to this weekend.

Correct Saturday and Sunday formally, not right.

**Councilman Ramotar:** No reports

Public hearing at 7:00PM or as soon thereafter as possible to hear all persons interested in proposed moratorium of solar farms as permitted under Article XXII, "Solar Energy" of the Code of the Town of Glenville.

Open Public Hearing 7:07 PM

Residents who spoke at the Public Hearing

1. Andy Tomko- Is in favor of the moratorium. Has worked in the energy field, shared his experience in the field and what he's seen happen with past projects like this.
2. Stephen Urbanski- He is opposed to the moratorium for the two years. He feels property owners should be allowed to do what they want to with their land. He also feels the land owner should be responsible and not the Town. He does agree it is an issue if rules aren't made.
3. Aaron Gruenberg- He opposed to the moratorium. He feels we need to be more energy independent and feels that is the direction we should be going. He feels our country should be independent and not rely on other countries for our energy. He feels its saving lives because its green.

Public Hearing Closed at 7:16 PM

Public hearing to hear all persons interested in the petition to establish an extension to Sewer District No. 9 located at 213 Sunnyside Road, 30.19-1-18.21 of the Town of Glenville.

Open Public Hearing 7:16 PM

Close Public Hearing 7:16 PM

Privilege of the floor: Open 7:17 PM

Andy Tomko spoke from his seat: Andy, I'm in favor of solar energy and wind energy and all the things we can do. Climate is the number one problem we have in this world. We just as a town we need to put the right documents in place. You have a couple of projects that have been launched already.

It's just we need to be proved, that's all. One more thing, the Glenville Rotary is doing an adopt the highway Saturday morning, so we're cleaning a two-mile stretch.

Closed at 7:19

Supervisors Comments: None tonight.

Councilwoman Wierzbowski and Ramotar both Welcome Yevgeniy Khutoryanskiy to the town and also thank our police for all they do.

Chief Janik speaks: Eugene is a 5 1/2-year police officer with the Saratoga Springs Police Department, also a 2014 SUNY Plattsburgh graduate with his bachelor's degree in criminal justice and a minor in political science. He is also certified field training officer, so we're getting a

trained police officer that is also a seasoned police officer. I'm very glad to have him here and we're very glad to have his parents here tonight that's Irina and Leo, his girlfriend and her father and his girlfriend. Thank You for coming we appreciate it and welcome to the family. I'm very happy to have him here, and I'm also very thankful the town board continued support our moves to replace our police officers who left for the State Police.

Officer Khutoryanskiy sworn in by the Supervisor.

Officer Khutoryanskiy thanked the Town and is proud to have the opportunity to work for the Glenville Police Department.

Sponsored by: Christopher A. Koetzle, Town Supervisor

Submitted by: Stephen V. Janik, Police Chief

### **RESOLUTION NO. 110-2022**

**Moved by: Councilwoman Wierzbowski**

**Seconded by: Councilman Martin**

**WHEREAS**, there are currently two vacant police officer positions in the Glenville Police Department; and

**WHEREAS**, Yevgeniy Khutoryanskiy is a Saratoga Springs Police Officer who holds the necessary qualifications mandated by the Schenectady County Civil Service Commission; and

**WHEREAS**, after an extensive background investigation, an interview was conducted with Yevgeniy Khutoryanskiy on April 7, 2022 by the Chief of Police and Lieutenant; and

**WHEREAS**, Yevgeniy Khutoryanskiy is hereby recommended by the Chief of Police and Lieutenant as a candidate to fill one of the vacant police officer positions; and

**WHEREAS**, Yevgeniy Khutoryanskiy was approved as a lateral transfer from the Saratoga Springs Police Department by the Schenectady County Civil Service Commission on April 19, 2022;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board does hereby approve the appointment of Yevgeniy Khutoryanskiy of Ballston Spa NY, to the position of Police Officer in the Glenville Police Department, with an effective date of May 5, 2022; and

**BE IT FURTHER RESOLVED**, that in recognition of Mr. Khutoryanskiy's prior law enforcement experience, the compensation for said position will be set forth in the current collective bargaining agreement between the Glenville PBA and the Town as a fourth-year officer and the Town will use May 5, 2019 as the effective date for the purposes of calculating longevity payments, leave time accruals, and insurance benefits; and

**BE IT STILL FURTHER RESOLVED**, that the Town Clerk, on behalf of this Town Board, be and she hereby is authorized and directed to notify said officer of the aforementioned appointment.

**Ayes: Councilwoman Wierzbowski, Councilmen Godlewski, Martin, Ramotar and Supervisor Koetzle**

Noes: None  
Absent: None  
Abstentions: None

**Motion Carried**

Town Board decision on April 20, 2022.

Councilwoman Wierzbowski describes the resolution and would like to note when we discuss this resolution, we discussed that the cost of the extension is being made solely borne by the property owner and not by the town.

Sponsored by: Christopher A. Koetzle, Supervisor  
Submitted by: Thomas Coppola, Highway Superintendent

**RESOLUTION NO. 111-2022**

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

**WHEREAS,** the Town Board of the Town of Glenville (herein called the "Town Board" and "Town," respectively), in the County of Schenectady, New York, has received a written petition, dated November 6, 2020 as amended on October 29, 2021, pursuant to section 191 of the Town Law, for the extension 25 of Sewer District No.9 (herein called "District") whose petition was signed by the owners of at least one-half (1/2) of the assessed valuation of all taxable real property situate in the proposed District and including the signatures of resident owners of at least one-half (1/2) of the assessed valuation of such taxable real property situate in the proposed District owned by resident owners, all as shown upon the latest completed assessment roll of said Town, and a map, plan and report was prepared and filed by 3M Solutions for the extension of Sewer District No.9 of the Town of Glenville and is now on file in the office of the Town Clerk of the Town for public inspection; and

**WHEREAS,** pursuant to the Order duly adopted on April 6, 2022, the Town Board has determined to proceed with the establishment of the proposed extension to the District and adopted an Order reciting a description of the boundaries of the extension of the District in a manner sufficient to identify the lands included therein as in a deed of conveyance, the improvements proposed, the maximum amount proposed to be expended for the construction of the Sewer Improvement in the District, the proposed method of financing to be employed, the fact that a map, plan and report describing the same are on file in the Town Clerk's office for public inspection and specifying April 20, 2022, at 7:00 PM, as the time when, and the Glenville Municipal Center, 18 Glenridge Road, Glenville, New York, in the Town, as the place where, the Town Board would meet to consider the establishment of an extension of the District and to hear all person interested on the subject thereof concerning the same, and for such other action on the part of the Town Board in relation thereto, as may be required by Law ; and

**WHEREAS,** certified copies of such Order were duly published and posted pursuant to the provisions of the Town Law; and

**WHEREAS,** the Town Board has given due consideration to the impact that the proposed extension to the District may have on the environment and on the basis of such

consideration, the Town Board has found that no substantial adverse environmental impact will be caused by the extension of the District; and

**WHEREAS**, the Town Board and the Town have complied in every respect with all applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act, comprising article 8 of the Environmental Conservation Law and, in connection therewith, a duly processed Negative Declaration and/or other applicable documentation has been filed in the office of the Town Clerk; and

**WHEREAS**, a Public Hearing in the matter was duly held by the Town Board on April 20, 2022, commencing at or about 7:00 PM, at the Glenville Municipal Center, 18 Glenridge Road, Glenville, New York, at which all interested persons desiring to be heard were heard, including those in favor of, and those opposed to, the proposed extension to the District.

**NOW, THEREFORE**, upon the evidence adduced at such public hearing be it

**RESOLVED AND ORDERED** by the Town Board of the Town of Glenville, in the County of Schenectady, New York as follows:

Section 1. It is hereby determined that:

- (a) The Notice of Public Hearing was published and posted as required by Law, and is otherwise sufficient;
- (b) All the property and property owners benefited included within the proposed extension to the District hereinabove referred to in the recitals hereof are benefited thereby;
- (c) All the property and property owners benefited are included within the limits of the proposed extension to the District; and
- (d) It is in the public interest to establish the extension to the District.

Section 2. The establishment of the proposed extension to the District is hereby approved, as hereinafter described, and said District shall be designated and known as Extension No. 25 to Sewer District 9 in the Town and shall include the property commonly known as 213 Sunnyside Road (S/B/L # 30.19-1-18.21).

Section 3. The Sewer Improvement is hereby authorized to be constructed in the District and the amount proposed to be expended therefor, including the expenses incurred in connection with the establishment of the extension to the District, is to be fully borne by the developer; the plan of financing is to be fully and completely borne by the developer, at no cost to the Town or other users in the District.

Section 4. The permission of the State Comptroller is not required with respect to the extension of the District because the cost of the extension to the typical property is not above the Average Estimated Cost to the Typical Properties for the establishment of similar types of districts as computed by the State Comptroller.

Section 5. The Town Clerk of the Town is hereby authorized and directed within ten days after the adoption of this Resolution and Order, to file certified copies thereof, in duplicate, in the office of the State Department of Audit and Control in Albany, New York, record same in the office of the Clerk of the County in which

the Town is located.

Section 6. This Resolution and Order shall take effect immediately.

**Ayes:** Councilwoman Wierzbowski, Councilmen Godlewski, Martin, Ramotar and Supervisor Koetzle

**Noes:** None

**Absent:** None

**Abstention:** None

### **Motion Carried**

Town Board decision on April 20, 2022

Supervisor Comment for the Record: You I just want to point out a few things. I appreciate the comments of the residents and all those who have indicated their either support or opposition to this proposed moratorium. I do want to say it's a measured position for us to take. I don't know if people haven't realized it yet this town has done a lot to encourage and to support solar energy. We have over 350 acres currently either approved, under construction or in the pipeline. That is a significant amount of solar in one town. This is an important step for us to protect and to reevaluate and to make sure we're doing this properly. This town my very first act when I became supervisor, was referenced earlier, I went out and I got these solar panels on this roof. I did that with a grant. I'm not even talking 350 acres or the enormous solar farm that we put on the town's landfill, we did that working with the county. So, I don't want anyone to suggest that to try to indicate that this town is not supportive of solar because we have a moratorium in effect. It's just the opposite. We've done so much recently, that we need to slow this down. There was some politics brought into it, this is not a political issue. Energy independence is critical. There's more than one way to get there. There are some people are blind to it or don't want to see it, but there's more than one way to get there, and this is a part of a bigger strategy nationwide and globally. But here locally we have done our part and we have approved a significant amount of solar. I think this is a very prudent step and I think it's a step that actually will help us come out with a better, stronger, smarter policy in the end and I just wanted to be on the record of those comments.

Councilwoman Wierzbowski: Supervisor, I'd like to thank the residents that came and spoke. I'm always happy when we hear from residents on their point of view with regard to projects within the town, things going on within the town. I agree with the Supervisor that we need to be careful and respectful when we're crafting policy because it's going to be in place for a lot longer than we will be sitting on this Deus. And so, I do believe that taking a measured, methodical approach to expanding any type of project within the town, or whether it be apartments or solar or new homes or businesses. I think it's important that we always are ready to review and take comment from residents on things like that. Some of the points that Andy brought up are very resilient and there are things that we have considered as our solar laws have evolved over the years that I've been on this board and there would certainly be considered going forward as well. So, thank you to everybody.

Councilman Martin: Yeah, I just wanted to also chime in. There is an existing committee the Zoning Revision Committee that will be taking this matter up and we already have a preliminary meeting plan for, I believe it is May 17th. We're going to start, taking up this issue. The other thing I would say is I agree with what Chris said, you know we've taken actually a very proactive stance. We were one of the first communities in the region to have our wider solar energy law adopted and put in place. We've already even made an amendment to that law as I recall regarding the residential scale solar energy. So, you know, we're very encouraging and permissive of solar energy systems, both on a residential scale rooftop structure and even standalones out in backyards. But on this large-scale matter, you know we have some very important agricultural lands. We have very important viewsheds in this Community, so we need to strike the all-important balance. And that's what we're going to try and achieve, here and the committee I reference, I serve on it as a town board liaison, but it's made up of volunteers and our staff, and again, we're taking a you know, a cost-effective approach. But an approach that is inclusive of input from our residence and built upon that so that's what we'll be doing. The last thing I want to say is, this is for two years I don't anticipate it being that long, we have up to two years. I think this is something that, as we have proven in the past, we can get this done. You know, the coming months and not need to take that long and there's a lot of good data out there already. A lot of good information that we can build upon, so I don't see this being a full 2 years in my opinion.

Councilman Ramotar: I just want to go with what he Council Martin said he pretty much said everything I was going to say. I just want to add within a two-year time frame with the changes in science and technology. Yes, energy efficiency is the future, but we're also talking about large scale project which in one year could be half the size. In two years would be 1/4 that size and. We don't know, so we're giving ourselves some time to make the right decision.

Councilman Godlewski: Yes, just to say, I agree with everything that my colleagues have said here tonight. As far as taking a look at this on an ongoing evolving basis and making sure that we're doing what's best for the town over the long haul. I just reach a different conclusion in the end. I think it can be accomplished without the moratorium without hitting the full pause button, so to speak. I appreciate all the comments we had tonight, particularly Mr. Tamko's and of his insight. One of the things as the Supervisor stated, the town has been very proactive in alternate energy sources. We've been very proactive in our solar adopted law and the projects that we've approved also in the electric vehicle stations here in town. So, I want to be clear that it's certainly not a you know for solar against solar type debate. It's just kind of how you go forward and how you handle the mechanics of it, and from my perspective, I just feel that we could do it without putting the full moratorium in place, continue to evaluate projects. I think our solar law is strong. It allows for us in the planning of or to have input into the process. The Planning Board, certainly with site plan review to address some of the viewshed concerns. But I look at a moratorium similar, and I've spared you all silly analogies to this point, but kind of like a no vacancy sign at a hotel. You see the no vacancy sign and you keep going looking for another hotel and if there's projects out there and the projects wanted the developers want to consider Glenville, I think one of our responsibilities is to give them some degree of consideration to ensure that we have a strong law in place and not seeing our laws perfect as Mr. Martin pointed out. But I do think we've put a good law in place and we could do it without the implementation of the moratorium. So those are my thoughts.

Sponsored by: James Martin, Councilman  
Submitted by: Melissa Cherubino, Community Development Director

**RESOLUTION NO. 112-2022**

**Moved by: Councilman Martin**  
**Seconded by: Councilman Ramotar**

**WHEREAS**, the Town of Glenville is proposing Local Law 3 (a copy of which is attached) that enacts a moratorium on Article XXII, "Solar Energy", for the Code of the Town of Glenville; and

**WHEREAS**, the intent of this section is to study the development of solar farms 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 617.5(36) of the State Environmental Quality Review Act in that it involves a moratorium 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, April 20, 2022 at 7:00 PM, at which time and place were heard all persons interested in the local law enacting a moratorium on Article XXII "Solar Energy" for the Code of the Town of Glenville,

**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, April 20, 2022 at 7:00 P.M., that the proposed Local Law 3 amending Article XXII, "Solar Energy", of the Code of the Town of Glenville be and hereby is adopted; and

**BE IT FURTHER RESOLVED**, that Local Law 3 of 2022 shall take effect twenty (20) days after filing with the Secretary of State of the State of New York.

**Ayes: Councilwoman Wierzbowski, Councilmen Martin, Ramotar and Supervisor Koetzle**

**Noes: Councilman Godlewski**

**Absents: None**

**Abstentions: None**

**Motion Carried**

Town Board Decision on April 20, 2022



## **TOWN OF GLENVILLE LOCAL LAW NO. 3 of 2022**

A local law enacting a temporary moratorium on Large Scale Solar Energy Systems Authorized under Local Law #3 of the year 2021.

**Be it enacted** by the Town Board of the town of Glenville as follows:

### **SECTION 1. SHORT TITLE**

This local law shall be cited as Local Law # 3 of 2022 of the Town of Glenville and is entitled the "2022 Temporary Moratorium Law on Large Scale Solar Energy Systems."

### **SECTION 2. LEGISLATIVE FINDINGS**

It is the purpose of this moratorium to enable the Town Board of Glenville New York sufficient time to review the Town's Zoning Code and Local Law # 3-2021 which created the Solar Energy Farm Overlay District; and to recommend modifications to the above cited local law regarding such operations. This review is in accordance with the goals, objectives and policies contained in the adopted Town of Glenville Comprehensive Plan.

Changes to said law would permit an enhanced and easily understood code, to achieve the objectives of the Comprehensive Plan and encourage consistent and fair application of laws pertaining to such operations. Amendments would be considered in regard to further enhancing protection of the environment and possible modifications are felt necessary to permit for careful review and approvals of such development that would allow for continued economic development while assuring that such development is compatible with the community and competing land uses.

During the term of the Moratorium, the Town will conduct research on the subject of large-scale solar installations, which will include reviewing various versions of model legislation being used by other communities and resources made available from the New York State Energy Research and Development Authority and the New York State Department of Agriculture and Markets. The Town will also conduct research on the subjects of the impacts of solar overdevelopment, the impacts of construction of additional substations, the impacts of energy use within the community and sending energy outside of the community, and the impacts of solar development in agricultural districts.

The Town Board recognizes and acknowledges that the Town needs additional time to complete and adopt appropriate local legislation to regulate the future creation and siting of large-scale solar installations in a fashion that best maintains and preserves the identity of the Town. For these reasons, the Town Board finds that temporary moratorium legislation is both advisable and necessary for a reasonable and defined period of time in order to further develop and adopt necessary zoning and land use changes to the Glenville Town Code, thus protecting and furthering the public interest, health and safety.

### **SECTION 3. TEMPORARY MORATORIUM.**

- A. There is hereby adopted in the Town of Glenville, a two (2) year moratorium on the consideration, receipt or granting of land use applications, site plan approval, zoning permit, special permit, zoning variance, building permit, operating permit, subdivision approval, certificate of occupancy, certificate of compliance, temporary certificate, or other Town-level approval of any nature to permit the

siting or creation of "Large Scale Solar Installations" within the Solar Energy Farm Overlay District.

"Large Scale Solar Installations" are defined, for the purpose of this local law, as any installation of solar panels or equipment undertaken principally for commercial purposes with an intention of generating power for resale into the power grid by a third party. Any installations by, or undertaken on behalf of individual landowners, householders, businesses or farmers (even off-site or done through a third-party Power Purchase Agreement), primarily for the purpose of off-setting their own electric energy use shall not be considered a Large-Scale Solar Installation and shall be specifically exempted from this moratorium.

- B. During the term of the moratorium the Town Board intends to further develop, consider and adopt changes to its land use local laws so as to regulate Large Scale Solar Installations within the Solar Energy Farm Overlay District. This moratorium and prohibition shall be in effect beginning on the effective date of this Local Law and shall expire on the earlier of (i) that date which is two (2) years after said effective date; or (ii) the effective date of a Town Board resolution affirmatively stating the Town Board has determined that the need for this moratorium and prohibition no longer exists.
- C. While the moratorium is in effect, no applications shall be accepted, and no permits issued or approvals given by any Board, agency or official of the Town of Glenville for the siting or creation of a Large-Scale Solar Installation within the Solar Energy Farm Overlay District.
- D. Under no circumstances shall the failure of the Town Board of the Town of Glenville, the Zoning Board of Appeals of the Town of Glenville, the Planning Board of the Town of Glenville, or the Code Enforcement Officer for the Town of Glenville to take any action upon any application for a permit, zoning permit, special permit, zoning variance, building permit, operating permit, site plan approval, subdivision approval, certificate of occupancy, certificate of compliance, temporary certificate, or other Town-level approval constitute an approval by default or an approval by virtue of expiration of time to respond to such application.

#### **SECTION 4. APPLICABILITY.**

The provisions of this local law shall apply to all real property within the Town of Glenville, and all land use applications for the siting or creation of Large-Scale Solar Installations within the Town of Glenville Solar Energy Farm Overlay District.

#### **SECTION 5. EXEMPTIONS TO MORATORIUM.**

The foregoing restriction shall not apply to the following: two Large Scale Solar Installations within the Town of Glenville which have been approved by the Town Planning Board: (A) U.S. Light Energy o/b/o NY USLE Glenville Freemans Bridge LLC; and (B) Active Solar at 81 Freemans Bridge Road. This moratorium does not apply to these listed projects or to any further Town Board, Planning Board, Zoning Board of Appeals or administrative action on these projects.

## **SECTION 6. RELIEF FROM APPLICABILITY OF MORATORIUM.**

Applications for land use otherwise subject to this moratorium may be exempted from the provisions of this local law following a noticed public hearing before the Town Board, at which hearing the Town Board shall consider:

1. The proximity of applicant's premises or the subject of applicant's request for relief to natural resources, including but not limited to prime agricultural soils, wetland areas, conservation districts and other environmental concerns.
2. The impact of the proposed application on the applicant's premises and upon the surrounding area.
3. Compatibility of the proposed application with the existing land use and character of the area in general proximity to the subject of the application, and its effect upon aesthetic resources of the community.
4. Compatibility of the proposed application with the recommendations of any administrative body charged with such review by the Town of Glenville.
5. The written opinion of the Town of Glenville Planning Board and the Town of Glenville Building Inspector that such application may be jeopardized or made impractical by waiting until the moratorium is expired.
6. Such other reasonable considerations and issues as may be raised by the Town Board.

In making a determination concerning a proposed exemption or grant of relief from application of the moratorium, the Town Board may obtain and consider reports and information from any source it deems to be consistent with review of said application. A grant of relief from application of the moratorium shall include a determination of unreasonable hardship upon the property owner which is unique to the property owner, and a finding that the grant of an exemption will be in harmony with, and will be consistent with the recommendations of the Comprehensive Plan.

An application for relief of application of the moratorium shall be accompanied by a fee of \$1,000.00, together with the applicant's written undertaking, in a form to be approved by the Town Attorney, to pay all of the expenses of the Town Board and any agent or consultant retained by the Town Board to evaluate and consider the merits of such application.

## **SECTION 7. STATUTORY AUTHORITY; SUPERCESSION.**

This local law is promulgated and adopted pursuant to the authority to adopt local laws under Article IX of the New York State Constitution, Municipal Home Rule Law Section 10 and the State Environmental Quality Review Act, and its implementing regulations. It expressly supersedes any provisions of the Town Code of the Town of Glenville, and sections 267, 267-a, 267-b, 267-c, 274-a, 274-b and 276 of the Town Law of the State of New York. Furthermore, this chapter shall supersede the New York State Environmental Conservation Law section 3-0301(1)(b), 3-0301(2)(m) and 8-0113 and 6 NYCRR Part 617, also known as the State Environmental Quality Review Act, as it pertains to applications that are neither excluded nor exempt from this local law.

This local law shall supersede and suspend those provisions of the Town Code and New York state law which require the Planning Board and the Town Code Enforcement officer to accept, process, and approve land use applications within certain statutory time periods.

#### **SECTION 8. CONFLICTS.**

For and during the stated term of this legislation, unless the stated term thereof shall be modified or abridged by the Town Board, this moratorium shall take precedence over and shall control over any contradictory local law, ordinance, regulation or Code provision.

#### **SECTION 9. SEVERABILITY.**

The invalidity of any word, section, clause, sentence, paragraph, part or provision of this local law shall not affect the validity of any other part of the law which can be given effect without such invalid part or parts.

#### **SECTION 10. EFFECTIVE DATE.**

The effective date of this local law shall be the date upon which it is filed with the Secretary of State.

Sponsored by: Jim Martin, Town Councilman

Submitted by: Melissa Cherubino, Community Development Director

### **RESOLUTION NO. 113**

**Moved by: Councilman Martin**

**Seconded by: Councilman Ramotar**

**WHEREAS**, the Town of Glenville is introducing a Local Law to amend Chapter 101 of the Code of the Town of Glenville, regarding *Building Construction and Fire Prevention*, a copy of which is attached hereto; and

**WHEREAS**, Executive Law § 381(2) requires local governments to administer and enforce the Uniform Code;

**WHEREAS**, 19 NYCRR Part 1203 which contains the "minimum standards" established by the Department of State pursuant to Executive Law § 381(1), requires each local government that administers and enforces the Uniform Code and Energy Code to establish a code enforcement program and to include certain features within that program; and

**WHEREAS**, the Uniform Code and Energy Code were amended, effective May 12, 2020, and based on the new versions of the Uniform Code and Energy Code, corresponding changes were necessary to 19 NYCRR Part 1203 to coordinate these rules and regulations for administration and enforcement of the Uniform Code and Energy Code; and

**WHEREAS**, the proposed Local Law is the product of much study and discussion by the Town of Glenville Code Revision Commission; and

**WHEREAS**, the proposed Local Law clarifies the existing regulations regarding the Energy and Uniform code, and therefore constitutes a Type II Action under the State Environmental Quality Review Act (SEQRA) which does not require further review; and

**WHEREAS**, a duly scheduled public hearing must be held in order to amend the existing code 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 4, 2022 at 7:00 P.M., or as soon thereafter as possible, at which time it will hear all persons interested in the proposed Local Law amending Chapter 101, *Building Construction and Fire Prevention*, of 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

**BE IT STILL FURTHER RESOLVED** that the Town Clerk is directed to place the public hearing on the May 4, 2022 Town Board meeting agenda

**Ayes: Councilwoman Wierzbowski, Councilmen Godlewski, Martin, Ramotar and Supervisor Koetzle**

**Noes: None**

**Absent: None**

**Abstentions: None**

#### **Motion Carried**

Town Board Decision on April 20, 2022

Supervisor Comments: So, we've been working on this new RAISE Grant which is a federally funded transportation grant program which has been infused by the recent infrastructure law passed.

This program helps communities fix and modernize their infrastructure and under this round, the town has retained Barton and Loguidice to prepare a joint application for pedestrian improvements on State Route 5 and the project is called "The Complete Streets".

In order for us to document, the Village of Scotia's, responsibility and commitment to this particular project for the Mohawk Ave portion of the Route 5 project and to clarify their responsibilities.

After we had issues with the last sidewalk project, we want to get an MOU in place for this sidewalk project. The town has presented the village with an attachment MOU and the Village Board will be considering it or has considered it at the April 5th meeting and authorized the mayor to sign.

The Supervisor reviewed the resolution.

Councilman Martin:

I just think this is a great opportunity because this is a large grant program. As I read it, the entire state is allocated \$225 million. We're not thinking small here and the thing I want to emphasize is this is actually spanning several municipalities. If this were to be awarded, hence the need for the MOU with the village. It's rare circumstance in grant programs usually it's a singular award to a single community and this is a big project it's spanning several communities and I really hope we get it. Would be an opportunity for us to put in place some very practical and needed improvements.

Supervisor: Essentially, we'll connect 890 spur to the Western Gateway Bridge for the pedestrian path and that will tie in Maalwyck Park. It will connect a large area.

Councilman Godlewski: Just to echo the sentiments would be fantastic. To see this, play out. Can't do anything else.

Sponsored by: Jim Martin, Councilman  
Submitted by: Melissa Cherubino, Director of Community Development

#### **RESOLUTION NO. 114-2022**

**Moved by: Councilman Martin**  
**Seconded by: Councilman Ramotar**

#### **AUTHORIZATION TO ENTER A MEMORANDUM OF UNDERSTANDING ("MOU") AGREEMENT WITH THE VILLAGE OF SCOTIA REGARDING A USDOT RAISE GRANT APPLICATION FOR DESIGN AND (RE-) CONSTRUCTION OF MOHAWK AVE AND AMSTERDAM RD TO I-890**

**WHEREAS**, the Town of Glenville and the Village of Scotia (the "Town", the "Village" or collectively the "Parties") seek to jointly apply for a 2022 RAISE grant for funding to design and (re-)construct pedestrian facilities along Mohawk Ave and Amsterdam Rd from Collins Park to the I-890 exchange including a proposed pedestrian bridge crossing the Mohawk River over the Canalway dam at Lock 8 (hereinafter the "Project"); and

**WHEREAS**, the RAISE grant is an 80% award with a 20% match requirement that can be leveraged with State funding opportunities including New York State Department of Transportation's Accessibility Funds at 15%, the New York State Department of Environmental Conservation's Climate Smart Communities at 50%, and the New York State Department of State's Local Waterfront Redevelopment at 75% and Canal Funds at 50%; and

**WHEREAS**, the proposed MOU apportions costs based on the location of work and the expense of improvements, allowing for the reconsideration of responsibilities based on actual costs during design and construction as well as the success of grant applications; and

**WHEREAS**, the Village had a Feasibility Study conducted by consultants at the Capital District Transportation Committee (CDTC) regarding the reconstruction of Mohawk Avenue which will benefit the Town's efforts to create pedestrian connections between residential neighborhoods, recreation at Maalwyck Park, providing necessary services in the community and job opportunities within the Glenville Business & Technology Park; and

**WHEREAS**, the Town Park Plan includes proposed pedestrian amenities at Maalwyck Park, which includes connectivity with adjoining neighborhoods and linking to the Erie Canal Trail and Mohawk Hudson Bike Trail in Rotterdam; and

**WHEREAS**, the Glenville Business & Technology Park Redevelopment Plan and Market Analysis recommended creating pedestrian access connecting the Business Park to Maalwyck; and

**WHEREAS**, the Town retained Barton & Loguidice to prepare the grant application which requires submission of a cost benefit analysis, location maps, concept plans and cost estimates; and

**WHEREAS**, the Town and Village seek to apportion costs and document responsibilities of the parties prior to application or award; and

**WHEREAS**, the Town of Glenville, Schenectady County, New York has established that the proposed project is of significant public benefit to the Town and Village residents as a quality-of-life amenity with regional importance; and

**WHEREAS**, the Village approved the agreement at its April 5, 2022 Board meeting;

**NOW, THEREFORE, BE IT RESOLVED THAT,**

The Glenville Town Board Authorizes the Supervisor to sign the attached MOU agreement with the Village for design and construction of the Project subject to a 2022 RAISE grant funding award.

This resolution will take effect immediately.

**Ayes: Councilwoman Wierzbowski, Councilmen Godlewski, Martin, Ramotar and Supervisor Koetzle**

**Noes: None**

**Absent: None**

**Abstention: None**

**Motion Carried**

Town Board decision on April 20, 2022

Sponsored by: Christopher A. Koetzle, Town Supervisor

Submitted by: Jason Cuthbert, Town Comptroller

**RESOLUTION NO. 115-2022**

**Moved by: Councilwoman Wierzbowski**

**Seconded by: Councilman Godlewski**

**WHEREAS**, the State of New York requires each municipality to establish a standard work day for the purposes of reporting time worked for the members of the New York State and Local Retirement System; and

**WHEREAS**, State Law requires that the standard work day for elected and appointed officials be fixed at not less than six (6) hours per day; and

**WHEREAS**, the Office of the New York State Comptroller has updated its requirements for reporting standard work days of elected and appointed officials to the New York State and Local Retirement System;

**NOW, THEREFORE, BE IT RESOLVED**, that the Glenville Town Board, through the attached form RS 2417-A Standard Work Day and Reporting Resolution provided by the Office of the New York State Comptroller, hereby establishes the standard work days for the elected officials identified therein.

**Ayes: Councilwoman Wierzbowski, Councilmen Godlewski, Martin, Ramotar and Supervisor Koetzle**

**Noes: None**

**Absent: None**

**Abstentions: None**

**Motion Carried**

Town Board decision on April 20, 2022.

Supervisor Comments: Talked about the importance this appointment has for the Town. This resolution will start to build the Parks Department and it's one of many steps for the Town parks. We worked with CSEA and agreed to let a weekend worker and this will help our Town parks.

Sponsored by: Christopher Koetzle, Town Supervisor  
Submitted by: Vicki Hillis, Director of Human Services

#### **RESOLUTION NO. 116-2022**

**Moved by: Councilwoman Wierzbowski**

**Seconded by: Councilman Godlewski**

**WHEREAS**, the 2022 Adopted Town Budget included funding for a new Parks Worker position in the Glenville Parks Department; and

**WHEREAS**, the Town of Glenville advertisement for the position resulted in several applicants for the position; and

**WHEREAS**, the Commissioner of Public Works and Director of Human Services conducted interviews to fill the vacancy; and

**WHEREAS**, the Commissioner of Public Works and Director of Human Services recommend that Peter Guidarelli be appointed to the position;

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



Glenville hereby provisionally appoints Peter Guidarelli, 222 South Ten Broeck St, Scotia, New York to the position of Parks Worker, effective May 2, 2022, at a starting rate for such title of \$16.34 per hour.

**Ayes: Councilwoman Wierzbowski, Councilmen Godlewski, Martin, Ramotar and Supervisor Koetzle**

**Noes: None**

**Absent: None**

**Abstention: None**

**Motion Carried**

Town Board decision on April 20, 2022.

**RESOLUTION NO.117-2022**

**Moved by: Councilman Godlewski**

**Seconded by: Councilwoman Wierzbowski**

**BE IT RESOLVED**, that the minutes of the Regular Town Board meeting held on April 6, 2022 are hereby approved and accepted as entered.

**Ayes: Councilwoman Wierzbowski, Councilmen Martin, Ramotar and Supervisor Koetzle**

**Noes: None**

**Absent: None**

**Abstention: Councilman Godlewski**

**Motion Carried**

**Town Board decision on April 20, 2022**

Sponsored by: Christopher A. Koetzle, Town Supervisor

Submitted by: Julie Davenport, Town Clerk

**RESOLUTION NO. 118**

**Moved by: Councilman Godlewski**

**Seconded by: Councilwoman Wierzbowski**

**BE IT RESOLVED** that the **Monthly Departmental Reports** for March, 2022 as received from the following:

Assessors Department  
Justice Department  
Receiver of Taxes  
Town Clerk's Office  
Police Department  
Planning/Building Department

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

**Ayes: Councilwoman Wierzbowski, Councilmen Godlewski, Martin, Ramotar and Supervisor Koetzle**

**Noes: None**

**Absent: None**

**Abstention: None**

### **Motion Carried**

Town Board decision on April 20, 2022

A correction was made to Resolution 96-2022 Approving the minutes to the Regular Town Board Meeting 3-2-2022. Councilmen Martin and Ramotar voted yes to approve the minutes from the 3-2-2022 meeting however they were absent that evening and therefore should have abstain from voting at the 3-16-2022 meeting.

The correction was discussed all members of the Board voted yes to correct the resolution.

### **New Business:**

**Councilman Godlewski:** Shared he went to Washington D.C. for a conference and had a very nice time and was inspired to be at the nation's capital.

**Councilwoman Wierzbowski: Nothing**

**Councilman Martin: Nothing**

**Councilman Ramotar: Nothing**

**Supervisor Koetzle: Nothing**

**Supervisor Koetzle:** I will take a motion to adjourn the Town Board Meeting

Moved: Councilman Martin

Seconded: Councilman Ramotar

All in favor

Meeting is adjourned at 7:49 PM.

ATTEST

*Julie Davenport*

Julie Davenport

Town Clerk





MEMORANDUM OF UNDERSTANDING  
BETWEEN  
Town of Glenville and Village of Scotia  
Rebuilding American Infrastructure with Sustainability and Equity  
(RAISE) GRANT APPLICATION FOR RTE 5 SIDEWALK IMPROVEMENTS

1. Parties. This Memorandum of Understanding (hereinafter referred to as the "MOU") is made and entered into by and among the Town of Glenville, whose address is 18 Glenridge Road Glenville, New York 12302 and the Village of Scotia, whose address is 4 N. Ten Broeck Street, Scotia, New York 12302; (each a "Party" and, collectively, the "Parties").

2. Purpose. The purpose of this MOU is to establish the terms and conditions under which the Parties will collectively apply for grant funding; retain and pay for a consultant to conduct survey and design work regarding sidewalk installations (the "Design Work"); and BID construction for Route 5 improvements in the Town of Glenville, New York, funded in part under the RAISE grant (the "Grant").

3. Term of MOU. This MOU is effective upon its full execution by the duly authorized representatives of the parties hereto and shall remain in full force and effect until the Work has been completed.

4. Responsibilities of Parties. The Town of Glenville, as lead applicant for the Grant, will retain a consultant, Barton & Loguidice, to apply for the Grant. Upon award of the grant funding the Town will take lead in coordinating selection of a consultant and bidding the project for successful completion of the Work, subject to the Village participating in review and approval of the Request For Proposal (RFP) issued by the Town; the rating and selection of a design consultant; and approval of the BID documents. All parties shall participate in design review meetings as well as construction meetings, making every effort to assist with ROW acquisition and resolve neighborhood issues. All parties shall contribute funds to pay apportioned cost of the Work, estimated as set forth herein and on Exhibit A attached hereto, with the remaining eighty-percent (80%) being paid from the Grant. Following are the proposed cost apportionment based on project estimates:

(a) Mohawk Avenue.

The Parties' share of the cost of the Work for Mohawk Avenue sidewalk design and construction shall be paid by the Village of Scotia. Total costs for work on both sides of Mohawk Avenue to the Town of Glenville municipal border are estimated at four million four hundred fifty thousand dollars (\$4.45 million), twenty-percent (20%) of which is eight hundred and ninety thousand dollars (\$890,000). An existing sixty-five-thousand-dollar (\$65,000) grant from the Recreational Trails Program awarded to the Village may be applied to the match portion if the RAISE program accepts the match. Future or concurrent applications may be made to New York State funding sources to apply for matching funds, including but not limited to NYSDOT ADA funding at 15%; and NYSDEC Climate Smart Communities at 50%. Award of any NYS funds would reduce the required match.

(b) Amsterdam Rd at Municipal Boundary to 890, including Bridge Crossings.

The Parties' share of the cost of the Work for Amsterdam Road to I-890 sidewalk shall be paid by the Town of Glenville. Work shall include pedestrian access crossing on two bridges – I-890 bridge and the Lock 8 abandoned RR bridge. Total costs are estimated at four million four hundred fifty thousand dollars (\$4.45 million), twenty-percent (20%) of which is eight hundred and ninety thousand dollars (\$890,000). An existing two-hundred-fifty-thousand-dollar (\$250,000) project under NYSDOT may be applied to the match portion if the RAISE program accepts the match. Future or concurrent applications may be made to New York State funding sources to apply for matching funds, including but not limited to NYSDOT ADA funding at 15%; and NYSDEC Climate Smart Communities at 50%. Award of any NYS funds would reduce the required match.

- (c) The Parties share' of the cost of the Work will be adjusted where the proportional costs for each municipal project exceeds or proves less than the estimated costs.
- (d) The Town of Glenville would be solely responsible for any additional sidewalk or multi-use path design or installation further west than I-890 exchange in association with the proposed project. However, the town is not obligated to continue the project beyond I-890 exchange.

## 5. **General Provisions**

(a) **Amendments.** Any party may request changes to this MOU but only changes, modifications, revisions or amendments to this MOU which are mutually agreed upon by and among all of the Parties to this MOU shall be incorporated by written instrument, and effective only when executed by all Parties to this MOU.

(b) **Applicable Law.** The construction, interpretation and enforcement of this MOU shall be governed by the laws of the State of New York. The courts of the State of New York shall have jurisdiction over any action arising out of this MOU and over the parties, and the venue shall be the Fourth Judicial District, Schenectady County, New York.

(c) **Entirety of Agreement.** This MOU, consisting of five (5), pages, represents the entire and integrated agreement among the Parties and supersedes all prior negotiations, representations and agreements, whether written or oral.

(d) **Severability.** Should any portion of this MOU be judicially determined to be illegal or unenforceable, the remainder of the MOU shall continue in full force and effect.

(e) **Third Party Beneficiary Rights.** The Parties do not intend to create in any other individual or entity the status of a third-party beneficiary, and this MOU shall not be construed to create such status. The rights, duties and obligations contained in this MOU shall operate only among the Parties to this MOU, and shall inure solely to the benefit of the parties to this MOU. The provisions of this MOU are intended only to set

forth the obligations of the Parties under this MOU. The Parties to this MOU intend and expressly agree that only the Parties who have executed this MOU shall have any legal or equitable right to enforce the terms of this MOU.

IN WITNESS WHEREOF, the Parties, through their duly authorized representatives, have executed this MOU and certify that they have read, understood, and agreed to the terms and conditions of this MOU as set forth herein.

Town of Glenville

\_\_\_\_\_  
Christopher Koetzle, Town Supervisor

\_\_\_\_\_  
Date

**cl**   
\_\_\_\_\_  
Thomas Gifford, Mayor

4/5/2022

\_\_\_\_\_  
Date



Exhibit A

Estimated Cost Breakdown

RAISE Grant 80%	\$7,120,000
Glenville 10%	\$890,000
Scotia 10%	\$890,000
TOTAL PROJE COST	\$8,900,000.00

Received Date

**Standard Work Day and  
Reporting Resolution for  
Elected and Appointed Officials**

Employer Location Code

3 0 0 5 6

SEE INSTRUCTIONS FOR COMPLETING FORM ON REVERSE SIDE

**RS 2417-A**

(Rev.11/19)

BE IT RESOLVED, that the Town of Glenville / 30056 hereby established the following standard work days for these titles and will

(Name of Employer)

(Location Code)

report the officials to the New York State and Local Retirement based on their record of activities:

Name	Social Security Number	NYSLRS ID	Title	Current Term Begin & End Dates	Standard Work Day	Record of Activities Result	Not Submitted	Pay Frequency	Tier 1
<b>Elected Officials:</b>									
Elcid Ramotar	xxxx	xxxx	Town Boardmember	01/01/22-12/31/25	6	4.93 days/mo	<input type="checkbox"/>	Biweekly	<input type="checkbox"/>
							<input type="checkbox"/>		<input type="checkbox"/>
							<input type="checkbox"/>		<input type="checkbox"/>
<b>Appointed Officials:</b>									
							<input type="checkbox"/>		<input type="checkbox"/>
							<input type="checkbox"/>		<input type="checkbox"/>
							<input type="checkbox"/>		<input type="checkbox"/>

**Julie Davenport**

(Name of Secretary or Clerk)

secretary/clerk of the governing board of the

(Circle one)

**Town of Glenville**

(Name of Employer)

of the State of New York,

do hereby certify that I have compared the foregoing with the original resolution passed by such board at a legally convened meeting held on the 20th day of April, 2022  
on file as part of the minutes of such meeting, and that same is a true copy thereof and the whole of such original.

**IN WITNESS WHEREOF**, I have hereunto set my hand and the seal of the Town of Glenville

(Name of Employer)

on this May day of 2022

(Signature of Secretary or Clerk)

Julie Davenport

being duly sworn, deposes and says that the posting of the Resolution began on

(Name of Secretary or Clerk)

**Affidavit of Posting:** I, 4/25/2022 and continued for at least 30 days. That the Resolution was available to the public on the:

(Date)

☒ Employer's website at: www.townofglenville.org

☐ Official sign board at: \_\_\_\_\_

☒ Main entrance Secretary or Clerk's office at: Glenville Town Hall, 18 Glenridge Rd, Glenville NY 12302

Page 1 of 1

(for additional rows, attach a RS 2417-B form.)

(seal)