

REGULAR MEETING – ATHENS TOWN BOARD

November 7, 2024

The regular meeting of the Athens Town Board was called to order on November 7, 2024, by Town 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 Board members were present at the meeting: Supervisor Michael Pirrone, Council Members Tami Bone, Mary Brandow, Anthony Paluch and Becky Pine.

The following Town Officials were present: Town Clerk Phyllis Dinkelacker, Deputy Supervisor Lasher, Bookkeeper Joanne Kratz.

The following people were in attendance: Susan Brady

The Public hearing notice was read for Local Law #4, to override the Tax Levy Limit for the Fiscal year 2025. The public hearing was opened at 6:03pm, by Supervisor Pirrone.

Ms. Susan Brady asked what could happen that would have the budget exceed the 2% tax levy.

Mr. Pirrone answered that any unexpected action I.E., flood, snowstorms etc.

The Public hearing notice for reviewing the preliminary 2025 budget was read and the public hearing was opened by Supervisor Pirrone at 6:07pm.

The floor was open for any questions about the 2025 budget.

Mr. Pirrone explained that the mortgage tax earned in 2024 was much less than what was stated in the budget, so for 2025 he is putting in \$68,000.

The board was advised that our attorney has advised the Board that you do not need to go into executive session to discuss salaries as it is part of the budget process.

At 6:31pm a motion was made by Paluch and seconded by Brandow to go into executive session.

Motion passed. Ayes – 5, No’s – 0.

At 7:16 a motion was made by Brandow and seconded by Bone to come out of executive session.

Motion passed. Ayes – 5, No’s – 0.

VOUCHERS

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

| | | |
|--|--------------------|-------------|
| <u>General 2024 Abstract # 21</u> | Vouchers 446 – 485 | \$25,785.49 |
| <u>Highway 2024 Abstract # 21</u> | Vouchers 139 – 150 | \$11,258.42 |

The minutes from October 21, 2024 were distributed to the Town board.

Town Clerk's Report: A motion was made by Brandow and seconded by Bone to accept the clerk's report for October, 2024.

Motion carries: Ayes – 5, No's – 0.

Supervisor Report: Legal Items

1.FreePoint Solar, LLC. et al. v. Town of Athens Zoning Board of Appeals. Appellate Division, Third Dept.-Case/Docket No.:CV-24-0711.

Town of Athens, Special Counsel, John Dowd, Dreyer-Boyajian has filed our All the appellate briefs have been filed with the Appellate Division Scheduled for oral arguments in November 2024.

2.Hailee Dickson, et al. v. Town of Athens Zoning Board of Appeals, et al. NYS Supreme Court, Greene County-Index No.: EF2024-400.

Towns Special Counsel, John Dowd, Esq. preparing memorandum of law in opposition to Dickson and others' Article 78 Verified Petition.

3.APO Sleepy Hollow Lake, Inc., et al, Plaintiffs (Index No. EF2023-573, Dtd. August 11, 2023) – vs Greene County Industrial Development Agency, et al.

On July 23, 2024, Honorable Sharon A. Graff, J.S.C., accordingly, hereby ORDERED that the petition/complaint is dismissed; There is an indication that Sleepy Hollow Lake is filing an Appeal.

4.Town Attorney McHugh-Town Board legal update & explanations.

Supervisor Report: General Items.

A. There will be Planning & Zoning Training, November 12. Will be held at the Senior Center on 2nd St.

B. Building Fees, last time updated, June 7, 2021. Will consider review.

NEW BUSINESS:

Being no more questions about Local Law # 4, there was a motion by Pine and seconded by Bone to close this public hearing at 7:25pm.

Motion carried. Ayes – 5, No's – 0.

Town Action:

The consensus of the Town Board is to pass local law #4 on November 7th, to override the tax levy, if necessary.

The attached Resolution (#2024-33) was brought forward and passed.

To Re-Appoint Chris Sprague, Town of Athens resident, community activists and concerned citizen, to the Town of Athens Zoning Board of Appeals as a regular member for a Term of Five (5) years, effective August 30, 2024, to August 29, 2029.

Motion By Pine 2nd By Paluch. Motion carried. Ayes – 5, No's - 0

To Re-Appoint Anthony Cimmino, Town of Athens resident, community activists and concerned citizen, to the Town of Athens Board of Assessment Review as a regular member for a Term of Five (5) years, effective October 1, 2024, to September 30, 2029.

Motion By Bone 2nd By Pine. Motion carried. Ayes – 5, No's – 0.

Old Business Issues:

Town Facebook Proposal.
Letter from VOA Trustee Lipsman.
Planning Board & ZBA.

Board member Pine met with the CEO Gasparini regarding the fees associated with his office. She will follow up with him after the budget is done.

Town Council Concerns:

Board member advised the board that the BESS application that was presented to Catskill Town Board was withdrawn.

A discussion followed about our Town's Telecommunications & BESS laws.

Public Concerns: None

Mr. Pirrone asked the Board if they wanted to adopt the 2025 budget at this time. It was suggested that the public hearing be adjourned and be reconvened at the next Town Board meeting, November 18, 2024 at 6:00pm.

The changes that were discussed, will be made to the Budget and the Budget can be adopted on November 18, 2024.

Community Information:

- Nov 11: Veterans Day, all Town Offices closed.
- Nov 13: Zoning Board of Appeal Meeting. Municipal Building.
- Nov 18: Town Board Meeting. Municipal Building.
- Nov 21: Planning Board Meeting. Municipal Building.
- Dec 2: Town Board Meeting. Municipal Building.

- Dec 11: Zoning Board of Appeal Meeting. Municipal Building.
- Dec 14: Victorian Stroll. Village of Athens.
- Dec 16: Town Board Meeting. Municipal Building.
- Dec 19 or 26 TBD: Planning Board Meeting. Municipal Building.

Being no other business to come before the Board.

A Motion was made by Pine and second by Bone to adjourn the meeting at 7:35pm.

Motion carried. Ayes – 5, No's – 0.

Respectfully submitted,

Phyllis Dinkelacker
Town Clerk

Board of Appeals as a regular member for a Term of Five (5) years, effective November 7, 2024, to November 6, 2029.

Motion By 2nd By AIF

- **Town Action: To Re-Appoint Anthony Cimmino, Town of Athens resident, community activists and concerned citizen, to the Town of Athens Board of Assessment Review as a regular member for a Term of Five (5) years, effective October 1, 2024, to September 30, 2029.**

Motion By 2nd By AIF

- **Town Action:**

Motion By 2nd By AIF

Old Business Issues:

- **Town Facebook Proposal.**
- **Letter from VOA Trustee Lipsman. (Tabled)**
- **Planning Board & ZBA.**

Town Council Concerns:

Public Concerns:

Community Information:

- **Nov 11: Veterans Day, all Town Offices closed.**
- **Nov 13: Zoning Board of Appeal Meeting. Municipal Building.**
- **Nov 18: Town Board Meeting. Municipal Building.**
- **Nov 21: Planning Board Meeting. Municipal Building.**
- **Dec 2: Town Board Meeting. Municipal Building.**
- **Dec 11: Zoning Board of Appeal Meeting. Municipal Building.**
- **Dec 14: Victorian Stroll. Village of Athens.**

| Account Description | Fee Description | Account# | Qty | Local Share |
|-----------------------------|--------------------------|------------|-------------------|-----------------|
| Building Permits | Building Permit | B 2590 | 3 | 272.16 |
| | | | Sub-Total: | \$272.16 |
| Certificate Of Occupancy | Certificate Of Occupancy | B 2590 | 2 | 250.00 |
| | | | Sub-Total: | \$250.00 |
| Clerk Fees | Municipal Search | 0604704056 | 3 | 300.00 |
| | | | Sub-Total: | \$300.00 |
| Conservation | Conservation | A1255 | 5 | 12.69 |
| | | | Sub-Total: | \$12.69 |
| Dog Licensing | Female, Spayed | A2544 | 3 | 33.00 |
| Dog Licensing | Female, Unspayed | A2544 | 1 | 16.00 |
| Dog Licensing | Male, Neutered | A2544 | 1 | 11.00 |
| Dog Licensing | Male, Unneutered | A2544 | 1 | 16.00 |
| Dog Licensing | Replacement Tags | A2544 | 1 | 3.00 |
| | | | Sub-Total: | \$79.00 |
| Other Permits | Septic System Permit | B 2590 | 1 | 200.00 |
| Other Unclassified Revenues | Short Term Rental | A2770 | 2 | 300.00 |
| | | | Sub-Total: | \$500.00 |
| Photocopies | Photocopies | B 5095 | 17 | 4.25 |
| | | | Sub-Total: | \$4.25 |
| Registrar Fees | Registrar Fees | A1255 | 2 | 20.00 |
| | | | Sub-Total: | \$20.00 |
| Town Clerk Fees | Death Certificate/Copies | A 1255 | 24 | 240.00 |
| | | | Sub-Total: | \$240.00 |

Total Local Shares Remitted: \$1,678.10

Amount paid to: NYS Ag. & Markets for spay/neuter program 10.00

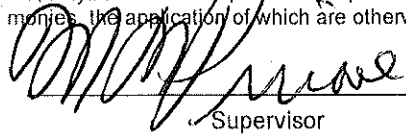
Amount paid to: NYS Environmental Conservation 217.31

Total State, County & Local Revenues: \$1,905.41

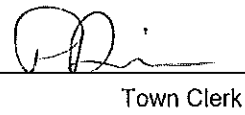
Total Non-Local Revenues: \$227.31

To the Supervisor:

Pursuant to Section 27, Sub 1, of the Town Law, I hereby certify that the foregoing is a full and true statement of all fees and monies received by me, Phyllis Dinkelacker, Town Clerk, Town of Athens during the period stated above, in connection with my office, excepting only such fees and monies the application of which are otherwise provided for by law.


Supervisor

11/7/24
Date


Town Clerk

11/4/24
Date

| | <i>Present</i> | <i>Absent</i> | <i>Aye</i> | <i>Nay</i> | <i>Abstain</i> |
|-----------------|-------------------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|
| Michael Pirrone | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Rebecca Pine | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Mary Brandow | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Anthony Paluch | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Tami Bone | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <i>Total</i> | <u>5</u> | | <u>5</u> | | |

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

WHEREAS, the Town Board for the Town of Athens believes it to be in the best interest of the citizens and taxpayers of the town to craft a financially prudent, but reasonable and realistic town budget for 2025, without being restricted by an artificial and unworkable 2.0 % tax cap limitation; and

WHEREAS, Local Law No. 4 of the Year 2024 is a Local Law to Override the Tax Levy Limit for Fiscal Year 2025 Established by General Municipal Law §3-c, and to allow the Town of Athens to adopt a Town Budget for town purposes, fire protection districts, and other special or improvement districts governed by the Town Board for the Fiscal Year 2025 that requires a real property tax levy in excess of the tax levy limit as defined by GML §3-c; and

WHEREAS, the Local Law expressly authorizes the Town Board to override the tax levy limit by the adoption of a Local Law by a vote of 60% of the Town Board; and

WHEREAS, the Town Board held a public hearing on November 7, 2024 at 6:00 p.m. at the Athens Town Hall, 2 First Street, Athens, NY 12015, for the purpose of hearing public comments on the adoption of Local Law No. 4 of 2024; and

WHEREAS, the Town Board has considered the application of the State Environmental Quality Review Act and hereby determines that the proposed Local Law constitutes a Type II action for which an environmental assessment form shall not be required;

NOW, THEREFORE, be it resolved as follows:

RESOLVED, that Local Law No.4 of the Year 2024 of the Town of Athens, a Local Law to Override the Tax Levy Limit Established in General Municipal Law §3-c is hereby adopted, and effective upon its filing with the New York State Department of State.

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

Approved as to form and adopted this,
7th day of November 2024.

ATTEST:

Phyllis Dinkelacker
Athens, Town Clerk

APPROVED:

Michael N. Pirrone
Athens, Town Supervisor

PROPOSED LOCAL LAW NO. 4 OF THE YEAR 2024
A LOCAL LAW ADOPTING A REVISION TO CHAPTER 76 OF THE CODE OF THE
TOWN OF ATHENS, COUNTY OF GREENE, TO OVERRIDE THE TAX LEVY LIMIT
FOR FISCAL YEAR 2025

SECTION 1. AUTHORITY.

This Local Law is enacted pursuant to General Municipal Law Sec. 3-c (the "Property Tax Cap Law"), which expressly authorizes the Town Board to override the tax levy limit by the adoption of a local law approved by vote of sixty percent (60%) of the Town Board.

SECTION 2. PURPOSE.

The purpose of this Local Law is to permit the Town Board to override the tax levy limit on the amount of property taxes that may be levied by the Town of Athens pursuant to the Property Tax Cap Law; and to allow the Town to adopt a budget for Fiscal Year 2025 that requires a real property tax levy in excess of the "tax levy limit" as defined by the Property Tax Cap Law. Such override is necessary and in the best interests of the Town.

SECTION 3. TAX LEVY LIMIT OVERRIDE.

The Code of the Town of Athens is hereby amended by revising Chapter 76, entitled "Tax Levy Limit Override," to read as follows:

CHAPTER 76. TAX LEVY LIMIT OVERRIDE.

Section 76-1. The Town Board is hereby authorized to override the Tax Levy Limit Established pursuant to General Municipal Law Sec. 3-c, for Fiscal Year 2025, and to adopt a budget for Fiscal Year 2025 that requires a real property tax levy in excess of the amount

SECTION 4. SEVERABILITY.

If any clause, sentence, paragraph, section or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to said clause, sentence, paragraph, section or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such order or judgment shall be rendered.

SECTION 5. EFFECTIVE DATE.

This Local Law shall take effect immediately.