

VILLAGE OF ATHENS BOARD MEETING

MINUTES- September 27, 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 was also present.

PUBLIC:

1. *Carol May & Tim Watkins*. Re: Neighbor issue. NO SHOW.
2. *Bob Wyant, resident of the Village*, attended the meeting to inquire about the Village's ordinance regarding rules and regulations for having a fire pit in the village.

Mayor Alberti read the village code as it relates to outdoor burning...

'no person shall burn any substance solid or liquid including but not limited to garbage, refuse... or any other combustible material within the limits of the incorporated village. '

It also states that 'special permits may be issued by the Fire Chief for special conditions...'

The Mayor stated as it stands now- considering the village code as it is written, the answer to the question about burning is 'no' it is not legal to have a burn pit in the village. However when you ride around the village there are people burning in pits. Also, technically, a gas grill has combustible liquids so that would be considered illegal according to the village code. Charcoal burning would also be a problem.

Trustee Spinner asked Mr.Wyant if he just uses the pit to sit out in front of in the evenings.

Mr. Wyant answered 'yes' – he sits in his backyard and has a small flame in his firepit. Mr. Wyant noted that he only burns untreated, hardwood pallets and they do not produce a large flame.

He also stated that he is a fireman and does not burn when it is windy. A cigar gives off more smoke than his fire.

He also showed pictures of the fire pit to the VB.

Village Attorney Tal Rappleyea mentioned that the VB should revisit that section of the law.

Mayor Alberti agreed.

It was noted by Trustee Scott and Mayor Alberti that at one point the village code allowed fire pits with certain restrictions- not sure why it was changed.

The Mayor also noted that Mr. Wyant should really talk to the Code Enforcement Officer for clarity since the VB can tell him what the code states but the Code Enforcement Officer is the only one that can enforce the code.

Mr. Wyant stated that he did talk to Mike Ragaini (CEO) 2 weeks ago and he never got back to him.

Trustee Butler also noted that perhaps the Village Police should be made aware of this as well so they can look for this type of activity.

The VB agreed that this section of the law should be reviewed.

Mr. Wyant told the VB that he would cover the pit up and let it set and not use it. If need be he will tear it down.

3. *Brian Mahoney, resident of the Village*, attended the meeting to discuss burning in the village. He noted that he had just entered the meeting and heard the previous person state that they were going to put a cover on their fire pit. He would like to know 'what that is going to do for the problem?'

Trustee Scott stated that what Mr. Wyant meant was 'that they were going to put a cover on the fire pit' and not use it anymore.

Mr. Mahoney asked 'what took so long?' . How many times do the cops have to come to a situation like this before something is done and the activity is stopped. He has called 4-5 times.

The Mayor also mentioned that when and if Mr. Mahoney sees smoke or fire he can also call the Fire Department.

Trustee Scott noted that the Police Department can issue him an appearance ticket.

Mr. Mahoney stated that residents should be able to have fresh air in their houses. This situation has been constant and not 'once in awhile'. There are tiki torches burning around a fire pit with pallets sticking up high in the sky. It smells throughout the neighborhood. He noted that there are people with COPD, asthma and also little kids in the neighborhood.

When he came down to talk to the cop on duty and get him to ride up by his house the cop could smell the smoke at the station.

The Mayor asked if the Officer on duty knew where it was coming from?

Mr. Mahoney replied 'yes'.

The Mayor asked Trustee Lasher to review this situation with the APD.

Mr. Mahoney mentioned that he discussed the matter with the person burning and he would not stop. Mr. Mahoney then looked at the village code and saw that it is against the law.

Trustee Scott reiterated that ‘where the situation is is that Mr. Mahoney is not going to burn anymore – he’s done’.

4. *John Pulice, village resident*, attended the meeting for two reasons. The first reason being that he wanted to thank the VB for installing the information sign by the WWTP on Route 385. The Mayor told John to thank Trustee Lasher and the Athens Street Festival Committee for that accomplishment.

Secondly, there is a big ditch in front of his house by the roadway where the brush is very high. The County came along and mowed next to it but could not come on to his property. He went out to try and mow it himself and became covered with ticks. Since he has been diagnosed with Lyme Disease and has to be monitored for it, he was wondering if he can burn it or have the Athens Fire Department burn the brush in the ditch.

The Mayor stated that the Fire Chief is the one that makes the decision. Under certain circumstances the Fire Chief can or will give permission for a controlled burn but the Mayor emphasized that permission must come from the Fire Chief. That would be Adam Greco.

The Mayor stated that no other official can override the authority of the Fire Chief in these cases.

Mr. Pulice inquired that if the Fire Chief says ‘no’ then what is his recourse?

Village Attorney Tal Rappleyea told him to ‘cross that bridge when he gets there – talk to the Chief first’.

Mr. Pulice asked ‘what if he says ‘no’?’

The Village Attorney said to ‘ask his lawyer’.

5. *Peter Wolfe, representing Wolfe Builders*, attended the meeting to discuss the storage units project which he has been hoping to build in the village. His application for a special use permit was denied by the ZBA and he has attended several VB meetings to try and convince the VB to amend the zoning.

Mr. Wolfe stated that he has done some research on the property in question and noted that it has been identified as commercial by the County and Town Assessors since 1991.

Village Attorney Tal Rappleyea stated that zoning classifications and tax classifications are two different things entirely.

The VB again discussed the zoning and the project.

Mr. Wolfe stated that he is here tonight because he would still like to go forward with this project. He only has another month to get the project going and was hoping that the VB would move forward with adding an addendum or another item to the list of special uses allowed by permit in the RM district which is where the project was proposed.

The VB asked the Village Attorney about the process and repercussions of this request.

The Village Attorney stated that as the legislative body they can add the use (storage units) to the list of uses that are allowed with a special use permit but if s revised, it is for the entire RM district which encompasses a large part of the village.

The VB discussed the area and probabilities of that ever happening.

Mayor Alberti mentioned that he has discussed this with residents and many of them feel that it should be on 9W.

Mr. Wolfe does not like that idea since there are no people there. The Sleepy Hollow market was mentioned.

Mr. Wolfe also mentioned that the storage units would look better than the abandoned trailers sitting there now.

Mr. Wolfe also stated that everyone talks about raising tax revenues in the village, as a contractor he has 'generated the biggest tax revenue than anybody with the 4 million dollar house he has completed and another 6600 square foot house on Farm to Market Road and also the bakery on Second Street'.

He also stated that "I'm helping you guys... so that can go both ways". He wanted to know "how do I get to the next level".

Trustee Butler stated that her problem lies, not with the storage units themselves, as she doesn't have a problem with that, but the problem for her lies in that this revision is such a fine line for her with the issue of spot zoning . For instance, if we amend something for you where you want it, and then what? We just keep changing to accommodate people?

Mr. Wolfe stated that a year has gone by trying to get this project going and the bank has been on him to proceed. If he can't get this going he will take his money to Cossackie and build something there.

Trustee Butler asked Mr. Wolfe is he has looked at the list of 'allowed' uses for that district to see if there is something else he can do on the property?

Mr. Wolfe stated that there is nothing listed where he can generate revenue.

Mayor Alberti stated that the zoning changes are relatively recent and he does not feel comfortable making a big change like that.

The VB will discuss it again later.

6. *Ken Sabio and Thomas Russell, representing Environmental Consultants,* attended the meeting by the invitation of the VB.

Mayor Alberti informed the VB that Environmental Consultants toured the Village's WWT Plants and WFT in July and presented the VB with a proposal for services listing their costs for manpower and plant expenses.

Mr. Sabio was a former owner of VRI and is very familiar with all of the Village's Treatment facilities. He has been in the business for 38 years.

Trustee Spinner discussed in detail the labor and chemical expenses as well as where responsibilities lie for maintenance of grounds at all of the plants as it relates to their contract.

Discussion of manpower at all plants was discussed.

Mayor Alberti asked questions regarding contract renewals and terms.

The VB also discussed in detail how repairs at all of the treatment plants will be handled.

Mr. Russell noted that they are very much interested in signing a contract for services with the village and asked where the village stands presently?

The Mayor stated that the VB is still discussing it and will come to a decision in the very near future. He also thanked them for coming to the meeting.

APPLICATION:

1. Membership to AVFD. Fire Chief Adam Greco introduced the Applicant to the Village Board. Applicant: Philip Moritz. References: George Stacey and Adam Greco.
Motion to approve the Applicant:
Offered by: Trustee Butler
Seconded by: Trustee Spinner
Record of vote: all in favor
2. Facility use application. Applicant: Elyse Young. Re: baseball lessons.

MOTIONS and RESOLUTIONS:

1. Proposed Resolution Approving Minutes

BE IT RESOLVED, the Minutes from Village Board meetings held on August 23rd and September 13th, 2017 be approved:

Offered by: Trustee Lasher

Seconded by: Trustee Scott

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 #1940, vouchers numbered #9917212 through #9917235 and voucher #9917248 in the amount of \$154,884.63.

WATER- Abstract #10403, vouchers numbered #9917236 through #9917244 in the amount of \$31,631.32.

SEWER- Abstract #10388, vouchers numbered #9917245 through #9917247 in the amount of \$11,250.02

Offered by: Trustee Scott

Seconded by: Trustee Spinner

Record of vote: All in favor

3. Proposed Resolution Approving Certificate Setting Forth Village Offices To Be Filled in April 2018:

WHEREAS, the county conducts the village elections annually and requires certification of which offices are to be filled,

THEREFORE, BE IT RESOLVED that the Village Board Approves notification to the county of two Trustee positions to be filled in April 2018;

Offered by: Trustee Lasher

Seconded by: Trustee Scott

Record of vote: All in favor

4. Proposed Resolution Approving roof repairs

WHEREAS, the Cultural Center needs repairs completed on their roof,

THEREFORE, BE IT RESOLVED that the Village Board Approves the roof repairs at the Cultural Center as recommended by Carol Pfister;

Offered by: Trustee Lasher

Seconded by: Trustee Spinner

Record of vote: All in favor

5. Proposed Resolution approving employee benefits for non-union full time office workers

WHEREAS, the DPW (Teamsters local 294) and the VB have finalized their contract negotiations and the contract has been signed and,

WHEREAS, it has been customary for the VB to grant the same benefits to non-union, full-time office employees,

THEREFORE, BE IT RESOLVED that the VB approves granting the same employee benefits to non-union, fulltime office staff as has been agreed upon in the DPW Contract;

Offered by: Trustee Lasher

Seconded by: Trustee Scott

Record of vote: All in favor

6. Proposed Resolution approving Village DPW assisting State Telephone on October 4, 2017

WHEREAS, State Telephone is having a building placed at the corner of Union Street and N. Vernon Street as part of the Fiber optic cable installation project and,

WHEREAS, State Telephone has contacted the Mayor and asked that the Village DPW be made available to assist them, if necessary, on that date;

THEREFORE, BE IT RESOLVED, that the VB approve the DPW assist State Telephone on October 4, 2017, if necessary, in the installation of the building placed at the corner of Union Street and N. Vernon Street;

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

7. Proposed Resolution approving a hard hat policy for the Village DPW

WHEREAS, a safe work environment for the DPW employees is a priority of the VB, and,

WHEREAS, there is some discrepancy as to whether they are used all of the time while working,

THEREFORE, BE IT RESOLVED, the VB approves a hard hat policy which will be given to all of the workers and must be adhered to at all times while working for the Village of Athens;

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

8. Proposed Resolution approving that the Village opt out of the State's Shared Services Plan

WHEREAS, the County and the Town have decided to opt out of the States Shared Services Plan,

THEREFORE, BE IT RESOLVED, that the Village of Athens opts out of the State's plan for Shared Services;

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

CORRESPONDENCE:

1. NYS Department of Public Service. Re: Proposed rate increase- Central Hudson Gas and Electric Corporation.
2. NYS Department of Health. Re: Notice of Monitoring Due.

3. Dept. of the Army- US Army Corps of Engineers. Re: Permit Application No. NAN-2017-01190-UBO – Thomas J. Sewak.
4. Nancy Poylo. Re: Brush pile.
5. NYS Department of Environmental Conservation. Re: Annual SPDES Inspections results.

OLD BUSINESS:

1. Notice of Violation and Order to Comply. CSHO ID: N6557.
2. Brush pile.
3. Vendor permit – Public Hearing Oct. 25, 2017.
4. LWRP.

NEW BUSINESS:

1. The Bank of Greene County met with the Clerk-Treasurer to present an interest income comparison to share with the VB.
2. Security officer at the School – billing.
3. Bank of Greene County Charitable Foundation Guidelines.
4. Revolving Loan Fund – promotion perhaps?
5. Athens Cultural Center – roof repairs.

The VB discussed the brush pile behind the Firehouse. After discussion, they decided to open it on the weekend of the Village/Town cleanup October 21, 2017. The VB is considering opening the brush pile for two weekends out of the month in the future.

The Clerk-Treasurer updated the VB on the last LWRP meeting. A discussion between the members ensued regarding the property next to the WWTP owned by Frank Pedatella. The LWRP is concerned that their findings in regard to the issued permit were not carried through to the property owner. Is there a way this can be rectified?

The Village Attorney stated that it can be rectified. Even though the permit was issued without the LWRP's findings recognized, government is always encouraged to fix mistakes that have been made. They want to see regulations adhered to, especially as it relates to the waterfront. Basically, the CEO can make the property owner aware of the LWRP findings and fix the permit.

The VB discussed tree planting by property owners on village property. The Code Enforcement Officer will be notified.

Trustee Lasher informed the VB that they (Trustee Butler and Trustee Lasher) met with a representative from Central Hudson and rode around the village for several hours looking at trees. Central Hudson works on a 4 year cycle going through communities to evaluate trees as they relate to their electric lines.

Mayor Alberti asked what kind of qualifications the Central Hudson worker has.

Trustee Lasher noted that he was a certified Arborist working for Central Hudson in the forestry department full time.

Several trees were noted as possible problems in the near future. However, he offered several suggestions including planting smaller trees close by the trees that need to come

down. He explained how they maintain trees in the communities by cutting out the smaller trees so that the more attractive and stronger trees can be seen and be healthy. They also do inform property owners (and the village) when they have decided that a tree will come down. It was noted that a tree survey completed by the tree committee would be advantageous.

Mayor Alberti asked if he would make himself available to meet with the tree committee?

He would be more than happy to meet with residents if they have questions or concerns.

Trustee Lasher also discussed the Intermunicipal Agreement for the Town and Village Highway/streets departments that is being worked on. She shared the revisions that were made after meeting with Supervisor Butler.

A MOTION was made by Trustee Lasher, seconded by Trustee Scott to enter into Executive Session to discuss Personnel issues.

A MOTION was made by Trustee Butler, seconded by Trustee Spinner to exit Executive Session and resume the regular village board meeting.

ADJOURNMENT 10:15PM

Offered by: Trustee Butler

Seconded by: Trustee Spinner

Record of vote: All in favor

Mary Jo Wynne
Clerk-Treasurer