

REGULAR MEETING – ATHENS TOWN BOARD – September 3, 2019

The regular meeting of the Athens Town Board was called to order on September 3, 2019 at 7:00 pm by Supervisor Robert F. Butler, Jr. with the Pledge 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. and Town Clerk Linda M. Stacey. (Highway Superintendent John J. Farrell was absent.)

These people were present also: Attorney Virginia Benedict; Bookkeeper/ Budget Officer Donald Pierro; Assessor Carol McBride; Code Enforcement Officer; Albert Gasparini; Fran McCusker; Theresa Cardinale; Gene Paluch; Janet Paluch and Robert Brunner.

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

General Bills: Abstract #17, vouchers #327 through #347 inclusive for \$94,561.96.

Code Enforcement Officer Albert Gasparini gave his report for the month of August.

This included 7 building permits; 2 bp renewals; 12 bp inspections;

One inquiry about setbacks; one inquiry for converting a commercial box trailer for storage on a residential property.

There were 2 Certificates of Occupancy; 1 Temp. Cert. of Occupancy; 3 Certificates of Compliance; and 7 Certificates of Occupancy Search Requests.

One homeowner near 217 Farm to Market Road came to the office to discuss the Town's ruling of the use of an off road motorcycle track.

Violations: A Stop Work Order issued on 8/1/19 for 1317 Schoharie Turnpike, a return check for insufficient funds. Dismissal of Stop Work Order was issued on 8/9/19.

On 8/31/19 there was a Wedding held at 216 Route 385, Shakespeare on the Hudson. This is a Short Term Rental property and this wedding is a violation according to the Town of Athens Short Term Rental Law. A violation will be issued.

Supervisor Butler asked Mr. Gasparini for a list of open building permits each month, he also made this request of the Village Code Enforcement Officer.

Councilman Surrano asked if Code Enforcement Officer Gasparini had gone out and checked on the truck on Schoharie Turnpike blocking the view of vehicles trying to turn off of Green Lake Road. Mr. Gasparini said he didn't get a chance to get out there yet.

Bookkeeper/ Budget Officer Donald Pierro reported that 8 months have been completed in the books. He then went over Supervisor's Report.

He informed the Board that he will be converting 5 separate companies into one company which will be tied into the budget.

He explained to the Board that Councilwoman Mary Bandow was helpful with his getting into Quick Books. It was registered to her, and never reregistered. He could not get in without her "permission".

Councilman Richard M. Surrano, Jr. made a motion seconded by Councilwoman Mary H.

Brandow to approve and accept the Supervisor's Report as presented. Ayes-5 (Butler; Brandow; Ragaini; Paluch; Surrano) Noes-0 Absent-0 Abstention-0

Attorney Virginia Benedict presented the Board copies of proposed Local Law 2 of 2019, a Local Law to Amend the Town of Athens Zoning Map, along with a copy of a resolution to be published.

On the motion of Councilman Richard M. Surrano, Jr. seconded by Councilman Michael Ragaini the following **RESOLUTION #2019-26** was adopted:

BE IT RESOLVED, that Local Law No. 2 along with the proposed amended zoning map, copies of which are annexed hereto, providing for a local law amending the T of Athens Zoning Map to rezone approximately 375± acres currently zoned Agricultural (“AG”) and Rural Residential (“RU”) to bring the majority of the proposed 100 megawatt Flint Mine Solar facility site, along with some adjacent properties, within the Mixed-Use Commercial (“MUC”) zone is hereby introduced at this meeting; and be it further

RESOLVED, by the Town Board of the Town of Athens that the proposed project is a Type I Action pursuant to Part 617.4 of the regulations implementing the State Environmental Quality Review Act (“SEQR”); and be it further

RESOLVED, that pursuant to NYCRR Part 617.6, the attorney for the Town is hereby directed to notify all potentially interested and involved agencies of its intent to serve as lead agency for the project; and be it further

RESOLVED, that pursuant to Athens Code § 180-75, the proposed amendment is referred to the Town Planning Board for a report thereon; and be it further

RESOLVED, as follows:

1. The Town Board of the Town of Athens shall hold a special meeting and public hearing on the 23rd of September, 2019, starting at 7:00 pm at the Athens Village Fire Department Hall, 39 Third Street, Athens, NY, to hear all interested parties on said proposed Local Law.
2. The Town Clerk is hereby authorized and directed to publish notice of said special meeting and public hearing in the official newspaper of the Town and on the Town Clerk’s signboard at least ten (10) days prior to the date of said public hearing.
3. The Town Clerk is hereby directed to give notice of the public hearing to the clerks of Village of Athens, Town of Coxsackie, and Greene County Legislature at least ten (10) days prior to the date of the said public hearing.

Upon the question of the adoption of this resolution, the following Board members voted “Aye” in favor of the Resolution: Supervisor Butler

Councilwoman Brandow
Councilman Ragaini
Councilman Paluch
Councilman 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.

Assessor Carol McBride came before the Board to give her report.

Supervisor Butler advised her that DBTL should have been professionally appraised. They rescinded their case. The tanks had zero value, as they were not being used. The assessment was \$800,000 and it is now \$720,000. The Board made a motion to get an appraisal.

Councilman Richard M. Surrano, Jr. made a motion seconded by Supervisor Robert F. Butler, Jr. to go into **Executive Session to discuss a personnel issue.** Ayes-4 (Butler; Brandow; Ragaini; Surrano) Noes-1 (Paluch) Absent-0 Abstentions-0 time: 7:35 pm

Councilman Michael Ragaini made a motion seconded by Councilman Richard M. Surrano, Jr. to **come out of Executive Session and reconvene the regular meeting.** Ayes-5 (Butler; Brandow; Ragaini; Paluch; Surrano) Noes-0 Absent- Abstentions-0 Time: 8:05 pm.

Supervisor Robert F. Butler, Jr. made a motion seconded by Councilman Richard M. Surrano, Jr. to **terminate Carol McBride as Town Assessor, as per the Town Hand Book.** Ayes- 2 (Butler; Surrano) Noes-3 (Brandow; Ragaini; Paluch) Absent- 0 Abstentions-0

Revision 10/8/2019: Supervisor Butler: Last meeting, a motion was passed 3-2 to reappoint the assessor to another term.

After reviewing the employee manual, there are too many violations to ignore reappointment of this employee contradicts the provisions of our manual. We have followed the manual in the past and by doing so it protected the town from frivolous lawsuits. Any deviation sets a bad precedent.

I make a motion we terminate employment of the Town Assessor and request a roll call vote for clarity.(see above vote)

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

Councilwoman Mary Brandow made a motion seconded by Councilman Richard M Surrano, Jr. to accept the minutes of August 19, 2019, approved as corrected. (Councilman Ragaini was listed as present when he was actually absent.) Ayes-5 (Butler; Brandow; Ragaini; Paluch; Surrano) Noes-0 Absent-0 Abstentions-0

No new contract received from Greene County Emergency Services, but no increase for 2020 either.

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

Meeting Adjourned at 8:25 pm.