

REGULAR MEETING - ATHENS TOWN BOARD - March 21, 2016

The regular meeting of the Athens Town Board was called to order on March 21, 2016, 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 Robert F. Butler, Jr.; Councilwoman Mary H. Brandow; Councilman Anthony Paluch; Highway Superintendent John J. Farrell and Town Clerk Linda M. Stacey. (Councilmen Michael Ragaini and Richard M. Surrano, Jr. were absent.)

These people were also present: Attorney Virginia Benedict; Town Justices Constance Pazin and James H. Robinson, Jr.; Senior Court Clerk Marcia R. Puorro; Court Clerk Vincenzina R. Carl; Joseph Iraci; John Brock of Northeast Treaters and Anthony Iacopelli.

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

TA 1009- Northeast Treaters Escrow Account- Abstract #6, voucher #143 for \$3,311.50.

General Abstract #6, vouchers #144 through #172 inclusive for \$14,855.32.

Highway Abstract #6, vouchers #55 through #65 inclusive for \$9,358.11.

John Brock of Northeast Treaters came before the Board to see we were with the zoning. Attorney Virginia Benedict informed him that there would be a 50 foot set back on the East side plus 100 feet off that as a buffer form the adjacent property. She stated that she wanted to make things clear before we go to public hearing.

Mr. Brock advised Mrs. Benedict and the Board that the berm is actually a wrap around.

Supervisor Butler and Attorney Benedict agreed that this would be good.

Attorney Benedict stated that everything should be complete for the April 4<sup>th</sup> meeting.

There will be a Special Meeting on Wednesday March 30, 2016 at 7: p.m. for the Board to review the EAF for and other paperwork before the meeting.

**Audit of Court Books:**

Senior Court Clerk Marcia R. Puorro handed out “Annual Reports” to the Board members.

Marcia reported the following:

Mail Received in Court Office for 2015	2891
Tickets Received in Court Office for 2015	2127
Number of faxes received	935
Number of Faxes sent	425

Small Claims and Evictions Total 32 (Pazin 14 Robinson 18)

Criminal Cases Received Total 87 (Pazin 47 Robinson 40)

DWI Cases Received Total 29 (Pazin 16 Robinson 13)

Unlicensed Operator Cases Total 42 (Pazin 19 Robinson 23)

For 2015 the amount collected by the Court was \$397,075.50, the amount sent to NYS was \$244,795.00 with \$148,403.00 remaining in the Town and \$160.00 going to the Village for parking tickets. There was \$107,395.00 paid to the Court electronically.

The Board members were invited to come up to the Court where the Clerks and the Judges would be happy to show them the actual process.

**On the motion of Supervisor Robert F. Butler, Jr.** seconded by Councilwoman Mary H. Brandow the following **RESOLUTION #2016-16** was adopted as follows: *We the Town Board of the Town of Athens certify that we have examined the accounts and the dockets of Constance Pazin and James H. Robinson, Jr. Justices for the Town of Athens Court, and find the same are true and correct.* Ayes-3 (Butler; Brandow; Paluch) Noes-0 Absent-2 (Ragaini; Surrano) Abstentions-0

The Town Board then audited the books of the Town Clerk.

**Supervisor Robert F. Butler, Jr.** made a motion seconded by Councilman Anthony *Paluch to accept and approve the Town Clerks Books as audited.* Ayes-3 (Butler; Brandow; Paluch) Noes-0 Absent-2 (Ragaini; Surrano) Abstentions-0

**Anthony Iacopelli** of Route 9W came before the Board regarding a storm water drainage issue. He informed the Board that he had come to the Town a few years before and nothing has been down. He presented pictures for all to review. His water problem is worse than it was before. He wanted to know what the Town was going to do about his problem.

Supervisor Butler explained that the Town couldn't just go on a resident's property. Other property owners have had similar problems, they fixed their own problem. Discussion followed.

Supervisor Butler advised Mr. Iacopelli that Attorney Benedict and Highway Superintendent Farrell will get together and decide what can be done.

The Supervisor's Report was reviewed by the Board.

**Supervisor Robert F. Butler, Jr.** made a motion seconded by Councilman Anthony *Paluch to approve the Supervisor's Report as presented.* Ayes-3( Butler; Brandow; Paluch) Noes-0 Absent-2 (Ragaini; Surrano) Abstentions-0

**Computers- Supervisor Butler** informed the Board that he is working on a deal to get a new computer each year . (Good for 5 years.)

**On the motion of Supervisor Robert F. Butler, Jr.** seconded by Councilman Anthony Paluch the following **RESOLUTION #2016-17** was adopted as follows:

**INTERMUNICIPAL AGREEMENT AMONG THE  
TOWN AND VILLAGE OF ATHENS**

The Agreement is made by and between the Town of Athens and the Village of Athens ("participating municipalities"), each being municipal corporations located within Greene County, New York.

WHEREAS, this agreement is made pursuant to General Obligation Law §119-0 and,

WHEREAS, it is in the interest of the taxpayers of the Town and Village of Athens to share resources in the undertaking of deputy building inspector/ code enforcement activities on an "as needed" basis due to conflicts of interest, vacations, illness or similar situations; and

WHEREAS, general oversight by appropriate municipal officials will be accomplished through regular, periodic and if needed, annual reports by the appropriate department heads to their respective municipalities.

NOW THEREFORE BE IT RESOLVED:

That the Town and Village of Athens, believing it to be in the best interest of the taxpayers of the respective municipalities do hereby authorize inter-municipal cooperation and assistance with and between each other for Building inspector/code enforcement activities whereby the Town Code Enforcement Officer shall also be and heretofore has been appointed as Deputy Code Enforcement Officer in and for the Village of Athens on an "as needed" basis due to conflicts of interest, vacations, illness or similar situations and pursuant to the following terms and conditions:

1. The Deputy Code Enforcement Officer of the Village , who is also the Town Code Enforcement Officer, shall perform building inspector/ code enforcement activities for the Village on an "as needed" basis due to conflicts of interest, vacations, illness or similar situations.
2. All parties to this Agreement do hereby agree to obtain and thereafter continue to keep in full force and affect their general liability insurance, public liability insurance , and automotive insurance relative to the various services to be performed herein with limits of not less than \$500,00 per occurrence and \$1,000,000 annual aggregate.

REGULAR MEETING - ATHENS TOWN BOARD - March 21, 2016

3. The Village shall pay all costs associated with the services performed by the delivering party. It is agreed that the cost of a typical inspection shall be \$15.00/ ½ hour that enforcement /violation activities shall be charged to the Village at the rate of \$25.00 per Violation.
4. Each party hereto does hereby covenant and agree to indemnify and keep indemnified and save harmless the other party against claim for any loss, injury, death and/ or damage and against any claim for compensation for which the municipality may or shall be liable by reason of its participation in services to be rendered pursuant to this agreement.
5. In accordance with the provisions of section 109 of the General Municipal Law, both parties hereto are hereby prohibited from assigning, transferring, conveying, subletting or otherwise disposing of this agreement, or of its right, title or interest in this agreement to any other person or corporation without the previous consent in writing of the other party.
6. No waiver of any breach of any condition of the agreement shall be binding unless in writing and signed by the party waiving said breach. No such waiver shall in any way affect any other term or condition of this agreement or constitute a cause or excuse for a repetition of such or any other breach unless the waiver shall include the same.
7. This agreement shall be in force for the period of March 15, 2016 to March 15, 2017 and shall automatically be extended each year for another one year period unless one of the parties notifies the others on or before February 1 that said municipality wishes to withdraw from this agreement for the ensuing year.
8. The Board of each participating municipality has authorized its Supervisor to execute this Intermunicipal Agreement.
9. This agreement may be signed in counterpart by the respective municipal officials.
10. This agreement constitutes the complete understanding of the parties . No modification of any provisions thereof shall be valid unless in writing and signed by both parties.

The above resolution was adopted as follows: Ayes-3 (Butler; Brandow; Paluch) Noes-0  
Absent-2(Ragaini; Surrano) Abstentions-0

**Attorney Benedict** to write a letter to Mayor regarding Village building.

**Highway Superintendent Farrell** reported that the north side of the garage has been leveled up, and they are moving forward.

**Handbook:** Councilwoman Brandow said that she is waiting on Bookkeeper Strenka to get hold of her.

**Councilman Anthony Paluch** made a motion seconded by Supervisor Robert F. Butler, Jr. to approve the minutes of March 7, 2016 as read. Ayes-3 (Butler; Brandow; Paluch) Noes-0  
Absent-2(Ragaini; Surrano) Abstentions-0

Cleanup Day will be April 23.

As there was no further business to come before the meeting, a motion to adjourn was made by Supervisor Robert F. Butler, Jr. seconded by Councilwoman Mary H. Brandow.  
Ayes-3 (Butler; Brandow; Paluch) Noes-0 Absent-2(Ragaini; Surrano) Abstentions-0

Meeting adjourned at 8:30 p.m.