

VILLAGE OF ATHENS BOARD MEETING

MINUTES- November 15, 2017 6:30PM

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

ABSENT: Trustee Gail Lasher

Pledge to the Flag

PUBLIC:

1. *Kathy Jackson attended the meeting on behalf of the D.R. Evarts Library.* She stated that the reason she is attending tonight's meeting is to inform the VB that the library has been notified over the summer that the library, which is a village building, is not ADA accessible, making it open to litigation.

One of the reasons that it would be open to litigation is that the library is doing nothing to correct the problem while there are funds available to do so. Due to the economic condition of the village the library is eligible for up to 70% funding for handicap access projects.

The library's liaison at Mid-Hudson Library stated that the library must show that they are trying to rectify the situation.

There are residents in our community that are ADA and the library presently provides them with curbside service, sometimes delivering materials to their residence. However that is not enough for ADA compliance since they consider compliancy to be that users be able to have equal access to peruse all materials and attend all programs in the building.

Ms. Jackson also stated that she knows that there are rumors spreading that the library has been putting in grant applications to go forward with this project and she wanted to come this evening to inform and openly discuss the project.

The library is not looking for anything from the Village however they may need a certificate stating that the library has a 10 year lease with the village, as has been done in the past for other grants received.

Presently, the library is hiring an architect to help them get the grant application completed. Submission of the grant will be in the early spring of next year and results will be available in the fall. If the library is successful in securing the funds then the work will begin in the Spring of the following year. There will be fundraising events etc.

The VB thanked her for the 'heads up' and asked that she keep them informed.

2. *Carol Pfister, Treasurer for the Athens Cultural Center,* attended the meeting to provide a history in summary of how the Cultural Center came into being. She began with stating that the building was owned by Athens Generator before they

moved to their current location. Athens Generator gave the building to the Town of Athens after they moved. The Town of Athens did not want the building and gave it to the Village in 2003. Two village residents came forward and asked the VB if the building could be used as an arts and cultural center. It was discussed and approved and that was the start of the Athens Cultural Center. It became a non-profit and incorporated in 2004.

Since that time there have been major improvements made to the building while holding many art education programs for all age groups and many exhibits as well. Ms. Pfister gave a summary of the renovations and improvements made since then. She noted that \$130,000.00 worth of improvements have been made to the building.

Mayor Alberti asked how much of the \$130,000.00 spent on renovations was from grant money?

Ms. Pfister stated that it was quite a bit of it. Summarized it all in the report.

Even before the lease was signed in 2013 the precedent was to charge \$150.00 to any organization that wished to use the space for meeting. Although sporadic, the money does help the Cultural Center with expenses.

Most recently the democrats paid the Athens Cultural Center to use the space to hold a 'meet the candidate' event open to the public.

Ms. Pfister informed the VB that a VB member questioned her about the usage of the village owned building for this purpose.

Ms. Pfister stated that after being approached by the VB member and discussing this matter, she reviewed the lease agreement. Her concern is with item #6 – assignment and subletting. She was hoping that the Village Attorney would be in attendance to clarify this for everyone. Hopefully renting the space for only a couple of hours does not pertain to item #6.

If item #6 does apply then written village board approval is needed when the space is rented.

Mayor Alberti noted that the Village also puts money into the building and also the Village's DPW spends quite a bit of time helping them out.

Ms. Pfister stated that the DPW was a great help.

Mayor Alberti stated that from here on out anything that needs to be done at the Cultural Center goes through the Mayor – not through DPW Foreman Anthony Proper. The VB has no problem helping the Cultural Center but we would like them to follow the proper chain of command.

Ms. Pfister noted that there is nothing in state law that prohibits government property from being rented in a non-discriminatory manner.

Mayor Alberti stated that according to VB Minutes dated from February 9, 2004, centering on the beginning discussions of what the Cultural Center would be, the following text was found when a Trustee at the time asked ‘what kinds of groups/meetings will be allowed’ ...

“ Ms. Johnson stated that that would include film, art, music, poetry, literature etc. An example of groups that can be accommodated would be anything related to cultural events/groups, for example, the Garden Club. Also, anything not political, for example a Democratic fundraiser...”

Ms. Pfister stated that she was unaware of that.

However, according to the state law as she understands it there is nothing against doing this type of activity besides the agreement with the village. If we didn’t have that provision than there would be nothing wrong with renting the space.

Now that she is aware of it she will make the other board members aware as well. As the Treasurer, the Cultural Center Board has allowed her to make decisions on the rental of space.

Ms. Pfister asked if the VB had any problem renting to local non-profits

Mayor Alberti stated that that was something that he would like to discuss when Trustee Lasher is present.

Trustee Butler agreed that the VB should wait to discuss this matter since Trustee Lasher is the liaison to the Cultural Center and she is not here this evening.

Ms. Pfister noted that there is group that wants to use it for 2 hours on December 2nd, 2017 to hold a meeting – ‘so she should tell them no?’

The Mayor replied ‘correct’.

The Mayor noted that what everyone needs to know is that that is a Village Building and if something happens down there then everyone at this table is going to be the ones that are going to be questioned on it.

Ms. Pfister mentioned that the Cultural Center is very careful and they have a very good history. She also noted that the Cultural Center does have their own liability insurance.

The VB will continue this discussion when a full Board is present.

3. *Jack Weishaupt, Fiber Construction Senior Manager of Lighttower, attended the meeting with the Vice President and the Contractor (Crofton Diving) of the project. They are here to inform the VB of their project and what they are planning to do, if possible.*

Lighttower has fiber present in Athens – they tie into Windstream fiber on Fourth Street and then underground at the manhole with Mid-Hudson Cablevision and Windstream.

Lighttower has made a decision to put their own fiber across the river. Currently, they have one crossing by the Tappan zee bridge.

Their initial plan was to cross the river (underground) at the 4th Street location as there was already an access there. However, no one has been able to locate the easement that Mid-Hudson Cablevision and Verizon have from years ago. The other problem is that Village has received State grants/funding to create the Kayak Launch at the end of Fourth Street and the State will not allow them to disturb that property.

Because of these issues, which prevent them from using the 4th Street access, Lighttower is asking the village if they will give them an easement at the end of 3rd Street to enter the river. The Village owns this property.

The Mayor asked to look at the map to see the area in question.

Mayor Alberti asked about the time frame for the project.

They are hoping to start the project in the first quarter of 2018. In order to put the cable into the river they need permitting from the Army Corps of Engineers and other state agencies. One of the provisions of the permit is that they have a determined landing site on both sides of entry. They have Hudson already and now they are hoping to have Athens.

Mayor Alberti asked if they had any other literature on the project and the process.

The contractor informed the VB that the workplan is pretty simple and they will provide more information at the next VB meeting. Basically, a directional boring will create a trench where the conduit will be placed, barges will come and pull the cable through and bring it over to Hudson. There is minimal or no impact made to the shoreline.

Mayor Alberti noted that they would have to provide this information to the Code Enforcement Officer who will advise them as to whatever other agencies in the village need to be contacted for approval.

He also informed them that no decisions would be made on this easement without the Attorney and Trustee Lasher being present (absent this evening).

Mr. Weishaupt asked to be put on the Agenda for December 13th, 2017 meeting. The Mayor stated that that was no problem.

4. *John Pulice, village resident*, attended the meeting to ask that the VB publish whether a meeting is a public meeting or a work meeting.

He also asked what the status of burning in the village is. Is anything going to be done about it?

Mayor Alberti informed Mr. Pulice that there will be a Public Hearing held on December 13, 2017 for the purpose of hearing public comment on this issue.

He also informed Mr. Pulice that a lot of information can be obtained from the NYSDEC website. He can also call the agency and they will answer questions.

Mr. Pulice stated that he does not use computers/internet. Calling the state is a problem for him.

Mayor Alberti also informed Mr. Pulice that the Work meeting for the Village is the 2nd Wednesday of every month and the Public meeting is on the 4th Wednesday of every month. It has been that way for several years. Due to unforeseen circumstances it may change and that change is sent to the newspaper to be published.

DEPARTMENT HEADS:

1. Fire Department - David Disbrow attended at the request of the Fire Chief Adam Greco whom could not make it this evening.

Discussed the quote from B-lann for air paks to be financed under the ESRLF.

The quote states \$159,000.00. However, the quote is over 30 days old and it states on the quote that it is only good for 30 days.

The VB decided to submit the grant for \$160,000.00 to veer on the side of caution.

2. DPW – Anthony Proper

The front drying bed at Holister Lake is completed, online and working. Final touches will be to place the erosion fabric in the back and GCSW will be putting mulch down where ever there is bare ground. He spoke to Jason Priestly of Lamont Engineering and he agreed that NYSDEC should have no problem with the results if and when they inspect it.

Mr. Proper informed the VB that the brush pile is locked up due to the fact that people have been abusing it again. There were truck-loads of debris and downed trees inside and outside of the gate. The village and town had just paid to have the debris mulched. He spoke with the Town Supervisor about it as well and he was in agreement to lock it up again. Until further notice, the brush pile will only be open M-F, 7-3. That way the DPW is around to keep an eye on it.

Wayne Butterworth received his water license.

The old food pantry in the basement was discussed. The DPW will work on renovations this winter to create a records room.

Mayor Alberti informed Mr. Proper that the VB received an email with pictures attached of a hanging limb in a large tree at the Triangle park. Can he take a look at it please?

Leaf pick up was discussed.

Preparing trucks for winter was discussed as well.

3. Police Department – Roger Masse - no show
4. Code Enforcement – Mike Ragaini - no show
5. VRI – Seth Sheridan

WWTP

- west clarifier skimmer was repaired
- sand drying beds were cleaned
- flow meter was calibrated as required by NYSDEC. It must be done annually
- grit removal was off one day when he came to work 2 weeks ago

BRICK ROW

- Sludge holding tank was cleaned out
- Valve that was ordered for the blower will be put on
- Calibration of flow meter completed

WFP

- flows down
- drying beds complete
- cleaning of lagoon discussed. Do you want to wait until Spring? Seth recommends completing before winter.
- Underdrains are installed so he will schedule the carbon filter exchange.
- Ross Valve did maintenance service on the valve at the storage tank in the village.

MOTIONS and RESOLUTIONS:

1. Proposed Resolution Approving Minutes

BE IT RESOLVED, the Minutes from Village Board meeting held on October 25th, 2017 be approved:

Offered by: Trustee Scott
Seconded by: Trustee Spinner
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 #1943, vouchers numbered #9917318 through #9917355 in the amount of \$53,122.99

WATER FUND – Abstract #10407, vouchers numbered #9917356 through #9917362 in the amount of \$15,983.95

SEWER FUND – Abstract #10392, vouchers numbered #9917363 through #9917368 in the amount of \$16,171.04

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

3. Proposed Resolution Approving submittal of NYS Emergency services loan application

WHEREAS, the AVFD has informed the VB that they would like to purchase new air packs and finance their purchase through loan proceeds through ESRLP,

THEREFORE, BE IT RESOLVED that the Village Board Approves submitting the loan application to the NYS Emergency Services Loan Program. Authorization by the village to execute all financial and/or administrative processes of the grant program for AVFD in the amount of \$160,000.00 to purchase new air packs for the department is also approved;

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

4. Proposed Resolution Approving the removal of tree located at 36 N. Franklin Street.

WHEREAS, a resident located at 36 N. Franklin Street has notified the village in correspondence dated October 2, 2017 (reflected in the correspondence section of the Minutes from October 25th meeting) of a diseased tree and dangerous sidewalk conditions,

WHEREAS, the resident has also provided their arborist report stating that it is their recommendation that the tree be removed due its poor condition,

WHEREAS, the village DPW has also investigated the area in question and also feels that in order to fix the sidewalk the tree would be further compromised and unsafe,

THEREFORE, BE IT RESOLVED that the Village Board approves removal of the tree at 36 N. Franklin Street;

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

CORRESPONDENCE:

1. Federal License Management. Re: Renewal Notice.

2. NYS – DOS. Re: U.S. Army Corps of Engineers/ NY District Permit.
3. NYS – Real Property System. Re: Exemption Summary.

OLD BUSINESS:

1. Notice of Violation and Order to Comply. CSHO ID: N6557.
2. Vendor permit law/application.

NEW BUSINESS:

1. Triangle Park. Re: recent pictures emailed of tree branch.

Trustee Spinner stated that Mayor Alberti and herself will be meeting with Joe Meyers of Northdome regarding the new contract for services for the WFP and WWTP. If anyone has questions or concerns that they would like to address please email them to her.

A MOTION was made by Trustee Scott, seconded by Trustee Spinner, all in favor, to enter into Executive Session at 7:45PM to discuss personnel issues.

A MOTION was made by Trustee Butler, seconded by Trustee Spinner, all in favor, to exit Executive Session at 7:55PM and resume regular work meeting.

ADJOURNMENT: 8:00PM

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



Mary Jo Wynne
Clerk-Treasurer