

June 19, 2017
PUBLIC HEARING ON PROPOSED LOCAL LAW TO REGULATE SOLAR ENERGY

Supervisor Robert F. Butler, Jr. called the meeting to order with the Pledge of Allegiance to the Flag, at 7:00 p.m. on June 19, 2017.

The following people were present: Supervisor Butler; Councilwoman Mary H. Brandow; Councilman Michael Ragaini; Councilman Anthony Paluch and Town Clerk Linda M. Stacey. (Councilman Richard M. Surrano, Jr. and Highway Superintendent John J. Farrell were absent.)

These people were also present: Attorney Virginia Benedict; Barbara Trembacz; Theresa Cardinale and Fran McCusker.

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

TA Escrow Abstract #11, voucher #346 through #347 inclusive for \$707.74.

General Abstract #11, vouchers #348 through #371 inclusive for \$20,139.75.

Highway Abstract #11, voucher #111 though # 127 inclusive for \$19,461.82

Councilman Michael Ragaini made a motion seconded by Councilwoman Mary H. Brandow to open the public hearing. Carried (7:02 p.m.) Ayes-4 (Butler; Brandow; Ragaini; Paluch) Noes-0 Absent-1(Surrano) Abstentions-0

Supervisor Robert F. Butler, Jr. read the Notice of Public Hearing as it appeared in the Official Newspaper.

PLEASE TAKE NOTICE that a public hearing will be held by the Town Board of the Town of Athens on June 19, 2017 at 7:00 p.m. local time, at the Town Hall, 2 First Street, Athens, New York 12015, to hear all interested persons on a proposed local law entitled "A Local Law to Regulate Solar Energy". The purpose of this Local Law is to promote the creation of solar photovoltaic installations by providing standards for the placement, design, construction, operation, monitoring, and removal of such installations that address public safety, minimize impacts on residential, scenic, and natural resources and to provide adequate financial assurance for the eventual decommissioning of large-scale installations.

PLEASE TAKE FURTHER NOTICE that copies of said proposed Local Law are available for review at the Town Hall, 2 First Street, Athens, New York 12015.

All interested persons will be given an opportunity to be heard or by directing comments in writing to the Town Board, 2 First Street, Athens, New York, 12015. All reasonable accommodations will be made for persons with disabilities. In such a case, please notify the Town Clerk in advance at the above address or by phone 518-945-1052 so that arrangements can be made.

By order of the Town Board of the Town of Athens dated May 22, 2017. Linda M. Stacey, Town Clerk

Attorney Virginia Benedict informed the Board and those present, that for a building permit the entire area that the solar set up covers is included.

The Planning Board sets the decommissioning plan and the replacement –in – kind vegetation plan. Building permits and Bonds are required.

Attorney Benedict advised the Board to leave the public hearing open until the next Town Board meeting.

Greene County Planning Board will be held on June 21, 2017.

Supervisor Butler went over timeline for Code Enforcement Holsopple's leave of absence due to back surgery.

Supervisor Robert F. Butler, Jr. made a motion seconded by Councilman Michael Ragaini to move forward in the above matter. Ayes-2(Butler; Ragaini) Noes-2 (Brandow; Paluch) Absent-1 (Surrano) Abstention-0 this motion did not carry.

The Town Board and Attorney Benedict reviewed the Short Environmental Assessment Form that had to be filled out and adopted.

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On the following motion made by Councilman Anthony Paluch seconded by Councilwoman Mary H. Brandow the following **RESOLUTION # 2017-38: A Resolution Determining the Environmental Non-Significance of the Proposed Reconstruction of the Existing Highway Garage in the Town of Athens, Greene County, New York, was adopted as follows:**

WHEREAS, the Town Board of the Town of Athens (the "Town") proposes to reconstruct the existing 4,900 square foot highway garage located at 79 Old Kings Road and construct an approximately 5,200 square Foot addition (the "action" or "project").

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Athens as follows:

Section 1. The Town hereby finds and determines that: (a) it has considered the action, reviewed the short environmental assessment form ("SEAF"), reviewed the criteria set forth in 6 NYCRR section 617.7©, thoroughly analyzed the relevant areas of potential environmental concern, and has duly considered all of the potential project environmental impacts and their magnitude in connection with the proposed action; (b) the action will not result in any moderate to large environmental impacts, and, therefore, is one which will not have a significant impact on the environment, and therefore, a negative declaration will be prepared; and (c) the reasons supporting this determination are set forth on Part 2 of the SEAF with respect to this action.

Section 2. The Town Board of the Town of Athens, as Lead Agency with respect to the above described Project, hereby: (a) adopts a Negative declaration pursuant to 6 NYCCR section 617.7 with respect to the project; and (b) authorizes the Supervisor to sign a negative declaration determination of non-significance with respect to the project.

The proposed Resolution having been approved by a majority of the board, the same was declared duly adopted by the Town Board.

Ayes- 4 (Butler; Brandow; Ragaini; Paluch) Noes-0 Absent-1(Surrano) Abstentions-0

The Town Board conducted a Monroe balancing of interests test to determine that the action (the reconstruction of the highway garage and the addition to the highway garage) is exempt from zoning and is in the public interest.

The nine factors were considered as follows;

1. The Nature and scope of the instrumentality seeking immunity: The Town of Athens is a political subdivision of New York State. The Town Board is seeking immunity from site plan review.
2. The encroaching government's legislative grant of authority: Highway Law & Town Law.
3. The kind of function or land use involved: Important government function to have a compliant highway garage.
4. The effect local land use regulation would have upon the enterprise concerned: Site plan would be required in the commercial zone, but the addition and reconstruction of the highway garage are occurring where the existing garage is, and do not involve any additional lands.
5. Alternative locations for the facility in less restrictive zoning areas: There are none.
6. The impact on legitimate local interests: Very limited impact as it already the highway garage and is in a commercial zone.
7. Alternative methods of providing the proposed improvement: There are none.
8. The extent of the public interest to be served by the improvements: Important government function. The addition needs to be located at the same site where the existing garage is located. The residents derive direct benefits from the town highway operations.
9. Intergovernmental participation in the project development process and an opportunity to be heard: All town board meeting are open. The plans and specifications have been discussed for over a year at nearly all town board meetings. All have been open to the public for review. The awarding of bids for the work is all at open meetings.

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On the motion of Councilman Anthony Paluch seconded by Councilwoman Mary H.

Brandow the following **RESOLUTION #2017-39** A RESOLUTION AUTHORIZING THE RECONSTRUCTION OF THE EXISTING HIGHWAY GARAGE AND CONSTRUCTION OF AN ADDITION TO THE HIGHWAY GARAGE IN THE TOWN OF ATHENS, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$1,600,000. AUTHORIZING THE ISSUANCE OF SERIAL BONDS OF THE TOWN OF ATHENS, GREENE COUNTY, NEW YORK IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$800,000 PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE A PORTION OF SUCH COST, PROVIDING THAT THIS RESOLUTION SHALL BE SUBJECT TO A PERMISSIVE REFERENDUM, AND DELEGATING CERTAIN POWERS IN CONNECTION THEREWITH TO THE TOWN SUPERVISOR, was adopted as follows:

BE IT RESOLVED, by the Town Board of the Town of Athens, Greene County, New York (the "Town") (by the favorable vote of not less than two-thirds of all of the members of the Board) as follows:

Section 1. The specific purpose (hereinafter referred to as "purpose") to be financed pursuant to this resolution is the reconstruction of the existing 4,900 square foot highway garage located at 79 Old Kings Road and construction of an approximately 5,200 square foot addition to include four new apparatus bays and administrative support space, including related site work, original furnishings, equipment and machinery or apparatus required for such purpose. The estimated maximum cost of said purpose is \$1,600,000 and said amount is hereby appropriated therefor.

Section 2. It is hereby determined that said purpose is an object or purpose described in subdivision 12(a) of paragraph a of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is twenty-five years.

Section 3. It is hereby determined that the afore said purpose constitutes an unlisted action as defined under the State Environmental Quality Review Regulations, 6 NYCRR Par 617, which has been determined in accordance with SEQR not to have a significant impact on the environment.

Section 4. The Town Board plans to finance a portion of the total cost of said purpose by the issuance of serial bonds of the Town in an amount not to exceed \$800,000, hereby authorized to be issued therefor pursuant to the Local Finance Law. The remaining portion of the cost is to be paid from unrestricted fund balance, hereby appropriated for such purpose.

Section 5. The proposed maturity of the serial bonds authorized hereby is in excess of five years.

Section 6. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of said bonds.

Section 7. The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized.

Section 8. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds, shall contain the recital of validity prescribed by section 52.00 of the Local Finance Law. The faith and credit of the Town are hereby irrevocably pledged for the payment of the principal of and interest on said bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on said bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of the Town a tax sufficient to pay the principal of and interest on said bonds as the same become due and payable.

Section 9. Subject to the terms and contents of this resolution and the Local Finance Law, and pursuant to the provisions of Sections 30.00, 50.00 and 56.00 to 63.00, inclusive, of said Law, the power to authorize bond anticipation notes in anticipation of the issuance of the serial bonds authorized by this resolution and the renewals of said notes and the power to prescribe to terms, form and contents of said serial bonds, and said bond anticipation notes (including without limitation the date, denominations, maturities, interest payment dates, consolidation with other issues, and redemption rights), the power to determine to issue said bonds in the form of a statutory installment bond, the power to determine to issue said bonds providing for substantially level or declining debt service, and the power to sell and deliver said serial bonds and any bond anticipation notes issued in anticipation of the issuance of such bonds, is hereby delegated to the Town Supervisor, the Chief Fiscal Officer of the Town. The Town Supervisor is hereby authorized to sign any serial bonds issued pursuant to this resolution and any bond anticipation notes issued in anticipation of the issuance of said serial bonds, and the Town Clerk is hereby authorized to affix the corporate seal of the town to any of said serial bonds or any bond anticipation notes and to attest such seal.

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Section 10. The Town Supervisor is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the “Code”) and to designate the bonds authorized by this resolution and any notes issued in anticipation thereof as “qualified tax-exempt bonds” for purpose of Section 265(b)(3)(B)(i) of the Code.

Section 11. Within ten days after the adoption of this resolution, the Town Clerk is hereby authorized and directed to cause to be published at least once in The Daily Mail, a newspaper having a general circulation in the Town and hereby designated as the official newspaper of the Town, and to be posted on the sign board of the Town maintained pursuant to the Town Law a notice which shall set forth the date of adoption of this resolution and contain an abstract thereof, concisely stating its purpose and effect and specifying that this resolution was adopted subject to a permissive referendum.

Section 12. This resolution shall take effect thirty days after adoption, unless there shall be filed with the Town Clerk a petition signed and acknowledged by the electors of the Town qualified to vote upon a proposition to raise and expend money, in number equal to at least five percentum of the total vote cast for governor in the town at the last general election held for the election of State Offices, protesting against this resolution and requesting that the matter be submitted to the qualified electors of the Town at a referendum in the manner provided by Article Seven of the Town Law.

Section 13. The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if:

- (1) Such obligations are authorized for an object or purpose for which the Town is not authorized to expend money.
- (2) The provisions of law which should be complied with at the date of the publication of this resolution are not substantially complied with: and
- (3) An action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication; or
- (4) Such obligations are authorized in violation of the provisions of the Constitution of New York.

Section 14. Following the effective date of this resolution, the Town Clerk is hereby authorized and directed to publish this resolution, or summary thereof, together with a notice in substantially the form provided by Section 81.00 of the Local Finance Law, in The Daily Mail, a newspaper having a general circulation in the Town and hereby designated as the official newspaper of the Town for such publication.

The above resolution was adopted as follows: Ayes-4 (Butler; Brandow; Ragaini; Paluch)
Noes-0 Absent-1(Surrano) Abstention-0

The minutes from June 5 were reviewed by the Board.

Councilman Anthony Paluch made a motion seconded by Councilman Michael Ragaini *to approve the minutes of June 5, 2017 approved as read.* Ayes-4 (Butler; Brandow; Ragaini; Paluch) Noes-0 Absent-1(Surrano) Abstention-0

Highway garage: Contract #2 for plumbing is to be opened at 4:00 p.m.

Building update: Discussion followed.

Councilman Michael Ragaini made a motion seconded by Councilwoman Mary H. Brandow *to go into Executive Session to discuss a personnel issue.* Ayes-4 (Butler; Brandow; Ragaini; Paluch) Noes-0 Absent-1(Surrano) Abstention-0 Time: 8:05 p.m.

Councilwoman Mary H. Brandow made a motion seconded by Councilman Anthony Paluch *to adjourn the Executive Session.* Ayes-4 (Butler; Brandow; Ragaini; Paluch) Noes-0 Absent-1(Surrano) Abstention-0 Time: 8:14 p.m.

Councilwoman Mary H. Brandow made a motion seconded by Councilman Anthony Paluch *to adjourn the meeting.* Ayes-4 (Butler; Brandow; Ragaini; Paluch) Noes-0 Absent-1(Surrano) Abstention-0 Time: 8:15 p.m.