

The regular meeting of the Athens Town Board was called to order by Supervisor Michael N. Pirrone, on November 20, 2023, at 7:00 pm with the Pledge of Allegiance to the Flag at the Athens Town Hall.

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

These people were also present: Highway Superintendent John J. Farrell; Financial/Budget Officer Donald Pierro; Code Enforcement Officer Albert Gasparini; Tami Bone; George Greiner; Becky Pine; Patrick Doyle of Flint Mine Solar; Robert Brunner and Ed Bloomer.

**Councilmember Mary H. Brandow** made a motion seconded by Councilmember Michael Ragaini to approve the following vouchers that were audited by the Board prior to the meeting, for payment. Ayes-4 (Pirrone; Brandow; Ragaini; Paluch) Noes-0 Absent-1 (Spinner) Abstentions-0

**General Abstract #21**, vouchers #537 through #553 inclusive for **\$51,500.68**.

**Highway Abstract #20**, vouchers #205 through #216 inclusive for **\$46,143.37**.

**Councilmember Michael Ragaini made a motion** seconded by Councilmember Mary H. Brandow to approve the minutes of November 9, 2023, as read. Ayes-4 (Pirrone; Brandow; Ragaini; Paluch) Noes-0 Absent-1 (Spinner) Abstentions-0

**Highway Superintendent John J. Farrell** reported that all current Town vehicles have now been equipped with cutoff switches.

He also reported that the truck that was ordered last year, is coming in April of 2024. This will be taken out of NYS CHIPS Funding (\$180,000.)

He will put a request in for reimbursement of \$100,000.

He would like to purchase a full frame tractor/ a roadside Mower to replace the 1974 vehicle.

It would be coming from Sourcewell Tiger Mowers.

He will need a Letter of Intent for Tiger Mowers.

There is a Paving Project that will be coming out of State Funds.

**On the motion of Councilmember Mary H. Brandow** seconded by Councilmember Michael Ragaini the following **RESOLUTION #2023-51 authorizing the Letter of Intent that the Highway Superintendent needs for Tiger Motors, for the Mid-mount Boom Mower.**

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

**Code Enforcement Officer Albert Gasparini** reported there were eight (8) Building Permits. There were fifteen (15) Building Inspections.

He had Building Permit Inquiries for parcels of land to building Homes on Residential Solar Panels; Accessory Structures for a house:

**Battery Energy Storage System (B.E.S.S.)** looking at properties on Leeds Athens Road and West of Route 9W.

There was one inquiry about the reopening of the Old Green Lake Resort.

Two (2) Certificates of Compliance were issued: Install Electric Vehicle Charging Outlet and Car Charging Cable; Renovation of a House.

One (1) Certificate of Occupancy was issued for 686 Green Lake Road, LLC.

There were seventeen (17) Certificates of Occupancy Searches. Twelve (12) of these were for properties near Flint Mine Solar properties. There were three (3) Septic Permits: one for 698 Green Lake Road, LLC.: one for 706 Green Lake, LLC.: One for a developing property near 25 Skinner Lane.

There was one Short Term Rental Certificate.

**He reported on Violations that are ongoing:** October 23, 2023, an email was received from property owner of 1540 Leeds Athens Road with the request of a Building Permit. An email was sent to the property owner on October 27, 2023. The owner is seeking a building permit for an estimated cost of construction in the amount of \$1,000.00 to repair the interior of his home. He

stated that his roof is repaired. He requested the property owner to email any inspection paperwork by a contractor for the roof. Nothing has been heard since October 23, 2023.

\* 1540 Leeds Athens Road, Violation of Property Maintenance Code of New York State, Chapter 3 General Requirements, 304.7 Roofs and Drainage, 305.3 Interior surfaces. The next Court date: September 28, 2023, at 2:00 P.M.

**The Assessor's written report** showed their office has processed the following:

Town Permits: 2  
Village Deeds: 2  
Town Deeds: 6  
Village E-911 Number Revision: 2

They are continuing to update their files, adding pictures, verifying data, filing, collecting data on the Village and Town Building Permits for valuation for the 2024 assessment roll, including the Split/Merges, which will be ongoing throughout the year.

The Village sales range from \$370,000 to \$1,241,000, not including the conditional deeds.

The Town sales range from \$80,000 to \$715,000, not including the conditional deeds.

They are working on the Senior Citizens/Persons with Disability on a Limited Income exemption renewals, and plan to have them in the mail within the next 2 weeks, which is the final mailing of the renewals, again the filing deadline is on or before March 1st,

Their file was sent to the County for the 2024 Town/County Tax bill processing. They are mandated again this year by NYS Taxation and Finance to send out a mass mailing for a second notice to all residential property owners of the Senior Citizens exemption, which the County has offered to assist, with a charge back to the municipalities.

**Supervisor Michael N. Pirrone** informed the Board that Code Enforcement Officer Albert Gasparini has received a letter from Young / Sommer LLC Attorneys at Law, stating that they represent KCE NY 35, LLC and they are requesting a written Zoning Law Interpretation RE: Essential Services.

The applicant is proposing the construction of an unmanned 200 MW battery energy storage system ("BESS").

**Young /Sommer claims** that KCE NY 35, LLC or Key Capture Energy's 200 MW battery storage System is an allowable use as an essential service/public utility.

Supervisor Pirrone said that the property is zoned as mixed use. This is not covered in our zoning.

**Attorney George McHugh** drew up a proposed local law titled "Battery Energy Storage Systems." There will be a public Hearing on the proposed local law on December 18, 2023, at 7:00 p.m. at Town Hall.

**Donald Pierro, Financial/Budget Officer** reported that he had hand delivered the Town Budgets as adopted to Green County.

**All financial activity for January 1<sup>st</sup>** through October 31, 2023, has been recorded on the General Ledger with no exceptions.

The "B" Fund operates typically at a small operational loss due primarily to legal expenses for Article 78 proceedings. Currently, there are four new Article 78 stemming from both Freepoint and Flint Mine Solar/ZBA. Also, there is one new Article 7 Claim from Sleepy Hollow Lake.

The DB Fund is awaiting the reimbursement of CHIPS Funds in the amount of \$100,000.

The summary of Cash and a Combining Balance sheet are updated and attached to the rear of the monthly Statement of Activities report.

All Operating and Reserve Bank Statements and Cash Reconciliations were completed for the month ending October 2023 with no exceptions noted.

The October Monthly Retirement Report was prepared, filed timely, and accepted as submitted without exceptions.

**Supervisor Pirrone reported that Randy Squire** of Cocksackie Athens Central School District, will be attending the Town meeting on December 4, 2023, to speak of the Capital Projects to be voted on December 12, 2023.

Lists of Town Board meeting dates for 2024, Holidays for 2024 were handed out to Board members.

**Supervisor Pirrone spoke** about calling other Attorneys and Engineers for assistance for some of the new projects.

**On the motion of Councilmember Anthony Paluch** seconded by Councilmember Mary H. Brandow the following **RESOLUTION #2023-52 Authorizing the Town Supervisor to sign the Professional Services Agreement with Delaware Engineering, D.P.C., was adopted.** Ayes-4 (Pirrone; Brandow; Ragaini; Paluch) Noes-0 Absent-1 (Spinner) Abstentions-0

**On the motion of Councilmember Anthony Paluch** seconded by Councilmember Michael Ragaini the following **RESOLUTION #2023-53 Authorizing the Town Supervisor to sign the Professional Services Agreement with Dreyer-Boyajian Attorneys at Law, was adopted.** Ayes-4 (Pirrone; Brandow; Ragaini; Paluch) Noes-0 Absent-1 (Spinner) Abstentions-0

**On the motion of Councilmember Mary H. Brandow** seconded by Councilmember Michael Ragaini the following **RESOLUTION #2023-54**, making recommended changes to the Employee Handbook was adopted as follows: **Section 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: **Section 705: Medical Plan** – Full Time Employees are eligible for single coverage. Part Time Employees are not eligible for medical coverage. Full Time Employees can pay for their 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. **Ayes-3 (Pirrone; Brandow; Ragaini) Noes-1 (Paluch) Absent-1 (Spinner) Abstentions-0**

**Patrick Doyle of Flint Mine Solar** told the Board that the Final plans have been submitted.

**Resident George Greiner questioned** the amounts to be paid on the Agreement for Attorneys, paralegals, and engineers.

**He was told** that there are no retainers upfront.

**Mr. Greiner** also asked if the Assessor attended any of these meetings.

**Supervisor Pirrone** responded that she has a contract that does not require her to attend these meetings.

As there was no further business to come before the meeting **a motion to adjourn was made by Councilmember Michael Ragaini** seconded by Councilmember Mary H. Brandow.

The meeting was adjourned at 7:45 p.m.

