

REGULAR MEETING – ATHENS TOWN BOARD – November 18, 2013

The regular meeting of the Athens Town Board was called to order on November 18, 2013, at 7:00 p.m. by Supervisor Lee Palmateer with the Pledge of Allegiance to the Flag.

Also present were; Councilman Robert F. Butler, Jr.; Councilwoman April Paluch; Councilwoman Phyllis Dinkelacker; Town Highway Superintendent John J. Farrell and Town Clerk Linda M. Stacey. (Councilman Van Hoesen was absent.)

These people were also present: Attorney Virginia Benedict; Bookkeeper/ Budget Officer Mary H. Brandow; Pat McLoughlin; Sam Sebren; Al Ramm; Ron Puhalski; Andrea Smallwood; Mike Konsul; John Konsul; Joe Konsul; John R. Konsul; Ralph Favicchio; Marlene Favicchio; Mark Levenway.

The following bills were audited and ordered paid:

General Abstract #22, vouchers #537 through #564 inclusive for \$251,638.94.

Highway Abstract #21, vouchers #200 through #210 inclusive for \$3,672.37.

Supervisor Palmateer then read the Legal Notice as it appeared in the Official Newspaper for the 2% Tax Cap Over Ride. Supervisor Palmateer opened the floor to discussion. Several questions were asked and answered. There was a lot of discussion.

Supervisor Lee Palmateer made a motion to close the public hearing seconded by Councilman Robert F. Butler, Jr. Ayes-4(Palmateer; Butler; Paluch; Dinkelacker) Noes-0 Absent-1 (Van Hoesen) Abstentions-0

Attorney Virginia Benedict read the following Resolution for proposed local law #2 for 2013.

RESOLUTION #2013-40 for November 18, 2013:

WHEREAS, General Municipal Law Sec. 3-c (the “Property Tax Cap Law”), expressly authorizes the Town Board to override the Tax Levy Limit established pursuant to General Municipal Law Sec. 3-c, for Fiscal Year 2014, and to adopt a budget for Fiscal Year 2014 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law Sec. 3-c;

NOW, THEREFORE, BE IT

RESOLVED, that the Town of Athens adopts the tax levy limit override as provided in the annexed Local Law.

This was introduced by Supervisor Lee Palmateer and seconded by Councilman Robert F. Butler, Jr.

Upon the question of the adoption of this Resolution, the following Board members voted “Aye” in favor of the Resolution: Supervisor Lee Palmateer; Councilman Robert F. Butler, Jr.; Councilwoman Phyllis Dinkelacker.

The following Board member voted “No” in opposition of the Resolution.

Councilwoman April Paluch.

The proposed Resolution having been approved by a majority of the Board, the same was declared duly adopted by the Athens Town Board. Dated: November 18, 2013.

TOWN OF ATHENS LOCAL LAW No.2 of 2013

A LOCAL LAW ADOPTING A NEW CHAPTER6 OF THE CODE OF THE TWN ATHENS,
COUNTY OF GREENE, ENTITLED “ALOCAL LAW TO OVERRIDE THE TAX
LIMIT FOR FISCAL YEAR 2014.”

BE IT ENACTED by the Town Board of the Town of Athens as follows:

SECTION 1. AUTHORITY.

This Local Law is enacted pursuant to General Municipal Law Sec. 3-c (the “Property Tax Cap Law”), which expressly authorizes the Town Board to override the tax levy limit by the adoption of a local law approved by the vote of sixty percent (60%) of the Town Board.

SECTION 2. PURPOSE.

The purpose of this local law is to permit the Town Board to override the tax levy limit on the amount of property taxes that may be levied by the Town of Athens pursuant to the Property Tax Cap Law, and to allow the Town to adopt a budget for Fiscal Year 2014 that requires a real property tax levy in excess of the “tax levy limit” as defined by the Property Tax Cap Law. Such override is necessary and in the best interests of the Town.

SECTION 3. TAX LEVY LIMIT OVERRIDE.

The Code of the Town of Athens is hereby amended by inserting a new Chapter 76, entitled “Tax Levy Limit Override,” to read as follows:

CHAPTER 76. TAX LEVY LIMIT OVERRIDE.

Section 76-1. The Town Board is hereby authorized to override the Tax Levy Limit established pursuant to General Municipal Law Sec. 3-c, for Fiscal Year 2014, and to adopt a budget for Fiscal Year 2014 that requires real a property tax levy in excess of the amount otherwise prescribed in General Municipal Law Sec. 3-c.

SECTION 4. SEVERABILITY.

If any clause, sentence, paragraph, section or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order of judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to said clause, sentences, paragraph, section or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such order or judgment shall be rendered.

SECTION 5. EFFECTIVE DATE.

This local law shall take effect immediately upon its filing with the Secretary of State as provided in section twenty-seven of the Municipal Home Rule.

Attorney Virginia Benedict read Notice of Public Hearing on the Preliminary Budget for 2014 as appeared in the Official Newspaper. It was then opened to the public for discussion, by Supervisor Palmateer.

Pat McLoughlin asked questions regarding certain line items that were reviewed by the Supervisor and Bookkeeper/ Budget Officer.

Andrea Smallwood pointed out that “reserves”, CD’s and Special Projects Funds should be reported yearly to the Federal Government. She also felt they should be attached to the back of the regular budget so that people can see what the Town really has.

Supervisor Lee Palmateer made a motion seconded by Councilwoman April Paluch *to close the public hearing on the Preliminary budget for 2014, and reconvene the regular meeting.*

Ayes-4(Palmateer; Butler; Paluch; Dinkelacker) Noes-0 Absent-1 (Van Hoesen)

Abstentions-0

On the motion of Supervisor Lee Palmateer seconded by Councilman Robert F. Butler, Jr. the following **RESOLUTION #2013-41, to adopt the 2014 Preliminary Budget as the 2014 Budget was adopted** : (Discussion; It was suggested that we take \$3,800 out of Line Item A 1990.4 Contingency, bringing the \$10,000 to \$6,200, to bring the budget down to 2%. All present were in favor.) Ayes-4(Palmateer; Butler; Paluch; Dinkelacker) Noes-0 Absent-1(Van Hoesen) Abstentions-0

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On the motion of Supervisor Lee Palmateer seconded by Councilwoman April Paluch the following **RESOLUTION #2013-42** to make the recommended budget amendments as follows was adopted:

A 2770 Misc. Income (records Man. Grant)		\$5,942.00	
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	Increase		Decrease
A1010.2 Town Bd. Equip	200.00		
A 1010.4 Advertising	200.00		
A 1010.4 Books			-100.00
A 1010.4 Consultants	4,500.00		
A 1010.4 D O T Exams	100.00		
A 1010.4 Electric			-300.00
A 1010.4 Engineer			-500.00
A 1010.4 Furnace/Garage	50.00		
A 1010.4 High Sped Cable	50.00		
A 1010.4 Inspections	100.00		
A 1010.4 Lease	1.00		
A 1010.4 Misc.	1.00		
A 1010.4 Office Repairs	20000		
A 1010.4 Records Man. Grant	6,602.00		
A 1010.4 Website	150.00		
	Increase		Decrease
A 1220.4 CEG membership			- 500.00
A 1330.4 Consultant	100.00		
A 1330.4 Service Contract			-100.00
A1355.4 Assessor Books	350.00		
A 1355.4 Office Supplies	175.00		
A 1355.4 ReVal Consultant			-525.00
A 1355.4 Service Contract			-300.00
A 1355.4A Assessor's BAR	300.00		
A 1420.4 Atty Retainer			-1,500.00
A 1420.4 Other Legal	1,500.00		
A 1910.4 Insurance			-1,000.00
A 3510.4 Dog Control (fee/Mie.)	2,600.00		
A 3510.4 Shelter contract	800.00		
A 5010.4 Garage Repairs			- 50.00
A 5010.4 High Speed internet	50.00		
A 5010.4 Telephone			- 200.00
A 5010.4 Water			- 200.00
A 5132.4 Garage	800.00		
A9056.8 Unemployment Exp.			-7,612.00
A 9060.8 HIDebit card Empl.	12,000.00		
A 9060.8 Deb.cd retirees	500.00		
A 9060.8 Medical Plan			-12,000.00
A9060.8 Med.retirees			-500.00

General B	Increase		Decrease
B 3620.4 Code Enf. Atty. fees	500.00		
B 3620.4 Equip repair/maintenance			- 100.00
B 3620.4 Maintenance Agreements			- 300.00
B3620.4 Office Supplies	350.00		
B 3620.4 Postage	50.00		
B 3620.4 Sem. Workshops	75.00		
B 3620.4 Software BAS Code	525.00		
B 3620.4 Telephone			-300.00
B 7610.4 Historian Office supplies	5.00		
B 8010.4 Attorney	1,650.00		
B 8010.4 Consultants	1,000.00		

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B 8010.4 Secretary	- 300.00
B 8010.4 Training	- 200.00
B 8020.4 Secretary (planning)	-650.00
B8030.4 Comp. Plan. (Consult.)	-1,000.00
B 8160.4 Recycle Center	-350.00
B 8160.4 Clean-up Day	-955.00

DA	Increase	Decrease
DA 5130.2 Mach. Equip	20,000.00	
DA 9950.9 Transfer to Equip. Reserve		20,000.00
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DB		
DB 5110.1 Ge. Repairs Pers.		4,400.00
DB 5110.4 Culvert Repairs		1,240.00
DB 5110.4 Diesel Gold	300.00	
DB 5110.4 EZ Pass		200.00
DB 5110.4 gas		100.00
DB5110.4 Road	4,400.00	
DB 5110.4 Signs		200.00
DB 5110.4 Uniforms	200.00	
DB 9040.8 Workman’s Comp		300.00
DB 9060.8 Medical Buyout		1,000.00
DB 9060.8 Hosp/ Med. insurance	2,540.00	

The above resolution was adopted as follows: Ayes-4 (Palmateer; Butler; Paluch; Dinkelacker) Noes-0 Absent-1 (Van Hoesen) Abstentions-0

Supervisor Lee Palmateer made a motion seconded by Councilwoman Phyllis Dinkelacker to approve the Supervisor’s report as presented. Ayes-4 (Palmateer; Butler; Paluch; Dinkelacker) Noes-0 Absent-1 (Van Hoesen) Abstentions-0

Highway Superintendent John J. Farrell came before the Board with a truck proposal. John explained that it is an International however it would be coming through Navistar, with Henderson Equipment on it. It will piggy back off of Oneida County Contract # 1606. The truck will come to a total of \$186, 356.46, however with warranties it will come to \$201,956.46. He informed the Board that there is \$201, 956.46 in the Reserve fund balance.

On the motion of Phyllis Dinkelacker seconded by Councilman Robert F. Butler, Jr. the following **RESOLUTION # 2013-43** *authorizing the Highway Superintendent to move forward and order the new Truck was adopted.* Ayes-4 (Palmateer; Butler; Paluch; Dinkelacker) Noes-0 Absent-1 (Van Hoesen) Abstentions-0

Highway Superintendent Farrell announced that Highway Employee Ronald Townley will be retiring on December 30, 2013, and John will be putting an ad in the newspaper.

Ralph Favicchio came before the Board to discuss West Point Partners. He asked the Board if they had applied for Intervener status. He informed the Board that he belongs to a group called Athens Citizens Development Committee. He spoke about passing a resolution which he had helped draw up. He also read a letter that he had written. He left a copy of his resolution with Supervisor Palmateer. Councilwoman Phyllis Dinkelacker made a motion seconded by Councilman Robert F. Butler, Jr. to go into Executive Session to discuss litigation. Ayes-4 (Palmateer; Butler; Paluch; Dinkelacker) Noes-0 Absent-1 (Van Hoesen) Abstentions-0 Time:8:34 p.m.

Supervisor Lee Palmateer made a motion seconded by Councilwoman April Paluch to close the **Executive Session and reconvene the regular meeting.** Ayes-4 (Palmateer; Butler; Paluch; Dinkelacker) Noes-0 Absent-1 (Van Hoesen) Abstentions-0 Time : 8:55 p.m.

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Councilwoman Phyllis Dinkelacker made a motion seconded by Councilwoman April Paluch to approve the Town Clerk's Report for November 7, as presented. Ayes-4 (Palmateer; Butler; Paluch; Dinkelacker) Noes-0 Absent-1 (Van Hoesen) Abstentions-0

Councilwoman Phyllis Dinkelacker made a motion seconded by Councilwoman April Paluch to approve the minutes of November 7, 2013 as corrected. Ayes-4 (Palmateer; Butler; Paluch; Dinkelacker) Noes-0 Absent-1 (Van Hoesen) Abstentions-0

As there was no further business to come before the meeting a motion to was made by Supervisor Lee Palmateer and seconded by Councilwoman April Paluch. Ayes-4 (Palmateer; Butler; Paluch; Dinkelacker) Noes-0 Absent-1 (Van Hoesen) Abstentions-0
Meeting Adjourned 9:05 p.m.