

Mayor Kastberg called the meeting to order at 7:00 p.m.

PRESENT: Trustee Gatta, Gifford, Kohout, Rizzo and Mayor Kastberg

**PRIVILEGE OF THE FLOOR**

*Mayor Kastberg opened the privilege of the floor at 7:01 p.m.*

No one wished to speak.

*Mayor Kastberg closed the privilege of the floor at 7:02 p.m.*

**DUNKIN DONUTS SPECIAL USE PERMIT**

Tom Andress of ABD Surveyors & Engineering provided an overview of the proposed drive thru at the Dunkin Donuts located at 17 Mohawk Avenue.

**Public Hearing**

*Mayor Kastberg opened the public hearing at 7:03 p.m.*

No one wished to speak.

*Mayor Kastberg closed the public hearing at 7:04 p.m.*

**SEQRA Determination**

**MOVED** by Trustee Gifford, seconded by Trustee Rizzo that

Whereas, a Special Use Permit Application was submitted to the Board of Trustees for 17

Mohawk Avenue (currently operated as a Dunkin Donuts) for a Auto Drive-thru, and

Whereas, it is determined that the proposed special use permit application is an unlisted action, now therefore

Be it resolved, that said special use permit application approval would have a significant adverse impact on the environment due to traffic concerns on Mohawk Avenue.

Ayes: Trustee Gifford, Kohout, Rizzo and Mayor Kastberg

Noes: None

Abstentions: Trustee Gatta

**Action**

**MOVED** by Trustee Gifford, seconded by Trustee Rizzo that

Whereas, Dunkin Donuts, located at 17 Mohawk Avenue, has made application for a special use permit for an Auto Drive-thru, and

Whereas, the Planning Board has approved the site plan review for the property, and

Whereas, the County Department of Planning has deferred to local consideration but has concern about sidewalks and landscaping, and

Whereas, the Board of Trustees has considered Sections 250-60 to 250-66 of the Village Code in regard to the review of the special use permit application, and

Whereas, Tom Melander, the Village Traffic Safety Consultant and the Traffic Safety Committee had reviewed the plan and found that there is inadequate queuing space for drive-in cars on site which could cause serious problems with traffic backing up onto Mohawk Avenue, especially

since peak customer hours in the morning coincide with peak traffic on Mohawk Avenue, and

Whereas, the Board of Trustees is familiar with the application and traffic patterns on Mohawk Avenue and agrees with the Traffic Safety findings,

Whereas, the Board is also concerned that no sidewalk or handicap accessibility exists, and that the Village Comprehensive Plan calls for the Business Improvement District to have sidewalks and be pedestrian friendly and further that the Board finds that in the interest of safety that sidewalks should be installed and demarked because of the increased traffic flow into the parking area that the addition of the Drive-thru would cause, now therefore

December 14, 2010

Be it Resolved that the Board of Trustees denies the Special Use Permit Application of Dunkin Donuts for 17 Mohawk Avenue for an Auto Drive-thru due to inadequate accommodation for traffic flow from Mohawk Avenue (and lack of sidewalks) as more fully described above.

Ayes: Trustee Gifford, Kohout, Rizzo and Mayor Kastberg

Noes: None

Abstentions: Trustee Gatta

### **WATERFRONT DEVELOPMENT PROJECT**

The Mayor held a public informational meeting and allowed for public input on schematic design options for the second phase of the Village of Scotia Waterfront Development Project. The first phase of the project included a combination of hard and soft bank stabilization measures. The Village has been awarded additional project funding by the New York State Department of State with funds provided under Title 11 of the Environmental Protection Fund. This second phase includes landscaping, establishment of a walking path, construction of an overlook area and dock improvements.

*There was no input from the public.*

### **PROPOSED COLD WAR VETERANS PARTIAL EXEMPTION LOCAL LAW**

**MOVED** by Trustee Rizzo, seconded by Trustee Kohout to Introduce Proposed Local Law 2010-F regarding a partial exemption for certain Cold War Veterans pursuant to Section 458-b of the New York State Real Property Tax Law and to set the public hearing for the next regular meeting of the Board of Trustees, January 11, 2011 at 7:00p.m. at Village Hall.

Ayes: Trustee Gatta, Gifford, Kohout, Rizzo and Mayor Kastberg

Noes: None

Abstentions: None

### **WATER AND SEWER BILL PAYMENT LOCAL LAW**

**MOVED** by Trustee Kohout, seconded by Gifford to Introduce Proposed Local Law 2010-G regarding the requirement that Water and Sewer Bills be paid in full and to set the public hearing for the next regular meeting of the Board of Trustees, January 11, 2011 at 7:00p.m. at Village Hall.

Ayes: Trustee Gatta, Gifford, Kohout, Rizzo and Mayor Kastberg

Noes: None

Abstentions: None

### **PILOT AGREEMENT**

**MOVED** by Trustee Gifford, seconded by Trustee Kohout that  
Whereas, the Payment in Lieu of Taxes Agreement with the Scotia Committee Housing Development Fund Company, Inc. located at 201 Fifth Street has expired, and  
Whereas, the Scotia Committee Housing Development Fund Company, Inc. has approved a new agreement with the Village of Scotia, now therefore

Be it Resolved that the Board of Trustees approves the new PILOT agreement with the Scotia Committee Housing Development Fund Company, Inc. and authorizes the Mayor to sign the same.

Ayes: Trustee Gatta, Gifford, Kohout, Rizzo and Mayor Kastberg

Noes: None

Abstentions: None

December 14, 2010

### **RECORDS RETENTION CONTRACT**

**MOVED** by Trustee Gifford, seconded by Trustee Kohout that

Whereas, the Village is the recipient of a records retention grant from the New York State Department of Education, now therefore

Be it Resolved that the Board of Trustees approves the contract with K Sickler-Murphy, Records Management Consultants to provide a needs assessment.

Ayes: Trustee Gatta, Gifford, Kohout, Rizzo and Mayor Kastberg

Noes: None

Abstentions: None

### **WINTER FESTIVAL**

**MOVED** by Trustee Rizzo, seconded by Trustee Kohout that

Whereas, the Park Board has for a second year proposed a Winter Festival for February 19, 2011 to be held in Collins Park now therefore,

Be it Resolved that the Board of Trustees designates the Winter Festival to be held February 19, 2011 as a Village Event for insurance purposes.

Ayes: Trustee Gatta, Gifford, Kohout, Rizzo and Mayor Kastberg

Noes: None

Abstentions: None

### **COLLINS PARK EVENTS**

**MOVED** by Trustee Gifford, seconded by Trustee Gatta that

Whereas, the Park Board has approved the application of Parks and Trail NY for July 16, 2011 pending completion of certain conditions including approval by the Board of Trustees for overnight sleeping, now therefore,

Be it Resolved that the Board of Trustees authorizes members of Parks and Trail NY to sleep overnight in Collins Park July 16, 2011 more fully described in the Park Board application.

Ayes: Trustee Gatta, Gifford, Kohout, Rizzo and Mayor Kastberg

Noes: None

Abstentions: None

### **MAYOR'S COMMENTS TO THE BOARD**

Continuing to work with Community Gardens on an agreement for use of land at the Flint House. The Village applied for a Home Improvement Grant for residents in the Village of Scotia; the grant was written by Shelter Planning. The grant was denied; Shelter Planning has agreed to resubmit a proposal next year free of charge. Public Service Commission has approved the Franchise Agreement with Verizon.

### **CORRESPONDENCE/LIAISON AND SPECIAL COMMITTEE REPORTS**

**Trustee Gatta** – No report

**Trustee Gifford** – Attended Fire Department meeting. Attended Planning Board meeting; discussed apartment building on Mohawk Avenue.

**Trustee Kohout** – Attended Park Board meeting; many applicants that have used the park are applying for use again.

**Trustee Rizzo** – Holiday on the Avenue was a very successful event. Concerned with overnight parking on Village streets; suggested publicizing a notice as a reminder to residents.

### **DEPARTMENTAL REPORTS**

**MOVED** by Trustee Rizzo, seconded by Trustee Gifford that the Departmental reports be accepted as presented with thanks.

Ayes: Trustee Gatta, Gifford, Kohout, Rizzo and Mayor Kastberg

December 14, 2010

Noes: None  
Abstentions: None

#### **AUDIT OF CLAIMS**

**MOVED** by Trustee Gifford, seconded by Trustee Gatta that be it resolved that all claims against the Village dated December 14, 2010, be allowed and ordered paid in full in the amounts claimed. Further the Clerk/Treasurer is hereby authorized to draw checks in the claimants' favor and in the full amount listed and charge the same to the funds listed therein.

Ayes: Trustee Gatta, Gifford, Kohout, Rizzo and Mayor Kastberg  
Noes: None  
Abstentions: None

#### **MINUTES OF THE SPECIAL MEETING HELD NOVEMBER 2, 2010**

**MOVED** by Trustee Gifford, seconded by Trustee Kohout that the minutes of the November 2, 2010 Village of Scotia, Board of Trustees meeting are hereby approved.

Ayes: Trustee Gifford, Kohout, Rizzo and Mayor Kastberg  
Noes: None  
Abstentions: Trustee Gatta

#### **MINUTES OF THE REGULAR MEETING HELD NOVEMBER 9, 2010**

**MOVED** by Trustee Kohout, seconded by Trustee Gifford that the minutes of the November 9, 2010 Village of Scotia, Board of Trustees meeting are hereby approved.

Ayes: Trustee Gifford, Kohout, Rizzo and Mayor Kastberg  
Noes: None  
Abstentions: Trustee Gatta

#### **MINUTES OF THE SPECIAL MEETING HELD NOVEMBER 22, 2010**

**MOVED** by Trustee Gifford, seconded by Trustee Kohout that the minutes of the November 22, 2010 Village of Scotia, Board of Trustees meeting are hereby approved.

Ayes: Trustee Gifford, Kohout, Rizzo and Mayor Kastberg  
Noes: None  
Abstentions: Trustee Gatta

#### **MINUTES OF THE ORGANIZATIONAL MEETING HELD DECEMBER 6, 2010**

**MOVED** by Trustee Kohout, seconded by Trustee Gifford that the minutes of the December 6, 2010 Village of Scotia, Board of Trustees meeting are hereby approved.

Ayes: Trustee Gatta, Gifford, Kohout, Rizzo and Mayor Kastberg  
Noes: None  
Abstentions: None

#### **NEW BUSINESS**

##### **DEMOLITION OF 302 MOHAWK AVENUE**

**MOVED** by Trustee Rizzo, seconded by Trustee Kohout that

Whereas, Robert Williams, the owner of 302 Mohawk Avenue, Scotia has not complied with the Order to Demolish and Remove the unsafe building thereon by the deadline of December 13<sup>th</sup> as stated in the Notice, and

Whereas, the Village is authorized under the law to have the demolition done and the cost assessed against the property if the property owners fails to do it as required in the Notice, and

Whereas, prior to the demolition, certain environmental assessments have been completed, the cost of which may be assessed against the property, now therefore,

December 14, 2010

Be it Resolved that the Board of Trustees authorizes McDonald Engineering to prepare bid specifications and to seek bids as required by law for the demolition and removal of 302 Mohawk Avenue, the a cost not to exceed \$4,500, the cost of which will be assessed against the property owner and placed as a lien against the property and be relevyed onto the tax bill if unpaid, and further

The Board of Trustees authorizes any environmental assessment that may be required, the cost of which will be assessed against the property owner and placed as a lien against the property and be relevyed onto the tax bill if unpaid.

Ayes: Trustee Gatta, Gifford, Kohout, Rizzo and Mayor Kastberg

Noes: None

Abstentions: None

### **SEWER TREATMENT PLANT BID**

**MOVED** by Trustee Rizzo, seconded by Trustee Gatta that

Whereas, the Board of Trustees previously authorized the solicitation of bids for the demolition of the old sewer treatment plant, and

Whereas, the bids were due on December 7<sup>th</sup>, and

Whereas, it was discovered prior to the bid opening that the bid specifications were not specific enough and the bids were not opened, now therefore,

Be it Resolved that the Board of Trustees rejects all bids that were due December 7<sup>th</sup> and authorizes the project to be re-bid with new specifications.

Ayes: Trustee Gatta, Gifford, Kohout, Rizzo and Mayor Kastberg

Noes: None

Abstentions: None

**MOVED** by Mayor Kastberg, seconded by Trustee Gifford that Jenny Lippman be and she is hereby appointed to serve as Chairman of the Planning Board for a term of one year to serve as such without compensation.

Ayes: Trustee Gatta, Gifford, Kohout, Rizzo and Mayor Kastberg

Noes: None

Abstentions: None

**MOVED** by Mayor Kastberg, seconded by Trustee Gatta that E. Thomas Neals be and he is hereby appointed to serve as member of the Traffic Safety Committee for a term of one year to serve as such without compensation.

Ayes: Trustee Gatta, Gifford, Kohout, Rizzo and Mayor Kastberg

Noes: None

Abstentions: None

The Mayor suggested the following topics be discussed at the January work session:

Initiatives and priorities for 2011

Waterfront Project Funding – Village share

Code Committee – Number of Park Board members

Community Garden at Flint House

### **ADJOURNMENT**

**MOVED** by Trustee Rizzo, seconded by Trustee Gifford to adjourn the meeting at 8:02 p.m.

Ayes: Trustee Gatta, Gifford, Kohout, Neals and Mayor Kastberg

Noes: None

Abstentions: None

December 14, 2010

Respectfully submitted,

Maria A. Schmitz  
Clerk to the Village Board of Trustees