

REGULAR MEETING – ATHENS TOWN BOARD – March 20, 2023

The regular meeting of the Athens Town Board was called to order on March 20, 2023, at 7:02 P. M. by Supervisor Michael N. Pirrone, with the Pledge of Allegiance to the Flag, at the Town of Athens Volunteer Fire House at 39 Third Street, Athens, NY.

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

**These people were also present:** Financial Officer/ Budget Officer Don Pierro; Highway Superintendent John J. Farrell; Attorney George McHugh; Assessor Dawn DeRose; Code Enforcement Officer Albert Gasparini; Alison Dooley; Lawrence Farbstein Industrial & Utility Valuation Consultant; Peggy Pieruzzi; Vee & Rob Carl; Dom Multari; E. Timothy Mercer; Walter & Randy Kaufman; Diane Michener; Lucy Michener; Jerry Adams; Maureen McNamara; Joan Shayne; Roger Masse; Theresa Cardinale; Harry Kniffen, Jr.; Russell Nadler; Karen Boeri; Jeff Ruso; Jim McDermott; Connie Pazin; Margaret Muenkil; Ann & Tom Krause; Rick Rabideau; Doug Paquette; Diane & Dave Fyfe; Scott Fischer; James & Ellen Pulice; Patrick Doyle; Robert Brunner; Mark Mathews; William Evans; Lynn & Ken Kissam; Dana Miller & Craig Wiltsie; Karen Dudley; MK Garvey; Karen Haas; Karin Geiger; Howard Mayforth; Timothy M. Scott; Jodi Mayforth; Gerard O’Keefe; Kathy Yannone; Stan Borgen; Shana Yannone; Timothy Patterson; Rudolph Geiger; Robert F. Botler, Jr.; Ron Krawczyk; Rebecca Pine; Ed Bloomer; Mike Campbell; George F. Stacey; Sandra Miller; Michele Lacorte; Barbara Palmateer; Brittany Palmateer; Chris Pfister; Derik Brown; Paul Kim; Mary Jo Wynne; Dawn Palmateer; Dorraine Steele and Fran McCusker.

Mr. Lawrence Farbstein, of *Industrial & Utility Valuation Consultants* explained the process of the *Systematic Analysis Review* that has been completed. It is getting back to Market Value. He stated that 50% to 85% of values went up, some went down, and a few may have remained the same. *This is the first Time in 10 years that the values were adjusted.* The objective is to treat everyone fairly. The greatest number in adjusted values is Sleepy Hollow. They showed the highest rate in sales prices.

The Town taxpayers have three (3) options: 1.) To fill out and submit an Informal Review Request of Assessment. (Informal hearing with Assessor)  
2.) Grievance Day with the Board of Assessment & Review.  
3.) Small Claims Assessment & Review with a hearing Officer.

If taxpayers do not respond to the data mailers, it appears as if everything is fine on an individual property basis.

The purpose of assessment is to get to market value.

The data collection process was started in 2022.

**Grievance Day is Tuesday**, May 23, 2023, through Thursday, May 25, 2023, from 9:00 am to 8:00 pm. Appointments only. Walk-Ins will be the first available appointment.

**Councilmember Michael Ragaini made a motion** seconded by Councilmember Shannon Spinner *to approve the following vouchers which were audited by the Board.*

**General Abstract #6**, vouchers #112 through #142 inclusive for **\$41,264.94**.

**Highway Abstract #5**, vouchers #39 through #53 inclusive for **\$18,949.56**.

**Trust & Custodian:**

**ZBA- Free Point Solar Abstract #3**, voucher #3 for **\$1,101.09**.

**PB- ARX Wireless**- Abstract #4, Voucher #4 for **\$53.53**.

**PB- MRG 9337 (Ragaini)**-Abstract #3, Voucher #3 for **\$1,067.03**

**PB- 9071 RT 9W**- Abstract #2, Voucher #3 for **\$605.00**.

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 minutes of the meeting of March 6, 2023, as read**, Ayes-4 (Pirrone; Brandow; Ragaini; Spinner) Noes-0 Absent-1 (Paluch) Abstentions-0

**Highway Superintendent John J. Farrell** that the Highway Crew have been hauling Stone for 2023 oil and Stone as well as for ARPA culvert job.

**Mr. Farrell checked** on the Speed limit request for Howard Hall Rd. County is still waiting to hear from the State.

**Superintendent Farrell** has received two dates for the Spring Clean Up Day- April 22 or April 29<sup>th</sup>.

There were two (2) snow events in the last month. Washed trucks in between snow events. They have been doing tree work on Sandy Plains Road.

On the

**Truck #2 has a bad oil pressure regulator**, to change that and the oil pump will cost approximately \$5,000.00. He recommended that we make the needed repairs.

**Councilmember Shannon Spinner** made a motion seconded by Councilmember Mary H. Brandow *that the needed repairs be done to truck #2 for \$5,000.00*. 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 #2023-21** to adopt the Agreement for the Expenditure of Highway moneys between the Town Highway Superintendent and the Athens Town Board as presented:

**Pursuant to the provisions of Section 284** of the Highway Law, we agree that moneys levied and collected in the Town for the repair and improvement of highways, and received from the State for State Aid for the repair and improvement of highways, shall be expended as follows:

- GENERAL REPAIRS.** The sum of **\$258,218.00** shall be set aside to be expended for primary work and general repairs upon **31.17** miles of town highways, including sluices, culverts and bridges having a span of less than five feet and boardwalks or renewals thereof.

**Oil and Stone Project for 2023**

| Oil and Stone     |         |       |        |                  |       |        |        |               | Stone |
|-------------------|---------|-------|--------|------------------|-------|--------|--------|---------------|-------|
| Road Name         | Length  | Width | SY     | Application Rate | Oil   | Gallon | Price  | P/G Total Oil | Type  |
| Rudolph Weir      | 900'    | 22'   | 2,200  | 0.4              | CRS2P | 880    | \$3.40 | \$2,992.00    | 1A's  |
| Cone Place        | 1,350'  | 18'   | 2,700  | 0.4              | CRS2P | 1,080  | \$3.40 | \$3,672.00    | 1A's  |
| Indian Ridge Ext. | 2,900'  | 18'   | 5,800  | 0.4              | CRS2P | 2,320  | \$3.40 | \$7,888.00    | 1A's  |
| Sandy Plains      | 12,200' | 22'   | 29,822 | 0.4              | CRS2P | 11,929 | \$3.40 | \$40,558.60   | 1A's  |

|  |  |  |  |                                       |       |             |                    |
|--|--|--|--|---------------------------------------|-------|-------------|--------------------|
|  |  |  |  |                                       |       | Oil Cost    | \$55,110.60        |
|  |  |  |  |                                       | Hours | Roller Cost |                    |
|  |  |  |  | Rubber tire roller w/o operator       | 16    | \$145.00    | \$2,320.00         |
|  |  |  |  |                                       | Tons  | Cost        |                    |
|  |  |  |  | Washed 1A's Stone                     | 635   | \$16.65     | \$10,572.75        |
|  |  |  |  | <b>Oil And Stone Project for 2023</b> |       |             | <b>\$68,003.35</b> |

**Crackseal**

|                |       |     |  |  |  |  |  |             |
|----------------|-------|-----|--|--|--|--|--|-------------|
| Old Kings Road | 1200' | 20' |  |  |  |  |  | \$11,613.00 |
|----------------|-------|-----|--|--|--|--|--|-------------|

| Chips Project            | Length   | Width | SQYD's | Tons                   | Oil   | Gallon | Price   | Price              |
|--------------------------|----------|-------|--------|------------------------|-------|--------|---------|--------------------|
| Gypsy Point 2.5 Cold Mix | \$3,800' | 22'   | 9,289  | 1,161                  | CMS-2 | 15,093 | \$3.50  | \$52,825.50        |
|                          |          |       |        | 1060 1's and 1'a mixed |       |        | \$16.05 | \$17,013.00        |
|                          |          |       |        | <b>Equip. for job</b>  |       |        |         | <b>\$14,000.00</b> |

|                           | Length | Width | SY    | Application Rate | Oil    | Gallon | Price  | P/G Total Oil | Stone Type |
|---------------------------|--------|-------|-------|------------------|--------|--------|--------|---------------|------------|
| Gypsy Point seal Pavement | 3800'  | 22'   | 9,289 | 0.4              | CRS-2P | 4,645  | \$3.40 | \$ 15,793.00  | 1A's       |

|                                |                     |
|--------------------------------|---------------------|
| <b>Total NYS CHIPS Project</b> | <b>\$99,631.50</b>  |
| <b>Total Road Work</b>         | <b>\$179,247.85</b> |

(Resolution continued on next page)

The remaining fund in DB 5110.4 will be used for diesel fuel, equip. repair, EZ-Pass, Gas, Tires, signs, drainage, Uniforms, and general repair on the remaining town roads.

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

**Code Enforcement Officer, Albert Gasparini** reported that he issued 3 Building Permit; made 12 Inspections; multiple inquiries on parcels of land to build homes; Septic Systems; garages, etc.

He had 5 Certificate of Occupancy search requests.

**Violations:** 1 Stop Work Order Still in effect for: 686 Green Lake Road

- **Stop Work Order:** No Building Permit (For Two Decks) Town Section 92-4. Building permits required.
- All Stop Work Order: Engineer letter requested with directions for contractors in bringing home into compliance with codes. He issued 2/15/2023 was satisfied and lifted 3/17/2023.

**Notes:** **FreePoint Solar** for Potic Mountain Road on going with Zoning Board of Appeals.

**David Sherman, Environmental Program Specialist,** NYSDEC Region 4, Division.

Mr. Gasparini talked to Mr. Sherman about the Flood Insurance Program and the Greene County National Flood Hazard Layer.

FEMA is currently trying to update counties where paper maps are still used as the Official Maps.

Mr. Sherman advised the Code Enforcement Officer, if he ever needs a detailed map of an area or individual property, to let him know, and he will send him one from the state GIS system.

**Financial/Budget Officer Don Pierro** went over the monthly Supervisor's Report with the Board. He informed the Board that the Annual Financial Report for the Fiscal year ending December 31, 2022, for the Town of Athens is nearing completion.

The process for financial accruals, and other related analysis for the year 2022 has been completed along with several schedules prepared for the Firm.

All financial activity for January 1<sup>st</sup> through February 28, 2023, has also 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.

The next annual payment of \$65,137.15 including principal and interest will be made in September 2023 for the single piece of bonded indebtedness.

Three medical insurance policies have been renewed and applicable staff contributions have been updated accordingly.

A question came forward regarding staff time sheets. All operating staff submit timesheets biweekly and are reviewed by the Supervisor and Financial Officer. They typically check for elements such as department head approval, they verify numerical totals, and time sheets are processed via the payroll system. Payroll taxes are prepared and filed quarterly and reviewed by the Outside CPA firm as part of the internal control system review.

**Supervisor Michael N. Pirrone** introduced proposed Local Law #2 for 2023, to the Board members- a solar moratorium.

**On the motion of Councilmember Michael Ragaini** seconded by Councilmember Shannon Spinner the following **RESOLUTION #2023-22, for Local Law #2,** was adopted as follows:

**WHEREAS**, the Town Board of the Town of Athens has introduced proposed Local Law No. 2 of the Year 2023 to authorize the establishment of an initial period of six (6) consecutive months with an additional Twelve (12) months from its effective date, to temporarily halt the processing and issuing of any applications, permits, certificates of occupancy, approvals, denials,

determinations of interpretations for any land uses relating to solar energy, including but not limited to solar farms, and

**WHEREAS**, the Town Board of the Town of Athens hereby declares itself Lead Agency pursuant to the NYS Environmental Quality Review Act (SEQRA) to review for potential adverse environmental impacts that may result from adoption of such proposed local law, 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 authorize the Town Supervisor to forward proposed Local Law No. 2 of the Year 2023 to the Greene County Planning Board for its review; and

**BE IT FURTHER RESOLVED** that a public hearing upon such proposed Local Law shall be held on April 3, 2023, at 7:00 p.m. at ATHENS VOLUNTEER FIRE DEPARTMENT FACILITY, Athens, NY, and the Town Clerk shall publish Notice of the Public Hearing with a summary thereof in the official newspaper at least five (5) days in advance of the Public Hearing. Ayes-4 (Pirrone; Brandow; Ragaini; Spinner) Noes-0 Absent-1 (Paluch) Abstentions-0

**Supervisor Michael N. Pirrone** introduced proposed Local Law No. 3 for 2023; entitled “Town Attorney and Code Enforcement Officer/Building Inspector Must Be A Resident of the State of New York”.

**On the motion of Councilmember Shannon Spinner** seconded by Councilmember Michael Ragaini the following **RESOLUTION #2023-23 for Local Law #3** was adopted as follows:

**WHEREAS**, Law shall be known as Local Law No. 3 of the Year 2023, entitled “TOWN ATTORNEY AND CODE ENFORCEMENT OFFICER/BUILDING INSPECTOR MUST BE A RESIDENT OF THE STATE OF NEW YORK”.

**WHEREAS**, this local law is authorized by the Municipal Home Rule Law sections 2 (5), 10(1)(ii)(d)(3) and 22(1).

**WHEREAS**, the Town Board of the Town of Athens has introduced proposed Local Law No. 3 of the Year 2023 to authorize the Town Attorney of the Town of Athens and the Code Enforcement Officer/Building Inspector of the Town of Athens need not be a resident or elector of the Town of Athens, but must be a resident of New York State. An attorney who is a resident of New York State but not a resident or elector of the Town of Athens may be appointed even if another attorney is a resident or elector of the Town . A Code Enforcement Officer/ Building Inspector who is a resident of New York State but not a resident or elector of the Town of Athens may be appointed even if another Code Enforcement Officer/Building Inspector is a resident or elector of the Town.

**NOW, THEREFORE BE IT RESOLVED** that the Town Board of the Town of Athens does hereby authorize the Town Supervisor to MOVE forward WITH THIS proposed Local Law No. 3 of the Year 2023, and

**BE IT FURTHER RESOLVED** that a public Hearing upon such proposed Local Law shall be held on April 3, 2023 at 7:00 p.m. at ATHENS VOLUNTEER FIRE DEPARTMENT FACILITY Athens, NY, and the Town Clerk shall publish Notice of the Public Hearing with a summary thereof in the official newspaper at least five (5) days in advance of the Public Hearing. Ayes-4 (Pirrone; Brandow; Ragaini; Spinner) Noes-0 Absent-1 (Paluch) Abstentions-0

**Patrick Doyle** of Flint Mine Solar gave an update. They are still working on the agreement.

**Supervisor Pirrone** advised the Board that he would be attending the Landfill meeting in Catskill on March 21, 2023, at 7:00 p.m.

**Councilmember Michael Ragaini** informed the Board that the Village of Athens is not interested in a new building. He asked permission to move ahead with other options.

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.

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

Meeting adjourned at 9:05 p.m.