

VILLAGE OF ATHENS BOARD MEETING

MINUTES- June 28, 2017 6:30PM

Pledge to the Flag

PRESENT: Mayor Peter Alberti, Trustee Marla Butler, Trustee Gail Lasher, Trustee Shannon Spinner and Trustee Robert Scott.

Village Attorney Tal Rappleyea and DPW Director Anthony Proper were also present.

PUBLIC:

1. *Mark Levanway, resident of the Village*, attended the meeting to discuss the recently adopted Local law #2 – Regulating Public Utilities. He was made aware of the adoption of this law while recently attending a Public Hearing held by the Planning Board regarding State Telephone’s application to construct a utility building on the corner of N. Vernon St and Union Street.

He does not feel that the passing of this Local Law is enough to allow this application to proceed since the Zoning Law was not amended and utilities are not permissible in any section of the zoning.

Village Attorney Tal Rappleyea stated that the zoning is referenced through this law and that makes it possible.

Mr. Levanway disagreed. He is concerned that if this is true then any Utility Company may come into the village and only be regulated by the Planning Board through a special use permit.

Mayor Alberti noted that the VB is currently looking into adopting a local law regulating solar energy.

Local Law #2 – Regulating Public Utilities was discussed as it relates to zoning.

2. *Jane Kerr, chairperson of the Bunker Hill Dog Park*, attended the meeting to hand in her resignation in this position. Ms. Kerr was the originator, fund-raiser and chairperson of this Park since 2007. Ms. Kerr introduced Kelly Raver to the VB as the person she would like to ‘carry on’ the position of Chairperson of the park.

Ms. Raver has been a supporter of the park and has been informed of all the duties entailed in taking over the position. Ms. Raver is up for the position.

A MOTION was made by Trustee Spinner, seconded by Trustee Lasher, all in favor, to accept Jane Kerr’s resignation and approve Ms. Raver’s assuming the position of Chairperson of the Athens Bunker Hill Dog Park.

The VB also thanked Ms. Kerr for all of her years of dedicated service.

3. *James Gaudette, property owner*, attended the meeting to bring the VB’s attention to a tree on the corner of South Franklin and Second Streets (in front of his property) which is

lifting the sidewalk and creating a tripping hazard. He also noted that the tree is destroying the cornices of the building. Pictures were provided.

He appreciates the work being done on Second Street and the value it will bring to the village and he would like to be a participant in that, however, the tree inhibits his ability to improve the property and make it safe. He wants to repair the cornice, balcony and porch of the building but it is hard to do that with a tree that continues to destroy the property.

For these reasons he is requesting that the Village take down the tree. He would be willing to replace it with a smaller tree or perhaps an old fashioned street light.

The Mayor asked that he complete a complaint form before he leaves and the VB will discuss it later.

Mr. Gaudette also noted that he appreciates the work that is being done to improve drainage on S. Franklin Street.

4. *Catherine Censor, village resident*, attended the meeting to discuss trees and bluestone curbing in the village.

Ms. Censor noted that she was not alone this evening and asked that all those present in support be allowed to speak.

The Mayor reminded her that she was the only one that asked to be placed on the agenda therefore she is the only one to speak on everyone's behalf. As per the Village's policy regarding 'Rules and Procedures of Village Board Meetings'.

Ms. Censor asked the public that they all stand in a show of support.

One of the reasons they have attended tonight's meeting is that there are a group of residents who feel strongly that there has not been a systematic, fair and transparent process for determining what trees are to be taken down on village property. The tree that was taken down on S. Franklin Street last week was stated as being a 200-year old tree planted by a relative of Nancy Palmateer's (General Nichols) in the 1870's.

They do understand that there was a safety concern and they do not mean to minimize that concern or the complaint that was made regarding the tree. However, she stated that the 'nationally registered historic district of Athens', which is where the tree was removed, does not consist of only houses but the streets and trees as well.

She stated that that was why 'many of us moved here, why many of us value and treasure Athens and why many of us are putting a lot of time and money into these houses'.

She also noted that other communities have completed tree surveys and formed tree commissions to preserve trees in their neighborhood while working under the supervision of the governing Board.

Many people are concerned that presently there is no process that includes open, consistent and fair communication for tree management and they would like to see that considered to protect everyone's interests.

The Mayor stated that the VB is very much aware of everyone's concerns regarding the removal of the tree on S. Franklin Street. The tree had been discussed at two VB meetings. He understands and agrees that a 200-year old tree is irreplaceable.

However, the Village Office had received a formal complaint from the homeowner living right next to the tree stating that they had continued damaged to their house and car over the course of several years. They also mentioned that their sewer lines required repairs over the years due to this tree.

When a formal complaint is made the village must act on it otherwise if there are damages made in the future the village will be liable since they did not act to correct the problem.

The Mayor also noted that the Greene County Highway Department employs a tree specialist that determines the health of a tree and was consulted for this tree. Also, there is not a lot of prior notification as to when they are coming with the bucket truck to remove a tree. A phone call in the morning was all that was given to the village for this particular tree. Utilizing the county saves taxpayers money.

The Mayor also stated that the VB discussed instituting a replacement tree program when the issue of taking the tree down came about.

The Mayor wanted to be clear in that the VB is the governing Board and as such has the decision making power in these matters.

The VB will discuss the matter later in the evening.

5. *Michael Black, village resident*, attended the meeting to discuss his formal complaint filed with the Village Clerk.

He stated that to keep within the scope of time allotted to him he would like to concentrate on his suggestions and requests in regard to trees, curbs and the flower program.

As far as the tree removal is concerned, the first corrective action should be to replace the tree. He noted that there has not been a replacement program for trees in place since he has lived in the Village (1985). Again, a tree inventory should be completed.

As far as the bluestone curbs are concerned – he understands that this is being removed as part of a street resurfacing program. He noted that there has never been a policy regarding resurfacing streets and there should be since they are not being done correctly.

He also asked permission to 'recover' 2 small pieces of curbstone from the village's supply to fix a gap in the curb on S. Franklin Street.

The Flower program in the village was discussed as well. He feels the transition of power affected this in a negative way.

The Mayor informed Mr. Black that when the former Mayor's term expired he was no longer technically an employee of the village. Therefore, he was no longer covered under

the village's insurance policy. In order to use the village's 'water truck' the Pfisters needed to have VB approval and signed waivers approved by the Village Attorney and insurance company. That was not completed before the baskets were hung.

The Mayor stated that "I feel that it is in the best interest of the village and its taxpayers to be sure that proper procedures are followed".

APPLICATIONS:

1. Facility usage – Riverfront Park. Applicant: Athens Paddock Club
2. Facility usage – Riverfront Park. Applicant: Lighthouse Church. TABLED until more information is received regarding times.
3. Facility usage – Athens Community Center gym. Applicant: Kimberly's School of Dance. TABLED until Trustee Butler gets more information.

MOTIONS and RESOLUTIONS:

1. Proposed Resolution Approving Minutes

BE IT RESOLVED, the Minutes from Village Board meetings held on May 24th and June 14th, 2017 be approved:

Offered by: Trustee Spinner
Seconded by: Trustee Lasher
Record of vote: All in favor

2. Proposed Resolution approving payment of vouchers as presented

BE IT RESOLVED, that the Village Board Approves payment of the following vouchers as presented:

GENERAL – Abstract #1926, vouchers numbered #9916929 through #9916950 in the amount of \$14,177.76

WATER - Abstract #10395, vouchers numbered #9916951 through #9916956 in the amount of \$6237.77

SEWER – Abstract #10378, vouchers numbered #9916957 through #9916959 in the amount of \$1088.31

Offered by: Trustee Scott
Seconded by: Trustee Butler
Record of vote: All in favor

3. Proposed Resolution approving application to use the Riverfront Park by the Athens Paddock Club

Offered by: Trustee Butler
Seconded by: Trustee Spinner
Record of vote: All in favor

4. Proposed Resolution approving application to use the Riverfront Park by the Lighthouse Church

Offered by:
Seconded by:
Record of vote:
Tabled

5. Proposed Resolution on updated Workplace Violence Policy

WHEREAS, the Village of Athens is committed to the safety and security of their employees and,

WHEREAS, workplace violence presents a serious occupational safety hazard to our agency, staff and clients and,

WHEREAS, the state has recommended that the village update it's Workplace Violence Policy,

THEREFORE BE IT RESOLVED that the village of Athens approve the updated Workplace Violence Policy as presented

Offered by: Trustee Lasher
Seconded by: Trustee Spinner
Record of vote: All in favor

6. Proposed Resolution to approve proposal received by 'It's Showtime' Sealcoating for work at the Athens Firehouse.

WHEREAS, the village has sought proposals/quotes to sealcoat the Athens Fire House driveway located at 39 Third Street and,

WHEREAS, the village only received 1 proposal ,

BE IT RESOLVED, the VB approves the proposal submitted by 'It's Showtime Sealcoating' for \$2600.00 to sealcoat and fill cracks as specified

Offered by: Trustee Scott
Seconded by: Trustee Spinner
Record of vote: All in favor

7. Proposed Resolution approving removal of tree located at 27 S. Franklin St.

WHEREAS, the village has been made aware by the homeowner located in front of his house on village property t is not healthy and is dangerous to residents and their property and,

WHEREAS, the County highway dept. has also identified the tree as a dangerous tree and agrees that it should be removed ,

THEREFORE BE IT RESOLVED, that the tree be removed by the County as soon as they are able to

Offered by: Trustee Butler
Seconded by: Trustee Spinner
Record of vote: All in favor

CORRESPONDENCE:

1. NYS Department of Labor. Re: Notice of Violation & Order to Comply
2. PERMA. Re: Assessment Review.

OLD BUSINESS:

1. DPW contract.
2. Ross Valve maintenance contract

NEW BUSINESS:

1. Workplace Violence Policy
2. Discussion of proposed Solar law for the village.
3. Financial Reports for the month of May were distributed to all VB members.

The VB discussed the proposed Solar law with the Village Attorney. There will be a public hearing on the proposed adoption of this law at the next meeting.

The Village Attorney is drafting something similar to what the Town of Athens is adopting in order to make the village and town's policy similar.

Presently, the state has created initiatives and grants to encourage solar energy for companies and homeowners. Due to this, municipalities are reviewing their zoning to protect and provide for this type of growth, if they so wish.

The Village zoning does not allow solar arrays presently. If private residences want to install solar panels they are treated as an accessory use and the application is put before the Planning Board.

The goal is to follow the Town template with revisions related to the village's needs.

The issue of allowing a tax exemption per NYS Real property tax law on these property enhancements will need to be addressed as well.

A MOTION was made by Trustee Scott, seconded by Trustee Butler, all in favor to enter into Executive Session to discuss a Personnel Issue.

No Motions or Resolutions were made.

A MOTION was made by Trustee Lasher, seconded by Trustee Scott, all in favor to exit Executive Session and resume the regular work meeting

The Village Board discussed the issue of trees again.

Village Attorney Tal Rappleyea noted that this is an issue that's been going on for generations of Village Board's. It's unfortunate that the Village lost one tree but it is also a good catalyst to get everyone together discussing the matter moving forward. Formulating a committee of people

attending the meeting this evening to be on a tree committee and also perhaps considering to take a seat on the historic commission could be a positive outcome.

Trustee Lasher and Mayor Alberti mentioned that they have met with former Mayor Christian Pfister regarding replacing trees in the village. Mr. Pfister is very knowledgeable in this area and they are all going to meet again in the fall.

Trustee Lasher also brought up the issue of ‘what happened to the tree and the stump after it was cut down?’

The Mayor responded that that was an unknown and will need to be addressed in the future as a matter of policy.

The VB agreed that it should be a matter of discussion at a future meeting.

Trustee Lasher mentioned that she feels the VB should discuss the tree commission before making a decision on the tree discussed at tonight’s meeting (corner of 2nd Street and S. Franklin Street)

A RESOLUTION was made by Trustee Scott, seconded by Trustee Spinner, all in favor to appoint Trustee Gail Lasher as liaison to the tree committee.

ADJOURNMENT: 8:45PM

Offered by: Trustee Lasher
Seconded by: Trustee Butler
Record of vote: All in favor