

## REGULAR MEETING – ATHENS TOWN BOARD

February 21, 2024

The regular meeting of the Athens Town Board was called to order on February 21, 2024, by Supervisor Michael Pirrone at 6:00pm and was followed by the Pledge of Allegiance to the Flag. The meeting was held at the Athens Municipal Building, 2 First St.

**The following were present at the meeting:** Supervisor Pirrone, Deputy Supervisor: Lasher. Council Members Bone and Pine. Town Clerk Dinkelacker. Highway Superintendent Farrell. Town Code Enforcer Gasparini. Financial/Budget Officer Pierro. Town Attorney McHugh.

Absent: Council member Mary Brandow, Anthony Paluch

**The following people were in attendance:** M. Regaini, G. Greiner, N Poylo, C. Abel, A. Scarborough, R. Brunner. A. Yagelski.

Board Discussion: Battery Energy Storage Systems, (BESS).

The Town Attorney explained that the Town was looking into adopting Local Law for the Battery Energy Storage Systems, which would have set where the BESS could be set up and the controls of the building of it. However, the day after the February 5<sup>th</sup> meeting the Governor announced that the state was looking into Battery Energy Storage Systems.

Adam Yagelski, from Delaware engineering, spoke on the dangers of the BESS and that the state is looking into changing/adding building and fire code for the construction of a BESS.

It is the recommendation that Local Law #01 – 2024 will be a moratorium for six months and it is to stop the processing of any applications that may be received.

The following resolution was made and carried.

At the Meeting of the Town Board of Athens  
held at 2 First St., Athens, NY  
on February 21, 2024, there were:

	<i>Present</i>	<i>Absent</i>	<i>Aye</i>	<i>Nay</i>	<i>Abstain</i>
Michael Pirrone	X	<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>
Mary Brandow	<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>	X
Anthony Paluch	<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>	X
Rebecca Pine	X	<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>
Tami Bone	X	<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>
<i>Total</i>	<u>3</u>	<u>2</u>	<u>3</u>	<u>0</u>	<u>2</u>

I, Council member Becky Pine offer the following resolution and move its adoption:

WHEREAS, the Town Board of the Town of Athens has proposed a local law entitled “TOWN OF ATHENS BATTERY ENERGY STORAGE SYSTEMS FACILITIES MORATORIUM LAW” (*a copy of said proposed local law is attached hereto*), in an effort to temporarily restrict the development of Battery Energy Storage Systems Facilities and uses, so that the Town Board may consider enactment of land use regulations to encourage appropriate development of Battery Energy Storage Systems Facilities and uses that is consistent with the Town's land use development and zoning objectives;

NOW, THEREFORE, BE IT RESOLVED, that a public hearing is hereby scheduled for March 4, 2024, at 6:00 p.m. at the Athens Town Hall, 2 First Street, Athens, NY 12015, to receive comments from the public regarding proposed Local Law No. 1 of 2024, a Local Law to institute a six (6) month moratorium to temporarily restrict the development of Battery Energy Storage Systems Facilities and uses, so that the Town Board may consider enactment of land use regulations to encourage appropriate development of Battery Energy Storage Systems Facilities and uses that is consistent with the Town's land use development and zoning objectives; and be it further

RESOLVED, that the Town Clerk is hereby directed to publish appropriate notice for the public hearing.

Seconded by Council member Tami Bone, offered for discussion and duly put to a vote, the results of which appear above.

Resolution # 2024 - 18

### **VOUCHERS**

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

<b><u>General 2024 Abstract # 4</u></b>	Vouchers	48 – 81	\$162,169.60
<b><u>Highway 2024 Abstract # 4</u></b>	Vouchers	19 – 28	\$ 9,399.94
<b><u>Trust &amp; Custodian 9071 Rt 9W</u></b>	Abstract #2	Voucher 2	\$ 43.39

**THE MINUTES FROM:** February 5, 2024, were distributed to the Town board and motion by Pine and seconded by Bone, the motion passed. Ayes – 3, Nos – 0, Absent/Abstains – 2.

### **DEPARTMENT REPORTS**

#### **HIGHWAY SUPERINTENDENT – John Farrell**

-Mr. Farrell reported that the highway crew took the annual mandated NYMIR training, Harassment and Discrimination.

-They have done some tree work on South Vosenkill and Lake Forest Dr.

-there were five snow events in the last month. The trucks were washed in between each event.

-They finished the tree work on Thorpe Rd

-the new truck on order has been pushed back until October.

-They have received and started to install the six back cameras for the trucks. This is the grant they received from ACF.

-the 2024 road agreement will be presented next month.

-Mr. Farrell asked when we would like to have the Spring cleanup? All agreed to try for April.

-It looks like the state budget will be decreasing the amount of chips money this year. On 3/7 Mr. Farrell will be going to Albany for Highway association Lobby Day.

#### CODE ENFORCEMENT – Albert Gasparini Motion by

-Mr. Gasparini reported that he has given out four building permits, done 10 Building inspections, have received 3 Certificate of occupancy search request.

-On going violations: 1540 Lees Athens Rd, 1030 Leeds Athens Rd, 500 Vosenkill Rd. (court date has been changed to 3/7/24). There was a court hearing for vacant land on Schoharie Tpk that is owned by Luigi DiStefano.

#### ASSESSOR – Ms. Dawn DeRose

The assessor's report was read. They have been busy with the exemption renewals and inquiries. They have received the certified list from the Village for the Athens Volunteer FD for the volunteer Firefighters/Ambulance workers for the renewals from 2024. All school districts, Village and county have the same income scale for the 2024 assessment roll.

The assessor's office will be open for business on March 1<sup>st</sup> from 8:00 – 3:00

#### FINANCIAL/BUDGET OFFICER – Mr. Don Pierro

It was reported that all financial activity for January 1 – 31, 2024 has been recorded into the general ledger. The 2024 budgeted levies for the four funds totaling \$1,184,970.00 were collected by the receiver of Taxes and paid to the Town Supervisor. All the special district levies were collected and the payment to the fire districts and library were made.

#### **TOWN SUPERVISOR – Mr. Michael Pirrone**

Pending Legal Items: see attached agenda.

Palmateer's lawsuit against the town has been dismissed.

ZBA meeting on Thursday 3/14 at 6pm to be held at EJ Arthur elementary school.

**Town Action:** see attached agenda.

A motion to accept the proposal from Delaware Engineering, Zoning Amendment Sensitivity Analysis and Land Use Planning Support Services, was made Becky Pine and seconded by Tami Bone. The motion carried. Ayes – 3, Nos – 0, Absent/Abstain – 2.

A motion to update current Town Clerk Phyllis Dinkelacker and all subsequent Town clerks as the current Town Records Management Officer. Motion made by Becky Pine and seconded by Tami Bone. Motion carried. Ayes – 3, Nos – 0, Absent/Abstains – 2.

A motion to authorize the supervisor to sign the contract to update the Towns' website as presented by Intelligent Technology Solution, Inc at an estimated cost of \$974.00. The motion was made by Becky Pine and seconded by Tami Bone. Motion carried. Ayes – 3, Nos – 0, Absent/Abstains – 2.

**COMMUNITY INFORMATION:**

- 02/22/2024 Planning Board meeting, Municipal building 7pm
- 03/04/2024 Town Board Meeting. Municipal building 6pm. Public hearing on Local Law #1.
- 03/14/2024 Zoning Board of Appeals. EJ Arthur elementary school. 6pm
- 03/18/2024 Town Board Meeting. Municipal building 6pm
- 03/28/2024 Planning Board meeting. Municipal building 7pm

**OLD BUSINESS:** None

**NEW BUSINESS:** meeting was opened to the public for questions.

Nancy Poylo asked about the dismissal of the Palmateer case.

Being no other business to come before the Board.

**A Motion was made** by Bone and second by Pine to adjourn the meeting at 7:10pm. Motion carried. Ayes – 3, No's – 0, Abstentions/Absents – 2.

Respectfully submitted.

Phyllis Dinkelacker

Athens Town Clerk