

REGULAR MEETING – ATHENS TOWN BOARD – June 6, 2016

The regular meeting of the Athens Town Board was called to order by Supervisor Robert F. Butler, Jr. on June 6, 2016, at 7:00 P.M. with the Pledge of Allegiance to the Flag.

The following people were present: Supervisor Robert F. Butler, Jr.; 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; Interim Assessor Carol McBride; Code Enforcement Officer George Holsopple; North East Treater's President, Greg Christy; Manager John Brock; Pat McLoughlin; Deputy Supervisor Joe Iraci; Craig Schrowang; John Pulice; Mary DiStefano and Jackie Dunn.

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

General Abstract #11, vouchers #260 to #303 inclusive for \$118,910.06.

Highway Abstract #10, vouchers #100 to #110 inclusive for \$9,271.07.

First order of business was the Public Hearing for the proposed local law entitled "A Local Law To Amend the Town of Athens Zoning District Map."

The Notice was read by Attorney Virginia Benedict as it appeared in the Official Newspaper, The property is owned by Northeast Treaters.

Craig Schrowang a neighbor on Flats Road, Athens, enquired about the Buffer Zone.

Attorney Benedict and Supervisor Butler explained that the buffer zone had been extended and showed him the proposed map.

As there were no father questions Supervisor Robert F. Butler, Jr. made a motion to adjourn the public hearing at 7:09 P.M. and continue the regular meeting, seconded by Councilman Michael Ragaini. Ayes-5 (Butler; Brandow; Ragaini; Paluch; Surrano) Noes-0 Absent-0 Abstentions-0

Attorney Benedict read the following Proposed Local Law #1 for 2016, to those present:

A LOCAL LAW TO AMEND THE TOWN OF ATHENS ZONING DISTRICT MAP

BE IT ENACTED by the Town of Athens as follows:

Section 1. Authorization.

This Local Law is adopted pursuant to the Town Law of the State of New York, Chapter 62 of the Consolidated Laws, Article 16, and Articles 2 and 3 of the Municipal Home Rule Law, to protect and promote public health, safety, comfort, convenience, economy, aesthetics and general welfare of the residents of the Town.

Section 2. Purpose and Intent.

The purpose of this local law is to rezone approximately 19 acres owned by Northeast Treaters of New York, LLC ("Northeast Treaters") in the Rural Residential District (RU) to Light Industrial-2 (LI-2) zoning. Northeast Treaters is the owner and operator of an existing lumber treatment facility located at 796 Schoharie Turnpike on a 32.9 acre parcel, 13.17 acres of which is zoned LI-2 and 19.07 acres of which is zoned RU. The area to be rezoned is generally bounded by agricultural land to the north, light industrial properties and a rural residential property owned by Northeast Treaters along the Schoharie Turnpike to the south, rural residential properties along Flats Road to the east, and Northeast Treaters' LI-2 zoned property to the west. This change will bring the majority of the full 32.9 acre parcel owned by Northeast Treaters within the LI-2 zone. A 100 foot wide strip running along the eastern portion of the parcel abutting residential properties will remain zoned RU. Pursuant to the Town of Athens Zoning Code, LI-2 zoned parcels have minimum setback requirements of 100 feet for front yards and 50 feet for rear yards and side yards. The 100 foot RU zoned strip in addition to the 50 foot minimum setback along the eastern portion of the area to be rezoned as LI-2 will provide a buffer to reasonably protect adjacent residential properties. Additionally, pursuant to section 180-25 of the Town of Athens Zoning Code, a 50 foot wide buffer, consisting of natural screening that already exists on the Northeast Treaters property, on the northern portion of the property will reasonably protect adjacent agricultural property.

The map amendment is consistent with the Town and Village of Athens Comprehensive Plan ("Comprehensive Plan" or the "Plan") as it promotes the goal of increasing economic development. Northeast Treaters is an existing manufacturing business important to the Athens tax base. By allowing Northeast Treaters to utilize the majority of its property as a Light Industrial use, there is potential for expansion, potential for an increased tax base for residents, and potential for an increase in job opportunities. Additionally, setback requirements and effective buffers along the northern portion of the property and eastern portion of the property reasonably protect adjacent agricultural and residential properties.

Section 3. Section 180-4 of the Zoning Law is hereby amended to read as follows:

A. The Zoning Map entitled "Amended Zoning Map of the Town of Athens Adopted by Local Law No. 1 of the Year 2016 on June 6, 2016" is hereby adopted as part of this chapter.

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Section 4. Zoning Map.

The Zoning Map entitled “Amended Zoning Map of the Town of Athens Adopted by Local Law No. 1 of the year 2016 on June 6, 2016” is hereby adopted and declared to be the Zoning Map of the Town of Athens, and appurtenant part of the Town of Athens Zoning Law.

Section 5. Severability.

If any part or provision of this local law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this local law or the application thereof to other persons or circumstances and the Town Board of the Town of Athens hereby declares that it would have passed this local law or the remainder thereof had such invalid application or invalid provision been apparent.

Section 6. Repeal.

All ordinances, local laws and parts thereof inconsistent with this local law are hereby repealed.

Section 7. Effective Date.

This local law shall take effect immediately upon filing in the Office of the New York Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

Attorney Virginia Benedict read the following resolution;

The following **RESOLUTION #2016-23** was introduced by Councilman Richard N. Surrano, Jr. and seconded by Councilman Michael Ragaini:

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF ATHENS TO ADOPT A LOCAL LAW

WHEREAS, a proposed form of Local Law No. 1 of 2016 entitled “A Local Law to Amend the Town of Athens Zoning District Map’ along with the proposed amended zoning map entitled “Amended Zoning Map of the Town of Athens Adopted by Local Law No. 1 of the year 2016 on June 6, 2016 “ was introduced to the Town Board of the Town of Athens on March30, 2016, and

WHEREAS, the proposed local law amends the Zoning District Map to bring the majority of the full 32.9 acre parcel owned by Northeast Treaters within the LI-2 zone, except for a 100 foot strip running along the eastern portion of the parcel which abuts residential properties; and

WHEREAS, the proposed local law is in conformance with the Town’s Comprehensive Plan, which was amended in 2007 by the adoption of the joint Town and Village of Athens Comprehensive Plan; and

WHEREAS, adoption of the proposed local law will not require permits or approval from any other local, regional, or state agency; and

WHEREAS, the Town Board of the Town of Athens declared itself lead agency, and as there were no other involved agencies, no coordinated review was required under the New York State Environmental Quality Review Act (“SEQR”); and

WHEREAS, the Town Board of the Town of Athens reviewed voluminous submissions by Northeast Treaters and completed a full EAF; and

WHEREAS, THE Town Board of the Town of Athens determined the significance of the proposed action pursuant to SEQR, 6 NYCRR § 617.7, and set forth its determination and its reasoning therefor, in its written resolution in accordance with Article 8 of the New York State Environmental Conservation Law (SEQR) and made a negative declaration of environmental significance; and

WHEREAS, the Town Board of the Town of Athens, pursuant to Section 180-75(A) of the Zoning Law, forwarded one copy of the proposed local law, the proposed amended zoning map and full EAF to the Town of Athens Planning Board for a report thereon, which responded and said response was taken into account; and

WHEREAS, the Town Board of the town of Athens, pursuant to Section239-m of the General Municipal Law, forwarded a complete 239-m referral application, including one copy of the proposed local law, the proposed amended zoning map, the full EAF and any other requested documents to the Greene County Planning Board for a report and recommendation thereon, which responded on April 21, 2016 with approval with comment, which approval and comment was taken into account; and

WHEREAS, a duly notified public hearing was held June 6, 3026 at 7:00 p.m. at the Town Hall, 2 First Street, Athens, New York, to hear all parties on the subject of said proposed local law; and

WHEREAS, the Town Board of the Town of Athens, after due deliberation, finds it in the best interest of the Town to adopt said local law.

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Athens as follows:

1. That the Town Board of the Town of Athens hereby adopts said Local Law No. 1 of 2016 entitled “ A Local Law to Amend the Town of Athens Zoning District Map”; and

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2. That the Town Clerk be and she hereby is directed to enter said local law in the minutes of this meeting and in the Town Code of the Town of Athens, to give due notice of the adoption of said local law to the Secretary of the State of New York, and to take all other actions as may be required by law.

Ayes-5 (Butler; Brandow; Ragaini; Paluch; Surrano) Noes-0 Absent-0 Abstentions-0

Interim Assessor Carol McBride reported on the meeting with the APO of Sleepy Hollow regarding the Common Areas. Carol thanked Attorney Benedict for attending this meeting with her.

The Tentative Roll preliminary assessments have been changed pending Grievance Day reductions and corrections.

Ms. McBride reported that there were only three appearances for Grievance Day however there were 46 mail ins, 14 petitions and 7 stipulations.

Assessor McBride informed the Board that the NYS Taxation and Finance website for the STAR Transition Program is up and running for the public. www.tax.ny.gov. (Phone number is 518-457-2036.) She stated that palm cards will be mailed out to Attorneys, Real Estate Brokers, and municipalities to explain the program.

Assessor McBride reported that Bob Hilbert, CEO of Appraisal Consultants, is in the process of finalizing the numbers for our update for 2017.

Michaela Anderson has started working as Temporary Assessor Clerk.

The Final Assessment Roll is due by July 1st.

Code Enforcement Officer George Holsopple reported he has received more complaints about constant noise and garbage overflowing from 51 Thorpe Road.

Mary DiStefano of 15 Hidden Drive, a neighbor came forward and spoke about the past weekend.

Attorney Virginia Benedict stated that Mr. Holsopple can use section 121-11, Notice of Violation. This code has a fine of \$250 per violation. He can send out Appearance Tickets against the property owner.

Ms. Jackie Dunn, who lives at 110 Thorpe Road also complained about the noise.

Highway Superintendent John J. Farrell reported that the highway crew was done doing the Town's patch work.

They will be helping the Town of Coxsackie and the Town of Catskill with their paving.

The other highway crew will be "building" a fuel island on the north side of the building. July 18th they will begin to do the Roadwork.

Mr. Farrell informed the Board that the boom mower died. The rotary head cracked. It will cost just under \$8,000 to repair. He has been checking around and a new boom mower would cost \$23,525.00. He could take it out his 2016 equipment budget.

Discussion followed on mower and on Biggs designer's proposal.

Bookkeeper/ Budget Officer Michael Strenka reviewed the Supervisor's Report with the Board.

Mr. Strenka informed the Board that he has been talking to Dog Control Officer Sherry Vieta, and she wants a shed for the dogs that she picks up, as she usually gives them back to the owners. They have found one that is 6 x 10 for \$1,520.

Mr. Strenka then went over his list of budget transfers. Discussion followed on how to pay for the boom mower.

Supervisor Robert F. Butler, Jr. made a motion seconded by Councilman Richard M. Surrano, Jr. *to approve the Supervisor’s Report as presented*; Ayes-5 (Butler; Brandow; Ragaini; Paluch; Surrano) Noes-0 Absent-0 Abstentions-0

On the motion of Councilman Richard M. Surrano, Jr. seconded by supervisor Robert F. Butler, Jr. the following **RESOLUTION #2016-24** *to approve and adopt the following budget transfers was adopted*:

From	To	Amount
A 1910.4 Liability Insurance	A 1010.1 Town Board Personnel	375.00
A 1910.4 Liability Insurance	A 1330.4 Tax collector Supplies	200.00
A 1910.4 Liability Insurance	A 3510.4 Dog Control Shelter costs	550.0
A 1910.4 Liability Insurance	A 1355.1 Assessor Personnel	1400.00
A 1355.4 Reval Consultant	A 1355.4 Assessor Service Contract	2000.00
B1990.4 Contingency	B 3620.4 Server Fees	100.00
B 1990.4 Contingency	B 3620.4 Software BAS Code Enf	10.00

Ayes-5 (Butler; Brandow; Ragaini; Paluch; Surrano) Noes-0 Absent-0 Abstentions-0

Supervisor Robert F. Butler, Jr. made a motion seconded by Councilman Anthony Paluch to *approve the Town Clerk’s Monthly Report as presented*, carried. Ayes-5 (Butler; Brandow; Ragaini; Paluch; Surrano) Noes-0 Absent-0 Abstentions-0

Resident John Pulice came before the Board asking if we could add old medication to Greene County’s Hazardous Waste Day. He suggested that the Town could add this to their list for their Clean up days as well.

Councilman Anthony Paluch made a motion seconded by Councilman Richard M. Surrano, Jr. *to approve the minutes of May 16, 2016 as read*. Ayes-5 (Butler; Brandow; Ragaini; Paluch; Surrano) Noes-0 Absent-0 Abstentions-0

Resident Mary DiStefano asked about fireworks permits being needed.

Attorney Benedict read from the Town Code Book regarding areas that can be sited for this owner.

Supervisor Butler presented copies of a contract with Ryan Biggs | Clark Davis for limited professional services to be performed for the design of modifications and additions to the existing Highway Department facility on Old Kings Road based upon their preliminary design report issued in February 2016. The Board reviewed the same.

On the motion of Councilman Richard M. Surrano, Jr. seconded by Supervisor Robert F. Butler, Jr. the following **RESOLUTION #2016-25** *to move forward with Ryan Biggs /Clark Davis for limited professional services to be performed for the design of modifications and additions to the existing Highway Department Facility on Old Kings Road based upon their preliminary design report issued in February 2016 and authorize the Supervisor to sign the contract*. Ayes-5 (Butler; Brandow; Ragaini; Paluch; Surrano) Noes-0 Absent-0 Abstentions-0

Employee Handbook Update: Pat McLoughlin informed the Board that she met with Councilwoman Mary H. Brandow and Bookkeeper Michael Strenka to go over the Handbook. They began going over the “last” changes that were made, and checking to see if these changes were in the minutes. They still have much more to go over.

On the motion of Councilman Anthony Paluch seconded by Councilman Richard M. Surrano, Jr. the following **RESOLUTION #2016-26** to purchase a new Diamond 16 foot STD 3-Point Hitch Boom with a 42” Boom Flail, including 3-Point Boom Mower install & set up from Hudson River Tractor in Chatham, off the current NJPA Contract at a total cost of \$23,525.00 was adopted. Ayes-5 (Butler; Brandow; Ragaini; Paluch; Surrano) Noes-0 Absent-0 Abstentions-0

Deputy Supervisor Joseph Iraci informed the Board that that we should start looking, and have and have an open conversation about Economic Development. He stated that three companies have been suggested.

As there was no further business to come before the meeting a motion to adjourn was made by Councilman Anthony Paluch seconded by Supervisor Robert F. Butler, Jr.
Meeting was adjourned at 8:55 p.m.