

REGULAR MEETING-ATHENS TOWN BOARD-NOVEMBER 9,2023

The Regular Meeting of the Athens Town Board was called to order by Supervisor Michael Pirrone on November 9, 2023 at 7:05 p.m. with the Pledge of Allegiance to the Flag at the Athens Town Hall.

The following Board Members were present: Supervisor Michael Pirrone; Councilmember Mary H. Brandow; Councilmember Shannon Spinner; Councilmember Michael Ragaini. Absent: Councilmember Anthony Paluch. Also present: Gail M. Stacey, Deputy Town Clerk.

Also in Attendance: Daniel Mitchell; Frances McCusker; Theresa Cardinale; Tiffany Greenwaldt-Simen; Mary K. Garvey; Gail Lasher; Becky Pine; Karen Dudley; Patrick Doyle; Budget/Financial Officer Donald Pierro; Michael Campbell; Robert Brunner; Paula Butler; Highway Superintendent John J. Farrell.

On a motion made by Councilmember Shannon Spinner and seconded by Councilmember Michael Ragaini, the Public Hearing for the *2024 Preliminary Budget* was opened.

**Supervisor Michael Pirrone** read the public hearing notice as published in the Daily Mail.

The **Salary Schedule** is as follows::

**Supervisor: \$14,000**

**Justice (1): \$19,588**

**Justice (2): \$18,088**

**Councilpersons: 4 @ \$5,550 = \$22,200**

**Town Clerk: \$48,000**

**Superintendent of Highways: \$73,000**

**Budget/Financial Officer Donald Pierro** explained that the only change to the Preliminary Budget was an increase expenditure to A Fund 1420.4 (other legal) to \$93,000 and B Funds 8010.4 (zoning) to \$50,000 and 8020.4 (planning) to 25,000 to accommodate for anticipated legal fees due to any Article 78 cases that may arise or are filed as to date. Mr. Pierro also stated that in a previous budget workshop, \$126,000 in cuts was made to the 2024 budget. The minutes of the October 19, 2023 Budget Workshop were submitted to the Board. Supervisor Pirrone stated that the Palmateer lawsuit would not be covered under NYMIR. Mr. Pierro and Supervisor Pirrone discussed that the Town Clerk salary may be amended in January 2024.

With no further questions, the floor was open to the public.

**Karen Dudley:** Would like to know why the Supervisor needs a confidential secretary. The Town Clerk line has the same amount. Work is being taken away from the Town Clerk but will be getting more money. Mr. Pierro explained that each of the two positions are allowed to have an additional "set of hands". She also asked if these positions have been in the previous budgets and the answer to that question was yes. When was the last time the Supervisor had an assistant? Not in recent years. Supervisor Pirrone explained that the Town is hoping to move forward with the improvements in the systems, storage, records, and modernization of the office. Reliable help will be needed with such tasks. Does that amount in budget cover 4 hours a week? If that is what it is. Could be 8 hours a week, 52 weeks, no benefits. As to date, there are no candidates for either position.

**Robert Brunner:** pointed out that there was a typo in the Code Enforcement Salary line: written as \$2600, should be \$26,208 (will be corrected). Funds have also been made available for an additional position if needed. Thought was to add an extra person to maybe bring in an additional 30% revenue from the Code Enforcement office. No candidates as to date.

**Karen Dudley:** Where in the Budget will the cost of the credit card system be covered? No cost for equipment and no money set aside for vendors. Any costs will be covered in Contingency (1990.4).

Any Budget Amendments and Transfers will be completed at the next meeting in November or the first meeting in December; both require resolutions.

With nothing further to come before the Board on the above matter, Supervisor Pirrone closed the Public Hearing.

On a motion made by Councilmember Shannon Spinner seconded by Councilmember Mary H. Brandow the Public Hearing was closed. Ayes- 4 (Pirrone; Brandow; Spinner; Ragaini) Noes- 0 Absent- 1 (Paluch) Abstentions- 0. Budget will be available in the Town Clerk's Office for anyone wishing to obtain a copy or if there is any additional questions.

**Councilmember Shannon Spinner** made a motion seconded by Councilmember Mary H. Brandow to approve the following vouchers audited by the Board prior to the meeting:

**General Abstract #20**, vouchers #502 through #536 inclusive for **\$17,653.23**.

**Highway Abstract #19**, vouchers #192 through #204 inclusive for **\$11,514.90**.

**Trust & Custodian:**

Camp Catskill, Abstract #6, voucher #8, for **\$600.00**.

Ayes: 4 (Pirrone; Spinner; Brandow; Ragaini) Noes: 0 Absent- 1 (Paluch) Abstentions- 0

**Councilmember Michael Ragaini** made a motion seconded by Councilmember Shannon Spinner to approve the *Minutes of October 16, 2023* as written.

Ayes- 4 (Pirrone; Brandow; Spinner; Ragaini) Noes- 0 Absent- 1 (Paluch) Abstentions- 0

**Councilmember Mary H. Brandow** made a motion seconded by Councilmember Shannon Spinner to approve the *Town Clerk's Report for October 2023* as presented.

Ayes- 4 (Pirrone; Brandow; Spinner; Ragaini) Noes- 0 Absent- 1 (Paluch) Abstentions- 0

**Legal Items:** 1: Freepoint Solar Article 78 vs Town of Athens & Zoning Board of Appeals, 2: Association of Property Owners of Sleepy Hollow/Sleepy Hollow Water Company, Inc Article 78 vs Greene County IDA; Greene County, NY; Town of Athens; Town of Coxsackie; Coxsackie-Athens CSD; Flint Mine Solar; Joh Does 1 to 10; ABC Corporations 1 to 10. 3:Coxsackie-Athens CSD Article 78 vs Flint Mine Solar LLC; Greene County IDA; Greene County; Town of Athens; Town of Coxsackie. 4: Lee Allen Palmateer vs Greene County IDA; New Athens Generating Co., LLC; Paul J Goldman; County of Greene; Catskill CSD; Town of Athens.

All the above have been sent to a lawyer who specializes in such cases. Funds have been provided to cover costs.

1030 Leeds Athens Rd. has been deemed a dangerous and unsafe property in the Town of Athens. The house has been boarded up and Real Property Tax Service has been notified of the expenses: \$471 in labor, \$518 in materials, and \$250 in administrative expenses, of which will be added to the Town and County tax bill for reimbursement.

Athens Clean-Up Day in October went well.

*The County Resolution No.331-23 "Establishing Equalization Rates"* was given to the Board to review.

The County has sent the new numbers for the *Senior & Disabled Tax Exemption Income Limits* as follows with an increase of 3.2% with full sliding scales for both:

Maximum Income Limit-	\$35,100	50%
	\$35,100.01 to \$36,099.99	45%
	\$36,100 to \$37,099.99	40%
	\$37,100 to \$38,099.99	35%
	\$38,100 to \$38,999.99	30%
	\$39,000 to \$39,899.99	25%
	\$39,900 to \$40,799.99	20%
	\$40,800 to \$41,699.99	15%
	\$41,700 to \$42,599.99	10%
	\$42,600 to \$43,499.99	5%

**2023 Greene County Hazard Mitigation and Resilience Plan.**

The Town of Athens, NY,  
Resolution No. 2023-49

A RESOLUTION OF THE TOWN of ATHENS, NY ADOPTING the 2023 Greene County Hazard Mitigation and Resilience Plan.

Whereas, the Town of Athens, NY recognizes the threat that natural hazards pose to people and property within the Town of Athens, NY and

Whereas, the Town of Athens, NY has prepared a multi-hazard mitigation plan, hereby known as 2023 Greene County Hazard Mitigation and Resilience Plan in accordance with the Disaster Mitigation Act of 2000; and

Whereas the 2023 Greene County Hazard Mitigation and Resilience Plan identifies mitigation goals and actions to reduce or eliminate long-term risk to people and property in the Town of Athens, NY from the impacts of future hazards and disasters; and

Whereas adoption by the Town of Athens, NY demonstrates their commitment to hazard mitigation and achieving the goals outlined in the 2023 Greene County Mitigation and Resilience Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN OF ATHENS, NY, THAT:

Section 1: In accordance with the Code of the Town of Athens, Chapter 15 EMERGENCY MANAGEMENT PLAN, Paragraph 15-2, section B, the Town of Athens, NY adopts the 2023 Greene County Hazard Mitigation and Resilience Plan. This plan, approved by the community, may be edited, or amended after submission for review, but will not require the community to re-adopt any further iterations. This only applies to this specific plan and does not absolve the community from updating the plan in 5 years.

ADOPTED by a vote of 4 in favor and 0 against, and 0 abstaining, this 9<sup>th</sup> day of November 2023.

By: Michael N. Pirrone

ATTEST BY: Gail M. Stacey

APPROVED AS TO FORM: By: Gail M. Stacey

A motion was made by Councilmember Michael Ragaini and seconded by Councilmember Shannon Spinner to Adopt the 2023 Greene County Hazard Mitigation and Resilience Plan. Ayes-4 (Pirrone; Bradow; Spinner; Ragaini) Noes- 0 Absent-1 (Paluch) Abstentions- 0.

**Financial/Budget Officer Donald Pierro** discussed the following changes to the *Employee Handbook* with the Board: **312: Resignations**- other than Town Officers or Town Clerk, an employee shall submit in writing to their Department Head and Town Clerk specifying the effective date and provide two weeks' notice. Benefit Time such as Vacation, Sick, or Personal may not be used in the final two weeks unless authorized by the Supervisor. **705: Medical Plan**- Full Time Town Employees are eligible for single coverage. Part Time Employees are not eligible for medical coverage. Full Time Employees can pay for spouse and family members at full cost. Town of Athens Highway Union Employees who need to transition from the Union covered insurance policy to the Town of Athens insurance policy may do so when preparing for retirement a minimum of one year prior. There will be no Medicare reimbursement for new employees. All changes will be acted upon at the November 20, 2023 meeting.

**Patrick Doyle, Flint Mine Solar** came before the Board with a few updates. Plan is coming to finalization. A State Engineering Environmental Plan has been submitted. A preliminary tree clearing permit may be sought due to the time of the year the project is slated to start. There is no tree cutting due to the endangered long-eared bat from March to October. All land acquisitions have been completed including one leased land, approximately 400-acres total.

**Karen Dudley** wanted to know if there was any updates regarding the Hudson-Champlain Pipeline. All information has been made aware to the residents. There will be interruptions to the residents. She would like to be updated.

*ARX Application* before the Planning Board: The Town Attorney will be present at any remaining meetings for said application. Legal expenses will arise.

Meeting frequency and time will be discussed at a later date. There may also be some Holiday changes.

Highway Superintendent John J Farrell sold 879 cubic yards of surplus road sand for \$8,157.12.

At a Meeting of the Town Board of the Town of Athens, at 2 First Street, Athens, New York, on November 9, 2023 there were:

	<i>Present</i>	<i>Absent</i>	<i>Aye</i>	<i>Nay</i>	<i>Abstain</i>
Michael Pirrone	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Shannon Spinner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mary Brandow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Anthony Paluch	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Michael Ragaini	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Total</i>					

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I, Council member Shannon Spinner offer the following resolution and move its adoption:

**WHEREAS**, the Town Attorney has submitted a Record of Activity from June 1, 2023 through August 31, 2023, as prescribed by the New York State and Local Retirement System; and

**WHEREAS**, the Town Clerk has prepared form RS 2417-A, "Standard Work Day and Reporting Resolution for Elected and Appointed Officials", dated November 9, 2023, a copy of which is attached;

**NOW, THEREFORE BE IT RESOLVED**, that the Town Board of the Town of Athens does hereby approve the submitted Record of Activity forms submitted by the Town Attorney from June 1, 2023 through August 31, 2023; and

**BE IT FURTHER RESOLVED**, that the Town Board authorizes and directs the Town Clerk to sign the attached RS 2417-A form and submit it to the New York State and Local Retirement System, and simultaneously post a copy of this Resolution and form 2417-A on the Official Town of Athens Bulletin Board for not less than thirty (30) days.

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

On a motion made by Member Shannon Spinner seconded by Member Mary H. Brandow, The above *Resolution #2023-50* was approved. Ayes- 4 Noes- 0 Absent- 1 (Paluch) Abstentions- 0.

**Dan Mitchell**, 1062 Schoharie Turnpike came before the Board with a complaint about his neighbor Luigi DiStefano. He would like the Board to revoke the permit given to Mr. DiStefano to dump 80 yards of dirt. He has no intention of planting trees, if anything, he is taking trees down. A life time ban was issued by former Code Enforcement Office George Holsopple to Mr. DiStefano. He is also asking the backhoe and bulldozer be removed from the property as the equipment is leaking diesel fuel. Mr. Mitchell has lost koi fish because of this issue. DEC will not handle complaint because it is private property. He states that you can see the mud slide down the hill. He also states that the driveway (blind spot) and drainage is illegal and also the hidden driveway sign was obtained illegally. Spring fed, natural water is being destroyed. Mr. Mitchell's property is not mapped as a wetland because of the acreage but is a class 2 wetland; he has contacted DEC to get his land mapped.

Supervisor Pirrone will direct Code Enforcement Officer Albert Gasparini to start proceedings on the issues and contact the Town Attorney.

Mr. Mitchell will provide a letter outlining his complaint.

**Karen Dudley** brought forth to the Board the speeding issue on Washington St., from a resident, and that the police officers refuse to write tickets because the Town gets the fees and not the Village. Gail Lasher disagreed stating that the Village does get a percentage. Supervisor Pirrone

said it was a Village issue. Mrs. Lasher also stated that the average speed on Washington St. did not warrant additional coverage after a study by the State Police and Village Police was done.

**On a motion made by Councilmember Michael Ragaini** and seconded by Councilmember Shannon Spinner, the 2024 Budget with corrections was adopted. Ayes- 4 (Pirrone; Brandow; Spinner; Ragaini) Noes- 0 Absent- 1 (Paluch) Abstentions- 0. ADOPTION of BUDGET for 2024.

With nothing further to come before the Board, Councilmember Shannon Spinner made a motion to adjourn seconded by Councilmember Michael Ragaini. Ayes- 4 (Pirrone; Brandow; Spinner; Ragaini) Noes- 0 Absent- 1 (Paluch) Abstentions- 0.

Meeting Adjourned; 8:20 p.m.