

REGULAR MEETING – ATHENS TOWN BOARD – November 5, 2020

The regular meeting of the Athens Town Board was called to order by Supervisor Robert F. Butler, Jr. on November 5, 2020 at 7:03 pm, at the Athens Community Center Gym.

The following people were present: Supervisor Butler; Councilwoman Mary H. Brandow; Councilman Michael Ragaini; Councilman Anthony Paluch; Councilwoman Shannon Spinner and Town Clerk Linda M. Stacey. (Highway Superintendent Farrell was absent.)

These people were also present: Attorney Virginia Benedict; Bookkeeper/Budget Officer Don Pierro; Code Enforcement Officer Albert Gasparini; Elizabeth Maurer; Emil Maurer; Max Cavert; Robert Brunner; Kathleen Hendricks; Theresa Cardinale; Virginia and Ron Sherman; Edward Bloomer; Donald Maurer, Sr. and Patrick Doyle.

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

General Abstract #21, vouchers #381 through #400 inclusive for **\$52,004.66**.

Highway Abstract #21, vouchers #197 through #199 inclusive for **\$36,948.64**.

Supervisor Butler read the Public Hearing Notice for the Preliminary Budget for 2021 as it appeared in the Official Newspaper.

Councilwoman Shannon Spinner made a motion to open the Public Hearing seconded by Councilman Michael Ragaini. Ayes-5 (Butler; Brandow; Ragaini; Paluch; Spinner) Noes-0 Absent-0 Abstentions-0

Supervisor Butler asked if there were any questions or changes. He requested that the Public Hearing remain open until the next meeting, November 16, 2020.

Supervisor Butler read the Public Hearing Notice on the “Property Tax Cap Law” as it appeared in the Official Newspaper.

Councilman Michael Ragaini made a motion seconded by Councilwoman Shannon Spinner to open the Public Hearing. Ayes-5 (Butler; Brandow; Ragaini; Paluch; Spinner) Noes-0 Absent-0 Abstentions-0

Supervisor Butler stated that the preliminary budget was below the 2% tax cap but felt it would be safer to be covered in case there are any last minute changes.

As there were no further questions on the 2% Tax Cap a motion to close the public hearing was **made by Councilman Michael Ragaini** seconded by Councilwoman Shannon Spinner. Ayes- 5 (Butler; Brandow; Ragaini; Paluch; Spinner) Noes-0 Absent-0 Abstentions-0

On the motion of Supervisor Robert F. Butler, Jr. seconded by Councilwoman Shannon Spinner the following **RESOLUTION #2020-37** was adopted as follows:

WHEREAS, General Municipal Law Sec. 3-c (the “Property Tax Cap Law”), expressly authorizes the Town Board to override the Tax Levy Limit established pursuant to General Municipal Law Sec. 3-c, for Fiscal Year 2021, and to adopt a budget for Fiscal Year 2021 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law Sec. 3-c;

NOW, THEREFORE, BE IT

RESOLVED, that the Town of Athens adopts the tax levy limit override as provided in the annexed Local Law.

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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; Spinner)
There were no "No" votes.

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

Local Law No. 1 of 2020

A LOCAL LAW ADOPTING A REVISION TO CHAPTER 76 OF THE CODE OF THE TOWN OF ATHENS, COUNTY OF GREENE, TO OVERRIDE THE TAX LEVY LIMIT FOR FISCAL YEAR 2021

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

SECTION 1. AUTHORITY.

This Local Law is enacted pursuant to General Municipal Law Sec. 3-c (the "Property Tax Cap Law"), which expressly authorizes the Town Board to override the tax levy limit by the adoption of a local law approved by vote of sixty percent (60%) of the Town Board.

SECTION 2. PURPOSE.

The purpose of this local law is to permit the Town Board to override the tax levy limit on the amount of property taxes that may be levied by the Town of Athens pursuant to the Property Tax Cap Law, and to allow the Town to adopt a budget for Fiscal Year 2021 that requires a real property tax levy in excess of the "tax levy limit" as defined by the Property Tax Cap Law. Such override is necessary and in the best interests of the Town.

SECTION 3. TAX LEVY LIMIT OVERRIDE.

The Code of the Town of Athens is hereby amended by revising Chapter 76, entitled "Tax Levy Limit Override," to read as follows:

CHAPTER 76. TAX LEVY LIMIT OVERRIDE.

Section 76-1. The Town Board is hereby authorized to override the Tax Levy Limit established pursuant to General Municipal Law Sec. 3-c, for Fiscal Year 2021, and to adopt a budget for Fiscal Year 2021 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law Sec. 3-c.

SECTION 4. SEVERABILITY.

If any clause, sentence, paragraph, section or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgement shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to said clause, sentence, paragraph, section or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such order or judgement shall be rendered.

SECTION 5. EFFECTIVE DATE.

This local law shall take effect immediately upon its filing with the Secretary of State.

Next Supervisor Butler called on resident Emil Maurer, of Old Greene Lake Road.

Mr. Maurer spoke on behalf of several other residents, regarding a shooting range near him on Old Greene Lake Road that he says is shooting almost constantly.

Supervisor Butler informed Mr. Maurer that Mr. Nazi, the Owner of the shooting range, has to go in front of the Planning Board for a variance.

Discussion followed; The Town Board cannot direct the Zoning Board of Appeals or the Planning Board as to how to make their decisions.

Assessor Cheryl Kaszluga was absent but she turned in a report:

The assessor's department is preparing to send out NYS Exemption Renewals for 2021, which will go out the end of November.

Data Collector Robert Brunner has turned in the last of the Village property cards.

She has spoken with the Assessor from the Town of Coxsackie regarding the ongoing Sleepy Hollow case.

She and Deputy Assessor Kathy Sprague have been updating the files, with building permits, data collection information, as well as sales and any parcels that had splits or merged for the 2021 roll.

Code Enforcement Officer Albert Gasparini reported he had 5 building permits and 10 building inspections.

There was 1 Certificate of Occupancy.

There were 3 Certificates of Compliance.

There were 10 Certificate of Occupancy Search Requests.

1 Septic Permit

He was called out to the following 911/ Fire calls: A Chemical spill a 100 Old Rte. in the Town of Coxsackie: Structure Fire at Stella's Restaurant on Water St. in the Village of Athens.

Violation: Stop Work Order issued for a new deck at 888 Potic Mt. Rd. that wasn't in compliance. Homeowner hired a contractor to bring deck into compliance. The Stop Work Order was removed.

Bookkeeper/Budget Officer Don Pierro reviewed the Supervisor's Report with the Board.

He suggested purchasing a computer for Code Clerk Peggy Pieruzzi.

He suggested Code Enforcement software that included software for zoning and planning departments, from BAS that IT'S could install for us. The cost for the software (all-in-one) is \$2328.70.

Councilwoman Mary H. Brandow made a motion seconded by Councilwoman Shannon Spinner **to purchase the all-in-on Code- Zoning- Planning Software from BAS at the cost of \$2328.00.** Ayes-5 (Butler; Brandow; Ragaini; Paluch; Spinner) Noes-0 Absent-0 Abstentions-0

He spoke about reimbursement fee for the Code Enforcement Officer being called out for Village calls and other Town calls, for fire / 911 calls or inspections. Discussion followed.

It was decided to bill other municipalities \$100 for these unexpected calls, that sometimes take 2 to 4 hours or more depending on the call. This fee is to be added to the list of fees that he currently has.

Councilman Michael Ragaini made a motion seconded by Councilwoman Shannon Spinner **to approve the Supervisor's Report as presented.** Ayes-5 (Butler; Brandow; Ragaini; Paluch; Spinner) Noes-0 Absent-0 Abstentions-0

Councilwoman Shannon Spinner made a motion seconded by Councilwoman Mary H. Brandow **to accept and approve the Town Clerk's Report as presented.** Ayes-5 (Butler; Brandow; Ragaini; Paluch; Spinner) Noes-0 Absent-0 Abstentions-0

Supervisor Robert F. Butler, Jr. informed the Board that we had a resolution to adopt with the Town/Village Comprehensive Plan, that is currently being worked on.

On the motion of Councilman Michael Ragaini seconded by Supervisor Robert F. Butler, Jr. the following **RESOLUTION #2020-38** was adopted:

INTENT TO BE CO-LEAD AGENCY, IDENTIFICATION OF A TYPE I ACTION FOR THE ADOPTION OF TOWN AND VILLAGE OF ATHENS COMPREHENSIVE PLAN

WHEREAS, the Village of Athens Village Board (“Village Board”) and the Town of Athens Town Board (“Town Board”) identified a need to review and update their existing joint Comprehensive Plan (“Joint Comprehensive Plan”) to properly plan growth and development in the Village and the Town; and

WHEREAS, the Village Board and Town Board assigned the task of reviewing and updating the joint Comprehensive Plan to the Joint Village of Athens/Town of Athens Comprehensive Plan Steering Committee (“Comprehensive Plan Committee”) whose members were chosen by the Village Board; and

WHEREAS, as a result of a joint effort between the Village Board and the Town Board, the Comprehensive Plan Committee has drafted an update to the Joint Comprehensive Plan (“Draft Joint Comprehensive Plan”), a copy of which is annexed hereto, with the assistance of a planning consultant and has solicited input from the community via a survey, planning workshop, public meetings, and public hearings pursuant to New York State Town Law §272-a and Village Law § 7-722; and

WHEREAS, the Comprehensive Plan Committee has submitted that Draft Joint Comprehensive Plan to the Village Board and the Town Board for the consideration of each respective Board; and

WHEREAS, the Village Board and Town Board are initiating a joint adoption process per Village Law § 7-722 and Town Law § 272-a respectively; and

WHEREAS, adoption of a comprehensive plan pursuant to Village Law § 7-722 and Town Law §272-a has been determined to be a Type I action, pursuant to the New York State Environmental Quality Review Act (“SEQRA”) and 6 NYCRR Part 617.4, and

WHEREAS, the proposed action will not require permits and approvals from any other local, regional and State agencies, other than the Village Board and Town Board, prior to adoption of the plan and therefore a coordinated SEQRA review is not required; and

WHEREAS, the Greene County Planning board is required to review the Draft Joint Comprehensive Plan and the review is considered an advisory opinion under SEQRA and they are not an Involved Agency under SEQRA and therefore not eligible to serve as Lead Agency in this action;

NOW THEREFORE BE IT RESOLVED, pursuant to the applicable standards of the SEQRA regulations contained in 6 NYCRR Part 617, the Village /Town Board hereby determines that it is appropriate for both the Village Board and the Town Board to serve as Co-Lead Agencies under SEQRA, and the Village/Town Board hereby declares itself Co-Lead Agency and consents to the Town/Village serving with it as Co-Lead Agency for the environmental review of the proposed Type I action; and

BE IT FURTHER RESOLVED, that the Village /Town Board hereby adopts and authorizes development and circulation of a copy of Part I of the Full EAF, a copy of which is annexed hereto, pursuant to the requirements set forth in 6 NYCRR Part 617.

WHEREUPON, this Resolution was declared adopted by the Board of the Village/Town of Athens.

The Town received the one year contract from GCEMS, for advanced life support. The fee for the Town of Athens for the year of 2021 will be \$23,185.00.

Councilwoman Mary H. Brandow made a motion seconded by Councilwoman Shannon Spinner **authorizing the Supervisor the sign the Paramedic Agreement with GCEMS.** Ayes-5 (Butler; Brandow; Ragaini; Paluch; Spinner) Noes-0 Absent-0 Abstentions-0

The Agreement between Columbia-Greene Humane Society and the Town of Athens is up for renewal. There were no dogs taken in, so there were no fees. Charges are the same.

Councilman Anthony Paluch made a motion seconded by Councilman Michael Ragaini to **renew the 2021 Columbia-Greene/ Athens Shelter Agreement.** Ayes-5 (Butler; Brandow; Ragaini; Paluch; Spinner) Noes-0 Absent-0 Abstentions-0

Ron and Virginia Sherman, of Schoharie Turnpike, came before the Board regarding the Pheasant shooting preserve. They spoke about the encroachment on their property. The owners and the hunters have no idea where the property lines are. Mr. Sherman also saw how the pheasants were handled.

Patrick Doyle of Flint Mine Solar came before the Board bring them up to speed.

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

Meeting was adjourned at 8:40 p.m.