

ATHENS VILLAGE BOARD MEETING
Minutes- September 26, 2012

Pledge to the Flag.

PRESENT: Mayor Andrea Smallwood, Trustee Herman Reinhold, Trustee Robert June, Trustee Gail Lasher and Trustee Anthony Patsky.

Village Attorney Tal Rappleyea was also present.

PUBLIC HEARING

The Mayor opened the Public Hearing by stating that the purpose of tonight's Hearing is to receive public comment on proposed local law #3 creating a Municipal Code to regulate outdoor use of sound by commercial establishments.

Copies of Proposed Local Law #3 have been available to the public in the Village office.

The Mayor opened the meeting to public comment:

Sheila Brady, resident of Water Street, is concerned that the proposed law does not recognize the level of noise.

She also had questions regarding the annual permit and how long it would be good for.

Ms. Brady also wanted to note that in previous conversations or comments it was mentioned that summer or seasonal entertainment/noise was 8 weeks long. She wanted it clarified that that time period encompasses 15 weeks.

She also commented on the section which excludes 3 day weekends from the time limits given . She feels that the law assumes that everyone is able to celebrate the 3 day holiday weekends.

Ed Brady, resident of Water Street, commented on the times given in the proposed law. As it is written now the proposed law would not allow outdoor noise after 10:00PM on weekdays and 11:00PM on weekends. He would like the Village Board to consider changing the times to 9:00PM on weekdays and 10:00PM on weekends. He referred to the fact that APAC, at the request of the Village Board, ends their concerts in the park on Friday night at 10:00PM.

Rick Surrano, Jr., employee of Dionysos, stated that 'in all due respect to the Brady's' APAC is not relying on making a profit as does a restaurant such as Dionysos. The Village Board has devoted a lot of their time to this effort and he inquired as to whether the Village Board is looking at what the village as a 'whole' wants or are they just trying to accommodate a few.

The Mayor stated that they are trying to review all comments and look at the zoning and then make a decision based upon all of the information. That is the purpose of tonight's public hearing – to hear the comments of the public.

Chris Pfister, resident and County Legislator, is still unclear as to how someone is going to judge what sound is considered too loud?

Mayor Smallwood referred him to Section 3 (Noise Levels) of the proposed law.

Trustee Patsky noted that the Local Law will rely on the professionalism of the Athens Police Department. They will also make a determination based upon how many complaints have been made.

Mr. Pfister stated that this law covers only commercial noise. While the Village Board is considering adopting this law perhaps they should consider a more comprehensive noise law encompassing all kinds of noise, for example – construction as well.

Rick Surrano Jr. noted that there are garbage trucks, Amtrak trains, lawnmowers, Peckham trucks at 6:00AM riding through the Village. These may all be considered 'loud' to some people. Isn't this almost impossible to enforce?

Carol Pfister, resident, asked that the Village's Chief of Police comment on the new law.

Chief of Police Roger Masse stated that he is just reading the proposed law tonight and it seems reasonable to enforce.

Ron Puhalski, resident of the Village, also made comment on the 3 day weekend reference. He stated that he is in favor of including 3 day weekends as exception to the rule as it is written . He also noted that the 4th of July should also be an exclusion to the rule as there are celebrations and this day often falls in the middle of the week.

A MOTION was made by Trustee Lasher, seconded by Trustee June, all in favor, to close the Public Hearing.

Open Regular Meeting.

A MOTION was made by Trustee Lasher, seconded by Trustee June, to enter into Executive Session to discuss a personnel issue.
Trustee Reinhold voted aye.

Trustee Patsky stated that he does not vote aye to enter into executive session due to the fact that he does not consider the subject matter to be a personnel issue and does not agree with going into executive session.

The Mayor asked the Village Attorney for his opinion on this matter.

The Village Attorney informed the Village Board that there are other reasons that Village Boards may enter into Executive session and litigation is one of those reasons. In this case he recommends entering into Executive Session for the purpose of discussing litigation.

MOTION passes. Executive session entered.

MOTION was made by Trustee June, seconded by Trustee Lasher to exit Executive Session and resume the regular work meeting.

A RESOLUTION was made by Trustee Lasher, seconded by Trustee Patsky, that subpoenas regarding November 1, 2012 court case in the Town of Athens be quashed due to irrelevancy and that the claimant be held accountable for all costs incurred for this act.

Trustee June votes aye.

Trustee Reinhold abstains.

Mayor votes aye.

RESOLUTION passes.

Village Attorney will compose the affidavits..

A RESOLUTION was made by Trustee Lasher, seconded by Trustee Patsky, all in favor, that Revolving Loan applicant Yura Adams application for further funding be approved. Ms. Adams has an existing loan which she has paid more than half of the principal on and is looking to do more work on her house and is asking for some more funding. Village Attorney Tal Rapplelea advised the Village that that would be fine and has provided the necessary paperwork.

PUBLIC:

1. *Andrea Bruce attended the meeting as a representative of a health care consortium which covers Columbia and Greene Counties and provides Cancer Services. Cancer services include free cancer screening for those that cannot pay for it. They also provide support for those that have been diagnosed with cancer.*

Ms. Bruce provided pamphlets to keep in the office for the public.

The Village Board thanked her for coming.

2. *John Pulice, resident of the village, attended the meeting to discuss the intersection of Second and Washington Street. He has attended meetings before to discuss the traffic hazard at this intersection and feels that something should be done as visibility is not good there and also vehicles drive too fast.*

He would like the village board to consider putting stationary pylons or stantions on that section of the street where vehicles continue to park illegally. There is an area of

Coxsackie which poses the same problem and they have recently put the pylons there to prevent illegal parking.

He suggested that Village Board members take a look at it. It is located at the intersection of Mansion Street and Bailey Street.

3. *Ralph Vendriesco, former resident of the Village*, attended the meeting to inquire about the Riverfront Park. He has heard a lot of rumors about whether people are allowed to park vehicles in the park. So, he would like the truth – does the Village Board allow car shows in the Park anymore?

Trustee Reinhold informed Mr. Vendriesco that Greene County Cruisers had held car shows in the park in the past. They moved the show to Catskill while they were doing renovations in the Riverfront Park. Although they were asked to come back to Athens they decided to stay in Catskill.

Trustee June stated that they did not pass legislation to prohibit it but would have to reconsider the idea.

Mr. Vendriesco asked the Village Board what was up with the car that is parked in the Riverfront Park?

The Village Board stated that that was part of the sculpture show that the Cultural Center is sponsoring.

Mr. Vendriesco stated a number of times that he thought that it looked stupid.

Trustee Patsky asked Mr. Vendriesco if he were asking the Village Board for permission to hold a car show in the village?

Mr. Vendriesco stated 'yes'.

The Village Board told him to bring forth more information and they would consider it.

CORRESPONDENCE:

1. Jane Kerr- Bunker Hill Dog Park Chairperson. Re: Inform Village Board of Grant Application.
2. Athens Cultural Center Ballet Company. Re: Application to use the Community Center gym. A RESOLUTION was made by Trustee June, seconded by Trustee Patsky, all in favor, approving the use of they gym as requested.
3. Timothy and Dora Lackie. Re: Sidewalks.
4. Little League. Re: Application to use the Community Center gym. A RESOLUTION was made by Trustee June, seconded by Trustee Reinhold, all in favor, approving the use of the gym as requested.

OTHER BUSINESS:

A MOTION was made by Trustee June, seconded by Trustee Reinhold, all in favor, approving payment of the following vouchers:

GENERAL - Abstract #1720, vouchers numbered #9911946 through #9911969 and voucher number #9911985 in the amount of \$48,394.61.

WATER – Abstract #10257, vouchers numbered #9911976 through #9911983 and voucher number #9911986 in the amount of \$10,378.69.

SEWER – Abstract #10227, vouchers numbered #9911971 through #9911975 and voucher number #9911984 and voucher # 9911987 in the amount of \$12,606.98.

Financial Reports for the month of August have been distributed to all Board Members

MOTION was made by Trustee Lasher, seconded by Trustee June, all in favor to adjourn the meeting at 9:15PM.

Have a peaceful night!!!

MJW