

REGULAR MEETING – ATHENS TOWN BOARD – August 21, 2023

The meeting of the Athens Town Board was called to order with Pledge of Allegiance to the Flag, at 7:00 pm, on August 21, 2023, at the Athens Town Hall at 2 First Street with Supervisor Michael N. Pirrone presiding.

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

These people were also present: Highway Superintendent John J. Farrell; Attorney George McHugh; Financial/Budget Officer Don Pierro; Code Enforcement Officer Albert Gasparini; Larry Styles; Reporter Nancy Kern; Fran McCusker; Theresa Cardinale; Tami Bone; Karen Dudley; Robert Brunner; Connie Pazin; Nancy Poylo; Mike Campbell; George Greiner; Hailee Dickson; David Barnes; Gail Lasher; Becky Pine; Patrick Doyle of Flint Mine Solar; M.K. Garvey and Melissa Beck.

Councilmember Mary H. Brandow made a motion seconded by Councilmember Anthony Paluch *to approve the following vouchers that were audited by the Board, prior to the meeting.*

General Abstract #15, vouchers #376 through #409 inclusive for **\$87,632.50**.

Highway Abstract #14, vouchers #133 through #136 inclusive for **\$38,874.44**.

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

Councilmember Michael Ragaini made a motion seconded by Councilmember Mary H. Brandow *to approve the minutes of August 7, 2023, as read.* Ayes-4 (Pirrone; Brandow; Ragaini; Paluch) Noes-0 Absent-1 (Spinner) Abstentions-0

Highway Superintendent John J. Farrell reported that Truck #5 is back from having repairs. Truck #3 is at W & W, getting the clutch looked at. It has 122,000 miles on it. The chipper is down. They are waiting for a piece of the chute to come in.

He told the Board that the ARPA Project is almost complete. The guiderail work will be done this week. The ARPA funds final report will be given at the next meeting. They just have to fill in the pipe for DEC.

Mr. Farrell will check with Greene County to see if October 14th is good for the **Fall Clean Up Day**.

He sent a letter to the residents of Easy Street East and Travis Blvd. regarding the bushes that stick out into the road there by about 2 feet. (Residents put in the bushes and were told that they are responsible to keep them out of the road.)

Mr. Farrell has a meeting with Camp Catskill on August 29, 2023, regarding the entrance.

Highway Superintendent Farrell reported that there is poor drainage on McGovern Lane. He has asked an engineer to look at it and make a proposal to fix this problem.

Code Enforcement Officer Albert Gasparini reported 4 new building permits and 15 building inspections.

He had the following Building Permit inquiries: Garage, septic system, Multiple inquiries of parcels of land to build homes, and residential Solar Panels.

Two inquiries about the reopening of the Old Green Lake Resort. One to open as a resort, one as a resort and small housing development on undeveloped part of the property.

Certificates of Occupancy-Search Request- there were 5.

Short Term Rental Certificates: 24 N. Greenwood Lane; 80 Lisa Lane; 841 Leeds Athens Road.

Violations: On going.

1540 Leeds Athens Road, violations of Property Maintenance Code of New York State, Chapter 3 General Requirements, 304.7- Roofs and drainage, 305.3 Interior surfaces.

Roof leaking into home and damaged the interior ceiling and walls of the kitchen and children's bedroom with evidence of a type of black mold.

Tenant claims of health issues from mold in the house for her and children.

June 1, 2023; June 29, 2023; July 27, 2023; hearings were held at the Athens Town Court that the homeowner did not attend. Working with Athens Town Court in next steps in preparing documents for next court hearing. (Next court date is scheduled for September 28, 2023.)

The tenant has vacated the property.

On July 27, 2023, the home (Manufactured home) was red tagged with a "Order to Vacate, Dangerous and Unsafe Condition-Keep Out" sign.

To date no one is occupying the home.

The Assessor's written Report showed the following:

Village Permits: 7 Town Permits: 7 **Village Deeds:** 16- pertaining to 22 parcels; with sales ranging from sales of \$10 (Conditions) to \$620,000, and still reflecting a strong market.

Town Deeds: 15 ranging from sales of \$10 (Conditions) to \$739,000, and still reflecting a strong market.

Village Map Revisions: 3 parcels

Town Map Revisions: 3 parcels Town E-911 number Revision-1

They are continuing to update their files, adding pictures, verifying data, filing, etc.

They are now collecting data on the Village and Town building permits for valuation for the 2024 assessment roll, including the Split/Merges.

The office has settled down with less calls and property owners coming in, but in the next few months, the exemption renewal process begins until March 1st.

Supervisor Pirrone reported that Free Point Solar LLC has served the Town Attorney-CPLR Article 78- PETITION Free Point Solar LLC et al v. Town of Athens, Zoning Board of Appeals.

Discussion regarding NYS Law requiring Justices to be Lawyers.

Mr. Pirrone informed the Board that he had met with Village Mayor Amy Serrago and Trustee Gail Lasher to discuss the Municipal Building and a Town/Village joint building study.

The Town of Athens was served by mail, from the Law Firm of Ferrara Fiorenza PC, for **Coxsackie Athens Central High School District.**

RE: PILOT Agreement Between Flint Mine Solar, LLC, and Greene County IDA also including the Town of Coxsackie (Town of Athens) and Greene County.

The Judge assigned to the case is: Honorable Richard Mott.

Supervisor Pirrone informed the Board that he would be out of the State, from September 11, until September 19, 2023. Councilmember Ragaini will host the September 18, 2023 Board meeting. He also stated that he will be out of the Country from September 25 until October 5, 2023. October 2, 2023, meeting is cancelled.

Financial /Budget Officer Don Pierro informed the Board that the Auditor's Review showed that the Supervisor's books and the Town Clerk's account were in good order.

The Tax Collection Cash reconciliation was completed for the July 31st operational deadline.

All funds received are accounted for and match receivables with the respective Tax Warrant, with no exceptions noted.

An audit for Highway Union Medical Insurance compliance was completed. One finding was responded to, and we are still awaiting a resolution from the Union.

The next payment of \$65,137.15 including principal and interest will be approved at this Board meeting for the single piece of bonded indebtedness.

All Operating and Reserve Bank Statements and Cash Reconciliations were completed for the month ending July 2023 with no exceptions noted.

They provided written notices to four employees to complete a waiver for Town insurance to comply with the Medical Buy-out policy.

The first half of Mortgage Tax for 2023 has been received.

The July Monthly Retirement Report was prepared and filed timely and accepted as submitted.

The 2024 Budget is currently being analyzed by the Supervisor as we await additional price increases for Medical Insurance for Staff and Retirees, Workman's Comp., and any potential full Board changes during the Budget Workshops. We may receive results from 5 Certiorari proceedings that can trigger an update in the Taxable Assessed Value soon.

Supervisor Pirrone advised the Board that he, the Fin/Budget Officer and Attorney McHugh had a meeting to set a preliminary date in September for Collective Bargaining.

The Town Handbook will be resolved in the next couple of weeks.

Supervisor Pirrone advised the Board that Attorney George McHugh will be handling the Negotiations for Highway Union Contract.

On the motion of Councilmember Michael Ragaini seconded by Councilmember Mary H. Brandow to adopt the following **RESOLUTION #2023-39- a resolution to Hire a Law Firm for the New Article 78 On behalf of the Town of Athens Brought by Free Point Solar: As follows: And authorizing the Supervisor to sign was adopted:**

WHEREAS the Town Board of the Town of Athens hereby determines that it is in the public interest and purpose to procure Legal Representation for the new Article 78 proceeding brought by Free Point Solar based on their recent Zoning Decision. The Firm, Dreyer Boyajian, has submitted an engagement letter for the Town Board's consideration.

WHEREAS to meet such financial requirements, the Town Board has previously authorized such anticipated payment through the 2023 Budget process, which was confirmed by the Budget Officer, and

WHEREAS the current funds to meet this obligation are duly held at the National Bank of Cossackie, Athens, New York, and said funds are currently un-restricted funds and available within the Annual Budget, and,

WHEREAS the financial obligation is discussed in detail within the engagement letter provided by the firm and,

NOW, THEREFORE BE IT

RESOLVED that the Town Board hereby authorizes the hiring of the firm Dreyer Boyajian, and it is further,

RESOLVED that the foregoing resolution shall become effective this 21st day of August in the year 2023.

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

On the motion of Councilmember Anthony Paluch seconded by Councilmember Michael Ragaini the following **RESOLUTION #2023-40 In Opposition to New York State Senate Bill S-00139B And Assembly Bill A-1358B**, was adopted as follows:

WHEREAS, New York Senate Bill number S-00139B has been passed which, if adopted by the NYS Assembly (A-1358B) and signed by the Governor, would require all Judges presiding in the 100 largest Town and Village Courts to be licensed to practice law in the State and to have been admitted to the NYS bar for at least five years; and

WHEREAS, the Town and Village Courts in Greene County are among the nearly 1,200 Justice Courts in the State of New York that collectively handle close to 1 million cases each year; and

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WHEREAS, the Town and Village Courts are known as the “Courts Closest to the People” and have broad jurisdiction, presiding over civil and criminal matters, thereby performing a vital role in the New York State Unified Court System; and

WHEREAS, the Town Court of Athens is a vital service to our residents and the Greene County community as a whole; and

WHEREAS, the Justices in Greene County’s Town and Village Courts have pledged to be ever mindful of their neutrality and impartiality, and render equal justice to all, while continually adhering to judicial rules of ethics and pronouncements of the New York State Commission on Judicial Conduct; and

WHEREAS, the Justices are required to be on-call 24 hours a day, 365 days a year to review sign arrest and search warrants, perform arraignments, and issue orders of protection; and

WHEREAS, the Justices of Town and Village Courts ensure that the rights afforded to defendants by the Constitution of the United States and the State of New York are provided and protected; and

WHEREAS, the Justices of the Town and Village Courts preside over trials involving misdemeanor and violation level offenses, thereby ensuring that the victims of those offenses can be heard; and

WHEREAS, the Town and Village Courts provide a venue for citizens to pursue a low-cost and efficient procedure for individuals to resolve civil disputes and landlord/tenant matters; and

WHEREAS, the Justices also preside nightly and on weekends and holidays, ensuring that arrested citizens are promptly afforded legal representation, the opportunity to plead to alleged charges, and to be considered for release, bail, or incarceration; and

WHEREAS, the Justices continually strive to improve the administration of justice through participation in mandatory education programs, seminars, meetings of the Greene County Magistrates Association and the New York State Magistrates Association; and

WHEREAS, the New York State Office of Court Administration must certify all as having successfully completed mandatory training both following election and in each subsequent year; and

WHEREAS, the New York State Commission on Judicial Conduct’s most recent annual report (2023) identifies that only 13% of the complaints filed against the judiciary were against Town and Village judges while the remaining complaints were against either “State-paid” judges (constituting approximately 40% of the judiciary) who accounted for approximately 67% of the complaints received, or against non-judicial entities (20%); and

WHEREAS, this Bill attempts to usurp the right of voters to elect those in their communities that they believe to be fair and impartial, and who would best serve that community, whether they be attorneys or non-attorneys; and

WHEREAS, this Bill implicitly suggests that members of the community are incapable of making informed decisions, about who should sit in judgement of matters from the straight-forward to the highly complex as may arise in their local courts; and

NOW, THEREFORE, BE IT RESOLVED, that the governing board of the Town of Athens, and in unequivocal terms, calls on both the leadership in New York State Senate and Assembly, and the Governor to reject this poorly conceived and hastily fashioned seizure of voters’ rights to determine, for themselves, who they would choose to sit as their judges as has been the case for almost two hundred years.

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

Supervisor Michael N. Pirrone spoke about the Municipal Building and how it is going to serve us in the future. Village Mayor Amy Serrago, Deputy Mayor Gail Lasher and Supervisor Pirrone met and discussed a joint building study, using Lamont Engineers.

Councilmember Brandow stated that the building is not big enough, but she is willing to move forward.

Financial Officer Pierro stated that the building will be expanded out.

On the motion of Councilmember Michael Ragaini made a motion seconded by Supervisor Michael N. Pirrone to adopt the following **RESOLUTION #2023-41: (Resolution to Approve a Formalized Study to Develop a Plan for the Improvement of 2 First Street)**.

WHEREAS, the Town Board of the Town of Athens hereby determines that it is in the public interest and purpose to formalize a plan to improve Business Center services for the public, establish better working conditions for all staff members and committees, Modernization, and expansion based on the ongoing dialogue between Supervisor Pirrone and Mayor Serrago.

WHEREAS, to meet such financial requirements, the Town Board and the Village Board shall commit to a shared cost arrangement to suit all Town and Village needs including but not limited to additional workspace for various departments. The upset cost for this type of plan is expected to be up to fifty thousand dollars (\$50,000).

WHEREAS, the Town and Village have vetted numerous Engineering and Architectural firms, some with specialized Historical Preservation knowledge and relevant experience. It has been recommended by the initial parties to hire Lamont Engineering for the purpose of conducting the general plan for 2 First Street, and when deemed necessary, to utilize the services of Thaler, Reilly, and Wilson Architects.

WHEREAS, the current funds to meet this obligation are duly held at the National Bank of Coxsackie, Athens, New York, and said funds are currently un-restricted and available within the Annual Budget, and other funds are restricted and available in the Reserve Funds.

NOW, THEREFORE BE IT

RESOLVED that the Town Board hereby authorizes the sharing of costs for the proposed formalized plan for 2 First Street, Athens, New York 12015, and it is further,

RESOLVED that the foregoing resolution shall become effective this 21st day of August in the year 2023. **Ayes-3(Pirrone; Brandow; Ragaini) Noes-1 (Paluch) Absent-1(Spinner) Abstentions-0**

The Town of Athens and the Village of Athens share the \$50,000 cost by pledging \$25,000 each.

Supervisor Pirrone informed all that he will be out of the State from September 11, 2023 until September 19, 2023. The Board meeting on September 18, 2023 will be hosted by Councilmember Michael Ragaini. Further Mr. Pirrone will be out of the Country from September 25th until October 5th, 2023. The Board meeting for October 2 is cancelled.

Patrick Doyle said that Flint Mine Solar is working on a conservation easement. He also told everyone that they would like to mobilize by the end of this year, and start building next year.

The Athens Wireless Committee will be meeting on September 6, 2023.

NEW BUSINESS:

The American Broadband Act of 2023. This bill imposes new restrictions on local authorities Regarding their ability to regulate a variety of state and local land use and zoning issues that pertain to the development of telecommunications infrastructure, including wireless and wireline deployment, as well as new limits on requirements and renewals of cable franchise agreements. A resolution in opposition will be drawn up for September 5, 2023.

Judge Pazin thanked the Town Board for the Resolution in opposition for NYS Senate Bill S-00139B and Assembly Bill A-1358B.

Mr. Campbell asked about Buttermilk Falls having no guide-rails.

Mr. Greiner asked about overpass height requirements.

As there was no further business to come before the meeting Councilmember Anthony Paluch made a motion to adjourn seconded by Councilmember Mary H. Brandow; Ayes-4 (Pirrone; Brandow; Ragaini; Paluch) Noes-0 Absent-1(Spinner) Abstentions-0 Adjourned at 8:00 pm.

