

**VILLAGE OF ATHENS BOARD MEETING
MINUTES– January 26, 2022**

Pledge to the Flag

PRESENT: Mayor Amy Serrago, Trustee Gail Lasher, Trustee Nancy Poylo and Trustee Joshua Lipsman

ABSENT: Trustee Rickie Gabrielle

Village Attorney Tal Rappleyea was also present.

Clerk-Treasurer Mary Jo Wynne was also present for the purpose of taking Minutes.

ZOOM meeting was conducted via online teleconferencing software as per emergency changes to Open Meetings Law in response to COVID-19 / Executive Order 2020.1 by the State of New York.

PUBLIC HEARING

Mayor Serrago opened the Public Hearing at 6:30PM

Tonight's public hearing is being held for the purpose of hearing public comment on the ***Civilian Oversight in Policing Draft Law*** created in accordance with the New York State Police Reform and Reinvention Collaborative, Governor's Executive Order 203 of 2020.

Public Comment.

Trustee Poylo (also committee member) noted the following:

- The definition 'unconscious bias' is never used in the document so it should be removed from the document's definition section
- Terms of appointment may need to change from April 1st to May 1st
- Section 4 (c) (b) (d) handling of complaints was discussed at length

Discussion ensued with Stephen Bradicich (committee member), Mayor Serrago (committee member) and Trustee Poylo regarding who deems a complaint appropriate as written in this section.

It was noted that there was disagreement regarding this section amongst the committee.

The ombudsman issue was also discussed as well.

Agreed that it needs to be clarified in the draft law.

- Section 5(c) last sentence makes no sense

Trustee Lasher (also committee member) noted that the full committee did not finish this document. It is an incomplete draft.

She also mentioned that there may be union issues with this document and it may also have an effect on police morale.

- 5(a) last sentence – Trustee Lasher thinks that complaints should go through our normal complaint process- using the Village's complaint form. It can be done anonymously.

Stephan Bradicich (also committee member) also mentioned section 4(c) of the document.

Trustee Lipsman noted that he shares Trustee Lasher's reservations. He supports the document but also feels that it is important that the VB scrupulously follow the process of passing this law so that once enacted there are no problems utilizing it. It also has the potential to radically change the VB's relationship with the police department.

He stated that he has heard concerns informally from the police department.

Jane Cole-Rafferty, resident, voiced concern when she hears Trustee Lasher state that the draft law is premature and is not ready to be enacted into law.

Trustee Lasher responded that that is correct. The last scheduled meeting of the committee was cancelled and never rescheduled. There were concerns about the draft law then and they never met after that prior to the public hearing.

Mayor Serrago stated that the initial report and review was completed in March of 2021. However, this draft law has been in committee for months.

The Mayor stated that she thought that it was clear to the committee that they would tighten up the document, bring it to the public for comment and then bring it back to the committee to review comments and make changes if necessary. She did not intend to have the law voted on this evening. Several times in the past draft laws have been taken to public hearing for comments and then revised based on comments made by the public before the final law is passed.

Mr. Bradicich noted that after the last meeting it was clear that there were parts of the document the committee members were not in agreement on and they would not be able to agree on those as a committee so he highlighted those areas on the document to hand over to the "Board".

Mr. Bradicich notes some of the contentious areas:

Ombudsman/advocate

Data available to the committee

Sec (3) Diversity - diverse representation on the committee

Vetting of committee members

Discussion ensued between the public, committee members and VB members regarding confidentiality.

Ellen Roth, member of the committee and resident, mentioned that in regard to confidentiality she assumes that any complaint is confidential and it is probably noted on the village complaint form. Noted section 4(a) also the process of the committee work needs to be confidential but they want the conclusions to be transparent.

Robert Brunner, Jr., resident, asked the VB if an anonymous complaint will be discussed in public?

Mayor Serrago replied that, generally speaking, when the VB gets a complaint they try not to give the names out in a public forum but also anonymous complaints may need more information in order to follow through. Kept as confidential as possible.

Christopher Sharpe, resident of the Village – Has the VB seen how this works in other villages and is it effective?

Mayor Serrago replied that when they started this draft law she had reached out to other leaders and municipalities asking if they had a draft law and the answer was 'no'. "Basically we are starting from scratch".

Marya Warsha, resident, noted that there are 3 other communities in our area that are just meeting tonight on this issue. Other communities are just beginning the process.

Kathy Jackson, resident and Library Board member, wanted to mention two things:

- The document references a 9 member committee- As it is it is very difficult to get volunteers in this village so finding 9 people may be difficult.
- The document also notes that the committee should be a cross section of the whole community. What is a cross section of this village. Shouldn't that be defined? She is concerned that that may be too broad of a statement.

Discussion ensued regarding 'cross section'.

The issue of transplants, part-time residents, life-long members, 'weekenders' etc. of the community were discussed at length.

Ms. Jackson mentioned that she thinks that most volunteers or committee members in the village are not permanent or native residents. The majority are part-timers.

Trustee Lasher stated that she disagreed with Ms. Jackson in that in order to be on this committee it is very important to know the community and someone who is not a permanent resident – only here on the weekends- in her opinion should not be on this committee.

Trustee Poylo also noted that the document states that the committee consist of a 5 -9 member committee.

Trustee Poylo mentioned that the committee spent a long time trying to define cross section.

Ms. Jackson also mentioned that the document states the fact that a committee member cannot hold another elected seat in the village. This will also limit the number of volunteers.

Jane Cole-Rafferty asked that 'since she is on the Library Board would she be unable to hold a seat on the oversight committee?'

The way it is written now – she would not be able to due to the fact that that is an elected position.

Mayor Serrago noted this for Mondays meeting because she feels that being on the library board would not be a problem. The intent was not to have a VB member on this committee.

Mayor Serrago stated that she would like to close the Public Hearing since the draft law clearly needs some more work.

Mayor Serrago asked again if there were any other comments.

Leo Palmateer spoke as an "engaged and active member of the committee", also a resident. He would like to reiterate some of the points already made and add on to them.

Mr. Palmateer stated that the committee's work was "shut down" prematurely. He is encouraged by the fact that the Chairperson and Mayor have stated that they have more work to do on the document.

He agrees that "ombudsmen" is a big concern for him. The VB appoints a civilian oversight committee which is already another layer of government and then that committee may then again appoint an ombudsman – "dangerous and unnecessary". There is no reason that the committee cannot do this work.

Mr. Palmateer noted that the issue of the committee's composition is important in that it should be composed of long-term residents. He feels that it is important that they not only be diverse but be people who know the village.

Confidentiality issue. The committee never had a chance to review it.

He mentioned that he has significant concerns with section 4(c) in that it's "crazy". Complaints should be handled by the procedure and protocol of the village.

The residents voted for the Village Board to run the police department so he doesn't feel that the village board should relinquish or 'shirk' their responsibilities in running the police department by allowing 'random people' to handle complaints against them. The VB needs to direct the committee.

Mayor Serrago respectfully stated that she does not or has not "shirked" her responsibilities as Mayor for the village this past year but again, asked if there were any other comments before closing this public hearing as it has become a committee meeting during a public hearing.

Mr. Palmateer continued with comments stating that he is the public and this is a public hearing. He commented on Section (5) (b) video footage.

Mayor Serrago noted the comment.

Trustee Lipsman stated that he appreciates Mr. Palmateer's points but echoes what the Mayor is saying in that this is turning into a mixture of committee meeting and a public hearing. The public hearing has made it clear that the committee, which is already scheduled to meet next Monday to discuss these issues, has work to do and then there will be another public hearing and with all due respect the VB has other business to attend to this evening.

Mr. Palmateer stated that he will be sure to go first at the next public hearing.

Trustee Lipsman noted that he will look forward to that.

Mayor Serrago **CLOSES the PUBLIC HEARING** at 7:36PM

RESUME REGULAR WORK MEETING

APPLICATION: Facility Use – Athens Riverfront Park. Applicant: Cultural Center

Trustee Lasher noted that the list of dates which they would like to use the park includes the customary date for the Street Festival. The Street Festival has not yet submitted their facility use application but it is normally the second Saturday in July.

A MOTION was made by Trustee Lasher, seconded by Trustee Poylo, all in favor, approving application with dates requested with the exception of July 9, 2022.

PUBLIC:

1. Carol Pfister- Cultural Center update – reserved the right to speak later if need be. Trustee Lasher, liaison to the Cultural Center, may speak about the issues that she was going to speak about this evening.

RESOLUTIONS:

1. Proposed Resolution Approving Minutes

BE IT RESOLVED, that the Minutes from the Village Board meeting held on January 12th, 2022 be approved:

Offered by: Trustee Lipsman

Seconded by: Trustee Poylo

Record of vote: All in favor

2. Proposed Resolution Approving Payment of Vouchers as Presented on Abstracts

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

GENERAL FUND – Abstract #2084, vouchers numbered #9921354 through #9921376 in the amount of \$21, 511.69

WATER FUND – Abstract #10516, vouchers numbered #9921378 through #9921381 and voucher #9921390 in the amount of \$6851.38

SEWER FUND – Abstract #10501, vouchers numbered #9921382 through #9921389 in the amount of \$1127.36

Offered by: Trustee Lasher

Seconded by: Trustee Poylo

Record of vote: All in favor

3. Proposed Resolution Approving COVID-19 Preventative Measures

(Discussion regarding this Resolution is documented under NEW BUSINESS)

BE IT RESOLVED, that the Village Board approve the following Resolution:

WHEREAS humanity is facing one of its most historically dangerous times in the form of the COVID-19 pandemic; and

WHEREAS it is incumbent upon governments to keep their residents, their families, and their communities safe; and

WHEREAS there are well known preventive measures against COVID-19, including cleaning of hands, social distancing, masking, testing for the presence of the virus in the body, and vaccination;

NOW THEREFORE BE IT RESOLVED THAT THE VILLAGE OF ATHENS

- Strongly urges its residents, its employees, and all who live, work, or visit in Athens to be fully vaccinated and to maintain full vaccination against COVID-19, unless an individual has medically advised reasons not to be vaccinated; and
- Strongly urges its residents, its employees, and all who live, work, or visit in Athens who cannot or will not be vaccinated, and who interact with other individuals in any situation in which it is not possible to be constantly at least six feet away from others, to be tested for COVID-19 at least once per week with any generally approved testing method, and to seek guidance from a licensed health care provider on appropriate measures to be taken for a positive test result; and
- Strongly urges its residents, its employees, and all who live, work, or visit in Athens regardless of vaccination status to wash or sanitize hands frequently, to social distance from all not in their inner social circle, and to wear masks covering both nose and mouth in public indoor spaces

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

CORRESPONDENCE:

1. NYS Office of the State Comptroller. Re: Distribution Summary Report
2. Christian Pfister. Re: Flower program
3. NYSDOT. Re: CHIPS, PAVE-NY and EWR statement.
4. Renewal Agreement- EAP/SAP services
5. C-A Central School District. Re: Task Force

NEW BUSINESS:

1. DRAFT Engineering Assessment Report- Rick Woitdt, CFW Engineering PLLC
 Mayor Serrago noted that she will have Joe Myers (Northdome) speak in more detail at the department head meeting about the findings on the report.

2. Vaccine mandates/testing policies

The VB discussed the Resolution (#3) proposed for tonight's meeting.

Kathy Jackson, resident, asked if the police department was supposed to be wearing masks when they are within 6 feet of the public? If there is no requirement for employees that deal with the public to be immunized how are we protecting our residents?

Trustee Lipsman noted that the VB is starting with a recommendation. Employees who did not have to wear a mask before this Resolution won't have to wear a mask after this Resolution. This Resolution is to be a sense of the VB that this is what we should do. He is hoping that based upon this Resolution employees who are not vaccinated will get vaccinated. It is an incremental step and as the situation is monitored it may go from recommendation to mandate.

Ms. Jackson stated that she is surprised that the VB is not more emphatic about this since they are employees of the village that are in the public and are walking into people's houses without masks.

Trustee Lasher stated that she will address that with them (Police/Code).

Mayor Serrago assumed that they were 'masking' while working with the public. She has advised employees that when inside village buildings they should be masked. This will be addressed.

3. Budget

Mayor Serrago noted that a Public Hearing will need to be scheduled in order to pass the Repeal of the Tax Cap law this year. Tentatively the second meeting in February. Again, just standard procedure in case we need to repeal the tax cap but as of yet there is no need to repeal. Precautionary.

The Mayor also noted that it may be advantageous to schedule a meeting exclusively for budget discussion.

Trustee Lipsman suggested putting a time limit on it as well.

OLD BUSINESS:

1. Fund Balance Policy – suggested strongly by OSC – Draft Resolution/policy written by Clerk-Treasurer for Mayor to review and revise.

2. DPW garage sale proceeds

Mayor stated that the VB should think about where they would like this money to be used. The Mayor noted that the building renovations reserve would be appropriate.

3. Police/Code Enforcement hourly reporting/timesheets

There are a lot of issues with reporting police hours in that there are police, code enforcement and School resource officer hours being ‘lumped’ together and this is still being worked on. Clarification is important for budget and also reporting to various agencies.

OTHER:

Trustee Lipsman informed the Village Board that:

The CAC has completed and approved their Annual report and submitted to the Mayor. The CAC are also close to submitting their Clean Energy Community Grants applications to NYSERDA for the \$20,000.

There was a slight modification to the application for the Cultural Center in that the original application was to apply for insulation in the building but they have decided to apply for heat pumps instead due to fact that they would have to complete an energy audit for the request to insulate.

Trustee Poylo noted that that was the same thing she asked to apply for in the Clerk’s office in the Community Center building (heat pumps) but were told that they would have to complete the energy audit so they decided not to apply.

Discussion ensued regarding energy audit requirements and ownership of both buildings.

The CAC has also met with NYSDOH regarding the Drinking Water Source Protection Project.

Trustee Lipsman also informed the VB that the installation of the electronic charging station has been delayed twice due to supply chain issues.

The Hudson River Valley Greenway Grant for the tree program was discussed. It is a matching grant for \$12,000.00.

Trustee Lipsman noted that there has been no action taken regarding the vehicles parked illegally on South Street and he will keep bringing it up because it is an eyesore.

Trustee Lasher brought up the issue of the Cultural Center Lease. Did the Village Board have any comments or questions?

Trustee Poylo stated that she had several questions/comments since this is the first time she has looked at it:

- 1st paragraph – confusion regarding lessee and lessor in that the village of athens is the lessor and the services provided as noted to the lessor are for the village at large. Change “lessor” to “community”.
- “Far exceed fair market value of the rental of the premises”. The rent is zero.
- If the lease is stating that the parties acknowledge everything that the Cultural Center does for the community then the lease should also acknowledge what the village does for the Cultural Center in the form of repairs, renovations etc. free of charge by the DPW. Attorney Tal Rappleyea agreed.
- Section 4 she revised a bit – Maintenance and care

Trustee Poylo noted that she doesn’t understand why any of these items are in this lease. Is it necessary in any lease?

Attorney Tal Rappleyea stated that paragraph #1 exists to confirm that the village is not giving a private entity a free lease. That would be giving public funds away. We have to acknowledge quid pro quo. Services are provided to the village in turn for the zero lease.

Trustee Lipsman asked if the VB really wanted to pay our Village Attorney to make changes that seem aesthetic in nature or just to ‘tighten’ up the document. He noted that he does not support changes that are only aesthetic in purpose

Trustee Poylo disagreed. It is important to tighten up this document. It is a long-term lease. Boards change in the future and the village should be protected. Trustee Poylo also noted that she already redlined the lease so the attorney costs should be minimal.

Trustee Poylo will send her proposed edits/concerns to the Village Attorney. Village Attorney will review them.

Trustee Poylo also noted two other items on the lease:

- Right to purchase which should be a group discussion. A current appraisal of the building should be completed and an accounting of all expenses paid by the cultural center as opposed to being paid by grant proceeds. Establishes a baseline.
- Paragraph 6 notes that the Cultural Center can sublet the second or third floor at their discretion without VB consent.

Discussion ensued regarding these two items.

Mayor Serrago urged the VB to end the discussion due to the fact that it will not be resolved this evening. She will communicate with the Village Attorney to discuss these items and bring it back to the VB as soon as possible. It will not linger.

Trustee Poylo noted that there was no urgency.

Carol Pfister, member of the cultural center, stated that they have received grant monies and are trying to complete necessary repairs to the roof, as per engineer recommendation. ACC is interviewing contractors and they (ACC) would like the lease straightened out before going forward.

Trustee Lipsman noted that he feels the issue for the Cultural Center is that in the future if the Cultural Center chooses to purchase the building from the Village at fair market value then the purchase price of the building should be based on its worth before the improvements were made

Trustee Poylo stated that grant monies are not investments made by the Cultural Center and should not be included in that figure.

Again, Mayor Serrago stated that there are still issues with this lease that need to be looked at.

Discussion on Cultural Center lease ended.

Trustee Poylo noted the sidewalks not being cleared after snow storms.

Mayor Serrago agreed that this was a problem and will speak to Code Enforcement about this – writing letters to property owners.

Trustee Poylo also mentioned that the Village Board is not receiving paperwork (facility use applications) for events being held at the firehouse.

Mayor Serrago will contact the Fire chief about this.

A MOTION was made by Trustee Lasher, seconded by Trustee Poylo, all in favor, to enter into EXECUTIVE SESSION at 8:56PM to discuss Personnel matters.

A MOTION was made by Trustee Poylo, seconded by Trustee Lasher, all in favor, to exit EXECUTIVE SESSION and resume the regular work meeting.

ADJOURNMENT:

A MOTION was made by Trustee Lasher, seconded by Trustee Poylo, all in favor adjourning meeting at 9:15PM