

VILLAGE OF ATHENS BOARD MEETING

MINUTES- January 24, 2018 6:30PM

Pledge to the Flag

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

PUBLIC HEARINGS (3):

Public Hearing #1 – Proposed increase of maximum income limit allowable for 2018 for both Senior Citizen and Disabled Tax Exemption.

Mayor Alberti asked the Clerk-Treasurer to read the notice published in the newspaper announcing the Public Hearing.

Mayor Alberti stated that the County has already adopted the revised sliding scale for Senior and Disabled tax exemption amounts. The Town of Athens will also be using this updated income/exemption scale.

The Mayor opened the Hearing up to Public Comment:

- **Catherine Censor** asked what the impact of this exemption will be on the village's tax revenue?

The Clerk-Treasurer stated that the Assessor's office would have that figure. Village's budgeting has not begun yet.

Mike Pirrone asked if the County and Town would be adopting this exemption scale?

Mayor Alberti reiterated that the County adopted it. Adopted on December 20, 2017.

Trustee Butler stated that the Town has already adopted it as well.

Mr. Pirrone asked if the Village is likely to pass it as well?

Mayor Alberti stated that the Resolution is proposed for this evening.

Mr. Pfister asked if this scale is still being updated every 2 years by the County?

Village Attorney Tal Rappleyea responded 'yes'.

The Mayor asked if there were any questions or comments from the Public?

Motion made by Trustee Lasher, seconded by Trustee Scott, all in favor to close Public Hearing #1.

Public Hearing #2 - Proposed extension of the Cold War Veterans Exemption.

The Clerk-Treasurer read the notice published in the newspaper stating purpose of Public Hearing as requested by the Mayor.

The Mayor stated that the County has already approved this exemption.

Village Attorney Tal Rappleyea explained that the Local Law for the Cold War Veterans exemption was a State law for the past 10 years. However, there was a sunset provision included in the law stating that it would terminate in 10 years. It has now been 10 years and it is ready to expire. The Governor is allowing local municipalities to extend this exemption if they wish by passing a local law.

The Mayor asked if there were any comments or questions from the public?

No Comments.

MOTION made by Trustee Spinner, seconded by Trustee Butler, all in favor to close Public Hearing #2.

Public Hearing #3 -Proposed Tree Ordinance

The Clerk-Treasurer read the notice published in the newspaper stating purpose of Public Hearing as requested by the Mayor.

The Mayor stated that since the Village Clerk did not received this proposed legislation from the tree committee until this past Friday and therefore could not be distributed to those residents that asked for a copy of it. He would like to keep this Public Hearing open and not make any decisions until everyone has a chance to read it thoroughly and make comments on it.

He also mentioned that he would like to have Trustee Lasher, the Village Attorney and himself meet this week or next to review the proposed legislation.

The Mayor asked if anyone had any comments regarding the document this evening.

Mark Levenway addressed the Village Board with written comments that he distributed to all VB members.

Some of the points made:

- All references to 'heritage tree' should be removed as there is no heritage tree section. It is difficult to judge what a 'heritage tree' is. Very subjective.
- Under Section D remove estimating the age of a tree as it is not very accurate based upon visual observation. Whereas the size of a tree can be measured.
- Under Section D subsection a. does not agree with increasing the size of canopy cover since he feels that there is a considerable amount already in the village even though a large percentage may be on private property. Increasing the coverage may not be a good idea since it may interfere with power lines.
- Under Section D subsection d. the Tree committee should not have the authority to replace trees on its own. It should recommend to the VB and if the VB agrees then it may authorize the tree committee to plant a tree.
- The section for planting, tree removal, alteration or pruning permit required is a good concept in theory however in practice it may be problematic determining whether a tree is located on public or private land. Property boundaries may not be very clear. We can't have surveys all the time to determine this. Only works on public property.

If there is a dispute between homeowner and village will we have to constantly get a survey done?

- The Section PROTECTION of trees in development projects –calls for an inventory of trees – unclear as to whether it is very detailed or general. If it is detailed it could be costly and probably not needed.
- The Section B-E review process seems to proceed quite rapidly and is a listed recommendation to the Planning Board, who has the ultimate authority to approve development projects and place conditions on the project.

The Village Board thanked him for his comments

Trustee Butler noted that the VB discussed removing the Planning Board out of this law altogether.

Mr. Levanway commented that the only reference made to the Planning Board is that the Tree Committee will provide information and recommendation about what to do with the trees during the subdivision process. So perhaps this section in the tree law belongs in the subdivision law.

Derek Apa

Noted that he had a ‘tree issue’ in the past and because of that he has spoken to other communities that have tree committees and his belief is that the Village will be opening a ‘can of worms’ by forming a tree committee. It opens up liability for the village. All members of the committee need to be formally trained.

He discussed the liability factor for the village.

Trustee Lasher noted that from her understanding it is that “if the village has tree legislation and a committee it diminishes the liability for the village”.

Mayor Alberti also reiterated that the tree committee would only be advisory.

Mary Ellen Gallagher

Wanted to make a couple of points – NYSDEC wants to support and help municipalities create tree committees and provide guidance to the Municipality. Also, the committee was formed by a group of interested citizens to help and support the VB.

Mayor Alberti agreed but wants to be sure that before this law is adopted it is the right thing.

Catherine Censor

Mentioned that some of the concerns tonight seem to be as to who makes the determination about whether a tree is sick. She believes that the proposed law specifies that that determination would be made by an ISA certified Arborist and not just the random opinions of people who sit on the committee even though they are advisory committee comments it would be a professional making the decision.

Mayor Alberti made it clear that if it is a village tree then the VB would make the ultimate decision.

Mary Ellen Gallagher

Commented on a reference to what defines a 'Heritage tree'. The tree in front of the library was mentioned to her as having some historic significance to the village. Maintaining these types of trees honors the village and its history.

Christian Pfister

Some of the comments he is making this evening have already been made by Mr. Levenway.

Throughout the document the word Arborist should be changed to 'ISA Certified Arborist'.

Under tree committee- need more detail on the replacement process. Sentence #1 should state that the tree committee has the authority to recommend to the VB the replacement of the former tree with a new appropriate tree. It should also state that the tree should be carefully selected.

Under Section A pg. 7 – Protection of trees and development – clean up the language on Survey. Diameter size should be changed from 24" to 18".

Page 5. Section F - It is doubtful that 'Cooperation with other Municipalities' will ever be used. Could be deleted altogether.

Page 6. Permitting for planting, tree removal, alteration pruning permits All permits should be given to tree committee and then to VB with 30 day intervals between both with written decisions.

Page 7. Protection of trees in Development Projects. A(b.) change diameter of tree to 18 inches or greater.

C. Tree committee recommends to the PB and then PB returns approval in the form of a tree preservation plan.

Page 8. Removal or Pruning Trees Interfering with Public Streets, Sidewalks and Property. Section A. consider changing height to 9 feet. This paragraph confusing

Section D- upon removal of tree make it 12" underground to get rid of stump.

Also, make a section devoted to tree replacement or a tree replacement program with a list of suitable trees.

He also mentioned that perhaps there should be some language in the document regarding penalties and enforcement.

Trustee Spinner stated that they actually removed that section.

Mr. Pfister also mentioned that he thinks that the Village should take some responsibility for repairing the sidewalks when removal of village trees has taken place.

The VB thanked Mr. Pfister for his comments.

The Mayor asked if there were any other comments or questions? He also noted that he will keep the Public Hearing open.

Michael Black questioned what that means exactly – ‘keeping the Public Hearing open’?

Village Attorney Tal Rappleyea explained that due to the fact that during this process the proposed Local Law did not get into everyone’s hand early enough before the hearing that the VB wants to make sure that the Public and VB members have had plenty of time to comment on it. So rather than close the Public Hearing this evening and reopen it again next month, the VB is opting to keep the hearing open so that anyone can comment on this proposed Local Law. Once this process is completed and the Public Hearing is closed the VB will do the SEQR review and vote on the laws passage.

The Mayor stated that he has received comments and concerns via email.

Mr. Levanway also noted that the purpose of the Public Hearing is to receive input from the public then the VB and the committee can take those comments and review them. At that point they can make any changes or adjustment – or not – based upon the input received. They can then vote on it.

Village Attorney Tal Rappleyea also noted that if there are any big changes they can schedule another public hearing to receive more comments on the changes to the law before voting to adopt the local law.

Mayor Alberti thanked everyone for their input this evening and stated that the VB will take it all under consideration. The Hearing will probably be closed a month from now – at February 28th, 2018 meeting.

OPEN REGULAR VILLAGE BOARD MEETING

PUBLIC:

1. *Michelle Pielli attended the VB meeting to represent Edward J. Arthur PTO and their annual 5K run/walk. Ms. Pielli presented the VB with a map and timetable for the event to be held on April 14, 2018. She asked that the village please provide some additional public safety assistance for the event.*

Mayor Alberti asked Trustee Lasher to alert Chief of Police Roger Masse of the event. He also introduced her to David Disbrow as part of the AVFD who was also in attendance this evening.

2. Lighttower fiber optic. Re: Easement. No Show.
3. *Derek Apa, Village resident, attended the meeting to discuss his usage of the gym and to try and straighten out ‘a mess’ with the winter activities scheduling of the youth baseball program.*

He stated that the VB has been great in allotting him time to use the gym however he applied to use the gym, he believes, for Sundays from 9AM to 6PM for winter clinics.

He ‘believes’ that he’d received a message saying that he had been approved. After a week into the program he received a message saying that the travel team will be

meeting on the same day starting at 5 which overlaps the time he believes that he was given.

This is a problem because he has already scheduled these clinics with paid instructors. Is there any way that this can be adjusted? His intention initially was to block the time slot and make his schedule and then whatever time was left out then he could give it to the 'Outlaws'.

He spoke with Trustee Butler regarding this issue.

Trustee Butler noted that they try to keep all those that request large blocks of time limited to 6 hour slots. Either way he was given more time than that and the VB approved 9-5.

Trustee Butler and Derek Apa discussed the situation further.

The issue of residency was also discussed as it relates to the usage of the gym for organizations.

Mayor Alberti stated that they gym is utilized very well by many organizations as well as private groups of kids playing ball. He noted that it does not matter whether these kids are from the Town or Village of Athens- it is good for the community. The school also has gym usage available for these activities.

Mayor Alberti also noted that Trustee Butler is in charge of scheduling activities in the gym and any changes have to go through her. At this point we will go with the schedule that Trustee Butler has finalized. Going forward, for next years scheduling, the VB needs to review this whole procedure and see if they can find a better way.

Trustee Butler also mentioned that she has had a lot of issues this year with people using the gym that aren't suppose to, not getting keys back etc. It has been a real problem for her.

APPLICATIONS:

1. Facility Use Application – gym. Applicant: James O'Connell (Attached Resolution)
2. Facility Use Application – gym. Applicant: Jason Lasher - No app. received
3. Facility Use Application – gym. Applicant: Ralph Hazelton. Trustee Butler will 'touch base' with him.

MOTIONS and RESOLUTIONS:

1. Proposed Resolution Approving Minutes

BE IT RESOLVED that the Minutes from Village Board meeting held on January 10, 2018, be approved:

Offered by:

Seconded by:

Record of vote:

Tabled until next meeting

2. Proposed Resolution Approving Payment of Vouchers as Presented

THEREFORE BE IT RESOLVED that the following vouchers are approved for payment:

GENERAL FUND – Abstract #1953, vouchers numbered #9917515 through #9917545 in the amount of \$21,583.01

WATER FUND – Abstract #10412, vouchers numbered #9917546 through #9917552 in the amount of \$8910.07

SEWER FUND – Abstract #10396, vouchers numbered #9917553 through #9917557 in the amount of \$7784.15

Offered by: Trustee Spinner

Seconded by: Trustee Scott

Record of vote: All in favor

3. Proposed Resolution Approving increase of maximum income limit allowable for 2018 for both Senior Citizen and Disabled Tax Exemption to \$27,500.00 as per the County recommendation:

Offered by: Trustee Lasher

Seconded by: Trustee Spinner

Record of vote: All in favor

4. Proposed Resolution Approving extension of the real property tax exemption for Cold War Veterans:

Offered by: Trustee Scott

Seconded by: Trustee Butler

Record of vote: All in favor

5. Proposed Resolution Approving Local Law #3 of 2018 modifying snow emergency law that had been adopted as Local Law #3 of 2017 pending NYSDOT review

WHEREAS Local Law # 3 of 2017 establishing snow forecast parking restrictions was passed but was pending NYSDOT approval; and

Approval for this local law was received by NYSDOT in 2018

THEREFORE BE IT RESOLVED that the village re-adopt local law #3 of 2017 as local law #3 of 2018:

Offered by: Trustee Spinner

Seconded by: Trustee Lasher

Record of vote: All in favor

6. Proposed Resolution Approving application for use of the gym by James O'Connell

THEREFORE BE IT RESOLVED that the application for gym usage submitted by James O'Connell be approved as submitted:

Offered by: Trustee Spinner

Seconded by: Trustee Butler

Record of vote: All in favor

OLD BUSINESS:

1. Vendor permit application. Completed and ready for use.
2. Lighttower Fiber Network, LLC

NEW BUSINESS:

1. Lease with the Town of Athens has expired.
2. Kaatskill Electric, Inc. – received invoice for services at the pump station on Schoharie Tpk.
3. Videotaping meetings.

CORRESPONDENCE:

1. Mid-Hudson Cablevision, inc. Re: Restructure and establishment of an ESOP-Trustee-Employee Stock Ownership Plan.
2. NYMIR. Re: Recommendations for Village of Athens.
3. Sleepy Hollow Lake. Re: Dam Emergency Action Plan.
4. Greene County Legislature. Re: Resolution No. 32-18 Authorization to facilitate 2018 Annual Village Elections.
5. Greene County Legislature. Re: Resolution No. 33-18 Authorization obtaining and furnishing of Election related services and materials.
6. Christian Pfister. Re: Flower Program
7. Delaware Engineering. Re: WWTP sampling.

Trustee Lasher discussed the meeting held with Town Supervisor Rob Butler, Mayor Alberti and herself regarding the Community Center building. The town is interested in renovating the Community Center building and taking ownership. An engineer, hired by the town, has found the building to be structurally sound and plans are being drawn up for proposed changes.

Discussion ensued about plans for the building.

Trustee Lasher also discussed Street Festival business with the VB. The Street Festival committee would like to ‘give back’ something to the village as they had done last year with the community sign placed across from Stewarts. Any suggestions?

A community ‘business board’ placed coming into the village from Catskill (South end of the village) was discussed formerly – is that still a consideration?

The VB is still interested. Other options were discussed such as banners/flags placed throughout the village noting local history.

Trustee Lasher also informed the VB of some of the ideas discussed at the Street Festival Committee Meeting for this summer’s festival.

Trustee Spinner asked the Village Attorney if it were possible to charge back to the former WWTP operator the cost paid by the village for a ‘roll off’ ordered by the former operator which was never utilized for a couple of years?

Trustee Scott informed the VB that a resident asked him recently what had happened to the sign for 'Isabelle Rainey' field. It is no longer there.

Trustee Lasher and the VB discussed the fact that they have received grant money from ACBF for keyless entry system for the Community Center and given the fact that there are plans for renovations for the building and perhaps now is not a good time to complete this – perhaps the money should go to the firehouse for the same purpose. Trustee Lasher is in communication with ACBF to work it out.

Mayor Alberti discussed the letter received from Delaware Engineering regarding the quarterly monitoring and reporting to NYSDEC of the 6 sampling wells at the WWTP. This is due to the result of a pipe that broke in the basement of the plant several years ago and the oil tank was flooded and oil seeped into the ground. Since then NYSDEC has required that the Village provide quarterly monitoring reporting for these wells – all completed by Delaware Engineering. This activity costs the village \$15,000.00 annually. The Mayor spoke with the Engineer who stated that this last sampling displayed only 1 of these wells, placed closest to the tank, showing any sign of oil. Mayor Alberti has asked for the contact information for NYSDEC to discuss this further as it seems unnecessary now.

The Village Clerk-Treasurer noted that Budget requests will be handed out to Department Heads in the next couple of weeks.

She also informed the VB that no payment for the security officer has been received from the School yet.

The Village Board discussed the Video, Photographs and Audio Recordings Policy that was proposed by the AVFD.

After discussion, the Mayor recommended that the VB turn it over to the Fire Department and let them review it and work it into their SOGS.

VB agreed.

A MOTION was made to enter into Executive Session by Trustee Lasher, seconded by Trustee Spinner, All in favor to discuss Personnel issues

A MOTION was made to exit Executive Session and by Trustee Lasher, seconded by Trustee Spinner All in favor at 9:13 PM.

ADJOURNMENT 9:13PM Motion made by Trustee Butler, seconded by Trustee Scott

Mary Jo Wynne
Clerk-Treasurer