

## VILLAGE OF ATHENS BOARD MEETING

MINUTES- December 13, 2017 6:30PM

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

*Pledge to the Flag*

### **PUBLIC HEARING:**

The Mayor opened the meeting by having the Clerk-Treasurer read the published notice for tonight's Public Hearing...

*“VILLAGE OF ATHENS  
GREENE COUNTY NEW YORK  
NOTICE OF PUBLIC HEARING ON A LOCAL LAW REGULATING  
BURNING IN THE VILLAGE*

*NOTICE IS HEREBY GIVEN, that a public hearing will be held by the Village Board of Trustees of the Village of Athens, Greene County, New York at the Village Hall, 2 First Street, Athens, New York on December 13, 2017 at 6:30 o'clock PM in the evening for the purpose of considering a local law regulating burning within the Village. Copies of the local law are available in the Village Clerk's office.*

*ALL persons interested in the matters will be heard at such time and place specified. “*

The Mayor stated that the reason for the proposed change in the law came about due to complaints made by a few residents regarding people 'burning' in the village. A lot of people were under the impression that burning was allowed in the village as long as it was not an open burn and it was under a certain size. However, after reviewing the village code it was noted that the code which was passed a few years prior does not allow burning in the village at all. This includes burning in bbq pits or small recreational chimineas.

The VB decided to revisit the code. After reviewing how other municipalities deal with the issue and then consulting with NYSDEC law and the Village Attorney, it was decided that the best approach was to add the proposed exemptions to the code. The current code states that burning is prohibited. The VB would like to change it to state that open burning is prohibited with noted exceptions. Barbecue grills and small recreational fire containment apparatus will be noted in that list of exceptions, with limitations on size, materials and safety.

The Mayor asked if the Public had any comments.

Brian Mahoney, resident of the village, mentioned that the village will be keeping the 'open burning prohibited' section in the law. However, the exceptions listed literally wipes out everything about 'open burning prohibited'. Basically campfires or recreational burning will be allowed at any time.

He stated that his concern is that any burning in the village hurts people that have certain conditions such as asthma and COPD.

He also questioned the difference between open burning and covered burning.

Mayor Alberti replied that 'open burning' is that which does not have a cover of some sort. There will be no 'open burning'.

Mr. Mahoney also questioned when the 'no open burning' law with no exceptions went into effect,

Code Enforcement Officer Michael Ragaini stated that the old code also stated 'no burning' but in another section it said that 'covered' burning was allowed. So it contradicted itself. The present code does not have that contradiction therefore making it stricter.

Mayor Alberti stated that the proposed amendments to this section of code will provide more detail about what type of burning is allowed.

Mr. Mahoney again mentioned that any burning is of concern to him as wood has toxicity as does ash.

Mayor Alberti stated that the VB will take his comments into consideration.

John Pulice, resident of the village questioned the penalty section of the proposed law.

He wanted to know how much the penalty would be?

Mayor Alberti stated that the Code Enforcement Officer or the Judge determine that amount.

Mr. Pulice stated that it would be better if there were a minimum amount set for first offense and then the penalty goes up on the second offense and so on....

That way people will think twice about doing it again.

Tammy VanKuren asked if the Victorian Stroll had their annual bonfire and how big that fire was?

Mayor Alberti replied that they did have the bonfire but the AVFD was aware of it and it was under the size allowable.

Robert and Tammy Wyant inquired about the use of small chimneys and also small camp fires with grates over them.

VB stated that they were ok as long as they stayed within the limitations noted on the exceptions.

MOTION made by Trustee Scott, Seconded by Trustee Lasher, all in favor, to close the Public Hearing and resume the regular VB meeting.

## **CLOSE PUBLIC HEARING- 6:45PM**

## **OPEN REGULAR VILLAGE BOARD MEETING**

### **DEPARTMENT HEADS:**

1. Tal Rappleyea – Village Attorney
  - Vehicle & Traffic law is still awaiting review by the NYSDOT
  - 1<sup>st</sup> bidder for the St. Pierre property defaulted. We are waiting to hear from the County on the 2<sup>nd</sup> bidder.
  - Discussed transition between VRI contract and North Dome contract.
  - Reviewing tree law.
  - The paperwork for the 501-c3 for the friends of Athens has been filed
2. Fire Chief Adam Greco – Athens Fire Department
  - need someone to take a look at the floor at the firehouse
  - received the monies for the 10-man swift water rescue boat (ACBF)
3. Anthony Proper – DPW
  - Catskill televised the sewer on N. Washington Street. There are sections broken that need to be fixed. He would like to hire Rickie Gabrielle to flag for the DPW so they can fix it. VB okayed it – ask the Town how they pay their temporary part timers.
  - Central Hudson burned the panel out at the Pump station on Schoharie tpk. They admitted it was their fault and will pay the village for the work completed by Jason Kinch to fix it. Kinch will invoice the village and the village will in turn send the invoice to Central Hudson.
  - ‘No contractor dumping’ signs were hung at the brush pile.
  - Started work on the old food pantry.
  - Tree in Riverfront Park – contacted Chris Pfister about moving it.
  - Discussed purchasing a new sander and plow for the pickup truck.
4. Roger Masse – Police Department. No Show.
5. Mike Ragaini – Code Enforcement
  - Ochs property – headed to the Planning Board
6. Dale Post/ Seth Sheridan – VRI. No show.
7. Seth Mann & Joe Myers – North Dome.
  - No start date yet – but we are going forward with January 28, 2018 unless we hear from VRI. So far VRI has not responded to the village’s letters.
  - Northdome will start by doing samples as a benchmark or starting profile of water quality.
  - Monthly reports will be completed for the VB along with maintenance records.

**APPLICATION:**

1. Facility usage- gym. Applicant: PAL- youth basketball organization. Approved by Trustee Lasher, Seconded by Trustee Spinner, all in favor.

**MOTIONS and RESOLUTIONS:**

1. Proposed Resolution approving Minutes

BE IT RESOLVED, the Minutes from Village Board meeting held on November 15<sup>th</sup> 2017 be approved:

Offered by: Trustee Spinner  
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 FUND – Abstract #1949, vouchers numbered #9917389 through #9917434 in the amount of \$60,763.19

WATER FUND – Abstract #10409, vouchers numbered #9917440 through 9917446 in the amount of \$12,788.45

SEWER FUND – Abstract #10393, vouchers numbered #9917435 through #9917439 in the amount of \$10,287.77

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

3. Proposed Resolution authorizing the adoption of the Greene County Hazard Mitigation and resilience plan

BE IT RESOLVED that the Village of Athens approves the attached RESOLUTION authorizing the adoption of the Greene County Hazard Mitigation and Resilience Plan:

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

4. Proposed Resolution Appointing Mayor Peter Alberti to the Greene County Planning Board

WHEREAS the Greene County Planning Board has notified the Mayor that his term as a member of this Board will be expiring on March 15, 2018; and

WHEREAS the Greene County Planning Board requests a Resolution be passed by the Governing Board for reappointment to this position,

THEREFORE BE IT RESOLVED that the Athens Village Board approve the reappointment of Mayor Peter Alberti to the Greene County Planning Board:

Offered by: Trustee Gail Lasher  
Seconded by: Trustee Robert Scott  
Record of vote: All in favor

5. Proposed Resolution authorizing the purchase of a new plow, sander and light kit

WHEREAS the DPW is in dire need of a new plow, sander and light kit for the plow truck; and

WHEREAS the DPW Supervisor has received 3 prices from Vendors,

THEREFORE BE IT RESOLVED that the Village Board approve the purchase of the above mentioned equipment from T&T at a cost of \$10,313.00:

Offered by: Trustee Scott  
Seconded by: Trustee Spinner  
Record of Vote: All in favor

6. Proposed Resolution to sign contract for services with North Dome Operations, Inc.

WHEREAS the Village Board has received and reviewed the contract for services to the Wastewater Treatment facilities and the Water Filtration Plant submitted by North Dome Operations, Inc.; and

WHEREAS the Village will not be renewing their contract with VRI Environmental svcs.,

THEREFORE BE IT RESOLVED that the Village Board authorizes the Mayor to sign the contract for services with North Dome Operations, Inc.:

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

7. Proposed Resolution accepting grant monies from Athens Community Benefits Foundation

WHEREAS the Village Board submitted an application for funding a 10 man swift water rescue boat for the Athens Volunteer Fire Department in the amount of \$16,549.70; and

WHEREAS the VB submitted an application for funding a keyless entry system for the Community Center in the amount of \$7,639.55; and

WHEREAS the VB submitted an application for funding an AED for the Athens Police Department in the amount of \$1991.00,

THEREFORE BE IT RESOLVED that the VB authorizes the purchase of these items as requested:

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

8. Proposed Resolution to adopt Local Law #5 Regulating burning within the village

WHEREAS the Village Board has received numerous questions and complaints concerning burning within the Village and has determined that a modification of the current law regulating same should be updated to address this issue,

THEREFORE BE IT RESOLVED that the VB adopts Local Law #5 Regulating Burning Within the Village:

Offered by: Trustee Butler  
Seconded by: Trustee Spinner  
Trustee Scott votes aye  
Trustee Lasher votes aye  
Mayor Alberti votes aye  
RESOLUTION passes

9. Proposed Resolution approving the Intermunicipal Agreement

WHEREAS the Village and Town of Athens have been meeting for the purpose of coming to an agreement on providing cooperative highway services;

THEREFORE BE IT RESOLVED that the VB authorizes the Mayor to sign the Intermunicipal Agreement as provided

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

10. Proposed Resolution approving Marshall & Sterlings contract for insurance services.

THEREFORE BE IT RESOLVED that the VB authorizes the Mayor to sign the proposal and contract providing the village with insurance coverage for the year of 2018.

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

**CORRESPONDENCE:**

1. Crofton Industries. Re: Lightower Fiber Network, LLC – Permit Application Number NAN-2017-00538-USH. Project Means and Methods.

2. Greene County Economic Development, Tourism and Planning. Re: County Planning Board Appt.
3. The Hartford Steam Boiler Inspection and Insurance Company. Re: Inspection – Community Center.
4. Greenberg & Greenberg. Re: Notice of Liquor License/new application – Stewart House Hospitality, LLC.
5. NYS Department of Public Service. Re: Outreach education effort.
6. NYMIR. Re: Distribution of original capitalization amount – check received in the amount of \$1,128.00.
7. Mayor Earl M. Leiken, City of Shaker Heights, Ohio. Re: request to oppose eliminating the SALT (State and Local tax) deduction.
8. Delsie P. Favicchio. Re: Burning in the village.

**OLD BUSINESS:**

1. Intermunicipal Agreement.
2. Cold War Exemption.
3. DPW – uniform invoice

**NEW BUSINESS:**

1. Marshall & Sterling. Re: Proposal and contract for insurance coverage for the village. Signature required.
2. NYS Office of the State Comptroller. Re: Justice Court Fund – Village Share. \$25.00
3. NYMIR. Re: Received loss run for the year.
4. Greene County authorization of distribution of mortgage tax.
5. Albany Med Emurgentcare. Re: Rate Schedule – looking for signature.

Financial Reports for the month of November 2017 were distributed to all VB members.

**ADJOURNMENT: 8:45 PM**

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

Mary Jo Wynne  
Clerk-Treasurer

