

REGULAR MEETING – ATHENS TOWN BOARD – March 4, 2019

A regular meeting of the Athens Town Board was called to order on March 4, 2019 at 7:00 p.m. by Supervisor Robert F. Butler, Jr. with the Pledge of Allegiance to the Flag.

The following people were present: Supervisor Butler; Councilwoman Mary H. Brandow; Councilman Michael Ragaini; Councilman Anthony Paluch; Councilman Richard M. Surrano, Jr.; Highway Superintendent John J. Farrell and Town Clerk Linda M. Stacey.

These people were also present: Attorney Virginia Benedict; Bookkeeper/ Budget Officer Michael Strenka; Assessor Carol McBride; Code Enforcement Officer Albert Gasparini; Town Justice Constance Pazin; Town Justice James H. Robinson, Jr.; Marcia Puorro; Vee Carl; Fran McCusker; Barbara Trembacz; Mike Campbell; Laura Bomyea, of Young/Sommer; Patrick Doyle and E. Doyle.

The following bills were audited by the Board and ordered paid:

General Abstract #5, vouchers# 80 through #108 inclusive for **\$23,559.13**.

Highway Abstract #5, vouchers #32 through #58 inclusive for **\$40,123.46**.

Assessor Carol McBride reported that SHL vs Athens Certiorari has been filed and we are awaiting oral argument by mid-May.

PDC Analysis

Cama and Sales ratios from last year have been analyzed by the state with a blend of both ratios coming out to about 91%. In order to keep with our reassessment plan maintain out 100% equalization rate, an approximate 2% increase will need to be applied to all the residential parcels in the Town and Village for the 2019 roll. Change of assessment notices will need to be sent as the Tentative Roll is printed. Self-addressed stamped envelopes will need to be ordered for approximately 2000 parcels.

Annual Field Review will be ongoing until April 15th.

ReVal Update: New Property record cards are scheduled to be printed by mid-March for data collection in the Village. Inventory data mailers are to be sent to the Town properties after the Tentative Roll is printed. Tentative Roll- May 1st.

A meeting is scheduled for March 26, 2019 to discuss tax bill processing procedure at RPTS in Catskill.

Board of Assessment Review Training is scheduled at RPTS mid-April.

Grievance Day is the fourth Tuesday in My: May 28, 2019 from 3 to 5 and 6 to 8 pm.

Code Enforcement Officer Albert Gasparini reported that there were 2 building permits for February; 6 building inspections; and several building permit inquires.

There was a Certificate of Compliance and 2 Certificates of Occupancy.

There was 1 violation- Shakespeare on the Hudson (216 Route 385). They have 4 outstanding building permits.

He had an office visit and onsite inspection with Audrey Lent the property manager for Owen Lipstein's Shakespeare on the Hudson, working on closing out the 4 building permits. He also met with the Electrical Inspector from Fine Line Electric that did an electrical inspection of the wiring system of the house.

He finished working with manufacturer and NYS Codes Dept. about a modular home Fireplace Direct Vent that discharges near a building entrance door. Direct vent is Code compliant.

He is currently working on a new online form for the Annual Report of Code Enforcement Activities for the Town of Athens. The State is requesting 2016 through 2018 forms be filled out.

Bookkeeper/Budget Officer Michael Strenka reviewed the Supervisor's Report for December 2018 with the Board. He reviewed the fund balances and reserves.

Highway Superintendent John J. Farrell reported that the Road Agreement would be ready next month.

Supervisor Butler reminded him that Joint Cleanup Day is April 20th; and the Trooper Brinkerhoff Bike Race is April & 7th and 14th. Road restrictions will apply for the bike race.

The boiler passed inspection.

NYS Inspections were done on truck #3; truck #2; truck #6; the bucket truck and the sweeper.

They needed to change the starter in the loader.

Serviced the grader, old #5, loader, #6 and #8.

They filled potholes; cleaned up downed trees and did 3 road checks.

There were 6 snow events.

Washed and greased trucks in between snow events.

Took truck #3 to Albany Spring and got all new springs and bushing in rear end.

The Annual Justice Report was presented by **Senior Court Clerk Marcia Puorro**. Justices Constance Pazin and James H. Robinson, Jr. and Court Clerk Vee Carl were also present. Mrs. Puorro handed out packets which included how many tickets were received; number of faxes received and sent; number of Small Claims & Evictions; Criminal Cases Received; DWI Cases Received and Unlicensed Operator Cases received.

The packets also included copies of monthly reports from the State on the distribution summary.

The Court Clerks now have to take 6 hours of approved Continuing Clerk Education Training annually including one fiscal course. This can be done on the OJCS new website.

The Court was awarded a JCAP Grant for the 2018-2019 cycle. They have ordered 7 CyberPower 12 outlet battery backups for their computer system and related hardware.

Court Clerk Puorro had the Board members sign a statement certifying that they have examined the accounts and dockets of Constance Pazin and James H. Robinson, Jr., Justices for the Town of Athens Court with today's date, and find that the same are true and correct.

Laura Bomyea of Young/Sommer representing Flint Mine Solar stated she was there to answer questions. She spoke about the placement of solar panels and the distance away from Schoharie Turnpike and Route 9W they would be for visibility. She said it would take 1½ years to move ahead.

Attorney Benedict stated that public hearings will have to be held; we will have to wait for planning board comments and it would have to be sent to the County.

The Board received two copies of the Ambulance Agreement between the Town of Catskill and the Town of Athens, Greene County, NY. It is for a period of two years beginning 1/1/2019 and shall continue through December 31, 2020. (This is for Basic Life Support.)

The amount for 2019 will be \$93,888. The amount for 2020 will be \$95,296.

On the motion of Councilman Anthony Paluch seconded by Councilwoman Mary H. Brandow the following **RESOLUTION #2019-18** authorizing the Supervisor to sign the 2 year Ambulance Agreement with the Town of Catskill was adopted. Ayes-5 (Butler; Brandow; Ragaini; Paluch; Surrano) Noes-0 Absent-0 Abstentions-0

Councilman Richard M. Surrano, Jr. made a motion seconded by Councilwoman Mary H. Brandow *to approve the minutes of February 18, 2019 as read.* Ayes-5 (Butler; Brandow; Ragaini; Paluch; Surrano) Noes-0 Absent-0 Abstentions-0

Councilman Anthony Paluch made a motion seconded by Councilman Richard M. Surrano, Jr. *to accept the Town Clerk's Report as presented.* Ayes-5 (Butler; Brandow; Ragaini; Paluch; Surrano) Noes-0 Absent-0 Abstentions-0

On the motion of Richard M. Surrano, Jr. seconded by Councilman Michael Ragaini the following **RESOLUTION #2019-19** was adopted as follows:

BE IT RESOLVED, that Local Law No. 1 of 2019, a copy of which is annexed hereto, providing for a local law amending the Code of the Town of Athens to prohibit trucks in excess of 25 tons on Leeds Athens Road between 9W and Forest Hills Avenue, is hereby introduced at this meeting; and be it further

RESOLVED, by the Town Board of the Town of Athens as follows

1. The Town Board of the Town of Athens shall hold a public hearing on the 18th of March, 2019, starting at 7:00 pm at the Athens Town Hall, 2 First Street, Athens, NY, to hear all interested parties on said proposed Local Law.
2. The proposed Local law constitutes a Type II action for purposes of the State Environmental Quality Review Act (“SEQRA”), and as such does not require any further SEQRA review.
3. The Town Clerk is hereby authorized and directed to publish notice of said public hearing in the official newspaper of the Town at least five (five) business days prior to the date of said public hearing.

Upon the question of the adoption of this resolution, the following Board members voted “Aye” in favor of the Resolution: 5- (Butler; Brandow; Ragaini; Paluch; Surrano)

The following Board members voted “No” in opposition to the Resolution: None

The proposed Resolution having been approved by a majority of the Board, the same was declared duly adopted by the Athens Town Board. (Attorney to publish.)

Local Law No. 1 of 2019

A LOCAL LAW AMENDING THE CODE OF THE TOWN OF ATHENS TO PROHIBIT TRUCKS ON LEEDS ATHENS ROAD BETWEEN 9W AND FOREST HILLS AVENUE

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

SECTION 1. TITLE. This Local Law shall be referred to as Local Law No. 1 of 2019.

SECTION 2. AUTHORITY. This local law is enacted pursuant to the Municipal Home Rule Law (Chapter 36-a of the Consolidated Laws of the State of New York) and the New York Vehicle and Traffic Law section 1660.

SECTION 3. INTENT. It is the intent of this local law to prohibit trucks, tractors, and tractor-trailer combinations having a total gross weight in excess of twenty –five (25) tons from traveling on Leeds Athens Road between NYS Route 9W and Forest Hills Avenue. Trucks using Leeds Athens Road as a shortcut to access NYS Route 23 the NYS Thruway are damaging the road. A suitable alternate route is provided for trucks by using NYS Route 9W, NYS Route 23 and the NYS Thruway. This local law is in the Town’s best interest and will protect the safety of

residents and the traveling public. It is not the intent of this local law to prevent the delivery or pickup of merchandise or other property along Leeds Athens Road.

SECTION 4. AMENDMENT. Chapter 171 of the Code of the Town of Athens is amended to add Article II Truck Route:

ARTICLE II Prohibition of Trucks.

§171-2 Prohibition of Trucks.

Trucks, tractors, and tract-trailers combinations having a total gross weight in excess of twenty-five (25) tons are prohibited from traveling on Leeds Athens Road between NYS Route 9W and Forest Hills Avenue.

§171-3 Violations

Every person convicted of a traffic infraction for violation of any provision of this article which is not a violation of any provision of the Vehicle and Traffic Law of the State of New York shall, for a first conviction thereof, be punished by a fine of not less than \$200 nor more than \$500 or by imprisonment for not more than 15 days , or by both such fine and imprisonment; for a second such conviction within 18 months thereafter, such person shall be punished by a fine of not less than \$500 nor more than \$1,000 or by imprisonment for not more than 45 days, or by both such fine and imprisonment; upon a third or subsequent conviction within 18 months after the first conviction, such person shall be punished by a fine of not less than \$1,000 nor more than \$2,000 or by imprisonment for not more than 90 days, or by both such fine and imprisonment.

SECTION 4. SEVERABILITY. The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision or phrase of the aforementioned sections as declared by the valid judgement of any court of competent jurisdiction to be unconstitutional shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision or phrase, which shall remain in full force and effect.

SECTION 5. SUPERSESION. 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 and 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.

SECTION 6. EFFECTIVE DATE. This Local Law shall take effect immediately upon passage and filing with the Secretary of State.

Board members received copies of Planning Board minutes of October 28, 2018 and January 24, 2019 for information.

Board members received copies of letters of intent for the positions of planning board, zoning board, community foundation advisory board and board of review. They are to review them and appointments will be made at the March 18th meeting.

As there was no further business to come before the meeting a motion to adjourn was made by Councilman Michael Ragaini seconded by Councilman Richard M. Surrano, Jr..
Ayes-5 (Butler; Brandow; Ragaini; Paluch; Surrano) Noes-0 Absent-0 Abstentions-0

Meeting adjourned at 8:30 pm.