

VILLAGE OF ATHENS BOARD MEETING
MINUTES- February 28, 2018

Pledge to the Flag

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

Village Attorney Tal Rappleyea was also present.

The Mayor stated that the Public Hearing for the proposed Tree Law has been opened since January 24, 2018 in order to review, revise and receive any other comments and concerns regarding the law.

A meeting was held with the tree committee members, the Village Attorney, Trustee Lasher and the Mayor. The revisions to the legislation as a result of this meeting are posted on the village website.

Mayor Alberti asked if there were any further comments from the Public.

Tree Committee member Stephen Bradicich stated that the law is a good example of everybody working together to complete something that works for the good of everyone.

Resident Catherine Censor stated that she wanted to thank everyone for working on this. This is a big step forward.

Mayor Albert agreed.

MOTION made by Trustee Lasher, seconded by Trustee Scott, all in favor to CLOSE the PUBLIC HEARING.

OPEN REGULAR VILLAGE BOARD MEETING.

PUBLIC:

1. *Josh Lipsman, resident of the Village*, attended the meeting to request the VB's permission to cut into the sidewalk as per village code.

Mr. Lipsman informed the VB that he forwarded a letter, photograph and drawing illustrating what he would like to do to his property on 35 S. Franklin Street. He would like to install a driveway. Due to the fact that the driveway will come up off the street over where the sidewalk is, he is asking for the VB's permission.

He apologized in that he had already begun the work not realizing that he did need the VB's permission. He stated that in order to complete the project he will have to remove the bluestone that is there temporarily, put the driveway in, and then carefully put the bluestone back as it was.

Mayor Alberti noted that the plans look very nice and will be an asset to that area of the village.

(RESOLUTION for permission follows)

2. *Brian Mahoney, village resident*, attended the meeting to discuss open burning in the village. He provided the VB with a pamphlet.

Mr. Mahoney started with discussing the December 13th meeting. He states that the Mayor told him that the 'State has the final say' in the Open Burn Law. Mr. Mahoney stated that he disagrees.

Mayor Alberti stated that he did not say that and he wouldn't say that because NYS is a 'Home Rule State'. Being a Home Rule State allows the Village to have the final say on laws such as this one.

Mr. Mahoney again disagreed with what was told to him at this meeting.

Mr. Mahoney also stated that he spoke with Trustee Scott yesterday and Trustee Scott told him that he remembered the conversation and was going to 'look into it' and get back to him about which govt. entity has jurisdiction.

Discussion ensued about who said what in regard to State vs. local laws.

Mr. Mahoney said that Mr. Scott agreed with him.

Trustee Scott replied emphatically that he did not agree with Mr. Mahoney and he did not contradict the Mayor as Mr. Mahoney is implying. He told him he would look into it and that discussion occurred just last night.

Mayor Alberti suggested that the three of them sit down to discuss this law and open burning.

Mayor Alberti asked that Mr. Mahoney discuss what he came to discuss this evening- Open Burning.

Mr. Mahoney again asked the Mayor whether he had said the State had final say on the Open Burn Law or if the village has the final say.

Mr. Mahoney asked to check the 'tape' for the meeting held on Dec. 13, 2017 to see what was stated regarding the law.

Mayor Alberti said that he would ask the Clerk for it.

The Clerk stated that Mr. Mahoney had already been into the Office to ask for a copy of that audio recording and she has already told him that the recording had no intelligible audio. There is no recording.

Mr. Mahoney again asked the VB if there was any way to get that 'tape'. He questioned what happened to the recording. They can get 'stuff' off computers all the time.

Trustee Spinner noted that there was a meeting where the recorder died and she believes it was in December.

Mayor Alberti also noted that these digital recorders run out of room or the battery dies and the recording will not work.

The Clerk informed everyone that when she went to listen to the recording she heard a crinkling noise for awhile and then there was no sound. There have been a couple of meetings where the audio has cut out.

Trustee Scott stated that he also discussed the 'recording' conversation with Mr. Mahoney last night as well.

Mr. Mahoney started to discuss a meeting held on January 24, 2018 and what was said to him by the Mayor.

Mayor Alberti asked Mr. Mahoney if he were here to discuss burning in the village or the way he conducts the meeting.

Mr. Mahoney said he doesn't know how he conducts his meetings but would like to check the tape to see what the Mayor said to him at the January 24th meeting. He was there to discuss burning in the village and was unable to speak because he was not on the Agenda. According to Mr. Mahoney, the Mayor told him 'that he didn't care what he had to say'.

Mayor Alberti denied saying that.

Mr. Mahoney asked to see the 'tape'.

Getting back to burning...

Mr. Mahoney stated that 'the problem with open burning in my opinion is...'

The Mayor interrupted to state that there is 'no open burning allowed in the Village ' it is prohibited.

Mr. Mahoney stated that you are allowed to have wood campfires and that's not an open burn?" Why is that not considered an open burn?

The Village Attorney clarified that the village law states that ' Open Burning is prohibited in the village except for charcoal grills, small burns ...etc...'

Mr. Mahoney interrupted the Attorney's explanation.

Trustee Spinner told Mr. Mahoney that the Village Attorney was trying to explain the law to him and he interrupted him.

Mayor Alberti asked if anyone would like to explain this law to Mr. Mahoney.

Trustee Lasher read the definition of 'Open Burn' to Mr. Mahoney. Village Attorney Tal Rappleeya and Mayor Alberti then stated the exceptions to that that are listed in the local law.

Josh Lipsman, member of the public told Mr. Mahoney that 'it sounds like you are thinking that that the exceptions should be included in the open burn, and that is your

belief, which you are entitled to, but it is not the law as it is stated. If you disagree with the law then you should bring a proposal before the VB. The law states that there is no Open Burning except for items A, B, and C.'

Mr. Lipsman stated that I hear you saying 'but I think that that shouldn't be'.

Mr. Mahoney said 'no' that's not what I am saying. I am saying that if you can open burn then what changes an open burn to a closed burn?

Mr. Lipsman noted that it sounds like you just don't agree with the law.

Mr. Mahoney emphatically stated that he just doesn't agree with what comes out of an Open Burn.

Mr. Lipsman reiterated that an Open Burn is illegal with some exceptions.

Mayor Alberti mentioned again that if it would be beneficial perhaps Mr. Mahoney, himself and Trustee Scott could meet and talk about the law.

Mayor Alberti also noted that he will read through the written material that Mr. Mahoney has provided for him. Otherwise, the VB must move on with the meeting at hand.

Mr. Mahoney stated that he wants fresh air in the Village and wants an answer....

The Village Attorney told Mr. Mahoney that this is a village board meeting where we conduct the business of the Village.

Mr. Mahoney stated that 'this is the health of the village and this is not a concern'?

Mr. Rappleyea answered 'very much so'.

Mayor Alberti again told Mr. Mahoney that this conversation is over as per the Meeting procedures guidelines. Feel free to pick up a copy of those at the Clerk's office or on the website.

Mayor Alberti stated that he doesn't know how else to explain it to him.

3. *John Pulice, village resident*, attended the meeting to discuss 'general'.

Mayor Alberti asked Mr. Pulice what he would like to discuss.

Mr. Pulice asked how this law came about?

Mayor Alberti stated that there was a resident that was unaware that the code for the village did not allow any burning whatsoever and they were using a small fire for recreation and cooking in their backyard, as were many other residents.

The VB reviewed the law and it was agreed to revise and update the law to make it more practical.

Mr. Pulice noted that he is not against grilling but is not for having the campfires because they seem to get bigger and bigger. He also stated that people start to burn garbage and so forth.

The Village Attorney and the Mayor stated that that was a code violation. As a code violation it should be reported.

Mr. Pulice stated that that does not work since no one comes or the people burning put the fire out. No one is there.

Mr. Pulice stated that there should have been a vote on this.

Several village Board members informed Mr. Pulice that there was a public hearing held before passage of the law. That is when he should have come to the meeting.

Mr. Pulice vehemently stated that there should have been a referendum.

Again, the VB informed him that it does not have to put up to a vote.

4. *Ann Louise Buchanan, resident of the Village*, attended the meeting to discuss burning in the village.

Ms. Buchanan stated that she wanted to express her opinion on burning in the village. She also mentioned several times that she may have misunderstood what was going on this evening.

Given that, she said as a Senior Citizen with health issues she wanted the VB to know that any kind of smoke bothers her.

She also mentioned the safety issues with sparks starting fires.

The VB thanked her for her input.

APPLICATION:

Applicant: Angelique Carney & John Winn. **Re:** Athens Riverfront Park – June 3, 2018 – wedding.

A **MOTION** was made by Trustee Spinner, seconded by Trustee Butler, all in favor, to approve use of the park as requested.

MOTIONS and RESOLUTIONS:

1. Proposed Resolution Approving Minutes

BE IT RESOLVED, the Minutes from Village Board meetings held on February 14th, 2018 be approved:

Offered by: Trustee Spinner
Seconded by: Trustee Scott
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 #1956, vouchers numbered #9917630 through #9917642 in the amount of \$11,700.72

WATER FUND – Abstract #10415, vouchers numbered #9917643 through #9917650 in the amount of \$4116.99

SEWER FUND – Abstract #10398, vouchers numbered #9917651 through #9917655 in the amount of \$2036.44

Offered by: Trustee Lasher

Seconded by: Trustee Spinner

Record of vote: All in favor

3. Proposed Resolution to purchase Scott Air Pak's through the NYSOGS

WHEREAS, the Village of Athens has been successful in securing monies from the HOMELAND SECURITY Emergency Services Revolving Loan Fund for the purchase of Scott Airpaks for the AVFD;

THEREFORE BE IT RESOLVED, that the Village Board approves the purchase of 18 Scott Air paks from B-Lann Equipment (State Bid Group 38232 Hazardous Incident Response Equipment Award Number: 22872 Contract Period: June 1, 2015 – May 31, 2020) and 36 carbon fiber cylinders in the amount of \$123,549.57:

Offered by: Trustee Butler

Seconded by: Trustee Spinner

Record of vote: All in favor

4. Proposed Resolution granting resident at 35 South Franklin Street permission to cut into the sidewalk

BE IT RESOLVED, that the Village Board approves a request made by Joshua Lipsman located at 35 South Franklin Street to cut into the village sidewalk in order to complete plans for a driveway in front of his residence:

Offered by: Trustee Lasher

Seconded by: Trustee Butler

Record of vote: All in favor

5. Proposed Resolution Adopting a Negative Declaration for proposed action 'Enactment of Local Law Establishing Standards for the Care of Trees'

WHEREAS, prior to passing a Resolution to Adopt Local Law #4 of 2018- Standards for the care of Village trees the VB must complete the SEQRA form, and

WHEREAS, the proposed law does impact the environment and the law is relatively simple, the Short Form was completed by the VB, and

WHEREAS, Part 1 identifies the project and the answers given for Part 2 were all 'no';

THEREFORE BE IT RESOLVED that the VB adopts a negative declaration based upon its analysis and therefore the proposed action will not result in any significant adverse environmental impacts:

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

6. Proposed Resolution to Adopt Local Law #4 of 2018- Standards for the care of Village Trees

WHEREAS, the VB has completed the SEQRA and determined that a Negative Declaration resulted;

THEREFORE BE IT RESOLVED, that the Village Board approves the adoption of Local Law #4 entitled 'Standards for the Care of Village Trees':

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

7. Proposed Resolution authorizing Clean-up day to be held on April 28, 2018 in conjunction with the Town of Athens from 8:00 AM to 12:00PM behind the Athens Firehouse:

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

8. Proposed Resolution to proceed with a contract for purchase of Peckham Materials North Plant

WHEREAS, the VB has discussed the possibility of purchasing the Peckham Materials North Plant for the purpose of moving the DPW garage, and

WHEREAS, the current DPW garage is in extreme disrepair and purchasing a property with a garage large enough to hold all of the DPW equipment and materials that are now housed behind the firehouse may be more economically feasible than building a new building or repairing the current garage, and

WHEREAS, as per section 1-105 of Village Law, the VB will need to include many contingencies in the contract, for instance an appraisal will need to be completed so as not purchase over fair market value and title search would need to be completed and financing will need to be analyzed further;

THEREFORE BE IT RESOLVED that the VB approves Proceeding with a contract for the purchase of the property:

Offered by: Trustee Spinner
Seconded by: Trustee Scott

Record of vote: All in favor

OLD BUSINESS:

1. Status of the lease for the Town office space.

NEW BUSINESS:

1. Cleanup day will be held April 28, 2018 from 8:30AM to 12:30AM behind the firehouse.
2. Advertisement for Bidding for Lawn services is to be published next week. Bid opening scheduled for March 28, 2018 meeting.
3. Flint Mine Solar Power – Clerk receive Public Involvement Program Plan – available to all in the clerk's office.

CORRESPONDENCE:

1. Greene County Treasurer Tax Department. Re: Greene County Tax Foreclosure.
2. NYSDEC. Re: POTW Facility Design, Planning and Flow Management – Annual Certification Form – WWTP.
3. USDA rural Development. Re: Security Inspection.

Trustee Lasher informed the VB that she has met with Town Supervisor Rob Butler and Mayor Peter Alberti to discuss negotiations regarding the Community Center Building.

The Town is interested in taking over the building and renovating it. The Engineer that they have hired has determined that the building is structurally sound. The changes will be inside of the building and the façade will remain the same.

The VB discussed with the Village Attorney the monies that they have set aside for the Municipal building renovations and how they can be used to help pay for the costs associated with this renovation.

The deed for the building was also discussed. The Village Attorney informed the VB that the Town will likely do a title search and that will be clarified.

Keyless entry system monies received from the Athens Community Benefits Grant Program were discussed as how they can be perhaps transferred to the Town since they will be renovating the building.

Mayor Alberti stated that it had come to his attention that Peckham Materials North Plant is moving out to the Schoharie Turnpike site and that property is for sale. This site encompasses an 8000 sq. ft. building that was erected in 2004.

The Mayor called to inquire on the property as a potential site for the DPW garage.

The VB discussed the idea at length. The current DPW garage is in poor condition and the cost to purchase this property may be more cost effective than either building a new garage or repairing the garage that they have. The current garage is also not big enough to house all of their equipment.

The Mayor also stated forming a committee to investigate this matter further. The Mayor asked that Trustee Scott be on that committee.

ADJOURNMENT: 7:55PM

Offered by: Trustee Butler

Seconded by: Trustee Spinner

Record of vote: All in favor

Mary Jo Wynne
Clerk-Treasurer