

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

PRESENT: Trustee Gifford, Mathes, Tiberio and Mayor Kastberg

EXCUSED: Trustee Rizzo

Mayor Kastberg swore in Police Officer Danielle Peck and Police Chief Frisoni presented her with her badge.

Mayor Kastberg opened the privilege of the floor at 7:08p.m.

Jerry Moore of 122 Jay Street read the following:

My name is Jerry Moore – J-e-r-r-y M-o-o-r-e – and anyone who wants a copy of what I say tonight can contact me at JerryMoore@nycap.rr.com or request an electronic copy from the Village Clerk.

I know the Village, members of the audience, the Village Board and many, many others will join with me in expressing our sorrow and condolences on the passing of Jane Meier, a loyal Yankee's fan who worked for 22 years at the telephone company with perfect attendance until her retirement; and WWII veteran Valentine Daloisio, who retired from NY Telephone and was a longtime active member of St. Joseph's Church and the Kiwanis. We also remember Reverend John Page Jr., who served as the devoted minister of the First Reformed Church of Scotia for 25 years. You can honor him by following his example and becoming an organ donor by signing the "anatomical gift" section on the back of your driver's license. Finally, Richard Fonda, who was 90 years old, has died. He was a WWII veteran who retired from GE, but you probably know him best as the Jumpin' Jacks security officer, a job which he performed like a figure out of a Norman Rockwell painting until he was 88 years old. I think he was a bit annoyed by my bicycle, which I possibly may have buzzed him a bit too closely on occasion. All of them are deeply missed by those who knew them and our community has been greatly enriched by their presence among us.

I would like to thank the village staff for addressing a couple of issues on the village website which should improve the ability of residents to know when village meetings are held. As recently as last week, I missed the Trustee's work session because it was originally scheduled for last night on the website calendar. Also, if you looked at the homepage tonight at 5 pm, you would have thought the next meeting of the Village Board is February 28th, instead of tonight. The Events column on the homepage needs fixing. I have finished my preliminary review of Collins and Freedom Parks. In March, I will submit a comprehensive overview of the problems I have found. Tonight, I will focus on only one of these problems, the requirement for groups to provide \$1 million comprehensive liability insurance to use any village facility. This requirement was imposed by the Village Trustees on September 10, 1986, when \$1 million was worth what \$2.2 million is worth today, according to the CPI Inflation Calculator at the Bureau of Labor Statistics.

The requirement for this insurance facially applies only to groups, as does the requirement to file an application to obtain a permit. The first line on the application for a permit is "Name of your group." Section 182-2 of the village code requires a permit in village parks to remain after hours, to use athletic fields, to engage in fund-raising, vending or soliciting, or to use the Lion's Pavilion or the Freedom Park stage, amphitheater or dance floor. A permit is also required for any for-profit activity, for any type of formal or informal group athletic activity and for every group of more than 19 persons. Under the code, permits are required based on activities or uses, not the number of persons involved, but the application for a permit suggests that only groups must apply for permits. Indeed, the

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application suggests that only groups can apply for permits.

In the first paragraph of the application we read, "the undersigned ... does hereby certify that all persons connected with the group or organization ... will comply with all rules..." Further down, it says, "Groups will be charged a rate per field..." In addition to Name of Group, item #4 states, "Approximate number in group;" item #6 asks for "Plans for managing parking," and item #16 asks for "Officer or name of person in charge."

Prior to the signature line, the applicant must verify that s/he "is authorized to sign on behalf of the group or organization listed above."

Based on your permit application, if I, as an individual, want to throw shot puts or javelins in the ball fields, or remain after hours in the park, or solicit funds, or use the stage or the pavilion, I do not need a permit.

And, based on your Insurance Requirement policy, I do not need to have the village listed as an additional insured interest because it only applies to groups. No where is the term group defined, but group never means just one person unless specially defined.

Your response about permits might be that the application form is flawed, and the code prevails. If 1 or more persons want to use the Freedom Park stage, amphitheater or dance floor, which is what I will focus on for the rest of this issue, he, she or they must apply for a permit. Is that the rule? Lots of people use Freedom Park to eat their Jumpin' Jacks meals while their kids play on the dance floor. Nobody is getting issued appearance tickets for violating the village code, or for failing to name the village as an additional insured on \$1 million insurance policies. If I want to play a guitar, or bongos, or a harmonica, or trombone or tuba, or cymbals in the amphitheater instead of eating a sandwich, do I need a permit and insurance?

The mayor's response to this seems to be if nobody complains you can do it.

If somebody complains, then they get a ticket. That is unacceptable. It gives you too much arbitrary power and it provides no notice to park users about what the real rules are. If all you need is a complaint, then every morning during the summer, I'm going to check in with the clerk's office to find out who has a permit to use Freedom Park, and then I'm going to Freedom Park and call the cops, or the Parks Department or the park guards every time I see someone without a permit "using" the amphitheater, dance floor or stage. You are going to get sick of me, because I want to know what the real rules are.

For the moment, let's assume the real rule is that every use of the amphitheater, dance floor or stage requires an individual or group to file an application to obtain a permit. So, I take my \$25 to the clerk and say, "I want to play my trombone on the stage." She says, "Fine, that's another \$50 for the stage, since you're a village resident." I say, "That's a little steep. How much for the dance floor or amphitheater?" She says, "Those are free." I say, "Sold." Then she says, "You didn't fill out line 14 in your application. You have to provide the name and address of your insurance company." I say, "I'm not a group." She says, "You have to provide insurance."

What's the real rule, here? Do individuals have to provide insurance?

That's not written anywhere. Not in the Trustee minutes, not in the code, and not in the Insurance Requirements policy. So, let's say I win that one. I pay \$25 for the application and permit, get the dance floor for free and provide no insurance. Then, while I'm blowing away in the park, my buddy Jammin' Sam sees me and he happens to have his bongos in the car. And Strummin' Will says he has his banjo. And then Blarin' Ben comes running up with his trumpet. And while we're blowin', jammin' strummin' and blarin' the park guards say, "You got insurance?" I say, "I'm by myself." Then they hand us four appearance tickets for failing to provide you with \$1

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million of insurance for making music in the park. Not \$300,000 of homeowners liability insurance, which you accept for the Lion's Pavilion even though nothing in the minutes or code shows that the Trustees created this exception to the Insurance Requirements policy, but \$1 million.

Do you want to know why people aren't using Freedom Park? It's because of your rules! My daughter wanted to belly dance in Freedom Park with 2 of her friends. They call themselves Half-Moon Tribal. They have performed in fund-raisers, bars, and halls throughout the area. They have presented an educational program at the Schenectady County Public Library. They perform for free every month at Arthur's Market and Historic Coffeehouse. They have performed several times at various events at the Saratoga Springs National Museum of Dance. But if she wants to do an hour show on stage for the village in a park that we own and pay for, she has to pay \$25 for a permit, \$50 for the stage, and possibly more money for overtime and bathrooms, and \$350 for a \$1 million insurance policy for 1 performance or \$619 for four shows, to bring down her cost per show. (In the pdf version of these comments, I have included a copy of the letter from Marshall and Sterling Insurance, along with its quote for insurance.) And if she wants to pass the hat to help cover the cost of her free show, like the Freedom Park Foundation does at its concerts, I believe that's another fee. Over \$400 to use Freedom Park for a free show that maybe 50 people would attend, plus passers-by.

I have a \$1 million umbrella policy with my insurance company. I checked with it and other homeowner insurance companies in the village. None of them will add the Village as an additional insured because the Village has no insurable interest in the homes owned by the people who use the parks. The only ways to get the insurance you require is either through a group, like churches, non-profits or businesses, or by purchasing a specialized insurance product.

You might say, "Do you know that Freedom Park Foundation has a Summer Concert series? The Foundation's By-laws even say, 'it shall be the intent of the board ... (b) to encourage all area organizations which promote or conduct programs in the arts to use the physical facilities of the Foundation (meaning Freedom Park) for their public performances and such rehearsals as may be necessary.' Maybe the Foundation can help you."

I have 2 responses to that. First, how is it that a private foundation can give away our park facilities for free, but the village won't? Or rather, how is it that the village gives our park facilities away for free to a private foundation, but it refuses to do the same for village residents?

Second, why should a private foundation get to control who gets to perform for free and who doesn't?

I have reviewed your insurance policies. I see nothing in them that suggests you are billed more for adding more stage performances in Freedom Park. I see nothing in them that suggests you are getting a discount for requiring performers to provide their own insurance. The Insurance Requirements policy seems to be more about limiting your potential liability, than about saving money. The village has an umbrella policy that seems sufficient to protect its interests. In the decades of Village minutes I have reviewed, I found only one instance of a person being hurt in Freedom Park – a boy broke through the railing that surrounded the stage. I saw no indication that a claim was ever filed against the village. Decades of experience prove the risk of injury in Freedom Park is low, yet you require an onerous \$1 million insurance policy from us to use our own park. The official position of the village seems to be that it has \$16,000 to lose on a boat rental program that brought in \$1,630 in 2016, but it doesn't have insurance money for swings in Collins Park and performances in Freedom Park. The Insurance Requirements policy is unacceptable. The permitting policy is

unintelligible and unfair as administered. If you do not take action before this summer to correct the problems I've raised, I promise you that there will be completely lawful repercussions of greater scope and intensity than I took with the sewer project.

Mayor Kastberg closed the privilege of the floor at 7:21p.m.

VILLAGE HISTORIAN UPDATE

Beverly Clark, who has been the Village Historian since 2013, provided the Board of Trustees with the following update:

On June 3rd there will be an open house during the day and a concert at 6:30p.m. put on by the Musicians of Maalwyck; with a rain date of June 4th. There will also be an open house sometime in October. The Alexander Glen house will be holding its 360 year Anniversary. Beverly would like to include the Village in the celebration events and help to engage the community. The Town of Glenville will be celebrating their bi-centennial in 2021; Beverly will be a member of the committee to include the Village in the celebration.

SUMMER RECREATION PROGRAM AGREEMENT

MOVED by Trustee Gifford, seconded by Trustee Mathes that

Whereas, the Village of Scotia operates a Summer Recreation Program at Collins Park, and Whereas, the Village is desirous of entering into an inter-municipal agreement with the Town of Glenville to offer the summer recreation program to Town outside Village residents along with Village residents,

Now therefore, Be it Resolved that the Board of Trustees hereby authorizes the Mayor to enter into an agreement with the Town of Glenville which provides the Village will offer the summer recreation program during the summer of 2017 to Town of Glenville residents and the Town will pay the Village \$1,000.00 for such service.

Ayes: Trustee Gifford, Mathes, Tiberio and Mayor Kastberg

Noes: None

Abstentions: None

STANDARD WORK DAY

MOVED by Trustee Mathes, seconded by Trustee Tiberio that

Be it Resolved that the Village of Scotia, hereby establishes standard work day for these titles and will report the officials to the New York State and Local Retirement System based on their record of activities:

Elected Officials:

Title	Standard Work Day	Name	Record of Activities
Trustee	6	Thomas Gifford	1.47
Acting Village Justice	6	Kathleen Toombs	5.22

Ayes: Trustee Gifford, Mathes, Tiberio and Mayor Kastberg

Noes: None

Abstentions: None

PLANNING BOARD CHAIRMAN

Mayor Kastberg appointed Erik Buzkirk, Planning Board Member to Chair of the Planning Board to replace Lisa Holst.

VILLAGE FEE SCHEDULE AMENDMENT

MOVED by Trustee Mathes, seconded by Trustee Tiberio to amend the Village of Scotia Fee Schedule for Truss Certificates as follows:

Truss Fee with Building Permit \$50.00

Replacement/Truss Decal \$10.00

Ayes: Trustee Gifford, Mathes, Tiberio and Mayor Kastberg

Noes: None

Abstentions: None

MAYOR'S COMMENTS TO THE BOARD

Mayor stated that one of the initiatives for 2017 was to create a vacant property database. This database is in the process of being developed and will be accessible by all departments. Met with the Village's IT support vendor; provided an inventory of all computers in the Village. The Mayor will begin a replacement program in the upcoming budget. Shelter Planning and Development has merged with Chazen Company; met with representative who will continue to work on looking for grant opportunities for various village projects. Village has received a Drinking Water Fluoridation Grant from NYS Department of Health in the amount of \$9,611.00 (with no local match) to be used to purchase materials and equipment to help keep our fluoride system operating. The new Police Clerk, Barbara Becker, started working on February 6th and today was Wendy Vaughters last day. Village hall is decorated with the traveling art show from the Scotia-Glenville school district. Mayor attended the ribbon cutting at Rivers Casino.

CORRESPONDENCE, LIAISON AND SPECIAL COMMITTEE REPORTS

Trustee Mathes – No report.

Trustee Gifford – Attended Fire Department meeting; a pipe broke which caused water damage and mold in the wall; working on the cleanup. Attended Planning Board meeting; approved small addition on back of gas station on Sacandaga Road and reviewed preliminary plans for Dairy Circus to rebuild.

Trustee Tiberio– Attended BID meeting. BID will be holding a mixer on Thursday January 9th at 5:00p.m. at Jade Bistro. Attended a Zoning Board meeting; no conclusion was reached, applicant will need to attend another meeting.

DEPARTMENTAL REPORTS

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

Ayes: Trustee Gifford, Mathes, Tiberio and Mayor Kastberg

Noes: None

Abstentions: None

Mayor appointed himself to the Finance Committee for this meeting only to review the audit of claims.

AUDIT OF CLAIMS

MOVED by Trustee Mathes seconded by Mayor Kastberg that be it resolved that all claims against the Village dated February 8, 2017 be allowed and ordered paid in full in the amount of \$44,622.48 charged to the following funds:

A-General Fund \$ 30,728.15

F-Water Fund \$ 12,236.62

G-Sewer Fund \$ 1,657.71

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 Gifford, Mathes, Tiberio and Mayor Kastberg

Noes: None

Abstentions: None

MINUTES OF THE REGULAR MEETING HELD JANUARY 11, 2017

MOVED by Trustee Mathes, seconded by Trustee Tiberio that the minutes of the January 11, 2017 Village of Scotia, Board of Trustees meeting are hereby approved.

Ayes: Trustee Gifford, Mathes, Tiberio and Mayor Kastberg

Noes: None

Abstentions: None

MINUTES OF THE SPECIAL MEETING HELD JANUARY 31, 2017

MOVED by Trustee Mathes, seconded by Trustee Tiberio that the minutes of the January 31, 2017 Village of Scotia, Board of Trustees meeting are hereby approved.

Ayes: Trustee Mathes, Tiberio and Mayor Kastberg

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Noes: None

Abstentions: Trustee Gifford

NEW BUSINESS

Trustee Tiberio stated that as part of the planning for the Comprehensive Plan for the Village, he would like to place a survey regarding the Village on the website for residents to complete. Once the questions are complete, Trustee Tiberio will forward to the Mayor and Trustees for their review.

Mayor Kastberg appointed Brian Reed to fill the vacancy on the Planning Board with a term to expire in 2020.

125 SANDERS AVENUE

MOVED by Mayor Katberg, seconded by Trustee Gifford that

Whereas, the Superintendent of Public Works has notified the Board of Trustees of continued excessive water use at 125 Sanders Avenue and of an unpaid water bill, and

Whereas, the October water bill in the amount of \$2,113.33 was not paid and the February 1st bill recently issued totaled \$5,837.74 and

Whereas, the owner was sent due notice of excessive usage, unpaid bill and possible discontinuance of service, and

Whereas, the bill remains unpaid,

Now therefore, Be it Resolved that the Board of Trustees authorizes the supply of water to 125 Sanders Avenue be shut off.

Ayes: Trustee Gifford, Mathes, Tiberio and Mayor Kastberg

Noes: None

Abstentions: None

ADJOURNMENT

MOVED by Trustee Tiberio, seconded by Trustee Gifford to adjourn the meeting at 7:46p.m.

Ayes: Trustee Gifford, Mathes, Tiberio and Mayor Kastberg

Noes: None

Abstentions: None

Respectfully submitted,

Maria A. Schmitz

Clerk to the Village Board of Trustees