

At the regular Meeting of the Village Board of Trustees
held September 14, 2022

Mayor Gifford called the meeting to order at 7:01 p.m.

PRESENT: Trustee Cook, Trustee Gray, Trustee Rizzo, Trustee Solotruck and Mayor Gifford

PRVIILEGE OF THE FLOOR

Mayor Gifford opened the privilege of the floor at 7:02pm

Gerda Neville of 133 Riverside Ave; Concerned with the potential development of the island; concerned with traffic if development occurs.

David Rosenberg of 35 Washington Ave; Concerned with unsanitary issues of drinking water; brought bottle of water from June 23rd to show board. Water testing in June proved that there was no chlorine residual in system; after two months passed, had to pay \$250 to have Adirondack Water Service do a water sample. Testing came back coliform positive and no chlorine; Village ran hydrants for 4 days straight and did additional testing. Called Department of Health and requested testing at all houses. Would like to know the results of the tests. Concerned with the quality of the drinking water and lack of water flow. Would like to know how Village is going to resolve and a timeline for resolution. Does not think residents on Washington Avenue should pay water bills until issue is resolved.

David Bucciferro of 323 Glen Ave; Read on agenda an item to spend \$15,000 to do a study of the impact of the possible loss of various water districts that the Village currently services for the Town. The Town has passed a resolution to seek approval of a bond to improve on a number of issues with the water districts and arrangements with the Village. Understands that despite numerous opportunities the Village has refused to take the Town's offers to speak about the situation. Spoke at a recent Town meeting that suggested that the Village and the Town sit down together in a try to resolve issue in a manner that is fair and reasonable to both parties. This is not a political party issue; this is about tax payers, non-tax payers as well as businesses in both communities. Before \$15,000 is spent on a study; suggests a series of negotiations to resolve the issue.

Sue Greene of 25 Washington Avenue; Concerned with the water problems; In Mayor's letter stated it would cost \$550,000 to loop the water that would solve the problem of pressure and stagnant water and was too much money to benefit 33 houses; these are 33 homes of taxpayers. What is the magic number of homes needed to justify spending the \$550,000; concerned with water pressure, paying for subpar service and quality of water.

Peggy Brunez of 31 Washington Avenue; When and where do residents go to get answers to questions? Mayor stated that a resident can reach out to DPW Superintendent or any member of the board; this forum is to allow the public to express themselves, it is not question and answer forum. Concerned with water on Washington Avenue; do not get circulation to keep water reliable and have the same purity as the rest of the Village; also concerned with water pressure. Trustee Solotruck suggested putting together a list of questions and distributing to the Mayor and Board of Trustees.

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Mark Pecor of 8 Irving Road; Would like to put on record the ongoing and unreasonable response by police department to non-emergency calls and to highlight a real lack of integrity. Police have responded to several calls from a neighboring property. Will provide Police Chief with a video regarding a recent interaction with one of the officers; interaction should be investigated and disciplinary action taken. Village has failed us, the board, the building inspector, the mayor and now officially the Police Department. When trying to make improvements to their property, the Village has harassed them at every turn.

Alex Burns of 8 Irving Road; Would like to address the lack of integrity in capturing meeting minutes held by the Village government. Appeared before Village Board on August 15th to address the inadequate and unlawful response regarding to a code complaint. The meeting minutes appeared to be intentionally mischaracterized to state that the purpose of my address was around a neighbor dispute; this was never mentioned in grievance. Submitted a FOIL request to the Village Clerk for any communication regarding those meeting minutes.

Laura Brown of 37 Washington Ave; Would like to know why the fire house was allowed to get into such despair; would like to know what will be happening with existing facility. Read email sent out to everyone; concerned with statement that it is too much money to benefit only 33 houses. Proposed that since the houses are only a small fraction of the community a full refund of their water bills would not hurt budget at all since such a small fraction.

Stephen Urbanski of 1 Riverside Place; Owns Urbanski Farm; concerning the issue of erosion on Reese Creek, have lived in the town for 65 years; there are no erosion issues in this area. Reese Creek is a non-moving body of water; Village has only addressed from Glen Sanders to Flint House. Army Corp of Engineers oversees what can and cannot be done in a flood plain; do not need additional legislation. Regarding water concerns at the end of Washington Avenue; could build an additional pump to build up pressure and install microfilter that would need to be changed on a weekly basis to put a band aid on issue; could also loop the line to Sunnyside Road.

Mark Dreisenstock of 7 Washington Ave; Father of two young kids, right around the time that the Village was flushing the water son was sick. Could have been a coincidence but looked up coliform bacteria on health.ny.gov and some of the symptoms are upset stomach, fever and diarrhea which are symptoms son had. Father passed away due to contaminated drinking water while in military and developed leukemia that he battled for 20 years and developed other forms of cancer. Apathetic words towards public safety and health and non-concern for wellness and safety of residents along Washington Avenue and wherever else the water is not safe to drink is very disturbing. Please fix the water.

Gwen Palmatier of 10 Irving Rd; Since neighbor issue has become public record, important to speak some truths about what she has experienced at the hands of the neighbors that live at 8 Irving. In the most recent times have been spat at while sitting on porch by Mark Pecor and Alex Burns. Have been screamed at while pulling weeds in yard; usually records when outside but did not on this night and was threatened to have her arrested for dirt on his driveway, no dirt was on his driveway. This continued harassment has resulted in actions that cannot be spoken of due to

her and her daughter's safety. Neighbors do not like placement of her fence; have been harassing her and the Village regarding this issue. Thankful that the police respond to incidents. At times feels unsafe in her home and scared to open windows that border their property. Want to put on record that the police are called for ongoing harassment; very thankful for the police responding and thankful this helps her six-year-old daughter can feel safe in her own home.

Mayor Gifford closed the privilege of the floor at 7:55pm

SPECIAL USE PERMIT FOR 217 MOHAWK AVENUE

a) PUBLIC HEARING

Mayor Gifford opened the public hearing at 7:55p.m.

No one wished to speak.

Mayor Gifford closed the public hearing at 7:56p.m.

b) SEQRA

Resolution for determination of non-significance in regard to the Special Use Permit Application for 217 Mohawk Avenue by Converge Community Church

MOVED by Trustee Cook, seconded by Trustee Gray that

Whereas, a Special Use Permit Application was submitted to the Board of Trustees for 217 Mohawk Avenue for use as a Church Ministry Center under Village Code Sections 250-25 and an Environmental Assessment Form (EAF) has been completed and reviewed, 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 not have significant adverse impact on the environment.

Ayes: Trustee Cook, Gray, Rizzo, Solotruck and Mayor Gifford

Noes: None

Abstentions: None

c) ACTION

MOVED by Trustee Cook, seconded by Trustee Rizzo that

Whereas, a Special Use Permit Application was submitted for 217 Mohawk Avenue for a Church Ministry Center under Section 250-55 of the Village Code, and

Whereas, the Planning Board has approved the Site Plan for the project and recommended that the special use permit be granted, and

Whereas, the Board of Trustees has considered the Village Code provisions in regard to the review of the special use permit application, now therefore,

Be it Resolved, that the Board of Trustees approves the Special Use Permit Application for 217 Mohawk Avenue for a Church Ministry Center as submitted by Converge

Community Church, Sean Lawton Paster.

Ayes: Trustee Cook, Gray, Rizzo, Solotruck and Mayor Gifford

Noes: None

Abstentions: None

LOCAL LAW 2022-D RELATING TO WATERCOURSE PROTECTION

a) PUBLIC HEARING

Mayor Gifford opened the public hearing at 7:58p.m.

Bill Levering of So Ballston & Riverside; Impressed with the intent of the legislation to protect the watercourse; curious as to why it only covers a small area. Lives in Niskayuna bought parcel along river to launch kayaks. Encouraged board to table legislation to deal with a few technicalities that make it problematic; such as lawns and mowing, provision for pre-existing buildings and enforcement concerns.

Jeff Germain of 1 Larkin St; Questioned the need for code legislation specific to a few unresolved questions. How did this evolve into proposed legislation instead of resolving issues through a permit process, planning board review or community forums. Objects to the legislation based on current language. Volunteered to be part of a committee or review board to review questions involved and make a complete proposal to the village.

Vincent Terrell of 207 Wyman St; Owns land on Reese Creek and owns part of the creek. Proposed language sounds like houses along Reese Creek are suddenly a threat to the Village; this is false. There is not danger, no erosion, no problems with flooding, not in flood plain. Considers this legislation a theft of land. Objects to legislation; believes it is illegal and immoral.

Kevin Burke of 131 Riverside Ave; Supports the goals that are stated; would like the members of the board to consider each impact of the legislation and take time for more discussion and understanding of what not may have known before tonight. Would like to see a map of specific area that legislation covers. Legislation does not seem well defined; with additional time and public input believes we can arrive at goals that all support.

Phil & Karin Shaw: 109 Sanders (1 Riverside Ave.); Supports everything that others have said. The Village owns the bank of river across street from his home; received a letter from Village that if parcel is sold, they would have first dibs on sale. Uses land to launch kayaks; would like to see value of land and have the first opportunity to purchase if sold.

Jim Murphy of 207 Riverside Ave; Lives adjacent to Reese Creek; sees very little reason to pass legislation since existing laws seem to be able to contain issues. Served as County Legislator for a number of years; privilege of the floor is not to engage in discussion, it is simply to hear what people say. Recommended a separate meeting where issues can be explained and discussions can be held.

Gerda Neville of 133 Riverside Ave; Concerned with the development of the island. Many years ago, there was an amusement park on island and trolley would drop of a couple hundred people; today there are cars and area cannot withstand additional traffic and parking.

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Linda Heaney of 107 Sanders Ave; Has lived along river for 25 years; there is erosion that has occurred over the years due to flooding and this is not a problem that is going away. On the Urbanski property there was an illegal bridge put in years ago that caused water to dam up with debris; which filled in area.

Stephen Urbanski of 11 Riverside Ave; Correct that there was an illegal bridge put up by kids but that has not caused it to fill in. Over the time of the river flooding over the plain, which has always been in the flood plain; minimal erosion has occurred. Reason the creek is filled in is that the Mohawk River has a mud bottom and when it floods there is a Schoharie Surge where the water is red. Army Corp of Engineers controls this riverbank; do not need additional legislation.

Mayor Gifford closed the public hearing at 8:15p.m.

Trustee Cook stated the reason this legislation was proposed is NYS Department of State issued guidance in collaboration with NYS Department of Environmental Conservation addressing issues of watercourse in various communities in New York State. As additional flooding occurs, unprotected riverbanks become susceptible to erosion. The public portion of the riverbank from Jumpin Jacks to the Burr Bridge has been reinforced with concrete to prevent erosion so that Freedom Park and Schonowee Avenue do not become compromised. The reason why the proposed legislation only deals with five blocks is that the rest of the Scotia riverbank is reinforced accordingly. Those five blocks are the only parcels that are within the Village, the rest of the riverbank areas are out of the jurisdiction of the Village. Thanked everyone for coming out tonight and all the emails the board received with thoughtful feedback and consideration. At last work session proposed tabling legislation and forming a task force to be able to address concerns. If no regulation is done, any disturbance can alter the watercourse and impact other properties and at some point, could impact the integrity of Riverside Avenue.

b) ACTION

MOVED by Trustee Cook, seconded by Trustee Solotruck to table law for further discussion.

Ayes: Trustee Cook, Gray, Rizzo, Solotruck and Mayor Gifford

Noes: None

Abstentions: None

LOCAL LAW 2022-E RELATING TO CONSTRUCTION AND REPLACEMENT OF SIDEWALKS

a) PUBLIC HEARING

Mayor Gifford opened the public hearing at 8:25p.m.

No one wished to speak.

Mayor Gifford closed the public hearing at 7:26p.m.

b) ACTION

MOVED by Trustee Solotruck, seconded by Trustee Gray that

Whereas, a public hearing was held, this night, September 14, 2022 on proposed Local Law 2022-E relating to construction and replacement of sidewalks, now therefore

Be it Resolved, that the Board of Trustees adopts proposed Local Law 2022-E.

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Ayes: Trustee Cook, Gray, Rizzo, Solotruck and Mayor Gifford
Noes: None
Abstentions: None

HEUBER-BREUER AGREEMENT FOR CONSTRUCTION MANAGER

Approved at meeting held June 20, 2022.

AGREEMENT WITH MJ BURBEN, INC.

MOVED by Trustee Solotruck, seconded by Trustee Rizzo that
Whereas, the Village has received a proposal for Grant Research, Writing and Administrative Services related to the Municipal Facilities Project from MJ Burben, Inc., now therefore
Be it Resolved, that the Board of Trustees authorizes the Mayor to sign a one year agreement with MJ Burben, Inc. for Grant Research, Writing and Administrative Services related to the Municipal Facilities Project in an amount not to exceed \$24,000.00.

Ayes: Trustee Cook, Gray, Rizzo, Solotruck and Mayor Gifford
Noes: None
Abstentions: None

AGREEMENT WITH FISCAL ADVISORS AND MARKETING, INC.

MOVED by Trustee Solotruck, seconded by Trustee Rizzo that
Whereas, the Municipal Facilities (Fire Station/Village Hall Renovation) Project is moving forward, and
Whereas, financial services are needed for the Project, which costs were part of the Project estimate, and
Whereas, the Village has received a proposed agreement from Fiscal Advisors & Marketing, Inc. for such service, now therefore
Be it Resolved, that the Board of Trustees authorizes the Mayor to sign an agreement with Fiscal Advisors & Marketing, Inc. for Fiscal services required for the Municipal Facilities Project at the fee schedule set forth in the agreement.

Ayes: Trustee Cook, Gray, Rizzo, Solotruck and Mayor Gifford
Noes: None
Abstentions: None

AMENDMENT #1 TO H2M ARCHITECTS AND ENGINEERS

MOVED by Trustee Solotruck, seconded by Trustee Gray that
Whereas, the Village entered into an agreement with H2M architects + engineers on June 20, 2022 for Municipal Facilities (Fire Station/Village Hall Renovation) Project, and
Whereas, H2M has a proposal from Daniel G. Louckes, P.E. for Geotechnical Engineering services under the contract, now therefore

Be it Resolved that the Board of Trustees authorizes the Mayor to sign Amendment No. 1 to provide for geotechnical engineering services in the amount of \$5,337.00.

Ayes: Trustee Cook, Gray, Rizzo, Solotruck and Mayor Gifford
Noes: None
Abstentions: None

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AGREEMENT WITH PRIME AE WATER INFRASTRUCTURE AND RATE STUDY

MOVED by Trustee Solotruck, seconded by Trustee Gray to table for further discussion.

Ayes: Trustee Cook, Gray, Rizzo, and Trustee Solotruck

Noes: Mayor Gifford

Abstentions: None

Resolution authorizing the implementation, and funding in the first instance 100% of the federal-aid and State "Marchiselli" Program-aid eligible costs, of a transportation federal-aid project, and appropriating funds therefore

MOVED by Trustee Cook, seconded by Trustee Rizzo that

WHEREAS, a Project for the Sunnyside Road over Amtrak, Village of Scotia, Schenectady County, PIN 1761.62 (the Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80 % Federal funds and 20 % non-federal funds; and

WHEREAS, Village of Scotia desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of Design

NOW, THEREFORE, Village Board of Trustees duly convened does hereby

RESOLVE, that the Village Board of Trustees hereby approves the above-subject project; and it is hereby further

RESOLVED, that the Village Board of Trustees hereby authorizes the Village of Scotia, to pay in the first instance 100% of the federal and non-federal share of the cost Design work for the Project or portions thereof; and it is further

RESOLVED, that the sum of **\$748,785.00** has been appropriated from General Fund and made available to cover the cost of participation in the above phases of the Project; and it is further

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

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

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

RESOLVED, this Resolution shall take effect immediately

Ayes: Trustee Cook, Trustee Gray, Trustee Rizzo, Trustee Solotruck, Mayor Gifford

Noes: None

Abstentions: None

BUDGET AMENDMENT

MOVED by Trustee Cook, seconded by Trustee Gray to Amend Fiscal Year 2021-2022 as follows:

Increase G.8130.4760 by \$93,000; offset by G.2120.

Ayes: Trustee Cook, Gray, Rizzo, Solotruck and Mayor Gifford

Noes: None

Abstentions: None

DECLARATION OF SURPLUS ITEM

MOVED by Trustee Gray, seconded by Trustee Rizzo that

Whereas, the Fire Chief, has submitted a memo dated August 30, 2022 listing surplus items to the Board, now therefore

Be it Resolved, that the Board of Trustees declares the items listed in said memo as surplus and no longer needed and surplus and further authorizes the Fire Chief or his designee to sell or dispose of the items as authorized by law.

Ayes: Trustee Cook, Gray, Rizzo, Solotruck and Mayor Gifford

Noes: None

Abstentions: None

CLOSURE OF SO. TEN BROECK STREET

MOVED by Trustee Solotruck, seconded by Trustee Cook to authorize the closure of So. Ten Broeck Street between Mohawk Avenue to the driveway of First National Bank of Scotia on Saturday, October 8th from 10:00a.m. until 10:00p.m. for Mohawk Taproom Block Party.

Ayes: Trustee Cook, Gray, Rizzo, Solotruck and Mayor Gifford

Noes: None

Abstentions: None

MAYOR'S COMMENTS TO THE BOARD

Paving of James, Catherine and Collings Street will hopefully be completed next week; paver has been delayed. Regarding Sunnyside Road Bridge; received a message today from the state that there are red flags and they will not be closing down immediately but may close in six weeks. Attended Municipal Facilities Committee meeting today; summary will be posted on website tomorrow, progressing with general layout. Town has proposed taking away village water accounts; feels strongly that the board needs to do whatever it can to protect that. Feels that village is past the negotiations state with town since the Supervisor stated that the town has received a grant to take away Corporations Park and an application has been submitted for residential customers. Town proposes to take grant money to increase town capacity and water

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business; unfair to people of the village and to the people of the county who would like grants to go to something that really needs to be done.

CORRESPONDENCE, LIAISON AND SPECIAL COMMITTEE REPORTS

Trustee Solotruck – Water course discussion is an example of how things should work. Regarding water issues, has full faith in Department of Public works and full faith in water reports; if anything additional needs to be done it will be discussed. Encouraged residents to put together an email for the board. Happy to see progress on facilities project.

Trustee Rizzo – Attended car show meeting; working on new logo. Working on Battle of the Badges; chili cookoff between the Police Department and Fire Department. Also have a chowder cookoff for all restaurants in the Village. Looking for volunteers to help with event. Urging businesses along the avenue to decorate windows; may be contest held. Events in Scotia this weekend; Dutch Fair will be held Saturday and the Lutheran Church German Fest will be held Sunday the 18th.

Trustee Gray – Fire Dept: Thanked Chief Wood for monthly meeting. Thankful the board supported the purchase of the utility truck with use of ARPA funds. Currently two grants are outstanding for air packs and a boat motor; will report results to board when received. Police Reform Committee cancelled; thanked Chief Harrigan and officers for great job they do. Traffic Safety Committee meeting will be scheduled soon. Met with Mayor and Supervisor Koetzle regarding water infrastructure; initial discussions have been held; will continue to represent residents of the Village of Scotia. Events held in town for month of August were very successful. Village and Town were able to work together to provide youth programs this summer. Thanked all Department Heads and employees.

Trustee Cook – Police Dept; Thanked Chief Harrigan for his leadership. Patrol division is very active; important since village is a gateway community. Continued enforcement of traffic safety laws. Need for close proximity policing is here; changes made in department with 12-hour shifts and an additional officer paid through the overtime line continues to keep officers and residents safe. Congratulated Aaron Laube on successful completion of academy; will be doing field training in month of September. Hired three part-time police offers to control overtime and ensure officer wellness; welcomed Officers Brenden Gillooley, Kevin Dunbar and Grant Socha. Thanked PBA and Police Department for supporting the part-time positions. Officer wellness Cordico App has been implemented this month. Attended BID meeting; supported idea of window decorating and will be active at Ocktoberfest. GotoScotia website maintains an updated list of businesses. No Zoning Board meeting held. Regarding Washington Avenue water issue; reviewed July water report, testing is done weekly at source and monthly randomly within distribution system and report showed no active presence of coliform. Testing is done in accordance with New York State law and water is safe to drink. To manage misinformation suggested publishing the monthly reports on the website; annual report is currently posted on website.

DEPARTMENTAL REPORTS

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

Ayes: Trustee Cook, Gray, Rizzo, Solotruck and Mayor Gifford

Noes: None

Abstentions: None

