

REGULAR MEETING – ATHENS TOWN BOARD – MAY 5, 2014

The regular meeting of the Athens Town Board held on May 4, 2014, was called to order at 7:00 p.m. by Supervisor Joseph B. Iraci, with the Pledge of Allegiance and a moment of silence.

The following people were present: Supervisor Joseph B. Iraci; Councilwoman April Paluch Councilwoman Mary H. Brandow (arrived 7:20 p.m.); Councilman Michael Ragaini; Highway Superintendent John J. Farrell and Town Clerk Linda M. Stacey. (Councilman Robert F. Butler Jr. was absent.)

These people were also present: Attorney Virginia Benedict; Bookkeeper Michael Strenka; Code Enforcement Officer George Holsopple; Roger Albright; Same Sebren and Melanie Lekocevic.

The following bills were audited by the and ordered paid.

General Abstract #9, voucher #215 through #241 inclusive for \$9,544.36.

Highway Abstract #9, vouchers, #95 through #100 inclusive for \$1,870.25

Supervisor Joseph B. Iraci read the Public Hearing notice for proposed local law #1 of 2014 amending Article II of Chapter 159 of the Town Code of the Town of Athens entitled “Senior Citizen Exemption”, as it appeared in the Official Newspaper. Mr. Iraci read the last page of the proposed local law for a brief explanation. The hearing was opened for public comment. As there were none the hearing was closed.

Supervisor Joseph B. Iraci read the Public Hearing notice for proposed local law #2 of 2014, amending Article III of Chapter of the Town Code of the Town of Athens “entitled” Exemption for Disabled Persons with Limited Income”, as it appeared in the Official Newspaper. Mr. Iraci read the last page of the proposed local law for a brief explanation. The hearing was opened for public comment. As there was none, the hearing was closed.

Supervisor Joseph B. Iraci read the notice of Public Hearing for proposed local law #3 of 2014, amending Section 94-3 of Chapter 94 of the Town Code of the Town of Athens entitled “Demolition Permits”, as it appeared in the Official Newspaper. Mr. Iraci read the last page of the proposed local law for a brief explanation. The hearing was opened for public comment. As there were no comments or questions the public hearing was closed.

On the motion of Councilwoman April Paluch seconded by Councilman Michael Ragaini the following **RESOLUTION #2014-29** was adopted as follows:

WHEREAS, a local law was introduced to the Town Board of the Town of Athens amending Article II of Chapter 159 of the Town Code of the Town of Athens entitled “**Senior Citizen Exemption**” with regard to filing/late filing exemption applications;

NOW, THEREFORE. BE IT

RESOVLED, that the Town of Athens hereby adopts said Local Law as annexed hereto.

Upon the question of the adoption of this Resolution, the following Board members voted

*Aye in favor of the Resolution: **Iraci; Paluch; Brandow; Ragaini***

The following Board member voted No in opposition of the Resolution. - none

*The following Board member was absent and did not vote: **Butler***

The proposed Resolution having been approved by a majority of the Board, the same Was declared duly by the Athens Town Board.

LOCAL LAW No. 1 of the Year 2014

A LOCAL LAW AMENDING ARTICLE II OF CHAPTER 159 OF THE TOWN CODE OF THE TOWN OF ATHENS ENTITLED “SENIOR CITIZEN EXEMPTION.”

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

Section 1. Title of Local Law.

This Local Law shall be entitled: A **LOCAL LAW AMENDING ARTICLE II OF CHAPTER 159 OF THE TOWN CODE OF TOWN OF ATHENS ENTITLED “SENIOR CITIZEN EXEMPTION,”**

Section 2. Authorization.

Pursuant to the powers granted by the Municipal Home Rule, this Local Law supersedes all provisions of the Town Code herein addressed, in so far as such statutes are inconsistent with this Law. Any other laws or regulations of the Town of Athens are superseded to the extent necessary to give this Local Law full force and effect.

This Local Law is adopted pursuant to section 10 of Municipal Home Rule Law, section 27 of Town Law and section 92 of the General Municipal Law.

Section 3. ARTICLE II of Chapter 159 of the Town Code of the Town of Athens is hereby amended to read as follows:

**ARTICLE II.
Senior Citizen Exemption**

Section 159.4. Statutory Authority.

This article is adopted pursuant to Section 467 of the Real Property Tax Law. All Terms, definitions and conditions of such statute shall apply to this article.

Section 159.5. Purpose.

The purpose of this is to exempt from real property taxes property owned by persons classified as senior citizens, as authorized by Section 467 of Real Property Tax Law.

Section 159-6. Eligibility.

Pursuant to Section 467 of the Real Property Tax Law, property owners over 65 years of age who are owners of real property used exclusively for residential purposes shall be exempt from Town taxes to the extent of 50% of the assessed valuation if said owners fulfill certain qualifications, including a limited income of the owner or the combined income of owners of real property which does not exceed a maximum income limit of \$ 17,500. This maximum income limit may be modified from time to time by resolution of the Town Board.

Section 159-6.1. Sliding Scale Option

In addition, the provisions of Real Property Tax Law Section 467, Paragraph 1(b)(1),1(b)(2), and 1(b)(3), which is known as the “sliding scale” option, be and hereby are adopted with regard to the senior citizen tax exemption.

Section 159-6.2. Filing/Late filing Exemption Applications Must be Filed by Taxable Status Date

An application for exemption may be accepted by the assessor after the taxable status date, but not later than the last date on which complaints of assessment may be filed, where failure to file a timely application resulted from:

- (a) Death of the applicant’s spouse, child, parent, brother, or sister; OR
- (b) Illness of the applicant or the applicant’s spouse, child, parent, brother or sister, which actually prevented the applicant from filing on a timely basis , as certified by a licensed physician.

Section 4. Severability

If any section or part of this Local Law is declared invalid or unconstitutional, it shall Not be held to invalidate or impair the validity , force , or effect of any other section of this Local Law.

Section 5. Effective Date

This Local Law shall take effect immediately upon its filing with the Secretary of State.

On the motion of Councilman Michael Ragaini seconded by Councilwoman April Paluch the follow **RESOLUTION #2014-30 amending Article III of Chapter 159 of the Town Code of the Town of Athens entitled “Exemptions for Disabled Persons with Limited Income” with regard to filing /late filing exemption applications: was adopted as follows:**

NOW THEREFORE BE IT RESOLVED: The following Board members voted in favor of the resolution: **(Iraci; Paluch; Brandow; Ragaini) Noes-0 Absent-1 (Butler) Abstentions-0**

A LOCAL LAW AMENDING ARTICLE III OF CHAPTER 159 OF THE TOWN CODE OF THE TOWN OF ATHENS ENTITLED “EXEMPTION FOR DISABLED PERSONS WITH LIMITED INCOME.”

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

Section 1. Title of Local Law.

This Local law shall be entitled: A LOCAL LAW AMENDING ARTICLE III OF CHAPTER 159 OF THE TOWN CODE OF THE TOWN OF ATHENS ENTITLED “EXEMPTION FOR DISABLED PERSONS WITH LIMITED INCOME.”

Section 2. Authorization

Pursuant to the powers granted by the Municipal Home Rule, this Local Law supersedes all provisions of the Town Code herein addressed, in so far as such statutes are inconsistent with this Law. Any other laws or regulations of the Town Athens are superseded to the extent necessary to give this Local Law full force and effect.

This Local Law is adopted pursuant to section 10 of the Municipal Home Rule Law, section 27 of the Town Law and section 92 of the General Municipal Law.

Section 3. ARTICLE III of Chapter 159 of the Town Code of the Town of Athens is hereby amended to read as follows:

**ARTICLE III
Exemption for Disabled Persons with Limited Income**

Section 159.7. Statutory Authority.

This article is adopted pursuant to authority of Real Property Tax Law Section 459-c.
All definitions, terms and conditions of such statute shall apply to this article.

Section 159.8 Purpose.

The purpose of this article is to exempt from real property taxes property owned by persons with disabilities and limited incomes, as authorized by Section 459-c of the Real Property Tax Law.

Section 159-9 Eligibility.

Pursuant to Section 459-c of the Real Property Tax Law, persons with disabilities who are owners of real property used exclusively for residential purposes shall be exempt from Town taxes to the extent of 50% of the assessed valuation if said owners fulfill certain qualifications, including a limited income of the owner or the combined income of owners of real property which does not exceed a maximum income limit of \$17,500. This Maximum income limit may be modified from time to time by resolution of the Town Board.

Section 159-9.1. Sliding Scale Option.

In addition, the provisions of Real Property Tax Law Section 459-c, Paragraph 1(b), which is known as the “sliding scale” option, be and hereby are adopted with regard to this exemption for persons with disabilities with limited income.

Section 159-9.2. Filing/late filing exemption application must be filed by taxable status date.

An application for exemption may be accepted by the assessor after the taxable status date, but not later than the last date on which complaints of assessment may be filed, where failure to file a timely application resulted from:

- (a) Death of the applicant’s spouse, child parent, brother or sister; or
- (b) Illness of the applicant or the applicant’s spouse, child, parent, brother or sister, which actually prevented the applicant from filing on a timely basis, as certified by a licensed physician.

Any application filed under Subsection (a) or (b) above must be approved or denied by the assessor as if it had been filed on or before the taxable status date.

Section 4. Severability.

If any section or part of this Local Law is declared invalid or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other section of this Local Law.

This Local Law was adopted : (See Above.)

On the motion of Councilman Michael Ragaini seconded by Councilwoman April Paluch the following **RESOLUTION #2014-31** *amending section 94-3 of Chapter 94 of the Town Code Entitled “Demolition Permits”* was adopted by the Board as follows: **Ayes-4 (Iraci; Paluch; Brandow; Ragaini) Noes-0 Absent-1(Butler) Abstentions-0**

LOCAL LAW NO. 3 OF 2014

A LOCAL LAW AMENDING SECTION 94-3 OF CHAPTER 94 OF THE TOWN CODE OF THE TOWN OF ATHENS ENTITLED “DEMOLITION PERMITS.”

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

Section 1. Title of Local Law

This Local Law shall be entitled: A LOCAL LAW AMENDING SECTION 94-3 OF CHAPTER 94 OF THE TOWN CODE OF THE TOWN OF ATHENS ENTITLED “DEMOLITION PERMITS.”

Section 2. Authorization

Pursuant to the powers granted by the Municipal Home Rule, this Local Law superseded all provisions of the Town Code herein addressed, in so far as such statutes are inconsistent with this Law. Any other laws or regulations of the Town of Athens are superseded to the extent necessary to give this Local Law full force and effect.

This Local Law is adopted pursuant to section 10 of the Municipal Home Rule Law, section 27 of the Town Law and section 92 of the General Municipal Law.

Section 3. Section 94-3 of Chapter 94 of the Town Code of the Town of Athens is hereby amended to read as follows:

**Chapter 94.
DEMOLITION PERMITS**

Section 94-3. Fees.

The fees for the issuing of a demolition permit shall be set from time to time by resolution of the Town Board.

Section 4. Severability.

If any section of part of this Local Law is declared invalid or unconstitutional, it shall not be held invalidate or impair the validity, force, or effect of any other section of this Local Law.

Section 5. Effective Date.

This Local Law shall take effect immediately upon its filing with the Secretary of State.

The above local law was adopted.

Resident Sam Sebren asked about West Point Partners, and why our letter wasn't on the website. He brought up the point that no one has proven need yet. Supervisor Iraci answered the questions.

Bookkeeper Michael Strenka presented the Supervisor's Financial Report, and reviewed it with the Board.

Councilwoman April Paluch made a motion seconded by Councilman Michael Ragaini *to approve the Supervisor's Report as presented.* Carried Ayes-4 (Iraci; Paluch; Brandow; Ragaini) Noes-0 Absent-1(Butler) Abstentions-0

Bookkeeper Strenka also informed the Board that the Annual Update Document has been received from the Accountant for the 2013 Fiscal Year...

Highway Superintendent John J. Farrell introduced his new highway employee, Robert Wager. (Mechanic, fabricator, equipment operator etc.)

Highway Superintendent Farrell handed out a list of maintained guardrails, a total of 10,220'. The roads included are: Schoharie Turnpike; Cold Springs Road; Leeds Athens Road; Gypsy Point Road; Sandy Plains Road; Forest Hills Ave.; Potic Mtn.; Cross Road; High Hill Road and Valley Road.

Supervisor Iraci Thanked John for all his help with the Citations received from the Labor Department.

Code Enforcement Officer George Holsopple reported that the Budget Inn is sealed up.

Attorney Virginia Benedict reported that the Gypsy Point House is NOT in foreclosure. Mr. Davies is still the owner of the building, and taxes are currently paid as well.

Mr. Holsopple also reported that the trucking co., Hudson River Bulk, has started building.

On the motion of Councilwoman April Paluch seconded by Councilman Michael Ragaini the following **RESOLUTION #2014-32** was adopted:

WHEREAS, the Town of Athens Highway Superintendent has requested the purchase of a 2014 4 wheel drive International Snow Plow at a cost not to exceed \$201,957, and

WHEREAS, the expenditure was not budgeted for in the adopted 2014 budget and it is the Intention of the Town Board to fund the purchase of the vehicle through usage of unreserved Fund balance;

NOW, THEREFORE, BE IT RESOLVED, the Town Board of the Town of Athens hereby authorizes increasing Highway Fund appropriated fund balance DA 599 by \$201,957 and increasing Highway Fund appropriations line item DA 5142.2 Snow Removal Equipment by \$201.957. This resolution was adopted; Carried Ayes-4 (Iraci; Paluch; Brandow; Ragaini) Noes-0 Absent-1(Butler) Abstentions-0

On the motion of Councilman Michael Ragaini seconded by Supervisor Joseph Iraci the following **RESOLUTION #2014-33** establishing **Fill Permit & Fees** for the Town of Athens was adopted as follows:

Any addition or removals of fill within the Town of Athens in excess of 1,000 or more cubic yards will require a Fill Permit.

The permit will be issued by the Code enforcement Officer.

Fees for such permit will be as follow:

Single and two family residences permit will be \$25.00 for any amount in excess of \$1,000 cubic yards per year.

Permits for commercial development in excess of \$1,000 cubic yards will be \$25.00 for each and every additional 1,000 cubic yards or portion thereof per year.

This resolution was carried. Carried Ayes-4 (Iraci; Paluch; Brandow; Ragaini) Noes-0 Absent-1(Butler) Abstentions-0

On the motion of Councilman Michael Ragaini seconded by Supervisor Joseph Iraci the following **RESOLUTION #2014-34** changing the **Building Permit Fees**, on the Code Enforcement Officer's Fee Schedule, **from \$.35 per sq. ft. to \$.40 per sq. ft., was adopted.** Carried Ayes-4 (Iraci; Paluch; Brandow; Ragaini) Noes-0 Absent-1(Butler) Abstentions-0

On the motion of Supervisor Joseph Iraci seconded by Councilwoman Mary H. Brandow the following **RESOLUTION #2014-35** changing the fee on **Demolition Permits (on fee schedule): Residential from \$50.00 to \$75.00; Commercial from \$75.00 to \$100.00**, Plus any cost for any Special Permits. Carried. Carried Ayes-4 (Iraci; Paluch; Brandow; Ragaini) Noes-0 Absent-1(Butler) Abstentions-0

The Town Clerk was reviewed by the Board.

Councilwoman April Paluch made a motion seconded by Supervisor Joseph Iraci *to accept and approve the Town Clerk's Report as presented.* Carried. Ayes-4 (Iraci; Paluch; Brandow; Ragaini) Noes-0 Absent-1(Butler) Abstentions-0

Councilman Michael Ragaini made a motion seconded by Councilwoman April *Paluch to approve the minutes of April 21, 2014 as read.* Carried. Ayes-4 (Iraci; Paluch; Brandow; Ragaini) Noes-0 Absent-1(Butler) Abstentions-0

On the motion of Supervisor Joseph Iraci seconded by Councilwoman Mary H. Brandow the following **RESOLUTION #2014-36, to adopt the Workplace Violence Protection Policy** was adopted. Carried. Ayes-4 (Iraci; Paluch; Brandow; Ragaini) Noes-0 Absent-1(Butler) Abstentions-0

Discussion on Ambulance followed. Town of Catskill charges \$225, every time the ambulance moves.

Councilman Michael Ragaini made a motion seconded by Council woman April Paluch *authorizing Supervisor Iraci to execute a contract for one year (possibly a two year contract) between the Town of Athens and Town of Catskill Ambulance.* Carried: Ayes-4 (Iraci; Paluch; Brandow; Ragaini) Noes-0 Absent-1(Butler) Abstentions-0 Ayes-4 (Iraci; Paluch; Brandow; Ragaini) Noes-0 Absent-1(Butler) Abstentions-0

Discussion followed regarding unreserved funds. A tax stabilization fund was suggested to keep Taxes down. Need a more comprehensive overview of tax books and costs.

Supervisor Joseph Iraci advised the Board that he had received a phone call regarding a **Solar Farm** being put on Leeds Athens Road. It would be on 126 acres, and be NYS Independent, and feed into the Grid. He asked the company if all members of the Village and the Town could get electricity. The project will cost \$25 million to construct this project. They advised that they would put up an 8 foot high fence and hedge.

Board Members were given invitations for the **Annual Memorial Day Parade**, on May 26, 2014, at 9:00 a.m., lining up at the Little League Field.

The Capital District YMCA, Greene County Branch is in the process of applying for their permit the host their 2nd Annual Greene Y Tri at Sleepy Hollow Lake. It will be held September 6th, 2014. They need a letter of consent/ approval from the Town, by May 16, 2014.

Supervisor Joseph Iraci made a motion seconded by Councilman Michael Ragaini *that a letter of consent be written and sent to the Capital District YMCA, Greene County Branch Race Director for the 2nd Annual Greene Y Tri Event.* Carried; Ayes-3 (Iraci; Brandow; Ragaini) Noes-1 (Paluch) Absent-1(Butler) Abstentions-0

Catskill Mountain Housing Development Corporation asking for a letter of support for submission of their application to the State of New York to fund home repairs and trailer home replacements for Greene County New York.

Councilwoman Mary H. Brandow made a motion seconded by Councilman Michael Ragaini to write and send a letter of support of the **submission of Catskill Mountain Housing's application to the New York State Homes & Community Renewal Office of Community Renewal for Funds from the Housing Trust Fund Corporation's HOME program develop Trailer Replacement and Home Repair Programs that create opportunities for permanent affordable housing for persons of low – and – moderate – income families in Greene County.**

Grant Writers: Supervisor Iraci informed the Board that we will keep the Grant Writers on board for 6 more months. He has a meeting with them on Thursday at 3:30 p.m.

He also spoke about the 200th Anniversary of the Town.

Mr. Iraci advised the Board that he had also spoke with Rene Van Schaack, of Greene IDA.

As there was no further business to come before the meeting a motion to adjourn was made by **Councilwoman April Paluch** seconded by Councilman Michael Ragaini. Ayes-4 (Iraci; Paluch; Brandow; Ragaini) Noes-0 Absent-1(Butler) Abstentions-0

Meeting adjourned at 8:45 p.m.