

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

PRESENT: Trustee Gifford, Mathes, Rizzo, Tiberio and Mayor Kastberg

The Mayor welcomed Trustee Tiberio to the Village Board of Trustees.

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

Randy Lombardo of 3 Eagle Street; Chairman of the Scotia Sewage Community Action Committee asked the Board of Trustees several questions related to the Waste Water Treatment Plant. Mr. Lombardo also expressed his disappointment, specifically to Mr. Gifford, regarding the campaign literature that was distributed by the Schenectady County Democratic Committee during the November election.

Mayor stated the Privilege of the Floor is not the platform to ask questions; since as stated under the Guidelines of Privilege of the Floor "it is not a question and answer session. The Mayor stated that the most expedient and efficient way to have questions answered is to contact him directly by email, calling, setting up a meeting or writing a letter.

John Sabota of 8 Cuthbert Street; Stated concern with the amount of traffic and the speed at which the traffic travels along Cuthbert Street; causing several accidents along the street.

The Mayor stated that he will refer this issue to the Village's Traffic Safety Committee.

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 Scotia 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 Beverly Ann Harrison, a nearly 70-year resident of Scotia and a 40-year employee of the 1st National Bank of Scotia; and Edward Kaufmann Jr., who served in WWII and the Korean War, who worked as a newspaper printer for over 30 years, and faithfully served the LORD as a Lutheran; and Marjorie Kremzier, who cared for children, performed office work for St. Joseph's Church, worked as a bookkeeper and in the jewelry business. Additionally, please accept our sympathies on the passing of Louis Ruggiero, the grandfather of Trustee Keven Mathes. All of them are deeply missed by those who knew them and our community has been greatly enriched by their presence among us.

Under the heading of old business, I want to know:

* Will the village submit a request to the City of Schenectady seeking clarification of its interpretation of paragraph 26 of the sewer contract?

In Schenectady's opinion, are we liable for our share of repairs and upgrades made during the contract, even after the contract is ended?

* Will the village provide the community with the historical information used by McDonald Engineering to calculate the future cost of leasing sewage treatment services from the City? Will you provide us the graphs or tables that prove the \$760,000 annual fee is authentic? This amount is nearly \$200,000 or 35% more than we paid Schenectady this year.

*Will the village provide the community with a projection of our sewer rate if we build a new facility?

I also have 3 new questions about the sewage project. The longer you take to answer my questions the more time I have to think of new ones

* New question #1: Do the trustees need to vote before writing a bond to pay for the new sewage plant, and if so, do 4 out of 5 of the trustees have to vote in favor of the bond? If not, what's your rationale?

* New question #2: How many people from the village voted in the 2014 governor's race? We need to know the answer to that to know how many

signatures we need to gather for a possible permissive referendum on a bond for a new sewage plant.

* New question #3: How much will it cost to insure the new sewage plant? I don't recall any mention of this in the "study." Just give a call to your insurer and get an estimate for insurance cost.

It has been 2 months since I raised the first 3 issues and all I've heard from the mayor and this board is crickets. I consider that to be a big middle finger to this community and I will not tolerate it. Your "Guidelines for Privilege of the Floor" state, "If a resident has a question they would like answered, call the Village Clerk's Office at 374-1071 and your message will be given to the appropriate individual or department." Do you want me to call the clerk's office and read to them what I just read to you? Is that what I have to do to get an answer? I'll be happy to call the clerk if that's what you want. And then the clerk can pass the message to you, or the village attorney. This is a village, not a county, not a state, not a country.

I love how your guidelines state only that messages will be sent. They say nothing about giving out answers. Maybe you put them on display, like in The Hitchhiker's Guide to the Galaxy.

"But the plans were on display..."

"On display? I eventually had to go down to the cellar to find them."

"That's the display department."

"With a flashlight."

"Ah, well, the lights had probably gone."

"So had the stairs."

"But look, you found the notice, didn't you?"

"Yes," said Arthur, "yes I did. It was on display in the bottom of a locked filing cabinet stuck in a disused lavatory with a sign on the door saying 'Beware of the Leopard.'"

By next meeting, I want answers to my questions, and here's a story for you about how I roll.

In September, I began filing FOIL requests with Schenectady County. I told Geoffrey Hall, the county's records access officer, that he could either fill my request or tell me the names of the individuals who drafted and approved an undated and unsigned letter sent to all county employees. Now, the county didn't have to give me the names, but these names weren't confidential by law, either. I couldn't force the county to give me the names, but I could continue to file FOIL requests until the county manager relented. By November 16, I had filed 7 requests, the last request was for the property tag numbers and serial numbers of the computers and printers used to create, store and/or print the document at issue. How cool is that?

It was at this point the county manager gave me what I wanted and I withdrew all previous FOIL requests and ceased filing new ones. The county spent hours and hours providing me with information and checking the law instead of spending 5 minutes to give me what I wanted in the first place.

I know the village employees love filling my FOIL requests. For the moment, I have all the information I intended to seek. However, if the mayor or his designee does not answer the entirely reasonable questions that I have asked about the sewage project, I'm going to start filing FOIL requests. Many, many FOIL requests. When Scotia-Glenville Schools became less cooperative than they should have been, I began going through a year's worth of invoices from the athletic department.

If Village staff have to start searching high and low for the answers to my FOIL requests, they are going to know exactly who to blame. YOU. The mayor and the trustees. I think it is reprehensible that citizens have to resort to these tactics to get answers from the government that is supposed to be serving them. Do your jobs.

I have one more issue, tonight, extending the theme of privilege of the floor—which used to be called regular public hearing, and general public hearing before that—your guidelines state, “The purpose [of privilege of the floor] is not to provide a forum for a question and answer session [or] to engage in a debate with the board....” Why not? Who made that rule? You are not royalty. This is a village. The people who come to these meetings deserve to be recognized and given the best possible, quickest answers to the questions they have, even if those answers are only, “We'll look into that and get back to you by next Wednesday.”

I recently read through 50 years of Village minutes. Do you know that from Mayor Smith to Mayor McLaughlin, the minutes reflect a back-and-forth conversation between the public and the mayor during the privilege of the floor. Sometimes, trustees joined in. I don't know what their guidelines said, but I can tell you the elected officials treated the community members who came to speak like human beings, not like noise to be ignored while staring off into the distance or down at desks. Here's an example from 38 years ago.

From the minutes of a meeting held by the Board of Trustees on December 13, 1978:

Mayor Ryan opened the meeting to the regular public hearing:

Mr. Dominick Ferro, 402 Glen Avenue, spoke to the Board about the neglect of property owners to keep their sidewalks clean, and as the Ordinance does state walks must be kept clean, felt the Board should do something about the unshoveled sidewalks. Village crews should not be taking snow away from private property.

Speaking again of sidewalks, he stated there has been no sidewalks between Mohawk and Glen Avenue, on South Ballston Avenue, east side for years, and people are parking cars there. He thought something should be done about this.

Referring to the time when he was a member of the Zoning Board of Appeals, he mentioned an apartment house on the east side of Ballston Avenue which was granted a variance under the condition that the owner was supposed to plant shrubbery in front, so it would not resemble a motel. Instead, they blacktopped this. Openings were left for shrubs when the driveway was first put in, and since then, these openings have been filled with blacktop. He asked who was supposed to enforce the law after the Zoning Board passes on anything like this?

Mayor Ryan explained to Mr. Ferro that the owner did plant shrubs there and discovered there wasn't room to back the cars out.

Mr. Ferro stated that after attending a meeting at the Town of Glenville he asked what happened to the consolidation of the police departments, once talked about. He was informed at the Town to approach the Village on this. He asked what happened to all of this. If the police departments consolidated, it would be a vast savings to the taxpayers.

Mayor Ryan informed Mr. Ferro that he and Supervisor Nicoll made two attempts to start something, and all they received was criticism. Yet, the Mayor was of the opinion that this is something that will eventually have to come.

Mr. Ferro suggested perhaps a Citizens Committee should be formed to work on this.

He was verbal about the new Trustees voting themselves raises directly after they were elected into office, which, in his mind was not legal. He has written to Mr. Robert Emery, Attorney General, and is waiting for an answer. Mr. Ferro said that officers in the previous year's administration must vote on salaries and budget, or be voted on in the previous year.

Mayor Ryan informed Mr. Ferro that the Village Board passed a Local Law

which was duly advertised and had a permissive referendum wait of 45 days whereby any resident could submit a petition opposing this, and yet there was none.

Mr. Ferro thought there was favoritism being shown both in the Village and Town in the construction or remodeling for a one family to a two family apartment without it being in a multi-dwelling area. He thought the laws are for everybody, not just a few.

There is no law that requires you to stare sheepishly at your desk while people are talking you to. No law says you may not address people's concerns during privilege of the floor. In fact, the highest standards of common decency, ethics and public service require you to do the exact opposite of sitting there in an inert state, interacting with neither matter nor waves. Honestly, having seen the board sitting frozen in its seats during privilege of the floor, I feel like I have discovered the missing dark matter of the universe. I strongly recommend that you revise your guidelines for privilege of the floor to reflect the values, traditions and neighborly affections of our community.

As stated earlier to Mr. Lombardo, the Mayor asked Mr. Moore to email the questions directly to him for a response.

Mayor Kastberg closed the privilege of the floor at 7:31p.m.

SPECIAL USE PERMIT APPLICATION FOR CVS

a) Public Hearing

Stephanie Bitter, local council for the CVS project, provided an overview of the project to the Board of Trustees as well as providing elevations and site plans to the Board. The upgraded building will provide a drive-thru to residents. CVS is seeking a permanent Special Use Permit for this project. The conflict that currently needs to be resolved is regarding the drive-thru exit. The Traffic Safety Committee has provided a recommendation to the Planning Board that no left turn out be allowed, which differs from what CVS needs to see achieved. Ms. Bitter stated that at the December 5th Planning Board meeting Creighton Manning, an engineering firm hired by CVS, provided a simulation and addressed how they collected data to come to their conclusion that the exit could be both a left and right exit, as well as a discussion of their concerns relative to having it only be a right exit, since those traveling west will have to self-correct somewhere within the community. The Planning Board discussed meeting with the Traffic Safety Committee to review the Creighton Manning study and see if there could be any modification to their recommendation. Ms. Bitter stated that the concern at this point is that CVS corporate has communicated that this exit needs to be a left out and a right out; they don't want it to be that way, they need it be that way. Ms. Bitter is hopeful that a compromise between the Traffic Safety Committee and the Creighton Manning study can be reached to come to a conclusion for a project that she believes is good for all involved.

Skip Phillips, owner of 219 Mohawk Avenue; Thanked all the Trustees for listening to his concerns. The CVS project involves the demolition of his building and he has been under contract with CVS for over one year. Asked the Board of Trustees, or member of the Board to facilitate a meeting between all parties involved so the drive-thru issue could be resolved and the project could move forward.

The Mayor stated that Planning Board did meet with the Traffic Safety Committee on Monday to review their recommendation and their justification behind it. The Mayor stated that the Planning Board is meant to serve as a committee for the Village without any political influence. The Board of Trustees will have a discussion regarding CVS and the Site Plan at the January work session.

Pamela Matthews, owner of 223 Mohawk Avenue; Concerned with how the project got this far without knowing what the traffic pattern should be. Fortunately she has been able to move her business to another location on Mohawk Avenue but understands that others are

suffering the longer this goes on. Interested in understanding the process, expected more people to be in attendance at the meeting and more of a connection between the board and the business owners in the Village. Confused by the fact that four left hand turns are disappearing and being replaced by one left hand turn. Concerned that this issue has not yet been resolved, asked the Board to help bring the issue to a conclusion.

The Mayor stated that the decision of the left out is not a decision to be made by the Trustees, it is a decision made by the Planning Board for the site plan approval. The Board of Trustees only role is to approve or disapprove the Special Use Permit for the drive-thru, which is based on four specific criteria that are identified in Village Code.

Jerry Moore, of 122 Jay Street. Stated that he thought the presentation by CVS was excellent except for the last part that states that CVS “needs” the drive thru to have both a left and right hand turn. Would like an explanation as to why that is.

Stephanie Bitter stated that she is only the communicator. Decisions are made by CVS corporate as to whether it would be economical to have a drive-thru that has only a right out exit.

Trustee Tiberio asked if this right only turn is only for the drive-thru exit. Ms. Bitter stated that this is for the drive-thru exit only.

Don Nichter, co-owner of 221 Mohawk Avenue; Understands that the Board of Trustees is not responsible for this decision but would like to share a few thoughts that he has shared with the Planning Board. Stated Mr. Moore pointed out something that to himself has an undertone that is a little scary. In discussions, with several people, there is a tone that CVS is bluffing and that this project will not go away regardless of the traffic pattern. Mr. Nichter has information from CVS representatives that this is not a bluff. The whole purpose of this new store is not the slight expansion in space but it is the benefit of a drive-thru. Mr. Nichter is concerned that as Mr. Moore pointed out that this is a bluff and they are going to come anyway; that is a very large risk especially for the owners of the properties. Second concern is the length of time that the project has taken in order to get through a site plan approval. The recommendation made by the Traffic Safety Committee was made prior to the Creighton Manning study. Believes that the Planning Board should go beyond only the Traffic Safety Committee’s recommendation and look at the big picture and the greater good of this project.

Jerry Moore of 122 Jay Street; Stated that he believes the response to his earlier question was pretty weak. Also feels that the traffic pattern with a left hand turn would be detrimental; feels it is currently a hazard to pedestrian traffic. Not necessary opposed to a left hand turn, just have to do the best you can with a bad situation. Hopes that you don’t give very much credence to anybody who says that he thinks CVS is bluffing. What he stated has nothing to do with that and anyone that says anything differently in this meeting he hopes the board will give zero credit for anything they have to say.

Pam Matthews, owner of 223 Mohawk Avenue; Assumed that any current studies done were done counting cars that come out of the current CVS. Need to take into account that this parking lot was shared by four businesses. Most likely dealing with a smaller volume of traffic with the new CVS than the old CVS just because the businesses that shared the lot will no longer be there. Asks that this be taken into consideration.

Mayor stated that the Traffic Safety Committee is in attendance tonight.

Mayor Kastberg closed the privilege of the floor at 7:49p.m.

Mayor Kastberg stated that at this point the unresolved issue is the left turn out of the drive-thru. This has been an issue since the second month of CVS coming before the Planning Board. The Planning Board has stated there will be no left out; CVS has reiterated that they must have both ways out. At this point there is not an approved site plan for this application. Mayor felt it would not be prudent to approve a Special Use Permit until there is an approved site plan by the Planning Board.

December 14, 2016

MOVED by Mayor Kastberg, seconded by Trustee Gifford to table any action on the Special Use Permit until there is an approved site plan
Ayes: Trustee Gifford, Rizzo and Mayor Kastberg
Noes: Trustee Mathes and Trustee Tiberio
Abstentions: None

FIRE DEPARTMENT SURPLUS

MOVED by Trustee Rizzo, seconded by Trustee Mathes that
Whereas, the 2004 Chevy Tahoe VIN#1GNEK13Z44J292033 has been identified as no longer needed and surplus, now therefore,
Be it Resolved that the Board of Trustees declares the 2004 Chevy Tahoe VIN#1GNEK13Z44J292033 as no longer needed and surplus and further authorizes the Village Clerk to sell or dispose of the item as authorized by law.
Ayes: Trustee Gifford, Mathes, Rizzo, Tiberio and Mayor Kastberg
Noes: None
Abstentions: None

MILITARY LEAVE POLICY

MOVED by Trustee Mathes, seconded by Trustee Rizzo that
Whereas, State law requires personnel ordered to military duty to be afforded certain protections, now therefore
Be it Resolved that the Board of Trustees pursuant to State law adopts the Military Leave Policy dated December 14, 2016.
Ayes: Trustee Gifford, Mathes, Rizzo, Tiberio and Mayor Kastberg
Noes: None
Abstentions: None

MAYOR'S COMMENTS TO THE BOARD

Attended Holiday on the Avenue; great event, sent thank you letters to those that helped to organize. Invited to be a member of the Career Development and Occupations Studies Committee at Scotia-Glenville High School; helps kids with varying degrees of disabilities get ready to enter the work force. The Committee has done tours of the various departments within the Village. Received thank you from the organizer of Oktoberfest for the Village's involvement; next year's event will be held September 30, 2017. Mayor, Superintendent Kohout and Attorney Marola met with representatives from Mobilitie. Mobilitie installs antenna towers that collect signals and repeats the signals to provide improved wireless service. The company provides this increased service to wireless vendors not directly to customers. Mobilitie is interested in putting in two towers in the right-of-way; one 75' tall and the second being 120' tall. Mayor Kastberg suggested possible placement near the village parking lot and DPW maintenance facility, to avoid the towers being placed directly in residential neighborhoods. Mobilitie will look into these sites to see if they are feasible; if not they are not feasible sites the other option is for the company is to put a topper on the utility poles. Mayor will continue to update the board with any progress.

CORRESPONDENCE, LIAISON AND SPECIAL COMMITTEE REPORTS

Trustee Mathes – No report.
Trustee Gifford – Attending Fire Department meeting and several Planning Board meetings.
Trustee Tiberio - No report.
Trustee Rizzo – Holiday on the Avenue was well attended; Mohawk Taproom won the chili cook-off. Thanked Fire Chief, Police Chief and Superintendent Kohout for participating in the parade. Special Events Committee will now begin working on the car show.

DEPARTMENTAL REPORTS

MOVED by Trustee Mathes, seconded by Trustee Rizzo that the Departmental reports be accepted as presented with thanks.
Ayes: Trustee Gifford, Mathes, Rizzo, Tiberio and Mayor Kastberg
Noes: None

Abstentions: None

AUDIT OF CLAIMS

MOVED by Trustee Mathes seconded by Trustee Rizzo that be it resolved that all claims against the Village dated December 14, 2016 be allowed and ordered paid in full in the amount of \$59,067.36 charged to the following funds:

A-General Fund	\$ 30,430.02
CM- BID	\$ 22,475.00
F-Water Fund	\$ 2,919.46
G-Sewer Fund	\$ 3,242.88

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, Rizzo, Mathes, Tiberio and Mayor Kastberg

Noes: None

Abstentions: None

MINUTES OF THE SPECIAL MEETING HELD NOVEMBER 1, 2016

MOVED by Trustee Rizzo, seconded by Trustee Mathes that the minutes of the November 1, 2016 Village of Scotia, Board of Trustees meeting are hereby approved.

Ayes: Trustee Gifford, Mathes, Rizzo and Mayor Kastberg

Noes: None

Abstentions: Trustee Tiberio

MINUTES OF THE REGULAR MEETING HELD NOVEMBER 9, 2016

MOVED by Trustee Rizzo, seconded by Trustee Mathes that the minutes of the November 9, 2016 Village of Scotia, Board of Trustees regular meeting are hereby approved.

Ayes: Trustee Gifford, Rizzo and Mayor Kastberg

Noes: None

Abstentions: Trustee Mathes and Trustee Tiberio

MINUTES OF THE ORGANIZATIONAL MEETING HELD DECEMBER 5, 2016

MOVED by Trustee Tiberio, seconded by Trustee Mathes that the minutes of the December 5, 2016 Village of Scotia, Board of Trustees organizational meeting are hereby approved.

Ayes: Trustee Gifford, Rizzo, Mathes, Tiberio and Mayor Kastberg

Noes: None

Abstentions: None

NEW BUSINESS

Trustee Rizzo would like to present a proclamation to the Boy Scout Pack #2 for the work they do on decorating the Wallace Avenue triangle for the holidays.

Trustee Rizzo will also like to present Lou Buhrmaster with a proclamation for First National Bank of Scotia's participation in Holiday on the Avenue.

Trustee Mathes stated that the Municipal Consolidation and Efficiency Competition (MCEC) grant applications are due on January 27th; would like to know status of this grant. Mayor Kastberg will check with Supervisor Koetzle on the status of that application.

MOVED by Trustee Mathes, seconded by Trustee Tiberio to amend the Guidelines of Privilege of the Floor so open dialogue will be accessible during Privilege of the Floor to create transparency and communication between the Board of Trustees and residents.

Ayes: Trustee Mathes and Trustee Tiberio

Noes: Trustee Gifford, Rizzo and Mayor Kastberg

Abstentions: None

December 14, 2016

MOVED by Trustee Tiberio, seconded by Trustee Mathes to include the questions that were raised by the Chairman of the Scotia Sewage Community Action Committee during privilege of the floor as an agenda item for the next work session.

Ayes: Trustee Mathes and Trustee Tiberio

Noes: Trustee Gifford, Rizzo and Mayor Kastberg

Abstentions: None

MOVED by Trustee Tiberio, seconded by Trustee Mathes to put a moratorium on any spending for the sewage treatment plant until the public hearing is held.

Ayes: Trustee Mathes and Trustee Tiberio

Noes: Trustee Gifford, Rizzo and Mayor Kastberg

Abstentions: None

ADJOURNMENT

MOVED by Trustee Rizzo, seconded by Trustee Gifford to adjourn the meeting at 7:45p.m.

Ayes: Trustee Gifford, Mathes, Rizzo, Tiberio and Mayor Kastberg

Noes: None

Abstentions: None

Respectfully submitted,

Maria A. Schmitz

Clerk to the Village Board of Trustees