

**The regular meeting of the Athens Town Board was called to order with the Pledge of Allegiance** to the Flag, at 7:00 pm by Supervisor Michael N. Pirrone presiding at the Athens Town Hall, 2 First Street, Athens, NY.

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

**These people were also present:** Karen Dudley; Mary Kristine Garvey; Janet Paluch; Eugene Paluch; Becky Pine and Patrick Doyle of Flint Mine Solar, LLC.

**Councilmember Michael Ragaini** made a motion seconded by Councilmember Shannon Spinner **to approve the following vouchers, which were audited by the Board prior to the start of the meeting:**

**General Abstract #16**, vouchers #411 through #425 inclusive for **\$12,332.79**.

**Highway Abstract #15**, vouchers #137 through #152 inclusive for **\$70,337.03**.

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

**Councilmember Michael Ragaini** made a motion seconded by Councilmember Shannon Spinner **to approve the minutes of August 21, 2023, as read.** Ayes-3 (Pirrone; Ragaini; Spinner) Noes-0 Absent-2 (Brandow; Paluch) Abstentions-0

**Councilmember Shannon Spinner** made a motion seconded by Councilmember Michael Ragaini **to approve the Town Clerk's Report for the month of August 2023, as presented.** Ayes-3 (Pirrone; Ragaini; Spinner) Noes-0 Absent-2 (Brandow; Paluch) Abstentions-0

**Resident Issues:**

Supervisor Pirrone reported that there has been speeding on Leeds Athens Road, between Rt. 9W and Howard Hall Road.

A car, a boat and trash have been left behind, on a new owner's property. Supervisor Pirrone has notified the Code Enforcement Officer, the Highway Superintendent, and Athens PD.

**Supervisor's Report: Legal Issues:**

- ❖ Association of Property Owners of Sleepy Hollow Lake, Inc. & Sleepy Hollow Water Company, Inc., Plaintiffs (Index No. EF2023-573, Dtd. August 11, 2023) has served the Town Attorney-CPLR Article 78-versus Greene County Industrial Development Agency; Greene County, NY; Town of Athens, NY; Town of Coxsackie, NY; Coxsackie Athens Central School District; Flint Mine Solar, LLC; John Does #1 to 10; and ABC Corporations #1 to 10. Assigned to the Honorable Sharon Graff, J.S.C.
- ❖ Coxsackie Athens Central School District (Index EF2023-596, Dtd. August 17, 2023)- has served the Town Attorney- CPLR Article 78- versus Flint Mine Solar LLC.: Greene County Industrial Development Agency; Greene County, NY; Town of Athens, NY; Town of Coxsackie. Assigned to the Honorable Richard Mott, J.S.C.
- ❖ Free Point Solar LLC. (Index 2023-571, Dtd. August 10, 2023) has served the Town Attorney- CPLR Article 78- versus Town of Athens, NY, Zoning Board of Appeals.

**Supervisor's Report- General Items:**

**Athens Village Trustees** have unanimously agreed to the Municipal Building Athens/Village joint building study.

**Central Hudson Gas & Electric Corp.** filed with the NYS Public Service Commission seeking to increase delivery rates.

**Proceeding with implementing a Credit Card Payment Processing System.** As previously discussed with the Town Board, these improvements & modernization steps will enhance the efficiency of operations.

**Planning & discussions** regarding Town Telecommunications System improvements, replacement, modernization.

**Athens Community Foundation Grant for Cultural Center- Victorian Stroll.**

**On the motion of Councilmember Michael Ragaini** seconded by Councilmember Shannon Spinner **RESOLUTION #2023-42** *to authorize the Town Supervisor to sign a letter of engagement with John Dowd, Esq. and Dreyer Boyajian, Attorneys at Law for the New Article 78 petition from Association of Property Owners-Sleepy Hollow Lake et. al. was adopted as follows:*

**WHEREAS** the Town Board of the Town of Athens hereby determines that it is in public interest and purpose to procure Legal representation for a new Article 78 proceeding brought by Sleepy Hollow Lake, Inc. based on their opposition to the Greene County IDA and related parties from executing the PILOT agreement with **Flint Mine Solar**. Sleepy Hollow is seeking relief from future expenditures for monitoring potential contamination within Sleepy Hollow Lake and Sleepy Hollow Watershed. The Firm, Dreyer Boyajian, has submitted an engagement letter for the Town Board's consideration.

**WHEREAS**, to meet such financial requirements, the Town Board has previously authorized such anticipated payment through the 2023 Adopted Budget process which was confirmed by the Budget Officer, and

**WHEREAS** the current funds to meet this obligation are duly held at the National Bank of Coxsackie, Athens, New York, and said funds are currently in-restricted and available within the Annual Budget, and

**WHEREAS** the financial obligation is discussed in detail within the engagement letter provided by the firm, and

**NOW, THEREFORE BE IT**

**RESOLVED**, that the Town Board hereby authorizes the hiring of the firm Dreyer Boyajian, and it is further,

**RESOLVED**, that the foregoing resolution shall become effective this 5<sup>th</sup> day of September in the year 2023.

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

**On the motion of Councilmember Michael Ragaini** seconded by Councilmember Shannon Spinner **RESOLUTION #2023-43** *to authorize the Town Supervisor to sign a letter of engagement with John Dowd, Esq. and Dreyer Boyajian, Attorneys at Law for a new Article 78 petition from the Coxsackie Athens Central School District was adopted as follows:*

**WHEREAS** the Town Board of the Town of Athens hereby determines that it is in the public interest and purpose to procure Legal representation for the New Article 78 proceeding brought by Coxsackie-Athens School District based on their assertion that the Respondent IDA changed its own rules to lower the minimum payments in lieu of Taxes (PILOT) and other requirements for a PILOT agreement to be performed by the Respondent Flint Mine Solar. The Firm, Dreyer Boyajian, has submitted an engagement letter for the Town Board's consideration.

**WHEREAS** to meet such financial requirements, the Town Board has previously authorized such anticipated payment through the 2023 Adopted Budget process which was confirmed by the Budget Officer, and

**WHEREAS** the current funds to meet this obligation are duly held at the National Bank of Coxsackie, Athens, New York, and said funds are currently un-restricted and available within the Annual Budget, and

**WHEREAS** the financial obligation is discussed in detail within the engagement letter provided by the firm, and

**NOW, THEREFORE BE IT**

**RESOLVED** that the Town Board hereby authorizes the hiring of the firm Dreyer Boyajian, and it is

**RESOLVED** that the foregoing resolution shall become effective this 5<sup>th</sup> day of September in the year 2023.

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

**On the motion of Councilmember Shannon Spinner** seconded by Councilmember Michael Ragaini **RESOLUTION #2003-44** to install a Credit Card Machine & related Digital Processing was adopted as follows:

**WHEREAS** the Town Board of the Town of Athens hereby determines that it is in public interest and purpose to hire WORLDPAY LLC and its related merchant parties to offer credit card payment processing to the resident taxpayers of the Town of Athens.

**WHEREAS** the Town Supervisor in conjunction with the Town Clerk, Deputy Town Clerk and Finance department performed a study of current municipal industry best practices and have chosen this vendor as the successful bidder from the New York State Office of General Services (OGS) Contract Award (Contract #PS68916).

**WHEREAS** to meet such financial requirements, the Town Board anticipates a modest fee associated with the Tax Collection and Town Clerk software maintenance company. Any such fees will be added to the respective department expenditure codes beginning 2024.

**WHEREAS** the current funds to meet this obligation are duly held at the National Bank of Coxsackie, Athens, New York, and said funds are currently un-restricted and available within the Annual Budget.

**NOW, THEREFORE BE IT**

**RESOLVED** that the Town Board hereby authorizes hiring of WORLDPAY LLC for the installation and processing of Real Property Taxes and Town Clerk fees as an ongoing effort to modernize business procedures within the Town of Athens Administration.

**RESOLVED** that the foregoing resolution shall become effective this 5<sup>th</sup> day of September in the year of 2023.

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

**On the motion of Councilmember Shannon Spinner** seconded by Councilmember Michael Ragaini **RESOLUTION #2023-45** in *Opposition to H. R. 3557, The American Broadband Act of 2023* was adopted as follows:

**WHEREAS** H. R. 3557, the “American Broadband Act of 2023”, was introduced with little notice and without full text on May 22, 2023, and was approved by the House Committee on Energy and Commerce, and ordered to be reported following markup only two days later May 24, 2023; and

**WHEREAS** prior to H. R. 3557’s introduction, only a single hearing was held on the eventual contents, on April 1, 2023, before the House Communications Subcommittee, the testimony before which consisted exclusively of that from witnesses supportive of federal preemption and to which not a single or local government representative was invited to testify; and

**WHEREAS** H. R.3557 would pre-empt local governments’ right-of-way compensation and management authority, zoning powers, cable franchising authority, and property rights; and

**WHEREAS** the proposed bill would bestow on broadband providers an unprecedented federal grant of access to state and local public property, but impose no obligations on those providers to serve “unserved” and “underserved” Americans; and

**WHEREAS** H. R. 3557 would mandate that siting decisions be “deemed granted” if not denied by a local government within 60 days, which is as little as 25% of the time the Federal Government gives itself to make identical decisions concerning access to federal property; and

**WHEREAS** H. R. 3557 would make virtually any local government decision no not allow the installation of a proposed wireless facility at a provider’s request a “prohibition” pre-empted by the federal law, and would require local governments to draft and publicly release a written explanation for the decisions to deny an application on the same day it votes on the decision – a virtually impossible task because such written decisions typically require the explanation and analysis of evidence presented to local Council; and

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**WHEREAS** the bill would substitute the FCC for the local federal district court as the reviewing body for challenges to local government decisions regarding wireless facility applications, thus breaking the promise made by Congress in 1996 that local governments would not be required to travel to Washington To defend local decisions; and

**WHEREAS** H. R. 3557 would also eliminate cable franchise renewals, thereby restricting the ability of State or local franchising authorities to enforce franchise obligations such as public, educational, and government channel capacity and facilities, customer service requirements, and system build-out requirements, and;

**WHEREAS** H. R. 3557 would affirmatively grant cable operators the right to use local right of way to provide non-cable services while prohibiting localities from imposing any fees on non-cable services for use of those rights - of – way; and,

**NOW, THEREFORE BE IT RESOLVED**, that the governing board of the Town of Athens, opposes H. R. 3557 and urges the House and Senate not to pass this legislation.

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

**Patrick Doyle of Flint Mine Solar, LLC.** Reported on status of the project and that the application needs to be resubmitted.

**Resident Becky Pine** asked if the above resolution was going to be sent to local representatives, such as Congressman Marc Molinaro.

**Supervisor Pirrone** told her that it be sent to our District representatives, such as Senator Gillibrand; Mr., Molinaro; State Senator Kirsten Hinchey and State Assemblyman Chris Tague.

**Resident Janet Paluch** asked why is Sleepy Hollow suing the Town Board ?

**Supervisor Pirrone** explained that Sleepy Hollow is trying to get funding so they can monitor the Lake, from the water runoff from the Solar panels.

As there was no further business to come before the meeting, a motion to adjourn was made by Councilmember Michael Ragaini seconded by Councilmember Shannon Spinner and carried.  
Ayes-3 (Pirrone; Ragaini; Spinner) Noes-0 Absent-2 (Brandow; Paluch) Abstentions-0

The meeting was adjourned at 7:20 p. m.