

# VILLAGE OF ATHENS BOARD MEETING

Minutes—July 9, 2014 Time: 6:30 pm

*Pledge of Allegiance*

## PUBLIC HEARING

The Mayor opened the Public Hearing for the purpose of hearing public comment on proposed local law #3 at 6:30PM.

The Clerk was instructed by the Mayor to read the notice that was in the paper:

### **NOTICE**

#### **VILLAGE OF ATHENS**

*The Athens Village Board has scheduled a public hearing for July 9, 2014 at 6:30PM in the Village Clerk's office, located at 2 First Street, for the purpose of hearing public comment on the proposed **Public Nuisance law**. Copies of the proposed law are available to the public in the village office during regular business hours.*

The Mayor asked the Village Attorney to summarize the proposed law before opening the meeting to the public for comment.

Mr. Rappleyea stated that the Village Board has noticed that there are a number of properties throughout the Village that are in disrepair due to neglect or fire. Although they have tried to correct the situation through their village code they have been thinking of more productive ways to legally have more control over the clean up of these properties. This law would help the Village Board achieve this.

The Mayor opened the meeting to public comment.

*Sam Sebren* asked if the panel which is referred to in the proposed law would be composed of firemen, the code enforcement officer, the police and now also members of the Athens Village Board?

The Village Attorney replied that the make up of the panel would depend upon the nuisance.

*Pat McLoughlin* asked that if a Village Board member is on this panel or board then who would make the final decision?

The Village Attorney replied that the panel would make the final decision.

*Ms. McLoughlin* stated that she thought that that would be a conflict of interest.

*Lawrence Palmateer (Ding)* asked whether there were already State and Federal laws covering these issues. Also, does the Village already have a law like this in the Village Code? Also, is it up to the people or the Village Board to pass this law?

The Village Attorney stated that there are state and federal laws regarding public nuisances. The Village does have something similar to this in their code and it is up to the Village Board as to whether they will pass this proposed law into law.

*Ron Puhalski* asked whether any attempts have been made to remedy these problems within our existing code? Shouldn't the new code be adopted first or simultaneously with this proposed law so it all fits together. The proposed law references code that doesn't exist yet.

The Attorney replied that although the Village Board is working on the code changes presently it is a big job and will take awhile. The Village Board felt that passing this section could benefit the Village now.

*Sam Sebren* also noted that he didn't see how the Village Board could adopt this proposed law without updating the entire code at the same time.

Mayor Pfister stated that what has generated the presentation of this proposed law is that right now in the Village there are 3 burned out buildings that property owners aren't doing anything about. There has been no progress made despite the village's effort. He would like to do something about it. There are a number of buildings that are not being maintained and the tools the village has to remedy the situation in the present code have not worked that well.

*John Pulice* noted that he has seen on the news that other communities have the Code Enforcement officer and the fire Marshall declare burned out buildings unfit and then tear them down.

*Lawrence Palmateer (ding)* stated that it seems like this is an attempt to control everything.

Trustee Lasher replied that it is not an attempt to control everything but rather it is a last resort effort when everything else has failed. It is just another avenue the Village Board can take.

*Michelle Jackson* stated that she is trying to sell her home on Washington Street and there is a house next to her house that is basically a 'shell' of a house. This is making it difficult for realtors to sell houses.

*Peter Pascuzzi* inquired as to whether this law already falls under the control of the Code Enforcement Officer now. "What do we need another law for –what does the village have a code enforcement officer for?"

The Mayor replied that the Code Enforcement Officer can only work within the laws that are part of the code now.

*Lawrence Palmateer (ding)* noted that they don't need to have any more control.

*Lori Williams* stated that right now the Village Board is focusing on cleaning up the burned out buildings but what will be next? There are already laws on the book to take care of these buildings. I think that people are nervous about what's next and how far the Village Board can take this.

*Janice Myers* also discussed the condition of some of the houses on her street. She lives on Washington Street.

*Margaret Apa* asked about the court process? Who pays for this?

The Village Attorney stated that the cost will go onto the property owners taxes.

*Ray Williams* mentioned changing just the section of code that addresses burned out properties and changing the code to allow for 60 days to remedy the problem.

*Lori Williams* inquired as to whether it might be possible to go back to the banks where the mortgages are held and pursue the banks to clean up the properties.

The Village Attorney stated that determining property ownership can be very tricky in that sometimes you find that the mortgage companies don't even exist anymore. You cannot just take property over. It's not that easy.

*Pete Pascuzzi* noted that if there are two dilapidated or burned out houses and one you know the owner, the other one you don't know the owner - one the Village can order to be taken down because they know the owner and the other they cannot order taken down because they don't know the owner? It doesn't make any sense.

*Pat Mcloughlin* wanted clarification on how this new law differs from the old one?

*Derek Apa* spoke about how the Village Board chooses which property to 'pick on'? He noted that the village board keeps talking about making the Village more attractive and admirable and all that but the smell of Sleepy Hollow Lake sewer treatment plant and Peckham Materials coming into the Village from the north can be considered a public nuisance as well. The smell from Peckham has been different lately in that it is a stronger more offensive odor. How do we take care of that public nuisance?

The Mayor mentioned that both places have a permit allowing them to emit into the air.

*Lori Williams* noted that DEC has labeled the smell from Peckham as cancerous.

Peter Pascuzzi asked the Village Board why all of these corporations want to dump in Athens. For example, the US Generator plant, the Iroquois gas line and now the West Point Partners. That will be a public nuisance for sure.

Mr. Sebren stated that after listening to everyone's comments this evening he feels in summary that most people here feel that this proposed law is 'overkill'. Anything that the Village Board can do to accomplish what they need to do without implementing this law should be done. He feels that this law is more in line with the Mayor's aesthetics instead of the betterment of the Village.

Trustee Lasher stated that it is the Code Enforcement Officers responsibility to follow these properties.

Mr. Sebren stated that he thought that that's what everyone was trying to say this evening.

A MOTION made by Trustee Alberti to close the Public Hearing.  
Seconded by Trustee June.  
All in favor.

**Public Hearing closed at 7:40PM.**

**REGULAR VILLAGE BOARD MEETING opens.**

Department Head Reports

- |                     |                  |
|---------------------|------------------|
| 1. DPW              | Dennis Proper    |
| 2. Police           | David Deyo       |
| 3. Fire Department  | Chief Adam Greco |
| 4. Village Attorney | Tal Rappleyea    |

- |                     |              |
|---------------------|--------------|
| 5. Code Enforcement | Mike Ragaini |
| 6. VRI              | Dale Post    |

Motions and Resolutions

1. Proposed Resolution to Approve the Minutes

BE IT RESOLVED, the minutes for the June 25 meeting are approved.

Offered by:

Seconded by:

Record of vote:

Tabled until next meeting

2. Proposed Resolution to Authorize Payment of the Vouchers

BE IT RESOLVED, the following vouchers are authorized for payment:

GENERAL- Abstract #1802, vouchers numbered #9913795 through #9913843 in the amount of \$215,569.41.

WATER- Abstract #10307, vouchers numbered #9913844 through #9913849 in the amount of \$984.24.

SEWER- Abstract #10283, vouchers numbered #9913850 through #9913853 in the amount of \$134,592.72

Offered by: Trustee Lasher

Seconded by: Trustee Alberti

Record of vote: All in favor

3. Proposed Resolution Authorizing the Issuance of Serial Bonds to finance Acquisition of a Ladder Truck

See Attached RESOLUTION.

Trustee Patsky stated that in light of the new information received regarding the possible high cost for repairing the heating and cooling system at the Firehouse he will not be voting in favor of going out for bonding of a new firetruck.

4. Proposed Resolution Approving the Adoption of Proposed Local Law #3: Public Nuisance of 2014

WHEREAS, from time to time buildings, structures and real property are used in a manner that is detrimental to the community,

WHEREAS, those detrimental uses may range from violations of the New York State Penal Code to violations of the New York State Uniform Fire Prevention and Building Code,

WHEREAS, code enforcement personnel often find that current regulations do not always provide adequate enforcement tools for dealing with this wide range of problem properties,

WHEREAS, the Village of Athens is faced with an increasing number of properties whose condition detracts from the community at large,

WHEREAS, further proliferation of such properties hinders development efforts and lowers property values of neighboring parcels,

WHEREAS, on July 9, 2014, at 6:30 P.M., a public hearing on proposed Local Law #3,2, 2014: Public Nuisance

BE IT RESOLVED, the Village of Athens does, hereby, adopt Local Law #3, 2014: Public Nuisance

Village Board members discussed the comments made at this evening's public hearing and most agreed that a number of the comments were informative and they would like to review them and the proposed law further before voting on enacting this law.

Offered by:

Record of vote:

Tabled until next meeting

5. Proposed Resolution Approving Standard Work Day and Reporting Resolution: Peter Alberti

BE IT RESOLVED, that the Village of Athens, Location Code 40464, hereby, establishes the following as a standard work day for the following elected official and will report the following days worked to the New York State and Local Employees' Retirement System, based on the record of activities for a 3 month period maintained and submitted by the official to the Clerk of this body,

Peter Alberti

Standard word day-6 hours

Term beginning-4/1/2014

Term ending-4/1/2016

Days per month based upon record of activities-2.37

Offered by: Trustee Patsky

Seconded by: Trustee Lasher

Trustee June votes aye.

Mayor Pfister votes aye.

Trustee Alberti abstains.

6. Proposed Resolution Accepting Waterfront Advisory Committee Resignation

BE IT RESOLVED, the Board of Trustees, hereby, accepts the resignation of Denise Hartman from the Village of Athens Waterfront Advisory Committee effective immediately.

Offered by: Trustee Alberti

Seconded by: Trustee June

Record of vote: All in favor

7. Proposed Resolution Accepting Resignation from the Athens Street Festival Committee

BE IT RESOLVED, the Board of Trustees, hereby accepts the resignation of Herby Blasewitz from the Athens Street Festival Committee effective July 31, 2014 and,

IT IS FURTHER RESOLVED, that the Village of Athens sincerely extends its appreciation to Mr. Blasewitz for his fourteen years of dedicated service with the committee and acknowledges the incredible success that he brought to the event year after year.

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

8. Proposed Resolution Removing Water And Sewer Rents from the Property Tax Bill of Peter Bruno: Parcel#122.19-2-10

WHEREAS, the Village of Athens did test Mr. Bruno's water supply and determined that his water supply was not provided by the Village of Athens,

WHEREAS, the Village of Athens did observe the presence of a private septic system serving Mr. Bruno's property,

WHEREAS, the Village of Athens requires all properties served by the village sewer system to be connected to that system,

BE IT RESOLVED, the Board of Trustees directs the Village Clerk/Treasurer to remove all sewer and water charges from Mr. Bruno's current property tax bill and,

IT IS FURTHER RESOLVED, that the Village of Athens directs the Village Attorney to take the steps necessary to assure that Mr. Bruno's property is connected to the village sewer system.

Offered by:  
Seconded by:  
Record of vote  
Tabled until next meeting.

9. Proposed Resolution accepting Van Etten tree service's proposal to remove a tree on Third Street for a cost of \$650.00.

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

## Trustee Reports

## Correspondence

1. Monty Jordan: Disputing the requirement to pay Village tax on his property.
2. MH Engineering: Report on Heating and Cooling Systems at Firehouse
3. NYDOH: Violation on failure to report sampling results.

## Mayor's Report

## Unfinished Business

1. Planning Board and WAC Vacancies
2. PRV valve
3. DPW Contract
4. Playground Mulch
5. Workforce Investment Employees
6. Peter Bruno: Sewer bill

## New Business

1. Park Vandalism

2. Vendors sales in the park
3. Meeting with Court and Supervisor Iraci

Clerk's Report

Adjournment

Offered by: Trustee June

Seconded by: Trustee Alberti

Record of vote: All in favor

Time: 9:30PM