

# VILLAGE OF ATHENS BOARD MEETING

MINUTES- OCTOBER 25, 2017 6:30PM

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

Village Attorney Tal Rappleyea was also present.

*Pledge to the Flag*

## **PUBLIC HEARING:**

The Mayor asked the Clerk to read the notice that was published in the newspaper regarding tonight's Public Hearing on adopting Local Law #4 which would amend the Village of Athens Peddling and soliciting law.

Consideration of the following amendment to local law chapter 188: Peddling and Soliciting:

§ 188-1 License required; exceptions.

- A. No person, firm or corporation without first having obtained a license therefor shall peddle goods, wares or merchandise in any public street, avenue, sidewalk, lane, alley or in any public place in the Village of Athens or sell or offer for sale any goods, wares or merchandise in, upon or from any booth or stand in any public street, avenue, lane, alley or sidewalk or in any public place in said Village; provided, however, that this section shall not apply to wholesale salesmen selling goods, wares or merchandise exclusively to dealers or merchants, nor to the peddling of meats, fish, fruit or farm products, nor to sales by public officers by order of any court of competent jurisdiction, nor to the sale of meats, fish, fruit and farm products in any public market now or hereafter authorized or established by the Board of Trustees of this Village.
- B. *A license may be obtained by the filing of an application therefore in a form proscribed by the Village Board and filed with the Village Clerk. The Village Clerk shall refer the application for determination by the Village Board. The Board may impose restrictions and/or conditions of approval that are reasonable related to the best interest or safety of the residents of the Village or the general public.*

As the code reads presently “§ 188-1 License required; exceptions only” consists of Section ‘A.’. The proposed amendment would create ‘A.’ and ‘B.’

The Mayor read Part B of this section of code which is where the amendment will be made. Applications will need to be completed and reviewed before the permit is issued.

Meeting opens to public comment.

Andrea Smallwood, Carol Bernard and John Pieruzzi spoke on behalf of APAC.

Ms. Smallwood stated that she had a couple of comments due to the fact that they ran into a couple of situations with vendors this past summer during their Friday night concert series.

She suggested that the village add the following to Section 188-3 where it states 'Street Festival' the village may want to add 'or other village board approved organized function'. The APAC music series, Victorian Stroll and any other village sponsored event should be considered in this section.

She also noted that the section for licensing should state that vendors are not to use Municipal electric, water or sewer hookups. Using the village electric in the park can be unsafe and also compromise the quality of the music series.

There are no copies available this evening of the application for a license to look at but she would like the application to give these events more control.

Ms. Smallwood noted also that this section of code cross references Section 137 entertainment. Not sure it matters but you may want to review that.

Ms. Bernard commented that, as with the Street Festival, as APAC's concert series grows and word spreads the village will be inundated with vendors coming in soliciting at these events.

APAC committee members are asking that, while the VB considers amending this code, the VB give consideration to these events so that the organizers of these events have some control over this activity during their events. Just so they know who's coming in and can say 'yes or no'.

Ms. Bernard stated that the committee uses public funds for these events from Athens Generating. They also have other sponsors so they would like to be able to say that the vendors cannot make money off of the events without some sort of control.

They emphasized the 'need to protect the integrity of the events'.

Mayor Alberti asked if they wanted the same treatment as the street festival in the code.

Ms. Bernard and Mr. Pieruzzi stated that they just wanted to have a say in the vendor permitting process for their events.

Mayor Alberti agreed with them since the organizers are the ones in charge of the events in the park and also provide their own security. He noted that they have been fortunate not to have many vendors yet.

The Clerk added that the vendor permit law has always been very outdated and the office saw the potential for problems this past summer when various inquiries were made by numerous vendors/peddlers looking to solicit on Friday nights. Many inquiries were made. The present code makes it very easy to obtain a permit with no review or restrictions.

The clerk stated that the input given tonight was positive and should be reviewed further before finalizing the local law.

The Village Attorney agreed that their comments made sense given that these events are becoming more popular and the more popular they become the more they are going to have vendors that want to come in and solicit.

The Mayor asked if there were any more comments from the public.

No Comments.

A MOTION was made by Trustee Shannon Spinner, seconded by Trustee Gail Lasher to close the PUBLIC HEARING and begin the REGULAR VILLAGE BOARD MEETING.

### **CLOSE PUBLIC HEARING – 6:50 PM**

### **REGULAR VILLAGE BOARD MEETING OPENS:**

#### **PUBLIC:**

1. *Kelly Raver*. Re: Bunker Hill Dog Park. No show
2. *Phillip Emmanuel Melecio* attended the meeting to discuss the application for gym usage which is on the agenda this evening. He wanted to come in person to answer any questions that the VB may have since there have been issues with the group that he plays with on Monday evenings and he is now the applicant with a co-applicant that want the responsibility now. Those that were responsible for Monday night basketball will no longer be involved.

The VB reviewed the application and asked questions concerning security and time frames for usage.

3. *Carol May and Tim Watkins*, residents of N. Franklin Street attended the meeting as a follow-up from the meeting held on August 23<sup>rd</sup>, 2017 regarding ‘neighbor issues’ with Jeanie Helseth.

Mr. Watkins stated that they wanted to come to the VB to let the VB know who they are and present an alternative view than the one their neighbor presented of them at August’s meeting.

Ms. May stated that they wanted to ‘set the record straight’. They have been working and living at that location for the last 13 years and have never had any problems with any of their neighbors ever before. Relations with their neighbors have always been more than cordial and they all try to be very considerate of each other.

It was important to them that the record with the village not stand as it was left after that meeting. It is important to them to show ‘who they are and what they do’.

Mr. Watkins showed several pictures of their artwork and stated that their visual works are placed in museums, public spaces and children's museums. Some of the neighborhood children have had the opportunity to enjoy these exhibits while they were being worked on. The neighborhood actually enjoys seeing these pieces come together.

Mayor Alberti noted that after the meeting in August he went to their website to see for himself what they do and found the work very interesting.

Both Mr. Watkins and Ms. May informed the VB that they are very conscientious about where they are working. However, this past summer the work became a little out of control with deadlines and other issues and they became a bit noisy for 20 days while completing a deadline. The piece was also bigger than they had anticipated.

They mentioned that in the past they had rented their neighbors driveway and garage for other pieces with no problem. They had also considered buying that house but then reconsidered. That seems to be when everything 'exploded'.

Ms. May stated that in 2003, under Mayor Riley, the VB made a decision to sell the firehouse to a magnet artist. The term magnet artist being that a community entices artists to move to their community in the hopes of bringing a certain cultural level to the community while also bringing up the property prices and creating jobs.

Mr. Watkins also noted that they employ 3 Athens residents and also sometimes utilize local contractors. He also mentioned that he sits on the Athens Cultural Center Board and was involved with a project at EJ Arthur Elementary School in conjunction with Greene County Council of the Arts taking students to OMI and afterward developing their own piece of work which stood outside the school building.

Ms. May informed the VB that she thought that all of the paperwork was in order for what they were doing in the building. The contract for sale states that the property is to be used as a design and fabrication studio and living area. She noted that she has a copy of a completed application to the ZBA for a special use permit. "I believed that this was finalized otherwise I would never have purchased the building without it".

Mayor Alberti stated that he does not know what happened to the paperwork as it was years ago but they should reapply and finalize it to make it legal.

Ms. May replied that that would not be a problem.

Trustee Lasher also noted that she knows people that lived near their residence and they had never been bothered with any noise.

The Clerk noted that she had also looked for a permit that may have been issued but only found an application. She also reviewed the ZBA minutes and there is no

reference to this application. Perhaps the application was filled out before the closing but then the process stopped.

Mayor Alberti asked them if they want to continue working at this location? He had heard that they were looking for another location.

They both replied that they want to continue where they are but will keep the work on the inside of the building.

Village Attorney Tal Rappleyea stated that they should follow through with getting the special use permit for their own protection. In the future you won't have any issues with your neighbors – you will have the permit.

Mayor Alberti agreed. Get the paperwork done and when it is all approved they will be legitimate.

Trustee Scott asked if they ever work late in the evenings?

They replied 'never'.

Resident John Franzen spoke on their behalf as well. He stated that he and his wife have lived next to Tim and Carol since they moved there and they have been exemplary neighbors in all respects. Their activities have never been a problem. They observe that the artistic business that they pursue enhances the Village and really should be encouraged.

Mayor Alberti agreed.

Mr. Watkins also wanted to thank Mary Jo, Mary Ann, Mike and everybody here for listening and helping them with all of this.

#### **APPLICATIONS:**

1. Applicant: Gary Cunningham. Re: Community Center gym. MOTION made to approve application as submitted by Trustee Spinner, seconded by Trustee Lasher, all in favor.
2. Applicant: Coxsackie-Athens Little League. Re: Community Center gym. MOTION made to approve application as submitted by Trustee Spinner, seconded by Trustee Lasher, all in favor.
3. Applicant: Phillip Emmanuel Melecio- men's pick-up basketball. Re: Community Center gym. MOTION made to approve application as submitted by Trustee Butler, seconded by Trustee Scott, all in favor.

A MOTION was made by Trustee Butler, seconded by Trustee Spinner granting permission to allow Jason Lasher to use the Community Center gym from 5:30 to 7:30 on Mondays. Trustee Scott votes aye. Trustee Lasher abstains.

Village Attorney Tal Rappleyea informed the VB that he has completed the Certificate of Corporation for the 'Friends of Athens' and soon their 501-c3 will be filed.

## **MOTIONS and RESOLUTIONS:**

### 1. Proposed Resolution approving Minutes

BE IT RESOLVED the Minutes from Village Board meetings held on September 27<sup>th</sup>, 2017 and October 11<sup>th</sup>, 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 vouchers as presented:

GENERAL FUND – Abstract #1942, vouchers numbered #9917276 through #9917298 in the amount of \$13,186.50

WATER FUND – Abstract #10406, vouchers numbered #9917299 through #9917306 in the amount of \$12,923.38

SEWER FUND – Abstract #10391, vouchers numbered #9917307 through #9917312 in the amount of \$11,121.28

Offered by: Trustee Lasher

Seconded by: Trustee Scott

Record of vote: All in favor

### 3. Proposed Resolution approving rescheduling November's Village Board Meetings

WHEREAS the village board has decided, due to the Thanksgiving holiday, there will only be one meeting in the month of November,

THEREFORE BE IT RESOLVED that the Village Board approves holding one meeting in November, to be held on November 15, 2017 at 6:30PM ;

Offered by: Trustee Spinner

Seconded by: Trustee Scott

Record of vote: All in favor

### 4. Proposed Resolution approving canceling December 27<sup>th</sup>, 2017 Village Board Meeting

BE IT RESOLVED that the Village Board approves canceling the December 27<sup>th</sup>, 2017 Village Board meeting;

Offered by: Trustee Lasher

Seconded by: Trustee Butler

Record of vote: All in favor

### 5. Proposed Resolution approving the Victorian Stroll event sponsored by the Athens Cultural Center.

WHEREAS the Cultural Center holds an annual Victorian Stroll which utilizes various village buildings and streets,

THEREFORE BE IT RESOLVED that the Village Board approves the request as written by the Cultural Center to hold their Victorian Stroll on December 9<sup>th</sup>, 2017;

Offered by: Trustee Spinner

Seconded by: Trustee Scott

Record of vote: All in favor

6. Proposed Resolution to not renew the Village's contract with VRI environmental

WHEREAS the Village Board has reviewed the contract currently held with VRI and notes that the auto renewal is forthcoming and,

WHEREAS the Village Board has discussed some of their concerns with the performance in operating the village's water filtration plant and wastewater treatment plants and,

WHEREAS the village board has explored other options in running these plants extensively,

THEREFORE BE IT RESOLVED that the Village Board agrees to not renew the contract with VRI and reserves it right to notify VRI

Offered by: Trustee Spinner

Seconded by: Trustee Butler

Record of vote: All in favor

7. Proposed Resolution to sign contract with Northdome to operate the village's water filtration plant and wastewater treatment plants

WHEREAS the Village Board has met with representatives of Northdome and discussed their abilities in operating the village's WWTP's and WFP,

WHEREAS the village board has researched their credentials, reviewed the contract with the village of Athens and feels confident in Northdome's abilities to operate all of the village treatment facilities,

THEREFORE BE IT RESOLVED that the village Board will sign contract with Northdome to operate these facilities starting January 1, 2018

Offered by: Trustee Spinner

Seconded by: Trustee Scott

Record of vote: All in favor

8. Proposed Resolution to pass Local Law # 4 Regulating Peddling and Soliciting in the Village of Athens

WHEREAS the Village Board held their public hearing this evening and received comments which will be taken into careful consideration in amending this section of the

code for the safety and betterment of the residents while bettering the quality of events that are held annually by village board recognized entities.

**THEREFORE BE IT RESOLVED** that the village board passes Local Law #4 Regulating Peddling and Soliciting in the village of Athens

Roll call vote:

Offered by: Trustee Lasher

Trustee Spinner votes aye.

Trustee Scott votes aye.

Trustee Butler votes aye

Mayor Alberti votes aye

RESOLUTION passes.

### **CORRESPONDENCE:**

1. Lighthouse Church. Re: 4<sup>th</sup> Annual Harvest Festival – permission for Hay Ride. MOTION made by Trustee Lasher, seconded by Trustee Spinner, all in favor, to grant permission to hold Hay Ride as specified in the letter
2. Annika C. Vogt. Re: Tree at 36 N. Franklin St. A MOTION was made by Trustee Butler, seconded by Trustee Scott, all in favor, to repair the sidewalk when the DPW has the opportunity.
3. Athens Town Court. Re: light switch. Light switch is fixed.
4. Woidt Engineering & Consulting, PC. Re: Dam Safety Inspection/Condition Review.
5. Greene County Veterans Service Agency. Re: Invitation to the annual Greene County Veteran of the Year Ceremony.
6. NYSERDA. Re: New York Solar Guidebook for local governments.
7. Athens Cultural Center. Re: Victorian Stroll.

### **OLD BUSINESS:**

1. Notice of Violation and order to comply. Trustee Robert Scott is the liaison or point person.
2. Brush pile.

The Village Board discussed the brush pile behind the Firehouse on Third Street. It was agreed that the brush pile will be open every other weekend starting with November 4<sup>th</sup> and 5<sup>th</sup> being open.

### **NEW BUSINESS:**

1. Review Vendor license application.

A MOTION was made by Trustee Spinner, seconded by Trustee Scott, all in favor to enter into Executive Session at 8:57 to discuss Personnel issue – hiring or firing or disciplinary action of an employee.

A MOTION was made by Trustee Butler, seconded by Trustee Spinner, all in favor, to exit Executive Session at 9:33 and resume the regular Village Board meeting.

**ADJOURNMENT:**

**9:34 PM**

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

Mary Jo Wynne  
Clerk-Treasurer

