

VILLAGE OF ATHENS BOARD MEETING

MINUTES- August 23rd, 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.

Mayor Alberti asked that the VB and everyone attending this evening pause for a moment of silence to remember Greene County Legislator Gene Hatton who passed away suddenly this week.

PUBLIC:

1. *Peter Sanson, representing the Second Chance Band*, attended the meeting to present an application for use of Riverfront Park on September 1st and to also answer any questions the VB may have regarding their request. (Resolution follows).
2. *Jeannie Helseth, resident of N. Franklin Street*, attended the meeting to discuss her neighbor located at 23 N. Franklin St. whom she states is operating a metal fabrication business which violates the zoning laws of the village of Athens. She stated that there has been no special use permit issued for this business and she is asking that a 'stop work order' be issued.

She also informed the VB that the Code Enforcement Officer, Michael Ragaini asked her to attend the VB meeting.

The house is located in the RM (Medium Density residential) district and as such, a 'special use permit' is required to operate a business and the business that they are running is not one that is listed under uses requiring a special use permit. In order to receive a special use permit the applicant would have to notify the neighborhood, hold a Public Hearing, and the effect on surrounding properties would have to be taken into consideration as well. She doubts that that would or could happen.

In conversations that she has had with the CEO there seems to have been an understanding made back when the firehouse was sold to them (2004) by the VB at the time, that they could run a small art studio from their home –however there is nothing in writing and the business being operated presently is not an art studio.

The CEO has also told her that they do not need a permit and that they may also be 'grandfathered' in because the laws have recently changed.

Ms. Helseth stated that she does not feel that these are accurate statements.

Ms. Helseth also played an audio recording of the grinding that she hears while in her house. She also provided a visual recording of the welding that is going on outside. She also noted the smell.

The Mayor asked if there were any protective measures taken outside for the welding area.

Ms. Helseth replied 'no'.

Ms. Helseth made mention that conversations between her neighbor and her to try and correct the situation have not been positive.

After she spoke to the CEO again, the CEO told her neighbors that they must work inside the building. Unfortunately, she can still hear and smell it and the constant disruption of employees coming and going is still a problem.

Ms. Helseth left a letter with the VB detailing a history of the violations.

In closing, she emphasized that this business affects her right to the peace and enjoyment of her home and this operation is a detriment to the neighborhood. This 'violation of law' has been overlooked for far too long. They do not have a special use permit to conduct their business and she is requesting that the village codes be enforced and a 'stop work order' be issued immediately.

The Mayor confirmed with the Village Attorney that the only one that has the authority to issue a stop work order is the Code Enforcement Officer.

Village Attorney Tal Rappleyea confirmed that that was indeed true and that he himself has just learned of this situation this afternoon and that he would discuss the matter with the Code Enforcement Officer again to be sure that things are done the way they should be done.

The Mayor told Ms. Helseth that he would get back to her regarding this situation.

3. *John Pieruzzi, representing APAC*, attended the meeting to ask for the VB's permission in advance for 'music in the park' next summer. They need advance permission due to the fact that APAC is submitting a special grant that requires a letter from the governing board stating that they have been given permission to hold 10 consecutive performances next summer (2018).

A copy of the letter which will be submitted with the grant application was read aloud by Mayor Alberti.

The VB agreed to grant permission to APAC and the Mayor signed the letter in support

(Resolution follows)

The VB also thanked APAC for their hard work in providing great shows throughout the summer.

4. *Seth Mann and Joseph Myers, representing Northdome*, attended the meeting by invitation of the VB. They noted that they took a recent tour of the Village's WWTP and WFP with the potential of operating those plants for the Village.

Northdome is a local WWTP and WFP operations business that focuses their attention mainly in Greene County and a bit of Columbia County. He noted that it was mentioned to him that availability is sometimes an issue with the present operation of the plants and with Northdome this is not an issue as both owners live local (Coxsackie and Catskill).

Mr. Mann stated that all three plants are in relatively good shape and that they don't see any problems or concerns with their company operating them. The WWTP on Water Street is a fairly new, million dollar facility that should be operating very smoothly.

He also stated that their company provides good troubleshooting, has many resources available to them and can assist the DPW with the water distribution and water main breaks in addition to operating the plant.

He asked whether the Village has any outstanding compliance issues.

The VB discussed the status of the drying bed issue at the Water Filtration Plant which is operating under an 'order on consent'. The job should be completed in November.

Mr. Mann also informed the VB that he considered Northdome's specialty to be working with small systems (under 2 million gallons treated per day). Especially as it relates to capital improvements and capital planning, realizing the small base that they have to work with.

Trustee Butler asked them about staffing for the 3 plants.

Mr. Mann stated that he felt as far as budgeting was concerned it would probably be a person and a half with one guy 5 days during the week at 8 hours per day and Saturdays and Sundays estimated at 4 hours per day. The hours would be flexible, but it is all estimation at this point.

Purchasing of chemicals, electric and fuel were discussed as well as length of contract terms.

Trustee Spinner inquired as to whether property maintenance/grounds-keeping would be part of the contract terms. Mr. Mann stated 'yes'.

Mr. Mann closed with telling the VB that if they are really looking to make a change that Northdome would really appreciate the opportunity to write up a proposal for services since they are so close in proximity and they know the area and the systems so well.

The Mayor thanked them for coming and they will be in touch.

5. *Mary Ellen Gallagher, representing the newly formed 'tree Commission', attended the meeting to make herself available to the VB if they had anything new to discuss regarding the tree commission.*

The Mayor stated that he has a statement to read before she begins.

Referring to the formation of the tree committee, the Mayor stated that:

'...the VB opened this dialogue with a group of residents to move forward and in good faith address the issues raised concerning the cutting and care of trees in the village. The VB agreed to appoint an ad hoc committee to get things going and have even begun a draft of a proposed local law. Unfortunately, the VB has received a string of emails clearly revealing that many in this group do not intend to work with the VB in a collaborative manner, but rather they intend to impose their own will and desire on to the Village.

Based upon this revelation, the Mayor suggested that the group reassemble among itself and reexamine its motives and desires to work together with the VB and then when they are able to have a clear cooperative way forward the VB will consider it's review of this matter...'

Ms. Gallagher stated that she was not here to respond to that statement and her only experience has been with meeting with Trustee Gail Lasher and Stephen Bradicich and then reporting back to the group. She is very much interested in the process, and also wants to help in this process.

The Mayor stated that he was as well and has been very proactive, but when people are reactive and try to 'bulldoze' their ideas onto us it's human nature to shut down. The Village has big issues that have to be dealt with, for example the water and sewer system.

Ms. Gallagher noted that she had met with Dan Gaidasz (DEC region 4, NYS certified arborist) concerning the tree on the corner of Second and S. Franklin and he concluded that there were significant problems and she had reported that back to the group.

Trustee Lasher stated that in regard to the tree at the corner of 2nd and S. Franklin St, an evaluation was made, and not everyone agreed with the decision but the VB did ultimately make the decision to take it down.

Ms. Gallagher stated that, as with other communities, there was never a question that the VB had the final decision in this process. What could be delineated is how the VB comes to making these decisions and who they consult with to make these decisions. Again, she noted that she would be disappointed if we all could not work together and move forward.

Trustee Spinner stated that that's what the VB was attempting to do and at the last VB meeting the Board agreed to move forward with the 'tree committee' but the emails came to light after that VB meeting, and they were not very respectful.

Trustee Lasher stated that she believes that the emails refer to the fact that the group does not need the Mayor's permission to form a 501-c3.

Trustee Spinner noted that maybe not everyone reflects this but a certain group of people in amongst this proposed tree committee seem to have some sort of vendetta or some sort of personal issue with this VB, or this Mayor, and have not been respectful.

Ms. Gallagher reiterated that Stephan and her would like to move forward and they have been very focused in talking about how we may all work together. She would say that it is unfortunate, and unfortunately you can't control other people's bad behavior. This is the problem with the internet and emails.

The Mayor stated that he would like to move forward as well but not if this is the way it is going to be.

Trustee Lasher stated that everybody that 'signed on' to be on that committee is not who is ultimately on that committee and they have reactions that are different from the people that we are proposing to be on the committee. Also, if you want to talk about personal vendettas let's take a look at this VB also.

Trustee Butler asked Trustee Lasher who has a vendetta.

A RESOLUTION was made by Trustee Lasher, Seconded by Trustee Butler, all in favor, to enter into Executive Session (7:25 PM) to discuss Personnel issues.

A RESOLUTION was made by Trustee Lasher, seconded by Trustee Scott, all in favor, to exit Executive Session and resume the regular VB meeting

Ms. Gallagher again stated that Stephan Bradicich and herself would really like to move forward with the small group and appreciate the fact that the VB is working hard and doing their best.

Mayor Alberti stated that he understands that she has no control over what the other people in the group email or say and apologizes to her that she is the one having to sit there this evening.

Mayor Alberti also stated that there was a miscommunication when he noted that there should be 3 people on the committee. Trustee Lasher thought that it meant the three people would include herself, Mary Ellen Gallagher and Stephan Bradicich. He instead meant it would be 3 people beside Trustee Lasher, as she would be liaison to the committee, not a member.

Trustee Lasher noted that that was not what she was told.

The Mayor explained that, as with other village committees, there will be an odd number, for voting purposes and a liaison which acts as the communication between the VB and the committee.

The Mayor and the VB thanked Ms. Gallagher for her input and appreciated her being receptive and positive throughout this discussion.

MOTIONS and RESOLUTIONS:

1. Proposed Resolution Approving Minutes

BE IT RESOLVED, the Minutes from Village Board meeting held on July 26th and August 9th, 2017 be approved:

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

2. Proposed Resolution Approving Payment of Vouchers as Presented

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

GENERAL FUND – Abstract #1937, vouchers numbered #9917132 through #9917146 in the amount of \$11,059.31

WATER FUND – Abstract #10400, vouchers numbered #9917151 through #9917153 in the amount of \$10,289.58

SEWER FUND – Abstract #10385, vouchers numbered #991754 through #991755 in the amount of \$8802.75

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

3. Proposed Resolution Approving Van Etten’s Estimate for tub grinding services

WHEREAS, the Village Board has received two estimates for tub grinding:

Van Etten - \$4,000.00

Woodwaste Reduction - \$3500.00

WHEREAS, after consulting with DPW Director Anthony Proper regarding the two bids, he recommends that the proposal for services from Van Etten be accepted due to the fact that they provide a much better finished mulch product which is a finer grade and neater clean-up and,

WHEREAS, the difference in cost will be minimal in comparison to the extra time it will take the DPW labor force to clean the remaining debris piles after Woodwaste reduction has completed,

THEREFORE, BE IT RESOLVED, that the Village Board accept Van Ettern’s proposal for services for a cost of \$4,000.00 to turn brush pile and stumps into compost:

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

4. Proposed Resolution Approving Stephen Bradicich, Mary Ellen Gallagher and Robert Butler as members of the newly formed tree committee:

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

5. Proposed Resolution Approving use of the Riverfront Park per Application submitted by ‘Second Chance’ band

BE IT RESOLVED, that the Village Board approves the application submitted by ‘Second Chance’ band to use the Riverfront Park as specified in their application (Sept. 1, 2017) and also to waive the open container law in the Riverfront Park for the event:

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

6. Proposed Resolution Approving use of the Riverfront Park for APAC summer performances in 2018

WHEREAS, APAC is submitting a grant application for the summer music in the park series for 2018 and has asked that the VB approve in advance their use of the park for this purpose,

BE IT RESOLVED, that the Village Board approve the use of the Athens Riverfront Park to APAC for 10 consecutive performances as per the letter submitted by APAC and asked for signature by the Mayor:

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

7. Proposed Resolution Approving authorization to purchase carbon filters for the WFP

WHEREAS, 3 proposals have been received to replace the carbon filters at the Water Filtration plant as requested:

Carbon Activate Corp.	\$33,475.00
CalgonCarbon	\$36,420.00
Doer Products and Services, Inc.	\$34,600.00

BE IT RESOLVED, that the Village Board approve the purchase of the carbon filters from the lowest bidder which is Carbon Activated Corp. in the amount given above:

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

8. Proposed Resolution Approving replacement of exterior lighting at the Athens Firehouse

WHEREAS, the Village has been getting quotes (Kinch, Stonecreek and Kaatskill) on having the exterior lights at the Firehouse replaced with LED lights and,

WHEREAS, the Village has not had any response in writing on cost or times frame to start work from Kinch and Stonecreek,

THEREFORE BE IT RESOLVED, that the Village Board Approve the proposal received from Kaatskill Electric in the amount of \$2723.00:

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

9. Proposed Resolution for water tap application submitted by E.J. Arthur Elementary School

BE IT RESOLVED, that the Village Board approves the water tap application submitted by E.J. Arthur Elementary School:

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

10. Proposed Resolution to transfer \$500.00 from the Fire equipment line item to the training line item in the budget

WHEREAS, the Fire chief would like to continue with the next phase of the swift water rescue training program and,

WHEREAS, the cost for the training is \$500.00 more than what has been appropriated in the present budget,

THEREFORE BE IT RESOLVED, that the VB authorizes the transfer of \$500.00 from the Fire dept. equipment line item to the Fire Dept. training line item:

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

OLD BUSINESS:

1. Vendor permits
2. DPW Contract
3. Physio-Control invoice.

NEW BUSINESS:

1. Application for Water Service. Cocksackie-Athens School District- EJ Arthur Elementary School.
2. APAC – Letter of Support .

CORRESPONDENCE:

1. Cocksackie-Athens Central School District. Re: Consolidation of the collection of taxes.
2. Kevin B. Thiemann – Attorney at Law. Re: Zabel v. Town of Athens.
3. US Dept. of Commerce. Re: Registration for census.
4. Cocksackie-Athens Central School District. Re: Building use during times of crisis.
5. John Prince. Re: Brush Pile behind the Firehouse.

Trustee Lasher made mention that she will be meeting with Central Hudson to go through the Village and identify what they will be doing for replacement of the poles /additional work to be done for the installation of the cable wires.

Trustee Scott stated that he has sent a letter to Steve Clinton of DOT regarding placement of ‘crosswalk’ signs on Route 385.

Trustee Scott is also exploring the salt shed possibility.

Trustee Butler informed the VB that the Recreation Program has completed and supplies and equipment will be inventoried.

Trustee Spinner noted that she has asked Environmental Consultants to attend the next public agenda meeting.

Mayor Alberti mentioned that he attended the kickoff meeting for FEMA distribution for storm Stella. Everything looks good on our end as far as paperwork and we may be receiving reimbursement of 75%, pending state approval.

ADJOURNMENT: 9:00PM

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

Mary Jo Wynne
Clerk-Treasurer