

VILLAGE OF ATHENS BOARD MEETING MINUTES-July 11, 2012

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

DPW Director Dennis Proper, Village Attorney Tal Rappleyea and Ken Sabio, representing VRI were also present.

Pledge to the Flag.

DEPARTMENT HEAD MEETING.

The Village Board discussed the issue of fire hydrants with the DPW Director. Trustee Reinhold noted that he wants a physical plan for the repair and or replacement of broken fire hydrants in the Village with a prioritization of the worst ones noted as such.

A RESOLUTION was made subject to permissive referendum by Trustee Reinhold, to purchase a sweeper for the Department of Public Works, with monies to be taken from the DPW Equipment Reserve Account.

PUBLIC:

1. *Cathy Hewitt, village resident*, attended the meeting this evening to discuss an issue she is having with her property located on North Franklin Street. Ms. Hewitt's house burned down this past March and they were planning on demolishing what is left of the building and putting up another house.

The problem is that their house is very close to their neighbor's house and the Hewitts would have to go onto their neighbors property in order to complete the 'clean-up'. Their neighbor is not receptive to this activity and has put up a temporary fence and a 'No Trespassing' sign. Their neighbor has also called the police on them three times.

Ms. Hewitt's neighbor's house has been gutted for the past 13 years and animals are running in and out of the building. There are no signs of work being done at this house.

Due to the poor condition of their neighbor's house and the fact that he is making it impossible to work on their house they are considering not even re-building on the site again.

The attorney also mentioned that the RPAPL (New York Real Property Action and Proceedings Law) section of the law provides property owners a process by which a law suit can be brought forth to obtain a court order to be allowed to access a neighbors property in order to maintain your own property if the neighbor refuses you access.

The Mayor mentioned a section of Real Property Law whereas the Village can pursue Code Enforcement issues of nuisance properties.

The Mayor and Village Board agreed that this was also a neighbor dispute that should be handled through other avenues

2. *Ed and Sheila Brady, residents of Water Street*, attended the meeting to discuss the possibility of the Village Board enacting a noise ordinance in the Village. A letter was also submitted by the Brady's to the Mayor and the Village Board regarding the noise problem they are having with their neighbor Dionysos Restaurant. Mr. And Mrs. Brady stated that there has been loud music on Friday nights until 11:30PM, Saturday nights until 12:30AM and Sunday afternoons from 2:00-6:00PM. Ms. Brady also mentioned that they informed Dionysos that they would be attending the meeting this evening.

Ms. Brady questioned why the Village does not have a noise ordinance? She has looked at other municipalities in Greene County and found that there are many that do have noise ordinances including the Town of Athens. These ordinances reference decibel monitoring.

Mr. And Mrs. Brady also donated a digital sound level meter to the Village that they had purchased inexpensively from Radio Shack. At one point, the APD had told them that these devices were expensive and that they would need to be calibrated often. Ms. Brady also noted that there is an application that you download for your phone that meters sound levels. She has used both.

The Village Attorney mentioned that noise ordinances are hard to enforce and the best way to handle these problems is through mediation.

The current Village code for 'public nuisance' was discussed briefly, as this is what is used in noise disturbance problems presently.

Trustee Reinhold concurred that the noise level this past weekend was very loud. He closed all of the doors and windows in his house, turned the Air Conditioner on and still heard the music.

Sergeant Tercasio mentioned that if a resident calls to complain about a 'public nuisance' in regard to noise levels then the police they will stop whatever it is that is causing the nuisance – for example, loud music.

Ms. Brady also mentioned that they have boaters docked at their marina for the summer that have complained as well. Civil action was mentioned.

Rick Surrano Jr., employee of Dionysos and Frank Taccetta, general manager of Dionysos, informed the Village Board that they are willing to compromise on this issue while still being able to run their business and make a profit at the same time.

A cut off time of 11:00 PM seems reasonable.

Mr. Brady stated that 11:00PM is not acceptable. Reducing the noise level would be.

Ms. Brady asked about the sound level? Would that be lowered?

A member of the public mentioned the fact that they make sound absorbing panels which help cut down the noise level of the bass.

Discussion ensued between the Brady's, the Village Board, employees of Dionysos and the public regarding noise levels, neighbor cooperation, sound panels and time limits.

Discussion continued regarding Dionysos business and Brady's business and quality of life issues and running a business.

Discussion also ensued regarding calling the police.

The Brady's inquired as to why the Village does not seem to want a noise ordinance.

The Mayor stated that they do want an ordinance but they want the ordinance to be correct and not create something that doesn't work or limits people needlessly.

The Manager of Dionysos stated that if he were given a reasonable decibel level reading number that he would stay under that.

Mayor Smallwood mentioned a cut off time of 11:00PM.

Mayor Smallwood summed it up by asking the Manager of Dionysos if he would be able to install the sound panels, lower the sound/decibel level of the bands they hire and have the bands stop performing at a reasonable hour.

Mr. Brady again stated that he would like the Village Board to follow through with completing a noise ordinance.

3. *Matthew Hunt, resident of the Village of Athens*, attended the meeting to discuss the possibility of having the Athens Police Department sponsor him to attend the Police Academy in Saugerties.

The Village Board will discuss it with the Police Department and get back to him regarding this possibility.

CORRESPONDENCE:

1. Greene County Joint Landfill Venture. Re: Financial Statement.
2. NYS Dept. of Transportation. Re: Safe Routes to School Workshop Announcement.
3. Greene County Legislature. Re: Amending RESOLUTION #168-12 – awarding fuel oil bids.
4. Fireworks display permit application. Re: Young Explosives. Carl Whitbeck.
5. Cathy Hewitt. Re: Request use of Riverfront Park. Approved by the Village Board.

6. NYS Public Service Commission. Re: Application of Champlain Hudson Power Express, Inc. – Ruling Striking portions of applicant’s testimony.
7. Patrice and Brud Miller. Re: Cultural Center air conditioner.

OTHER BUSINESS:

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

GENERAL –Abstract #1711 – voucher number #991148 and vouchers numbered #9911757 through #9911786 in the amount of \$17,942.01.

WATER –Abstract #10250 – vouchers numbered #9911750 through #9911752 and voucher number #9911788 in the amount of \$162.00.

SEWER- Abstract #10221 – vouchers numbered #9911753 through #9911756 in the amount of \$11,817.09.

YOUTH –Abstract #54 – voucher number #9911749 in the amount of \$550.00.

Approve amended Minutes from meetings held on May 9th and May 23rd, 2012.

Approve Minutes from meetings held on June 13th and June 27th, 2012.

Held until the next meeting.

The following RESOLUTION was made by Trustee June;

Amending a former RESOLUTION made regarding the number of part-time Police Officers that the Village have on their payroll;

Whereas the former Resolution limited the number of part-time police officers to 14 due to the volume of paperwork and reporting required by the office staff for NYS Retirement, Civil Service etc. and the liability involved;

Whereas the Village Board no longer wishes to have any constraints on the number of part-time police officers they have at any time;

The Village Board will now hire as many part-time police officers as they see fit at the recommendation of the Police Chief.

RESOLUTION seconded by Trustee Lasher,

Trustee Patsky votes aye.

Trustee Reinhold votes aye.

RESOLUTION passes.

A RESOLUTION was made by Trustee Patsky, seconded by Trustee June, all in favor, to hire Rick Deyo as a part-time police officer and sponsor Roger Lauren to the Columbia-Greene Police Academy.

A RESOLUTION was made by Trustee Reinhold, seconded by Trustee June, all in favor, to purchase another Dock from C.D. Perry at a cost of \$12,000.00. Monies will be taken from the Waterfront Park Reserve Account.

A MOTION made by Trustee Reinhold, seconded by Trustee Patsky, all in favor, to adjourn meeting at 9:45PM.

Good Night!

Mary Jo Wynne