

Village of Athens
2 First Street, Athens, NY 12015
Monthly Meeting, August 24, 2016

Members Present: Mayor Chris Pfister, Trustees Peter Alberti, Robert June, Marla Butler, Gail Lasher @ 7:20, and Acting Secretary, Peggy Snyder

Pledge to the Flag

A valid quorum was present for voting purposes.

Meeting called to order at 6:30 pm by Mayor Pfister

Public Hearing Proposed Franchise Agreement with Mid-Hudson Cable

The Public Notice was read. Mid-Hudson cable is asking for a fifteen (15) year contract with the Village of Athens for cable service. Mayor Pfister introduced Dave fingar from Mid-Hudson Cable to answer questions from the public and Board.

- Carol Pfister who stated she was present on behalf of the Athens Cultural Center and stated that the Cultural center did not have internet connection and could they get it.
 - Dave explained that this was for TV only not the internet but that the Cultural Center could get free cable and 30% off internet service and that he would waive the installation fee.
- Ron Pulhaski stated that he has a problem with his emails being blocked and what could be done about that.
 - Dave stated that he is aware of this problem but that this contract is for TV only not the internet.
- Jerry Bunting stated that some people in the Village do not cable and still have internet and TV problems he himself does not have any problems with the service.
- Michael Black suggests that the Board reconsider the agreement with Mid-Hudson Cable due to the charges that the residents incur and that he wants his comment in the minutes and for the Board to act upon his request.
- Trustee Butler asked about modern technology and if the system was still the old system.
- Michael Black asked if there is a provision in the agreement for removal of system if it becomes obsolete or unused.
 - Mayor Pfister stated that this could be incorporated into the agreement.
- Sam Sebren asked how the system will work with the new broadband expansion.
 - Dave stated that this is just for TV not the internet so the broadband expansion will have no effect on this.
- Attorney Rapplyea stated that FCC and PFC have not passed laws on upgrades yet.
- Mayor Pfister asked about the revenue that comes from the residence paying for cable.
 - Dave stated that the agreement covers 3% of gross revenue from basic cable in the Village.

Hearing no other questions from the public Dave stated that he would get back in touch with Mayor Pfister regarding the questions that were asked and re-write the agreement and get it to the Mayor.

A motion was made by Trustee Alberti and seconded by Trustee June to table the Public Hearing on the Franchise agreement with Mid-Hudson Cable leaving the hearing open so the agreement can be reviewed by the public again after it is amended. All in favor, motion carried.

Public Hearing on Local Law #4, amendment to Chapter 107, Animals

The public notice was read. Mayor Pfister asked for questions from the public or board.

- Michael Black stated that this is a perennial issue in the Village and he imagines it is less of a problem in the Town. On a daily basis in the Village people let their dogs leave messes for other people to walk through and also let their dogs mess on other people's property. He is aware there is a leash law in the Village but yet there are numerous dogs not on a leash. People open

their doors and let dogs out and then back in not knowing where they went or what they did. The Athens Police should be acting in dog matters.

- Trustee Butler stated that the Dog control Officer is in charge of taking care of dog matters that is why they are asking for the merger because the Village does not have a DCO right now.
 - Mayor Pfister stated that he is not aware of the Police being in charge of dog matters but they could be asked to help out but we have never had them do this duty.
- ❖ Trustee Butler looked this up in the code book and found where it states that leash law can be enforced by a Village Police Officer.

Mayor Pfister asked three times if there was any further discussion on this matter hearing none Trustee June motioned to close the public Hearing on Local Law #4. The motion was seconded by Trustee Butler, all in favor, motion carried.

Public Meeting:

1. Michael Black –

Mr. Black stated that Michael Ragaini told him he was to come before the Board to ask for sidewalk obstruction for a twelve (12) month period. He would like to use the sidewalk adjacent to his house for temporary storage of structural material while work is being done on his home. South Franklin Street and the grass part on Third Street would both be used.

- Trustee June asked if the materials could be stored on other parts of his property.
 - Mr. Black stated it would be impractical to store stone, brick and other materials on other parts of his property.
- Trustee Alberti suggested that perhaps he could store the materials there for three months and then they could talk about the situation again.
- Mayor Pfister stated that it seemed like a good compromise.
 - Mr. Black stated that three months' time would not be enough time for him to get things done and that the Village should allow him to do this as he is improving the Village by working on his home and the Board should be amendable and try to help him in return.
- Trustee Alberti stated that the Village should not incur any liability for this situation.
- Attorney Rapplyea stated that if someone gets hurt there the Village will be liable unless Mr. Black is willing to put the Village on his insurance and sign a hold harmless agreement. The village can still get sued even with these documents but it would be better to have them. As long as the Village is aware of danger at this site than there is liability.
- Mayor Pfister stated that he feels that the Board members should go and look at the site.
 - Mr. Black stated that he would put the Village on his insurance but he would not sign a hold harmless agreement.
 - ❖ A motion was made by Trustee Butler and seconded by Trustee Alberti for Michael Black to remove all items from the sidewalk in front of and along the side of his home within thirty (30) days. Vote 2 in favor, 2 nay, 1 abstained. Motion not carried.
- Mr. Black asked how many sidewalk permits the Village has given out.
 - Mayor Pfister stated that he did not know the answer to that question, he could not remember the last time anyone asked for a permit to obstruct a sidewalk. Mayor Pfister told Mr. Black that the Board would discuss this later in the meeting and he would be notified as to the decision of the Board.

2. John Pieruzzi/APAC – Not present

Motions and Resolutions

1. Proposed Resolution Approving the Minutes

BE IT RESOLVED, the Board of Trustees, hereby, approves the minutes, as amended, from the August 10, 2016 meeting.

Offered by: Trustee June
Seconded by: Trustee Alberti
Record of vote: 5 -0, Motion carried

2. Proposed Resolution to Pay the Vouchers

- Trustee June stated that the Marshall sterling invoice should be paid by the Fire Company for the rider for the beer booth at the Street Festival.
- Trustee Alberti stated that the invoice that Anthony signed for the excavator is actually an invoice that the Town should receive.

BE IT RESOLVED, the Board of Trustees authorizes the payment of the vouchers with the exception of the two listed above.

Offered by: Trustee June
Seconded by: Trustee Butler
Record of Vote: 5 -0, Motion carried

3. Proposed Resolution Appointing Registrar

BE IT RESOLVED, the Board of Trustees does hereby appoint Mary Jo Wynne registrar for the Village of Athens for a two year term.

Offered by: Trustee Lasher
Seconded by: Trustee Alberti
Record of vote: 5-0, Motion carried

4. Proposed Resolution Appointment Deputy Registrar

BE IT RESOLVED, the Board of Trustees does hereby appoint Mary Ann Peters deputy registrar for the Village of Athens for a two year term.

Offered by: Trustee Lasher
Seconded by: Trustee Alberti
Record of vote: 5 -0, Motion carried

5. Proposed Resolution Approving Outdoor Entertainment Permit

BE IT RESOLVED, the Board of Trustees does hereby authorize the D.R. Evarts Library to hold an outdoor movie night at the library from 8:00 PM until 10:30 PM, on August 26, 2016.

Offered by: Trustee Alberti
Seconded by: Trustee Butler
Record of Vote: 5-0, Motion carried

6. Proposed Resolution Approving Contract with Delaware Engineering

WHEREAS, contaminated soil was discovered upon the removal of the underground gasoline storage tank,

WHEREAS, Department of Environmental Conservation for the State of New York has requested quarterly soil samples and a quarterly report, monitoring the extent and possible movement of the contamination,

WHEREAS, test wells were installed at the site for the proposed of sampling for soil contamination,

WHEREAS, Delaware Engineering has conducted previous investigations, reports and sampling for this site,

WHEREAS, Delaware Engineering has presented a proposal to continue to collect six additional quarterly samples and develop a remediation work plan,

BE IT RESOLVED, the Board of Trustees does hereby authorize the mayor to sign an agreement with Delaware Engineering in the amount of \$26,200.

Offered by: Trustee June
Seconded by: Trustee Butler
Record of Vote: 5 -0, Motion carried

7. Proposed amendment to Local Law Chapter 7, Animals

WHEREAS, it is the desire of the Village of Athens to transfer the functions of the dog control officer to the Town of Athens,

WHEREAS, Chapter 7, Animals, needs to be amended to allow a transfer of authority to the Town of Athens,

RESOLVED, Chapter 7, animals is hereby amended as described in the attached document.

RESOLUTION Motion made by: Trustee Lasher
SECONDED BY: Trustee Alberti

ROLL CALL:	<u>Aye</u>	<u>Nay</u>
Robert June	X	
Gail Lasher	X	
Peter Alberti	X	
Marla Butler	X	
Chris Pfister	X	

Record of vote: 5 -0, Motion carried

- ❖ Mayor Pfister stated the secondary valve at the Water Plant bids have been received and the lowest bid is for a 14” valve and includes all parts to attach the valve in the amount of \$6,733.52.

A motion was made by Trustee Lasher and seconded by Trustee Alberti to purchase the materials for the secondary shut off valve in the amount of \$6,733.52. All in favor, Motion carried.

Trustee Reports

1. Trustee Lasher:

- Has been asked about a gate being put in near the sewer plant to get to the location where the fireworks are staged. The Street Festival Committee would pay for the gate.
- Should reach out to Rick Surrano to see if the Sheriff’s Department can help with traffic control on Friday for the concert.

2. Trustee Butler:

- Needs to check and see if both porta-potties are being used at field.
- Trustee butler handed out copies of the proposal agreement that Carrie Feder gave to the Planning Board at their meeting stating that Ms. Feder stated the document was the decision from the Village Board after their meeting and she requested to proceed with the fence on her property as stated in the information in the proposal agreement. Trustee Butler stated this is what was presented to the Village for their consideration on the fence matter. Trustee Butler also handed out a copy of the minutes from the Village Board meeting and read the portion of the minutes where it states: Whereas, a proposal for compromise on the fence construction was made and will be sent to the State Highway Department for review, BE IT RESOLVED, that pending the State’s approval of the proposal for the fence, the Village Board approves the proposal as presented.
 - Trustee Butler asked Mayor Pfister if they had received approval from DOT yet.
 - Mayor Pfister stated they have not heard anything from DOT yet.
 - Trustee Butler stated that Carrie Feder misrepresented what the Village Board had actually voted on and provided to the Planning Board, and they acted upon what was presented to them.
 - Trustee Butler also stated that she asked each member of the Planning Board if they read the proposal from the Village Board before voting and that Chairman Moree stated that she had read the proposal, Member Miller stated that he skimmed the proposal during the meeting and Member Parde stated that he did not read any of the proposal.

- ❖ Trustee Butler made a motion to remove Carrie Feder from the Planning Board and for attorney Rapplyea to prepare a letter for Mayor Pfister to present to Ms. Feder informing her of her removal of being a Planning Board Member and that she has the right to a hearing. Motion was seconded by Trustee Alberti. Vote 3 to 2, Motion carried.

- ❖ Trustee Alberti made a motion to enter into executive session to discuss employment history of a particular person. Motion seconded by Trustee June and executive session entered at 8:45 pm. Trustee June made a motion to exit from executive session, seconded by Trustee Alberti. Exited from executive session at 9:05pm

3. Trustee Alberti:
 - New truck, 2017 Ford F550 will be ready on Friday
 - Will get price on lettering and Ziebart treatment for next meeting
4. Trustee June:
 - Did not talk to Fire Company yet about Pumpkin Parade but has a note from Mary Jo that the Fire Company is discussing it at their September meeting.
 - Does not like the fifteen (15) year for agreement with Mid-Hudson Cable
 - Everyone is in agreement not to do fifteen (15) years, ten (10) would be most
 - Wants to go and look at Mr. Black's property

Past Business

1. Contract on WFP roof has been signed
 - Starting roof at water Treatment Plant next week
2. Brush Pile
 - Van Etten gave another promise to call about brush pile
3. Chlorination Program
 - Working

New Business

1. Shared Services Agreement with the Town
 - Mayor Pfister and Trustee Lasher met with Town and identified several things that would need agreements on including: demolition of houses, dog control, tree trimming, Village building, drying beds
2. Repairs at Sewer Plant
 - Getting prices on roof repairs
 - Trustee Alberti to get a price from Pete Schmidt
3. Incident at Water Treatment Plant
 - SCADA system failed and set off alarm, everything OK
4. Condition at water and wastewater facilities
 - Buildings and grounds not kept up, does not appear that someone is there when they are supposed to be

Communications

1. Report from Athens Recreation Program
2. Complaint on North Franklin Street property
 - *Sent Mike Ragaini for junk car & debris complaint*
3. Delaware Engineering Proposal
 - *Resolution passed*
4. Amazon Films: Possible filming
 - *Received phone call but no follow-up contact*

Attorney Client Meeting

Attorney Rapplyea requested an Attorney/Client closed meeting, entered meeting at 9:33 pm

Exited from closed meeting at 9:45 pm

Trustee Lasher made a motion to table previous motion to remove Carrie Feder from the Planning Board in favor of censoring. Motion was seconded by Trustee June. Vote 3 in favor, 2 nay. Motion carried.

Motion to adjourn made by Trustee Butler and seconded by Trustee June, Vote 5-0, Motion carried.

Meeting adjourned at 9:47 pm by Mayor Pfister.

Respectfully submitted,

Margaret M. Snyder
Acting Secretary