

The regular meeting of the Athens Town Board was called to order at 7:01 p.m. by Supervisor Michael N. Pirrone, on December 4, 2023, with Pledge to the Flag, at Town Hall.

These people were present: Supervisor Pirrone; Councilmember Mary Brandow; Councilmember Michael Ragaini; Councilmember Anthony Paluch; Councilmember Shannon Spinner and Town Clerk Linda M. Stacey.

**These people were also present:** Attorney Geroge McHugh; Financial/Budget Officer Donald Pierro; Theresa Cardinale; Fran McCusker; Tiffany Greenwaldt-Simon, of the Catskill Daily Mail; Karen Dudley; Becky Pine; Randy Squire. Superintendent of Coxsackie-Athens Central School District; Michael Black; Kristen Bates; Kris Garvey and Patrick Doyle of Flint Mine Solar and Robert Brunner.

**Coxsackie-Athens Central School District's Capital Project** was explained to all in attendance, by School Superintendent Randy Squire.

The School District is proposing a \$29.4 million capital project designed to enhance the well-being of students, faculty, and the community. The State-mandated Building Condition Survey, completed in 2020, began the development of this capital project to prioritize improvements to health and safety, educational programming, and access to mental health resources.

Both Elementary Schools are scheduled to have air conditioning installed. (Also, for middle school and high school.) Tennis courts, basketball, and pickle ball courts are to be redone/upgraded. Three science rooms are to be renovated. There are several other rooms that will be repurposed. Synthetic athletic fields. A new school website.

This will be put out to bid, IF passed on December 12, 2023, a year from now.

Mr. Squire encouraged everyone to get out and vote.

**Councilmember Shannon Spinner made a motion** seconded by Councilmember Mary Brandow to approve the following vouchers, which were audited by the Board, prior to the meeting for payment:

**General Abstract #22**, vouchers #554 through #573 inclusive for **\$25,790.38**.

**Highway Abstract #21**, vouchers #217 through #228 inclusive for **\$15,039.05**.

**Trust & Custodian:**

**Camp Catskill-** Abstract #7, vouchers #9 & #10 for **\$1,563.24**.

**Culpeper Wood Preservers:** Abstract #11, voucher #1 for **\$119.84**.

**Deschaine-** Abstract #, voucher #11 for **\$75.00**.

**Pet Cremation:** Abstract #2, voucher #3 for **\$65.04**.

Ayes-5 (Pirrone; Brandow; Ragaini; Paluch; Spinner) Noes-0 Absent-0 Abstentions-0

**Councilmember Michael Ragaini** made a motion seconded by Councilmember Mary Brandow to approve the minutes of November 20, 2023, as read. Ayes-5 (Pirrone; Brandow; Ragaini; Paluch; Spinner) Noes-0 Absent-0 Abstentions-0

**Councilmember Mary Brandow made** a motion seconded by Councilmember Shannon Spinner to approve the Town Clerk's Report for November 2023. Ayes-5 (Pirrone; Brandow; Ragaini; Paluch; Spinner) Noes-0 Absent-0 Abstentions-0

**Supervisor Pirrone listed** the Legal items to date and reported that nothing has changed.

- Legal Items: Free Point Solar LLC. (Index2023-571, Dtd. August 10, 2023) has served the Town Attorney-CPLR Article 78- versus Town of Athens, NY, Zoning Board of Appeals.
- 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.

- Cocksackie-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 Cocksackie. Assigned to the Honorable Richard Mott, J.S.C.
- Lee Allen Palmateer, Index No. EF2023-2803, Dtd. November 20, 2023) has served the Town Attorney-CPL Article 78- versus Greene County Industrial Development Agency; New Athens Generating Company, LLC; Paul J. Goldman; County of Greene, NY; Catskill Central School District; Town of Athens, NY.

**Supervisor’s Report: General Items:**

A proposed local law has been drawn up for Battery Energy Storage Systems, by Attorney George McHugh, Supervisor Pirrone and Engineer Adam Yagelski, from Delaware Engineering.

**Supervisor Michael N. Pirrone** advised the Board that it has been recommended by an Engineer of Delaware Engineering that a sensitivity Analysis be conducted to better understand the practical effects of any proposed zoning changes. A sensitivity analysis takes the underlying parcels, their zoning districts, and proposed regulations and examines where projects could be allowed.

**Each year the Greene County Legislature reviews the maximum income limits for the “Aged Senior Citizen’s Tax Exemption” (RPTL, § 467 as well as the “Persons with Disabilities and Limited Income Tax Exemptions” RPTL, §459-c) for county tax purposes.**

This year the NYS Legislature addressed the complexity of the definition of income for these exemptions. The Exemptions now use the Federal Adjusted Gross Income (FAGI) with five adjustments (three which may be changed by local option) to determine eligibility.

**The options are** 1) Deduct taxable IRA distributions (*local option to NOT deduct*)  
2) Add Social Security benefits not included in FAGI (*local option to NOT add*)  
3) Deduct medical and prescription drug expenses not covered by insurance (*by local option only*)

4) Add tax exempt interest

5) Add loss limitations (if FAGI was reduced by business or other losses, the applicant cannot include more than \$3,000 for any category and may not exceed \$15,000 in total losses)

Greene County Legislature has decided to remain with the State’s definition of income and not enact any of the local options.

**On the motion of Councilmember Mary H. Brandow** seconded by Councilmember Michael Ragaini the following **RESOLUTION #2023-55** was adopted as follows:

*The Town will follow the County’s lead in accepting the State’s definition of income, and not enacting any of the local options for Aged Senior Citizen’s Tax Exemption as well as the Persons with Disabilities and Limited Income Tax Exemptions: Sliding Scale follows:*

Maximum Income Limit-	\$35,100.00	50%
\$35,100.01	36,099.99	45%
\$36,100.00	37,099.99	40%
\$37,100.00	38,099.99	35%
\$38,100.00	38,999.99	30%
\$39,000.00	39,899.99	25%
\$39,900.00	40,799.99	20%
\$40,800.00	41,699.99	15%
\$41,700.00	42,599.99	10%
\$42,600.00	43,499.99	5%

Adopted as follows: Ayes-5 (Pirrone; Brandow; Ragaini; Paluch; Spinner) Noes-0 Absent-0 Abstentions-0

**On the motion of Councilmember Shannon Spinner** seconded by Councilmember Mary H. Brandow the following **RESOLUTION #2023-56** that *a Public Hearing be held on December 18<sup>th</sup>, 2023 on proposed local law #5 for 2023, “Battery Energy Storage Systems” at 7:00 pm at Town Hall was adopted.* Ayes-5 (Pirrone; Brandow; Ragaini; Paluch; Spinner) Noes-0 Absent-0 Abstentions-0

**On the motion of Councilmember Shannon Spinner** seconded by Councilmember Mary H. Brandow the following **RESOLUTION #2023-57 to authorize the Supervisor to have a Sensitivity Analysis taken (by Delaware Engineering) to better understand the practical effects of any proposed zoning changes.** The Sensitivity Analysis takes the underlying parcels, their zoning districts, and proposed regulations and examines where projects **could** be allowed. Ayes- 4 (Pirrone; Brandow; Ragaini; Spinner) Noes-1 (Paluch) Absent-0 Abstentions-0

**On the motion of Councilmember Michael Ragaini** seconded by Councilmember Mary H. Brandow the following **RESOLUTION #2023-58 authorizing the Supervisor to sign the Shelter Contract with Columbia Greene Humane Society,** for 2024 with a new fee schedule. It is now \$40 per day per dog. Ayes-5 (Pirrone; Brandow; Ragaini; Paluch; Spinner) Noes-0 Absent-0 Abstentions-0

**Patrick Doyle, of Flint Mine Solar** reported that on December 12,13, and 14<sup>th</sup> there will drone work. Detailed plans are now being approved. They are still working with the Army Corp. of Engineers.

**Karen Dudley** asked why the Town didn’t put a moratorium on the Battery Energy Storage Systems instead of a local law.

**Attorney George McHugh** stated that they both take about the same amount of time, and this way there is local law in place.

**Robert Brunner** asked about the Sensitivity Analysis.

**Becky Pine** asked what are we not seeing for our zoning.

**Supervisor Michael N. Pirrone** made a motion seconded by Councilmember Michael Ragaini to move into *Executive Session to Discuss Professional Services Duties and Responsibilities;* Ayes-5(Pirrone; Brandow; Ragaini; Paluch; spinner) Noes-0 Absent-0 Abstentions-0 Time: 8:00 p.m.

**Councilmember Michael Ragaini** made a motion seconded by Councilmember Mary Brandow to *adjourn the Executive Session. Time 8:10 pm.* Ayes-5 (Pirrone; Brandow; Ragaini; Paluch; Spinner.) Noes-0 Absent-0 Abstentions-0

**Councilmember Mary Brandow** made a motion seconded by Councilmember Shannon Spinner to *move to reconvene Regular Session.* Ayes-5(Pirrone; Brandow; Ragaini; Paluch; Spinner) Noes-0 Absent-0 Abstentions-0

**Councilmember Michael Ragaini made a motion** seconded by Councilmember Shannon Spinner *to make the following Financial Amendments to the Town Budget: Decrease Town Clerk Salary by \$6,000; Increase Town Attorney Retainer by \$4,000 ; Increase Town Contingency by \$2,000.* Ayes-5 (Pirrone; Brandow; Ragaini; Paluch; Spinner) Noes-0 Absent-0 Abstentions-0

As there was no further business to come before the meeting a motion to adjourn was made by Councilmember Shannon Spinner seconded by Councilmember Michael Ragaini: Time 8:15pm. Ayes-(Pirrone; Brandow; Ragaini; Paluch; Spinner) Noes-0 Absent-0 Abstentions-0