

REGULAR MEETING – ATHENS TOWN BOARD – December 18, 2023

The regular meeting of the Athens Town Board was called to order at 7:00 p.m. by Supervisor Michael N. Pirrone, on December 18, 2023, with the Pledge of Allegiance to the Flag, at Town Hall.

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

These people were also present: Highway Superintendent John J. Farrell; Finance/ Budget Officer Don Pierro; Attorney George McHugh; Assessor Dawn DeRose and Administrative Aide to the Assessor Alison Dooley; Code Enforcement Officer Albert Gasparini; Tami Bone; George Greiner; Mary K. Garvey; George and Michelle Re; Becky Pine; Robert Brunner; Patrick Doyle and Michael Cambell.

Supervisor Michael N. Pirrone read the Notice of Public Hearing as it appeared in the Official Newspaper. * The Town Board of the Town of Athens will hold a Public Hearing on Monday, December 18, 2023, at 7:00 p.m. at the Athens Community Center, 2 First St., Athens, NY 12015 to hear any and all comments, questions, or opinions on proposed Local Law #5 entitled "Battery Energy Storage Systems". This Local Law shall be adopted pursuant to sections 22 and 22 of the Municipal Home Rule Law. The purpose of this Local law is to advance and protect the public health, safety, and welfare of the Town by creating regulations for the installation and use of Battery Energy Storage Systems. The proposed Local Law is available in the Town Clerk's Office for public inspection at 2 First St., Athens, NY 12015 during the hours of 9:00 a.m. and 4:00 p.m., Monday – Friday. Linda Stacey, Town Clerk.

Supervisor Pirrone advised the Board that a SEQRA has to be done and then it, and the proposed law needs to be sent to Greene County Planning Board for review. He then asked if there were any questions or comments from the public.

Becky Pine said that she would like to expand. She stated that the law only mentions hamlets. She would like to see where it protects all areas of the Town. Discussion followed.

Councilmember Michael Ragaini made a motion seconded by Councilmember Mary Brandow to adjourn the public hearing on the local law until January 16, 2024, at 6:30 p.m., at the Town Hall. Ayes-4 (Pirrone; Brandow; Ragaini; Spinner) Noes-0 Absent-1 (Paluch) Abstentions-0

Councilmember Shannon Spinner made a motion seconded by Councilmember Michael Ragaini to approve the following vouchers, which were audited by the Board, prior to the meeting for payment.

General Abstract #23, vouchers #574 through #603 inclusive for **\$41,635.46**.

Highway Abstract #22, vouchers #229 through #238 inclusive for **\$2,682.78**.

Trust & Custodian

ARX- Abstract #12, voucher #15 for **\$2,887.50**.

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

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

Highway Superintendent John J. Farrell reported the Highway crew were doing tree work on: Dawn Drive; Schoharie Turnpike; Cold Springs Road and they were working on Thorpe Road. They had also done some tree work with the Village.

Mr. Farrell informed the Board that the hydraulic tank for Truck #6 had a hole in it.

He also reported that with the rain Sunday night and today, there were only minor shoulder washouts and no Town road had to be closed.

Mr. Farrell also reported that the upgrades that were made were paying off.

McGovern Lane had flooding. The culverts are too small for rain to come down that fast, and that much. He will have to change the size of the pipe next year. (Future Plan.)

Code Enforcement Officer Albert Gasparini reported that there were 2 Building Permits; and 15 Building Inspections. There were Building Inquiries for Residential Solar Panels; an accessory structure for a house; and a garage.

Two Septic Permits were issued.

One Short Term Rental Certificate for 19S Greenwood Lane.

Fire/911 calls: 11/20/23 he received a request from 911 to respond to a house fire in the Town of Coxsackie at 1344 Flint Mine Road (a dead-end section that is on the westside of Route 9W).

He then reported on ongoing violations: 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. Next Court Date_ September 28, 2023, at 2:00 P.M.

- The landowner paid the \$800 fine and is seeking a building permit.
- 1030 Leeds Athens Road, the vandalized house is vacant and is **Red-Tagged as Dangerous and Unsafe.** The owner of Wells Fargo is still in the process of cleaning up the property.
- Property Owner Luigi DiStefano of the vacant land located on Schoharie Turnpike Tax Map Parcel ID” 104.00-2-24.2 across from 1043 Schoharie Turnpike has been sent violations for the Grading of the soil on his vacant land without installing silt fencing to protect the land from erosion, sediment and runoff to the pond and the neighboring property. Pushing down of a tree and more trees in the past. A Cease-and-Desist letter issued from Code Enforcer George Holsopple on October 25, 2013, and the denying from the Athens Zoning Board for filling and excavating of his land from June 26, 2006.

Further Description of Violations of Town of Athens Building Codes for the above property.

- On November 16, 2023, a complaint was filed with the Town of Athens Building and Code Department that on his vacant land on Schoharie Turnpike there was the use of heavy equipment to push down a tree and pushing of dirt in grading the land.
- On November 16, 2023, a site visit was made by the Code Enforcer, of the area from the complaint and found a large tree had been pushed down and the removal of the trees planted from the Limited Fill Dirt Authorization that was issued on 8/16/23.
- The large pushed down trees is a violation as described in the letter issued on October 25, 2013, by Code Enforcement Officer George Holsopple.
- The grading of the soil on his vacant land without installing silt fencing to protect the land from erosion, sediment and runoff to the pond and the neighboring property is a violation as described in Town Code Section §101-2. Application Requirements, found in Chapter 101. Filling, Depositing, Dumping and Similar Operations.
- Town of Athens Code, Chapter 180, Zoning, Table 1 of permitted Uses. The Storage of Equipment or material is **not permitted** in the Rural Residential zoned area that his property is in. **The equipment must be removed** from the property.
- On November 16, 2023, litter was found on his vacant land that included washing machines, scrap metal and plastic storage barrels. This is a violation of Chapter 121-1, Littering on premises.

He needs to check if Short Term Rentals are transferrable.

Assessor Dawn DeRose and Administrative Clerk Alison Dooley, explained the Exemptions and the Sliding scale for the Senior Citizens and Disabled People with Limited Income.

Mrs. DeRose also explained the Enhanced Star Exemption for the 2024-2025 School Year.

Donald A. Pierro, Financial /Budget Officer reported on the November 2023, Statement of Financial Activities. All Financial Activity for January 1st through November 30, 2023, has been recorded on the General Ledger with no exceptions.

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 November 2023, with no exceptions noted.

The 2024 Adopted Budget was approved with minor Board changes on November 9th.

The November Monthly Retirement Report was prepared, filed timely, and accepted as submitted without exception.

Legal Items:

Supervisor Michael N. Pirrone reported that Lee Palmateer (Index EF2023, Dtd. November 24, 2023)- has served notice CPLR 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 Pirrone reported that the **APO Sleepy Hollow & Water Company, Article 78:** **There** is a **Special Proceeding** pending against the Greene County IDA, et al to challenge the IDA decision to award funding to Flint Mine Solar Project, without considering the impacts to other properties. Oral arguments in the case will be heard on January 4, 2024, at 1:30 p.m. at the Greene County Courthouse on Main Street in Catskill (Judge Sharon Graff). The courtroom is open to the public to attend if the audience is quiet, respectful and turns off cell phones.

Beginning with the January 2, 2024, meeting, the room will be available for signing of the vouchers by the Town Council members, then the Meeting will be opened at 6:30 p.m. for Town Business.

Councilmember Shannon Spinner made a motion seconded by Councilmember Mary H. Brandow to reappoint Frances McCusker to the Board of Assessment Review from December 18, 2023, to September 30, 2028. Ayes-4 (Pirrone; Brandow; Ragaini; Spinner) Noes-0 Absent-1 (Paluch) Abstentions-0

Supervisor Pirrone advised the Board that we have received the Advanced Life Support contract from Greene Emergency Medical Systems. He requested permission to sign the contract.

On the motion of Councilmember Michael Ragaini seconded by Councilmember Mary H. Brandow the following **RESOLUTION #2023-59,** that Supervisor Michael N. Pirrone be authorized to sign **the Ambulance Agreement with GEMS,** was adopted. Ayes-4 (Pirrone; Brandow; Ragaini; Spinner) Noes-0 Absent-1 (Paluch) Abstentions-0

On the motion of Councilmember Shannon Spinner seconded by Councilmember Mary H. Brandow the following **RESOLUTION #2023-60** authorizing the Supervisor to sign the agreement for the Credit Card machine. Ayes-4 (Pirrone; Brandow; Ragaini; Spinner) Noes-0 Absent-1 (Paluch) Abstentions-0

“Battery Energy Storage Systems”- **Proposed Local Law #5.**

The purpose of this Local Law being adopted is to advance and protect the public health, safety, and welfare of the Town by creating regulations for the installation and use of Battery Energy Storage Systems as defined in the law, with the following objectives:

1. To provide a regulatory scheme for the designation properties suitable for the location, construction, and operation of Battery Energy Storage Systems;
2. To protect the health, welfare, safety, and quality of life for the general public;
3. To ensure compatible land uses in the vicinity of the areas affected by Battery Energy Storage Systems;
4. To mitigate the impacts of Battery Energy Storage Systems on environmental resources such as important agricultural lands, forests, wildlife, and other protected resources; and
5. To create synergy between Battery Energy Storage System development and other stated goals of the community pursuant to its Comprehensive Plan.

Councilmember Michael Ragaini made a motion seconded by Councilmember Mary H. Brandow that the Town be Lead Agency in a Type I action under SEQRA, and that the SEQRA and a copy of the proposed law on **Battery Energy Storage Systems** be sent to Greene County Planning for review/approval. Ayes-4 (Pirrone; Brandow; Ragaini; Spinner) Noes-0 Absent-1 (Paluch) Abstentions-0

Patrick Doyle, of Flint Mine Solar reported that they are working on approvals, and they are getting bids. The Project Team is moving forward.

Supervisor Pirrone asked how the drones worked out.

Mr. Doyle reported there were no issues.

Councilmember Michael Ragaini and Councilmember Shannon Spinner both thanked everyone for supporting them throughout their terms of Office.

Becky Pine asked Supervisor Pirrone how he made out with Delaware Engineering's Sensitivity Analysis.

Supervisor Pirrone advised her that he did not reach out to them.

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.**

The meeting was adjourned at 7:50 p.m.