

ATHENS VILLAGE BOARD MEETING MINUTES - August 29, 2012

PRESENT: Mayor Andrea Smallwood, Trustee Herman Reinhold, Trustee Robert June, Trustee Gail Lasher and Trustee Anthony Patsky.

Pledge to the Flag.

PUBLIC:

1. *Sandra Strauss, resident of Brick Row*, attended the meeting to inquire on the progress of the broken fire hydrants on Brick Row. She also stated that she will not be attending any more village board meetings regarding the broken fire hydrants on Brick Row as she is putting in a formal complaint to the Village Office.

Mayor Smallwood stated that the Village Board passed a RESOLUTION authorizing Dennis Proper to fix the broken hydrant (s) on Brick Row. That particular fire hydrant was made a priority on the list of fire hydrants in the village that are not working and need to be fixed or replaced.

2. *Sheila Brady, resident of Water Street*, attended the meeting to again discuss with the Village Board, the noise ordinance and their support of passing an ordinance/law. She provided a letter that she had received in response to her request to the APD regarding noise complaints received from Village residents. At the time that she requested it she was told that it was not easy to obtain these complaints. There were 13 complaints made by Village residents regarding loud music.

Ms. Brady reiterated that it is not out of the ordinary for Village's to have noise ordinances. She has provided copies of them from other communities for the Village Board to read.

Mayor Smallwood thanked her for the information and reiterated that the Village Board is reviewing all of the information provided.

3. *Rick Surrano Jr., employee of Dionysos Restaurant* stated that the restaurant has made concessions to their neighbors regarding their neighbor's complaints about loud noise. The restaurant is trying to work with them by adhering to the 11:00PM 'cut off' for bands and placing a temporary fence along the property where the band plays to muffle the noise a bit.

4. *Ron Puhalski, resident of Washington Street*, attended the meeting to state that he is not in favor of the noise ordinance. He is worried about the feasibility of enforcing this ordinance. Living in the village can get noisy. There are a lot of other noises, for example motorcycles at night, trains, loud mufflers, etc.

He has spoken to residents of Tivoli, a village where they have a noise ordinance, and they have had trouble enforcing it.

Mr. Puhalski feels that the best way to handle these issues is to have neighbors working together.

He also mentioned that we live in an area where we have a short summer season and we need to encourage the community to grow.

5. *Phil Massero, musician*, also voiced his support of not passing a local law for noise control. The area in question is located on the riverfront where it is presently zoned commercial as well as residential. Providing outdoor entertainment where people can enjoy the riverfront is an asset for the success of the Village. This is where people want to be, especially on the weekends.

He noted that the Village Board mentioned that they are ‘re-vamping’ the Village Code book and hopes that the new zoning also has provisions for outdoor entertainment and does not limit growth in that area of the Village.

Mayor Smallwood stated that the Village Board is not looking to remove outdoor entertainment only reviewing the possibility of limiting time frames and volume.

6. *Martin Miller, resident of Athens and musician*, attended the meeting to also voice his concern about passing a local law for controlling noise in the Village. Primarily he is concerned about the future of outdoor entertainment. He stated that he felt that by listening to tonight’s meeting it sounds like the Village Board is not looking to pass a noise ordinance, but instead they would like neighbors to work out their issues between themselves. Is this correct?

Mayor Smallwood stated that the Village Board is looking at all of the information provided and then they will make a decision based upon what is best for the community not just a few people.

Mr. Miller stated that it is nice to see the village thrive with activity and would hate to see that end in order to maintain ‘quiet’.

Discussion ensued:

Trustee Reinhold mentioned that it is the volume of the music that he has issue with.

Sheila Brady noted that this has been an ongoing issue since Memorial Day and began as a problem due to the fact that the Village has no noise ordinance in their Code Book. Currently, there is nothing to guide anyone when there is a complaint of this nature. The local police were not able to deal with it effectively as well. She stated that she and her husband are not against outdoor music and they do not want to hurt anybody’s business. They just wanted help with a noise issue and this was the avenue that they feel they were

forced to take. Dionysos has been cooperative in some areas, however she still feels strongly that there needs to be a noise ordinance in the village.

Sue Brady noted that motorcycles and trains are noisy for a short duration whereas a loud band can play music for hours and hours.

Rick Surrano Sr. stated that there is a short duration of time that a business like this in this area has to make money. Dionysos has created a great draw to the area and they have made continued concessions in order to get along with their neighbor. Shortening the time that they play and also playing music toward the island has helped a lot.

Mr. Surrano, Sr., stated that he would hate to see the Village Board pass the noise ordinance .

He mentioned that there was a comment made on the internet regarding concerts and that they bring no value to the Village. He would like to state that that was a ridiculous comment.

The Mayor stated that that conversation could take place between residents of opposing viewpoints on facebook or the internet outside of the Village Board Meeting.

7. *Chris Pfister, Greene County Legislator*, attended the meeting to update the Village Board on a number of County issues including County bid awards for Fuel, diesel and propane, the 'alternatives to incarceration' program, the 'Rails to Trails Grant' and the 'Pawn shop law'.

Mr. Pfister also inquired as to the status of projects in the Village, for example, the catch basin on Second and Franklin Street which has been broken for 3 years and the erosion at the 4th Street Kayak launch and the landscaping at the Riverfront Park.

8. *Dora Agustin-Lackie, resident at the corner of Warren Street and Market Street*, attended the meeting and also submitted a letter asking that the Village Board authorize the installation of a parking sign which identifies the area as a handicapped pick up area. They also asked that the sidewalks be fixed at that location. They have two handicapped children which need to get on a bus/van everyday for school and the sidewalks are dangerous and unsafe and the traffic coming down Market Street drive very fast. The signs would help tremendously.

The Mayor stated that she would speak to the DPW regarding this matter.

CORRESPONDENCE:

1. State of Emergency Management. Re: FEMA 4020 DR NY – payment processing.
2. Patrice and Brud Miller. Re: Air Conditioning Unit – Athens Cultural Center.

3. NYSDOT. Re: CHIPS Statement.
4. Harry Matthews-complaint form. Re: Vandalism of sculpture in the park.
5. Blue Shield of Northeastern New York. Re: Medical Loss Ratio (MLR) rule.
6. Ron Puhalski. Re: Date of Pumpkin Parade.
7. Mary Ellen Yannone. Re: Request for drainage.
8. NYS Public Service Commission. Re: Case 10-T-0139 – Champlain Hudson Power Express, Inc.
9. Greene County Legislature. Re: RESOLUTION No. 278-12 Awarding bid for abrasives (dry screened and washed) used in snow and ice control.
10. NYS Department of Health. Re: Fluoride.
11. Coxsackie-Athens Central School District. Re: RESOLUTION in support of the Safe Route Grant.
12. Dora Agustin-Lackie. Re: Request for signs and sidewalk issue.
13. NYS- Department of Labor – Boiler Safety Bureau. Re: WWTP boiler.
14. Athens Recreation Association. Re: Thank you.
15. Sam Sebren. Re: Letter in support of 'NO NOISE ORDINANCE'.

OTHER BUSINESS:

Town Councilperson Robert Butler attended the meeting to represent the Town Board and ask that town residents be able to use the Village's Recycle/yard waste center located behind the Athens Fire House on Third Street

A RESOLUTION was made by Trustee June, seconded by Trustee Lasher, all in favor, allowing the Town residents use of the brush pile located behind the firehouse and as a result of this the town will share the cost of maintaining the brush pile by grinding it as necessary and the village will amend the sign at the location to include the town.

The Village Board received 3 bids/proposals for sealing the driveway/parking lot at the Firehouse located on Third Street. The lowest bidder was 'It's Showtime' at a price of \$2500.00. MOTION was made by Trustee June, seconded by Trustee Reinhold, all in favor, to accept his proposal for sealing the Athens Firehouse.

The Clerk-Treasurer has received an application for a loan through the Revolving Loan Fund in the Village from Gethen Proper. Application will be forwarded to the Village Attorney.

Application received from the Athens Fire Department for a Fireworks display to be held the weekend of the Firemen's Convention. Application approved by RESOLUTION made by Trustee June, seconded by Trustee Lasher, all in favor.

Discussion ensued between Village Board Members regarding noise in the village. The Village Board reviewed a 'Draft Entertainment Law', which the Village Board is considering adopting as opposed to having a noise law. They asked the clerk to schedule

a Public Hearing Notice for the next meeting for the purpose of hearing public comment on the Draft Entertainment Law.

The Village Board also discussed the possibility of passing a local law, which would change the terms of office for all Village Board Members from 2 years to 4 years.

The Village Board agreed to have the Attorney figure out the timeline necessary to accomplish this for the next Election in March and also draw up the RESOLUTION required to do so.

The Village Board discussed the violence prevention program and sexual harassment in the workplace policy for the Village. A policy must be implemented regarding this issue. The Attorney will review this as well.

The Mayor instructed everyone to review the various noise laws/ordinances that they have received as well as reviewing the alternative outdoor entertainment law so that they may provide feedback for the next meeting, which will include a Public Hearing regarding this issue.

A MOTION was made by Trustee June, seconded by Trustee Patsky, all in favor, approving payment of the following vouchers:

GENERAL- Abstract #1715 – vouchers numbered 9911866 through 9911885 in the amount of \$14,542.77.

WATER- Abstract #10254 – vouchers numbered 9911887 through 9911896 and voucher number 11902 in the amount of \$12,709.76

SEWER- Abstract #10225 – voucher number 9911910 in the amount of \$8,769.96.

YOUTH – Abstract #57- vouchers numbered 9911905 and 9911906 in the amount of \$2,716.25.

A MOTION was made by Trustee Reinhold, seconded by Trustee Lasher, all in favor, approving the Minutes from Meetings held on July 11, July 25, and August 8, 2012.

Financial reports from the month of July 2012 have been distributed to Board Members.

A MOTION made by Trustee June, seconded by Trustee Lasher, all in favor, adjourning the meeting at 9:30PM.

Peace-out!

mjw