

**REGULAR MEETING – ATHENS TOWN BOARD**

**February 21, 2024**

The regular meeting of the Athens Town Board was called to order on February 21, 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.

**The following were present at the meeting:** Supervisor Pirrone, Deputy Supervisor: Lasher. Council Members Bone and Pine. Town Clerk Dinkelacker. Highway Superintendent Farrell. Town Code Enforcer Gasparini. Financial/Budget Officer Pierro. Town Attorney McHugh.

Absent: Council member Mary Brandow, Anthony Paluch

**The following people were in attendance:** M. Regaini, G. Greiner, N Poylo, C. Abel, A. Scarborough, R. Brunner. A. Yagelski.

Board Discussion: Battery Energy Storage Systems, (BESS).

The Town Attorney explained that the Town was looking into adopting Local Law for the Battery Energy Storage Systems, which would have set where the BESS could be set up and the controls of the building of it. However, the day after the February 5<sup>th</sup> meeting the Governor announced that the state was looking into Battery Energy Storage Systems.

Adam Yagelski, from Delaware engineering, spoke on the dangers of the BESS and that the state is looking into changing/adding building and fire code for the construction of a BESS.

It is the recommendation that Local Law #01 – 2024 will be a moratorium for six months and it is to stop the processing of any applications that may be received.

The following resolution was made and carried.

At the Meeting of the Town Board of Athens  
held at 2 First St., Athens, NY  
on February 21, 2024, there were:

	<i>Present</i>	<i>Absent</i>	<i>Aye</i>	<i>Nay</i>	<i>Abstain</i>
Michael Pirrone	X	□	X	□	□
Mary Brandow	□	X	□	□	X
Anthony Paluch	□	X	□	□	X
Rebecca Pine	X	□	X	□	□
Tami Bone	X	□	X	□	□
<i>Total</i>	<u>3</u>	<u>2</u>	<u>3</u>	<u>0</u>	<u>2</u>

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

WHEREAS, the Town Board of the Town of Athens has proposed a local law entitled "TOWN OF ATHENS BATTERY ENERGY STORAGE SYSTEMS FACILITIES MORATORIUM LAW" (a copy of said proposed local law is attached hereto), in an effort to temporarily restrict the development of Battery Energy Storage Systems Facilities and uses, so that the Town Board may consider enactment of land use regulations to encourage appropriate development of Battery Energy Storage Systems Facilities and uses that is consistent with the Town's land use development and zoning objectives;

NOW, THEREFORE, BE IT RESOLVED, that a public hearing is hereby scheduled for March 4, 2024, at 6:00 p.m. at the Athens Town Hall, 2 First Street, Athens, NY 12015, to receive comments from the public regarding proposed Local Law No. 1 of 2024, a Local Law to institute a six (6) month moratorium to temporarily restrict the development of Battery Energy Storage Systems Facilities and uses, so that the Town Board may consider enactment of land use regulations to encourage appropriate development of Battery Energy Storage Systems Facilities and uses that is consistent with the Town's land use development and zoning objectives; and be it further

RESOLVED, that the Town Clerk is hereby directed to publish appropriate notice for the public hearing.

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

Resolution # 2024 - 18

**VOUCHERS**

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

<b><u>General 2024 Abstract # 4</u></b>	Vouchers	48 – 81	\$162,169.60
<b><u>Highway 2024 Abstract # 4</u></b>	Vouchers	19 – 28	\$ 9,399.94
<b><u>Trust &amp; Custodian 9071 Rt 9W</u></b>	Abstract #2	Voucher 2	\$ 43.39

**THE MINUTES FROM:** February 5, 2024, were distributed to the Town board and motion by Pine and seconded by Bone, the motion passed. Ayes – 3, Nos – 0, Absent/Abstains – 2.

**DEPARTMENT REPORTS**

**HIGHWAY SUPERINTENDENT – John Farrell**

- Mr. Farrell reported that the highway crew took the annual mandated NYMIR training, Harassment and Discrimination.
- They have done some tree work on South Vosenkill and Lake Forest Dr.
- there were five snow events in the last month. The trucks were washed in between each event.
- They finished the tree work on Thorpe Rd
- the new truck on order has been pushed back until October.

-They have received and started to install the six back cameras for the trucks. This is the grant they received from ACF.

-the 2024 road agreement will be presented next month.

-Mr. Farrell asked when we would like to have the Spring cleanup? All agreed to try for April.

-It looks like the state budget will be decreasing the amount of chips money this year. On 3/7 Mr. Farrell will be going to Albany for Highway association Lobby Day.

#### CODE ENFORCEMENT – Albert Gasparini Motion by

-Mr. Gasparini reported that he has given out four building permits, done 10 Building inspections, have received 3 Certificate of occupancy search request.

-On going violations: 1540 Lees Athens Rd, 1030 Leeds Athens Rd, 500 Vosenkill Rd. (court date has been changed to 3/24). There was a court hearing for vacant land on Schoharie Tpk that is owend by Luigi DiStefano.

#### ASSESSOR – Ms. Dawn DeRose

The accessor's report was read. They have been busy with the exemption renewals and inquiries. They have received the certified list from the Village for the Athens Volunteer FD for the volunteer Firefighters/Ambulance workers for the renewals from 2024. All school districts, Village and county have the same income scale for the 2024 assessment roll.

The assessor's office will be open for business on March 1<sup>st</sup> from 8:00 – 3:00

#### FINANCIAL/BUDGET OFFICER – Mr. Don Pierro

It was reported that all financial activity for January 1 – 31, 2024 has been recorded into the general ledger. The 2024 budgeted levies for the four funds totaling \$1,184,970.00 were collected by the receiver of Taxes and paid to the Town Supervisor. All the special district levies were collected and the payment to the fire districts and library were made.

#### **TOWN SUPERVISOR – Mr. Michael Pirrone**

Pending Legal Items: see attached agenda.

Palmateer's lawsuit against the town has been dismissed.

ZBA meeting on Thursday 3/14 at 6pm to be held at EJ Arthur elementary school.

**Town Action:** see attached agenda.

A motion to accept the proposal from Delaware Engineering, Zoning Amendment Sensitivity Analysis and Land Use Planning Support Services, was made Becky Pine and seconded by Tami Bone. The motion carried. Ayes – 3, Nos – 0, Absent/Abstain – 2.

A motion to update current Town Clerk Phyllis Dinkelacker and all subsequent Town clerks as the current Town Records Management Officer. Motion made by Becky Pine and seconded by Tami Bone. Motion carried. Ayes – 3, Nos – 0, Absent/Abstains – 2.

A motion to authorize the supervisor to sign the contract to update the Towns' website as presented by Intelligent Technology Solution, Inc at an estimated cost of \$974.00. The motion was made by Becky Pine and seconded by Tami Bone. Motion carried. Ayes – 3, Nos – 0, Absent/Abstains – 2.

**COMMUNITY INFORMATION:**

- 02/22/2024 Planning Board meeting, Municipal building 7pm
- 03/04/2024 Town Board Meeting. Municipal building 6pm. Public hearing on Local Law #1.
- 03/14/2024 Zoning Board of Appeals. EJ Arthur elementary school. 6pm
- 03/18/2024 Town Board Meeting. Municipal building 6pm
- 03/28/2024 Planning Board meeting. Municipal building 7pm

**OLD BUSINESS:** None

**NEW BUSINESS:** meeting was opened to the public for questions.

Nancy Poylo asked about the dismissal of the Palmateer case.

Being no other business to come before the Board.

**A Motion was made** by Bone and second by Pine to adjourn the meeting at 7:10pm. Motion carried. 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

Wednesday February 21, 2024 @ 6:00pm

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

- PLEDGE

### Board Discussion

**Town Council Members, Town Attorney, Delaware Engineering**  
Addressing Council Members concerns, Update on current events, proposed direction in placing a moratorium on BESS facilities, Local Law Development.

- **VOUCHERS: To Approve the Vouchers audited by the Town Board for payment.**

Motion By                      2<sup>nd</sup> By                      AIF

EXCEPTIONS NOTED:

- **PRIOR MEETING MINUTES: To Approve the Minutes of February 5, 2024.**

Motion By                      2<sup>nd</sup> By                      AIF

EXCEPTIONS NOTED:

### Departmental Narratives

- Highway Superintendent: Report Attached.
- Code Enforcement Officer: Report Attached.
- Assessor Report: Report Attached.
- Financial Report: Report Attached.

### 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.

- Cocksackie 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.
- Palmateer (Index EF2023-2803, Dtd. November 24,2023) – CPLR Article 78 versus Greene County Industrial Development Agency, et al.
- 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 February 15, to address Code Violations.
- Ruth Parkins, Manager, Government relations Iroquois Pipeline Operating Company came in for a visit on February 6.
- Greene County Resolution No. 20-24, Authorizing Municipalities to Participate in County Highway Purchases.
- Funding Announcement, Severe Storms & Flooding Grant Program.
- Floodplain Management Webinars Training.
- 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: Resolution to Hold a public hearing to accept comments regarding the enactment of Local Law # \_\_\_\_\_ , Moratorium pertaining to Battery Energy Storage System Facilities.

Motion By

2<sup>nd</sup> By

AIF

**EXCEPTIONS NOTED:**





Town of Athens HWY.

Report for 2/21/2024

-The crew attend a webinar for NYMIR Harassment and Discrimination annual training on 2/14/24

✓ - Crew has done some tree work on South Vosenkill and Lake Forest Dr.

✓ -5 snow events in the last month

✓ -Washed trucks in between snow events

-Finished tree work on Thorpe Road

-The truck that we have on order has been pushed back until October.

-AFC grant to put back up cameras for 6 town highway trucks have been ordered and started to install them this week.

-I will have 2024 road agreement for next meeting

-Spring town clean up? April?

CHPS - decrease maybe in state Budget

3/7 highway Lobby day

**TOWN OF ATHENS**  
**Building Department**  
**Report for January 2024**

**Building Permits: 4 –**

New Roof Shingles, New 40 X 60 Garage,

Install a used 14 Ft. by 54 Ft. Manufactured Home at Athens Holding, LLC property. Owned by Camp Catskill,

Build a 14 Ft. by 35 Ft. Shed,

Build Two 40 Ft. by 300 Ft. T Shed at Culpeper (Northeast Treaters)

Building Permit Renewal:

**Building Inspections: 10**

**Building Permit Inquiries:** Inquiries of parcels of land to build homes, Residential Solar Panels, Garage.

Certificate of Occupancy:

Temporary Certificate of Occupancy:

Certificate of Compliance:

**Certificate of Occupancy Search Request: 3**

Complaints:

Demolition Permits:

Septic Permit:

Sign Permits:

Short Term Rental Certificates:

Fire / 911 Calls: -

Fireworks Permit:

**Violations: On going,**

- (Contractor called our office 2/9/24 inquiring about a building permit for interior work)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. Red Tagged as Dangerous and Unsafe.
- 1030 Leeds Athens Road, the house has been vandalized and is vacant and is Red Tagged as Dangerous and Unsafe.
- N.Y.S. Property Maintenance Code Section 308.1 Accumulation of rubbish or garbage. Exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage. N.Y.S. Fire Code SECTION 311 - VACANT PREMISES  
See attached email information.
- Court date changed to March 7, 2024: For 500 Vosenkill Road, Illegal junkyard, kitchen appliances, construction debris.

**Court Hearing:** Luigi DiStefano vacant land Schoharie Turnpike.  
Information on attached sheet.

TOWN OF ATHENS

Assessor's Monthly Report February 2024

We have been extremely busy with the exemption renewals, and exemption inquiries, from the mass mailing of the 2<sup>nd</sup> notice postcards. We will be making phone calls this week to the property owners, which have not filed to date, since March 1<sup>st</sup> is the deadline to file.

The Assessor's office will be open for business on March 1<sup>st</sup> 8:00-3:00. A more detailed report will be forthcoming for the March 2024 meeting.

We have received the Certified list from the Village - Athens Fire District for the Volunteer Firemen/Ambulance workers for the renewals from 2024.

All the school districts, Village and County have all the same income scale for the 2024 assessment roll.

Otherwise, conducting business as usual,

Thank you.

Dawn DeRose  
Assessor

**“TOWN OF ATHENS BATTERY ENERGY STORAGE SYSTEMS FACILITIES  
MORATORIUM LAW”**

**LOCAL LAW    OF 2024**

**SECTION 1. PURPOSE AND INTENT.**

The purpose of this Local Law is to protect the public health, safety and welfare of the residents of the Town of Athens and to maintain the status quo as to certain Battery Energy Storage Systems facilities and uses, as the present zoning regulations in the Town do not adequately address this type of use. The moratorium will stop the processing of applications for, and the issuance of any permits, certificates of occupancy and approvals for certain land uses relating to Battery Energy Storage Systems facilities. The moratorium is for a period of six (6) months, allowing the Town Board to analyze and determine potential appropriate revisions and amendments to the Town of Athens Zoning Code concerning this use.

**SECTION 2. LEGISLATIVE FINDINGS.**

The Town of Athens Town Board does hereby find that without a temporary halt on the processing, permitting, and approvals for certain Battery Energy Storage Systems facilities and uses there is the potential that such uses could be located in unsuitable areas within the Town and/or on particular lots without adequate dimensional regulations in place. The potential for the unsuitable location of and lack of proper dimensional regulations for, such uses would have materially adverse and irreversible impacts on the Town.

The Town Board also finds that it is in need of time to perform the necessary analysis of the potential types of Battery Energy Storage Systems facilities and uses that could be located in the Town. By maintaining the status quo regarding such uses the Town Board can provide for the planned orderly growth and development of the Town.

**SECTION 3. MORATORIUM IMPOSED; APPLICABILITY.**

For a period of time of six (6) months following the effective date of the adoption of this Local Law no application may be processed, and no permits, certificates of occupancy, approvals, denials, determinations or interpretations may be issued or granted for any land uses relating to Battery Energy Storage Systems.

The term "land uses relating to Battery Energy Storage Systems (BESS)" shall be broadly construed to include any facility designed to be a rechargeable Energy Storage System comprising Batteries, Battery chargers, controls, power conditioning systems and/or associated electrical equipment designed to provide electrical power. A BESS can be used to provide standby or emergency power, an uninterruptable power supply, load shedding, load sharing, or similar capabilities. Not included within the scope of this moratorium are batteries in consumer products or motor vehicles solely powered by combustion.

This Local Law shall be binding on the Town Board, Planning Board/Zoning Board of

Appeals, Building Inspector, all Town officials and employees, and any applicant or real property owner in the Town desiring to apply for or receive a permit, certificate of occupancy or approval in the Town of Athens.

During the period of the moratorium, the Town Board shall endeavor to complete all reasonable and necessary review, study, analysis and, if warranted, revisions to the Town of Athens Code. During the period of the moratorium, no applications will be accepted, nor permits, certificates of occupancy or approvals issued, which would authorize development within the Town for land uses relating to Battery Energy Storage Systems facilities as described above.

#### SECTION 4. TERM.

This moratorium shall be in effect for a period of six (6) consecutive months from its effective date.

This Local Law shall be subject to renewal for a cumulative period of up to an additional six (6) months, if necessary, by Resolution(s) of the Town Board.

#### SECTION 5. EFFECT ON OTHER LAWS.

To the extent that any law, ordinance, rule or regulation, or parts thereof, are in conflict with the provisions of this Local Law, including all provisions of Article 16 of the New York State Town Law concerning special use permit, site plan, building permit and certificate of occupancy procedure and requirements, this Local Law shall control and supersede such law ordinance, rule or regulation.

#### SECTION 6. WAIVER.

Owing to the limited scope and duration of this moratorium, there is no provision being made in this Local Law for any waivers to its applicability. However, the Town Board may, but is not obligated to, promulgate regulations by a Resolution of the Board authorizing a hardship waiver process to this moratorium.

#### SECTION 7. SEVERABILITY.

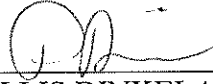
If any clause, sentence, paragraph, section or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall be confined in its operation to the clause, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered, and the remaining provisions shall remain in full force and effect.

#### SECTION 8. EFFECTIVE DATE.

This Local Law shall take effect immediately upon its filing with the Secretary of State in accordance with New York Municipal Home Rule Law.

I hereby certify that the local law annexed hereto, designated as Local Law No. 1 of 2024 of the Town of Athens was duly passed by the Town Board on Feb 21, 2024, in accordance with the applicable provisions of law.

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.



\_\_\_\_\_  
PHYLLIS DINKELACKER – TOWN CLERK

Date: 2/21/2024