REGULAR MEETING – ATHENS TOWN BOARD

March 4, 2024

The regular meeting of the Athens Town Board was called to order on March 4, 2024, by Supervisor Michael Pirrone at 6:00pm and was followed by the Pledge of Allegiance to the Flag. The meeting was held at the Athens Municipal Building, 2 First St.

There was a moment of silence in memory of our long time resident and Town Historian Lynn Brunner that passed away February 29, 2024.

The following Board were present: Supervisor Pirrone, Council Members Bone and Pine. Absent: Board member Brandow, Paluch

The following were present: Town Clerk Dinkelacker, Deputy Supervisor Lasher, Town Attorney McHugh.

The following people were in attendance: Nancy Poylo, Theresa Baker, Judy Cimmino, Tony Cimmino, Robyn Lutz, Ed Lutz, Karen Dudley, Alyson Pou, Hailee Dickson, George Greiner, Mike Ragini, Russ Nadler, Margaret Muenkel, Chris Ames, MK Garvey, Robert Brunner

A motion was made by Becky Pine and second by Tami Bone to open the Public Hearing at 6:04pm

The following spoke and were in favor of the moratorium: Karen Dudley, George Greiner, Mike Ragini, John J. Farrell, Russ Nadler, Chris Ames, Terry Baker, Judy Cimmino,

A motion was made by Becky Pine and second by Tami Bone to close the Public Hearing at 6:28pm

	Present	*Absent*	*Aye*	*Nay*	*Abstain*
Michael Pirrone	☒	☐	☒	☐	☐
Mary Brandow	☐	☒	☐	☐	☒
Anthony Paluch	☐	☒	☐	☐	☒
Rebecca Pine	☒	☐	☒	☐	☐
Tami Bone	☒	☐	☒	☐	☐
Total	3	2	2	0	2

I, Council member Becky Pine offer the following resolution and move its adoption:

WHEREAS the Town Board of the Town of Athens has introduced a proposed Local Law to authorize the establishment of a six (6) month moratorium to temporarily halt the processing and issuing of any applications, permits, certificates of occupancy, approvals, denials, determinations or interpretations for any land use relating to Battery Energy Storage Systems (BESS) facilities, and

WHEREAS, a public hearing upon proper notice was held on March 4, 2024, and

WHEREAS, the proposed adoption of the moratorium is a Type II action pursuant to SEQRA 6 N.Y.C.R.R. § 617.5 (c) (36) and therefore not subject to further review under SEQRA part 617,

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Athens does hereby enact the proposed Local Law attached hereto and made a part hereof, which shall be numbered Local Law #_1_ of the year 2024.

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

Public Item: Alyson Pou Is an independent artist seeking to get a grant from "CREARE" which requires the Grantee to have a community partner. She explained her project to the board and requested that the town be partnered up with her so she could apply for the grant.

A motion was made by Becky Pine and seconded by Tami Bone to be Ms. Pou's partner for this "CREATE" grant. Motion carried. Aye – 3, Nos – 0, Absent/Abstain - 2

VOUCHERS

The following bills were audited by the Board and ordered paid.

General 2024	**Abstract # 5**	Vouchers 82 – 108	$14031.89
Highway 2024	**Abstract # 5**	Vouchers 29 – 37	$ 9276.46
Trust & Custodian Deschaine	**Abstract #1**	Voucher 1 – 2	$ 197.08
Trust & Custodian 9071 Rt 9W	**Abstract #2**	Voucher 3	$ 560.00

PRIOR MEETING MINUTES: The minutes from February 21, 2024, were distributed to the Town board. A motion was made by Becky Pine and second by Tami Bone to accept the minutes. Motion carried. Ayes – 3, Nos – 0, Absent /Abstain – 2.

Supervisor Pirrone reported that the annual audit of the Town Clerk's book and the Town Courts books were postponed to a later date to be determined. Supervisor Pirrone

Town Clerk's Report for the month of February was presented to the Supervisor. A total of $1466.00 was collected, Dog licenses, Marriage Licenses, Building permits, etc. A total of 1$410.00 was turned over to the supervisor.

SUPERVISOR REPORT: LEGAL ITEMS: See attached agenda.

SUPERVISOR REPORT: GENERAL ITEMS: See attached agenda.

TOWN ACTION:

A motion was made by Becky Pine and seconded by Tami Bone to approve The Town Board to solicit letters of interest for a special committee to be formed to review the Town code and identify where we are vulnerable and needs to be reworked with closer attention to the elements of the Comprehensive Plan.
Motion carried. Ayes – 3, Nos – 0, Absent/Abstain – 2.

A motion was made by Tami Bone and seconded by Becky Pine to notify and reaffirm to all planning board and Zoning Board of Appeals (ZBA) of attendance, participation, and training requirements for their continued membership in their board. Must attend a minimum of three out of every five scheduled meetings. Must do 4 hours of training per year.
Motion carried. Ayes – 3, Nos – 0, Absent/Abstain – 2.

A motion was made by Becky Pine and seconded by Tami Bone to authorize the Supervisor to coordinate Planning Board and Zoning Board of Appeals training classes with Delaware Engineering. This will be free training.
Motion carried. Ayes – 3, Nos – 0. Absent/Abstain – 2.

COMMUNTIY INFORMATION: See attached agenda.

OLD BUSINESS: None

NEW BUSINESS:

Becky Pine Liaison to the planning board and she is recommending the following:

-The fees & fine schedule should be updated to Code
-A committee should be formed to do codes
-There should be additional alternate members for the planning board
-Suggested that they should have a hard copy of the code
-Suggested that the members should be reminded of the attendance & training requirements.
-We should verify that we have the most updated zoning map.

The Town Attorney recommended that the alternates should attend every meeting and get paid for it, so they are up to date on any issues.

TOWN COUNCIL CONCERNS: None

PUBLIC CONCERNS:

-Margaret Muenkel inquired how long can mortarium be extended. Attorney McHugh answered, it can be extended 6 months. If more time is needed after that the board would have to start the process for a new local law.
-Karen Dudley asked if the solar committee could meet before meeting with Delaware Engineering? Discussion followed and was decided committee should meet with Delaware engineering (Adam) so he can see which way the committee wants to go.
-Hailee Dickson asked about the Telecommunications moratorium extension. She was advised that the moratorium expired January 2024.

Being no other business to come before the Board.

A Motion was made by B. Pine and second by T. Bone to adjourn the meeting at 7:12pm. Motion passed. Ayes –3, No's – 0, Abstentions/Absents – 2.

Respectfully Submitted,

Phyllis Dinkelacker
Athens Town Clerk

Town of Athens, NY & Town Council Meeting
Municipal Building, 2 First Street

Michael N. Pirrone, Supervisor

Tentative Agenda MONDAY, MARCH 4, 2024 @ 6:00pm

Please Sign In, No Sign in-Not Included in Minutes.

- PLEDGE

- OPEN PUBLIC HEARING

Public Hearing Battery Energy Storage System Facilities

To hear any & all comments or questions on Proposed Local Law # 1, entitled "Town of Athens Battery Energy Storage Systems Facilities Moratorium Law". The purpose of this Local Law is to protect the public health, safety & welfare of the residents of the Town of Athens & to maintain the status quo as to certain Battery Energy Storage Systems Facilities & Uses, as the present zoning regulations in the Town do not adequately address this type of Use.

PUBLIC ITEM: Alysou Pou, independent artist seeking a grant from "CREATE" which requires the Grantee to have a Community Partner. Attached.

- VOUCHERS: To Approve the Vouchers audited by the Town Board for payment.
  Motion By 2nd By AIF
  EXCEPTIONS NOTED:

- PRIOR MEETING MINUTES: To Approve the Minutes of February 21, 2024.
  Motion By 2nd By AIF
  EXCEPTIONS NOTED:

Supervisor Report: Legal Items

- Free Point Solar LLC. (Index 2023-571, Dtd. August 10, 2023) - CPLR Article 78 - versus Town of Athens, NY, Zoning Board of Appeals.
- APO Sleepy Hollow Lake, Inc., et al, Plaintiffs (Index No. EF2023-573, Dtd. August 11, 2023) – vs Greene County Industrial Development Agency, et al.

- Coxsackie Athens CSD (Index EF2023-596, Dtd. August 17, 2023) - versus Flint Mine Solar LLC.; Greene County Industrial Development Agency; et al. Assigned to the Honorable Richard Mott, J.S.C.
- Residents Appeal et al, Appeal to Zoning Board of Appeals, of Planning Board Site Plan Approval and Special Use Permit.

Supervisor Report: General Items

- Town Attorney schedule a meeting with Teamsters Local 294 Business Agent Michael Degano for February 28 @ 2:00 pm @Athens Town Hall.
- CEO Gasparini & Town Attorney McHugh schedule for Court Hearing on March 7, to address Code Violations.
- Capital Bicycle Racing Club (CBRC) to stage its annual Trooper David Brinkerhoff Memorial Race Series. This will be held on April 20 and April 27.
- New Athens Generating Company Petition to NYS Public Service Comm. for Approval of Proposed Sale to Gate City Power-NE Generation LLC.
- Even Year Election Legislation, Proposed Public Hearing, Mandatory Referendum, Local Law, Change the Term of Supervisor, Town of Athens.

- Town Action: To adoption Local Law #_____ , Battery Energy Storage Systems Facilities Moratorium for a period of .

Motion By 2nd By AIF

EXCEPTIONS NOTED:

- Town Action: To Authorized the Supervisor to sign the Letter of Agreement, Fiscal Sponsor Form, for the CREATE Council on the Arts Grant application with Project Artist Alysou Pou. The Town of Athens will serve as sponsor & custodian of the grant funds until project completion.

Motion By 2nd By AIF

EXCEPTIONS NOTED:

- Town Action: The Town Board will solicit letters of interest for a special committee to be formed to review the Town code, where we are vulnerable, needs to be reworked with closer attention to elements of the Comprehensive Plan.

Motion By 2nd By AIF

EXCEPTIONS NOTED:

- Town Action: To Notify & reaffirm to all Planning & Zoning Committee members of attendance, participation & training requirements for continued membership. Attendance: minimum of three out of every five scheduled meetings, etc. Training: 4 hours per year.

Motion By 2nd By AIF

EXCEPTIONS NOTED:

- Town Action: To Authorize the Supervisor to Coordinate Planning & Zoning members training classes, with Delaware engineering.

Motion By 2nd By AIF

EXCEPTIONS NOTED:

- Town Action:

Motion By 2nd By AIF

EXCEPTIONS NOTED:

- Town Action: Motion to

Motion By 2nd By AIF

EXCEPTIONS NOTED:

- Town Action: Motion to

Motion By 2nd By AIF

EXCEPTIONS NOTED:

Community Information:

- March 14: Zoning Board of Appeals. E. J. Arthur School
- March 18: Town Board Meeting. Municipal Building.
- March 28: Planning Board Mtg. Municipal Building.
- April 1: Town Board Meeting. Municipal Building.
- April 10: Zoning Board of Appeals. E. J. Arthur School
- April 15: Town Board Meeting. Municipal Building.

- April 25: Planning Board Mtg. Municipal Building.

Old Business Issues:

New Business: Planning Board items of concern.

1. Update to Code, Fees, Fine schedules.
2. Committee to do codes.
3. Additional, alternate members.
4. Code book (Hard Copy).
5. Attendance & Training.
6. Maps.

- Town Council Concerns:

- Public Concerns:

- Town Action: Move to Adjourn,
  Motion By 2nd By AIF
  EXCEPTIONS NOTED:

February 29, 2024
Town of Athens Town Board / Planning Board Committee Meeting: Town Supervisor Mike Pirrone, Planning Board Chairman Scott Fisher, Town Council Member Becky Pine

The Town Board should solicit letters of interest for a special committee to be formed to review the town code as a whole, where we are vulnerable, where it needs to be reworked based on the Comprehensive Plan, etc. Mike has spoken with Hal Brodie in the past about being a chair of this type of committee, but we should go through a more formal process (letters of interest and an interview process) to establish the committee.

Specific sections of the code we should be paying attention to right now:

- Wind - has come before the Planning Board before. Current law is weak. High Hill area is of interest for wind energy.
- BESS - will probably ultimately be regulated by the state or federal government, but we need to do something in the mean time
- Fill - daily / annual limits
- Solar - in process
- Telecoms - in process, needs to be edited down and more for Athens than the other towns it was pulled from.
- Mining - Shale pits on Valley Road, other mines on Schoharie Tpk. DEC has some limitations on this but our code should be reviewed.
- Green Lake Homestead (not sure what section of code applies to this) - current code says something about no religious groups. This is obviously illegal.

Planning Board Members

- Currently need at least one alternate (two per town code)
- Issue with attendance
- Members need hard copies of most recent town code book
- Mary Beth from Delaware Engineering has offered to do an 8 hour training session for Planning Board / Town Board for free - we should take advantage of this.

Planning Board Fee Schedule - should be adjusted to be more in line with other towns (things like a lot line adjustment, application to the Planning Board, etc.)

Action items for the Town Board (Becky / Mike) - Becky will get in touch with George about all of this to make sure we go about it all correctly.

- Get a hard copy of code books made for each Planning Board member and keep them updated when code is amended.
- Solicit letters of interest for Code Committee (via announcement at Town Board meeting, posting on Town website, posting in town office, maybe something in the newspaper?)
- Send letters to Planning Board members reminding them of the attendance requirements per Chapter 48 sections 11 through 14 of the Town Code, which says each Planning Board and Zoning Board of Appeals member is required to attend a minimum of three out of every five regularly scheduled meetings/work sessions.

FORM NO. 1002-N

TOWN CLERK'S MONTHLY REPORT

© WILLIAMSON LAW BOOK CO., VICTOR, NY 14564

TOWN OF _____, NEW YORK DATE: _____, 20 _____

TO THE SUPERVISOR:

Pursuant to Section 27, Subd. 1, of the Town Law, I hereby make the following statement of all fees and moneys received by me in connection with my office, during the month above stated, excepting only such fees and moneys in application and payment of which are otherwise provided for by law:

	Conservation Licenses - DECALS	Commission	$
2	Marriage Licenses No. 2 to 3	@ ~~25~~ 40	~~80.00~~ 15
	Marriage Certificates	@	
3 ~~2~~	Marriage Transcripts	@ 10	~~20~~ ~~20~~ 30
10	Registrar Fees	@ ~~10~~ 16	160 -
	Migratory Bird Stamps	@	x
1	Marriage Affiant (1354.00)	25	~~25~~

A 1255	TOTAL TOWN CLERK FEES	~~200~~ ~~210~~ 230
A 1010 - 1090	REAL PROPERTY TAXES $ _____ INTEREST and PENALTIES $ _____	—
A 2001	PARK and RECREATION CHARGES	—
A 2110	ZONING FEES $ _____ A 2115 PLANNING FEES $ _____	—
A 2530	GAMES OF CHANCE TOWN SHARE.....LICENSE $ _____ FEE $ _____ TOTAL	
A 2540	BINGO TOWN SHARE.....LICENSE $ _____ FEE $ _____ TOTAL	
A 2544 11	DOG LICENSE - SPAYED AND NEUTERED	121 -
	DOG LICENSE - UNSPAYED AND UNNEUTERED	—
	PUREBRED LICENSE	—
A 2545	OTHER LICENSES	
A 2555 1	BUILDING PERMITS	506.25
A 2590	OTHER PERMITS	
A 2655	MINOR SALES	
A 2770	OTHER UNCLASSIFIED REVENUES Copies	2.75
	Demo Permit	150.00
	Short Term Rental ~~2~~ x 150	300 -
	Municipal Search ~~[illegible]~~ 100	100
	TOTAL TOWN REVENUES TO SUPERVISOR	~~1410~~ 1410 $ ~~1455~~ ~~1090~~

Amount paid to NEW YORK STATE COMPTROLLER for Games of Chance Licenses	—
Amount paid to NEW YORK STATE COMPTROLLER for State Share of Bingo Licenses	— *
Amount paid to NEW YORK STATE D.E.C. for Conservation Licenses - DECALS	
Amount paid to COUNTY TREASURER for Dog Licenses	
Amount paid to NEW YORK STATE HEALTH DEPARTMENT for Marriage Licenses	45 -
Amount paid to NEW YORK STATE AGRICULTURE & MARKETS for Unspayed / Unneutered Dogs	11 -
Amount paid to NEW YORK STATE for Sales Tax on Sale of Dogs	

*Received Payment of these amounts: TOTAL DISBURSED..... $ 1465

_____ 20 _____ _____ Supervisor

STATE OF NEW YORK, COUNTY OF _____, TOWN OF _____

, being duly sworn, says that I am the Clerk of the Town of that the foregoing is a full and true statement of all Fees and Moneys received by me during the month above stated, excepting only such Fees the application and payment of which are otherwise provided for by law.

Subscribed and Sworn to before me this _____ day of _____ 20 }

_____ Town Clerk

_____ Notary Public

PREPARE IN DUPLICATE. REMIT ORIGINAL TO SUPERVISOR AND RETAIN COPY FOR CLERK'S RECORD.

At a Meeting of the Town Board of the Town of Athens, at 2 First Street, Athens, New York, on March 4, 2024 there were:

	Present	*Absent*	*Aye*	*Nay*	*Abstain*
Michael Pirrone	☒	☐	☒	☐	☐
Mary Brandow	☐	☒	☐	☐	☒
Anthony Paluch	☐	☒	☐	☐	☒
Rebecca Pine	☒	☐	☐	☐	☐
Tami Bone	☒	☐	☒	☐	☐
Total					

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