

REGULAR MEETING – ATHENS TOWN BOARD – March 21, 2022

The regular meeting of the Athens Town Board was called to order on March 21, 2022, at 7:00 p.m. by Supervisor Michael N. Pirrone with the Pledge of Allegiance to the Flag, at the Village of Athens Volunteer Fire House at 39 Third Street.

The following people were present: Supervisor Michael N. Pirrone; Councilmember Mary H. Brandow; Councilmember Anthony Paluch; Highway Superintendent John J. Farrell and Town Clerk Linda M. Stacey. (Councilmembers Michael Ragaini and Shannon Spinner were absent.)

These people were also present: Attorney George McHugh; Bookkeeper/Budget Officer Donald A. Pierro; Code Enforcement Officer Albert Gasparini; Justices Constance Pazin and Tim Mercer; Fran McCusker; Terry Cardinale; Barb Trembacz; Patrick Doyle; M.K. Garvey and Robert Brunner.

**Councilmember Anthony Paluch** made a motion seconded by Councilmember Mary H. Brandow to *approve the minutes of March 7, 2022, as read.* Ayes-3(Pirrone; Brandow; Paluch) Noes-0 Absent-2(Ragaini; Spinner)

**Highway Superintendent John J. Farrell** reported that the highway crew have been doing tree work on Buttermilk Falls Road.

They serviced truck #2; We had four snow events; Moved snow with the Village for one day; They worked in the shop on cleaning truck frames for paint; replaced a few signs that got damaged. Cleaned up a tree that came down from the storm.

**Highway Superintendent Farrell** informed the Board that he approved the sale of the 2009 F450 surplus truck which closed at the auction at \$16,600.

**Councilmember Mary H. Brandow** made a motion seconded by Councilmember Anthony Paluch to *approve the sale of the surplus 2009 F450 truck on Auctions International for \$16,600.* Ayes-3(Pirrone; Brandow; Paluch) Noes-0 Absent-2(Ragaini; Spinner)

**Mr. Farrell advised the Board that he received** (4) four estimates for AC in the breakroom and the office at the highway garage. The estimates follow:

**Huber Enterprises, Inc.**: 1Mitsubishi MXZ2C20NAHZ2U1 hyper heat pump condenser  
1Mitsubishi SLZKF09NATH ceiling cassette-9,000 BTU

1Mitsubishi SLZFI2NATH ceiling cassette-12,000 BTU etc. for \$10,800.00

**Kool Temp Heating And Cooling Inc.** Mitsubishi two zone HYPHER heat pump system MXZ series SLZ-KF series indoor wall mounted ductless unit- 1-breakroom; 1-office Etc. for \$10,990.00

**Dells' Plumbing Heating & A/C Inc.** 1 Mitsubishi "Hyper Heat" outdoor condenser; Model MXZ-3C24NAHZ-U1

2 Mitsubishi indoor ceiling cassettes Models SLZ- KF12NA-U1 both w/handheld wireless controllers for 12,775.00

**Cozza Heating & Air Conditioning INC.** 1 Mitsubishi MXZ 2C20NAHZ2U1  
2u MBH Cond UAH Zone HYPHER for \$11,750.00

**Highway Superintendent Farrell** said that he liked the AC quote from Huber Enterprises, Inc. and it was the lowest quote.

**Councilmember Mary H. Brandow** made a motion seconded by Councilmember Anthony Paluch that the *Highway Superintendent purchase the AC system from the lowest bidder, Huber Enterprises, Inc., for the Highway breakroom and office for the price of \$10,800.00.* Ayes-3 (Pirrone; Brandow; Paluch) Noes-0 Absent-2 (Ragaini; Spinner) Abstentions-0

Town/Village Joint Cleanup Day is scheduled for April 30, 2022, from 8:30 am to 12:30 pm at the Village DPW garage.

Highway Superintendent Farrell told the Board, that in trying to keep within the equipment replacement plan, he would like to do up specs on a used roller. He would like to put this to be put in the paper for bids. The budget for this would be around \$40,000.

Councilmember Mary H. Brandow made a motion seconded by Councilmember Anthony Paluch *allowing the highway superintendent to draw up specs for a used roller, to be advertised for in the paper for a purchase price of up to \$40,000.* Ayes-3(Pirrone; Brandow; Paluch) Noes-0 Absent-2 (Ragaini; Spinner) Abstentions-0

Councilmember Paluch asked why the Assessor was not present at the meeting. Supervisor Pirrone stated that he did not have the answer, but he would investigate the matter.

Councilmember Anthony Paluch made a motion seconded by Councilmember Mary H. Brandow to pay the following bills that were audited by the Board:

General Abstract #6, vouchers #110 through #144 inclusive for \$28,075.64.  
Highway Abstract #6, vouchers #34 through #43 inclusive for \$30,111.93.

Councilmember Mary H. Brandow made a motion seconded by Councilmember Anthony Paluch *to accept the Assessor's Report as presented:* Ayes-3(Pirrone; Brandow; Paluch) Noes-0 Absent-2 (Ragaini; Spinner) Abstentions-0

Assessor's Report: Working on the 2022 tentative assessment roll which will be filed on or before May 1<sup>st</sup>. Processed Deeds and tax map revisions and ran reports for the State. Ongoing of reviewing of files and updating the records; downloading pictures; working on the files for the systematic analytics; working on the 2022 assessment roll and working with the Data Collectors: Processing the sales verifications and updating our records. Daily Assessor's office duties, such as address changes; exemption inquires; Requested the last few renewal exemptions for the Senior Citizens and Disability with limited income- to check residency and ownership which had no response.

Code Enforcement Officer Albert Gasparini reported that he issued three building permits in February. He made twelve building inspections. Several building inquiries were made. There were 9 Certificate of Occupancy search requests. There was one complaint.

Rustic Cabin on Poetic Mountain Creek, Dresser Properties, Inc. attorney appeared at Athens Town Court on January 27, 2022. Dresser Property, Inc attorney and asked for a court date after February. Variance request with N.Y.S. Building and Codes Department. Court was moved from March 3, 2022, to March24, 2022 because of a hospitalization of a family member of the Dresser Properties Attorney.

Building Department Continues to work with Attorney John Dowd on Freepoint Solar Article 78.

Two complaints from a resident (Schoharie Turnpike) hearing Gun shooting between the hours of 1:00 pm and 3:00 pm on February 22, 2022: and another complaint for March 6, 2022, for Old Quarry/vacant Land.

Councilmember Mary H. Brandow made a motion seconded by Supervisor Michael N. Pirrone *to accept the Code Enforcement Officer's Report.* Ayes-3 (Pirrone; Brandow; Paluch) Noes-0 Absent-2(Ragaini; Spinner) Abstentions-0

**Supervisor Michael N. Pirrone** made a motion seconded by Councilmember Mary H. Brandow to accept the Supervisor's Report for February. Ayes-3(Pirrone; Brandow; Paluch) Noes-0 Absent-2(Ragaini; Spinner) Abstentions-0

**Supervisor Pirrone** brought up the Village-Town Lease for 2022.

**Councilmember Anthony Paluch** made a motion seconded by Councilmember Mary H. Brandow to defer talk and /or payment of the lease between the Village and the Town for 2022 until we have a full Board. Ayes-3(Pirrone; Brandow; Paluch) Noes-0 Absent-2(Ragaini; Spinner) Abstentions-0

**On the motion of Councilmember Anthony Paluch** seconded by Councilmember Mary H. Brandow the following **RESOLUTION #2022-25** to accept the Flint Mine Solar Road Use Agreement between the Town of Athens and Flint Mine Solar was adopted as follows:

WHEREAS, Flint Mine Solar, LLC's application for a Certificate of Environmental Compatibility and Public Need pursuant to Article 10 of the Public Service Law to develop a 100 MW solar PV energy facility located in the Towns of Athens and Coxsackie, Greene County, New York was approved by the NY Siting Board on August 4, 2021; and

WHEREAS, as a Certificate Condition, Flint Mine Solar, LLC is required to enter into a Road Use Agreement with the Town of Athens prior to commencement of construction, a copy of which is attached hereto.

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

1. That the Town Board declares itself lead agency for purposes of State Environmental Quality Review ("SEQR") for the proposed action and hereby finds that the proposed proposed action is a Type II action not subject to further review under SEQR; and
2. That Whitbeck Benedict & Smith LLP be retained to assist in the review and implementation of the Road Use Agreement under the current retainer with the Town for representation of the Town in the Article 10 proceeding; and
3. That the Supervisor be, and he hereby is, authorized to sign the Road Use Agreement and do all things necessary to carry out the intent of this resolution; and
4. That the Bookkeeper be, and he hereby is, authorized to establish the Construction Period Escrow Accounts as called for in the Road Use Agreement.

Ayes -3(Pirrone; Brandow; Paluch) Noes-0 Absent-2(Ragaini; Spinner)  
Abstentions-0

**Supervisor Pirrone** informed those present, that Greene County Board of Elections has advised the Town that there has been a change of a polling site, from the WALS Commissioners Building on Schoharie Turnpike to the Town of Athens Highway Building at 79 Old Kings Road.

**Councilmember Anthony Paluch** made a motion seconded by Councilmember Mary H. Brandow to have Attorney McHugh look at the Town of Coxsackie's Local Law on zoning and see if we can adopt a similar local law for the Town on venues. Ayes-3(Pirrone; Brandow; Paluch) Noes-0 Absent-2(Ragaini; Spinner) Abstentions-0

**Patrick Doyle of Flint Mine Solar** came before the Board for and update. He spoke about the IDA Pilot and the Host being issued at the same time.

**Supervisor Michael Pirrone** made a motion to go into *Executive Session to discuss Legal issues*, seconded by Councilmember Mary H. Brandow. Ayes-3(Pirrone; Brandow; Paluch) Noes-0Absent-2(Ragaini; Spinner) Abstentions-0 Time; 7:40pm

**Councilmember Anthony Paluch** made a motion seconded by Councilmember Mary H. Brandow to come out of Executive Session and reconvene the regular meeting. Ayes-3(Pirrone; Brandow; Paluch) Noes-0Absent-2(Ragaini; Spinner) Abstentions-0 time: 7:56 pm

As there was no further business to come before the meeting a motion to adjourn was made by

**Councilmember Anthony Paluch** seconded by Councilmember Mary H. Brandow. Ayes-3(Pirrone; Brandow; Paluch) Noes-0 Absent-2(Ragaini; Spinner) Abstentions-0 Meeting adjourned at 7:56