

# Town of Athens, NY & Town Council Meeting

## Municipal Building, 2 First Street

Michael N. Pirrone, Supervisor

Tentative Agenda **MONDAY, MARCH 4, 2024 @ 6:00pm**

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

- PLEDGE

- OPEN PUBLIC HEARING

### Public Hearing Battery Energy Storage System Facilities

To hear any & all comments or questions on Proposed Local Law # 1, entitled “Town of Athens Battery Energy Storage Systems Facilities Moratorium Law”. The purpose of this Local Law is to protect the public health, safety & welfare of the residents of the Town of Athens & to maintain the status quo as to certain Battery Energy Storage Systems Facilities & Uses, as the present zoning regulations in the Town do not adequately address this type of Use.

**PUBLIC ITEM:** Alysou Pou, independent artist seeking a grant from “CREATE” which requires the Grantee to have a Community Partner. Attached.

- **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 21, 2024.

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

EXCEPTIONS NOTED:

### 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.
- 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 March 7, to address Code Violations.
- 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: To adoption Local Law # \_\_\_\_\_ , Battery Energy Storage Systems Facilities Moratorium for a period of \_\_\_\_\_ .

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

**EXCEPTIONS NOTED:**

- Town Action: To Authorized the Supervisor to sign the Letter of Agreement, Fiscal Sponsor Form, for the CREATE Council on the Arts Grant application with Project Artist Alysou Pou. The Town of Athens will serve as sponsor & custodian of the grant funds until project completion.

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

**EXCEPTIONS NOTED:**

- Town Action: The Town Board will solicit letters of interest for a special committee to be formed to review the Town code, where we are vulnerable, needs to be reworked with closer attention to elements of the Comprehensive Plan.

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



- **April 25: Planning Board Mtg. Municipal Building.**

**Old Business Issues:**

**New Business: Planning Board items of concern.**

- 1. Update to Code, Fees, Fine schedules.**
- 2. Committee to do codes.**
- 3. Additional, alternate members.**
- 4. Code book (Hard Copy).**
- 5. Attendance & Training.**
- 6. Maps.**

- **Town Council Concerns:**

- **Public Concerns:**

- **Town Action: Move to Adjourn,  
Motion By \_\_\_\_\_ 2<sup>nd</sup> By \_\_\_\_\_**

**AIF**

**EXCEPTIONS NOTED:**

TOWN CLERK'S MONTHLY REPORT

TOWN OF Athens, NEW YORK TO THE SUPERVISOR:

DATE: 3/1, 20 24

Pursuant to Section 27, Subd. 1, of the Town Law, I hereby make the following statement of all fees and moneys received by me in connection with my office, during the month above stated, excepting only such fees and moneys in application and payment of which are otherwise provided for by law:

Table listing fees: Conservation Licenses - DECALS, Marriage Licenses No. 2 to 3, Marriage Certificates, Marriage Transcripts, Registrar Fees, Migratory Bird Stamps, and Commission.

Table listing revenues: A 1255 TOTAL TOWN CLERK FEES, A 1010 - 1090 REAL PROPERTY TAXES, A 2001 PARK and RECREATION CHARGES, A 2110 ZONING FEES, A 2530 GAMES OF CHANCE, A 2540 BINGO, A 2544 DOG LICENSE, A 2545 OTHER LICENSES, A 2555 BUILDING PERMITS, A 2590 OTHER PERMITS, A 2655 MINOR SALES, A 2770 OTHER UNCLASSIFIED REVENUES.

Summary table: TOTAL TOWN REVENUES TO SUPERVISOR, Amount paid to NEW YORK STATE COMPTROLLER for Games of Chance Licenses, Amount paid to NEW YORK STATE COMPTROLLER for State Share of Bingo Licenses, Amount paid to NEW YORK STATE D.E.C. for Conservation Licenses - DECALS, Amount paid to COUNTY TREASURER for Dog Licenses, Amount paid to NEW YORK STATE HEALTH DEPARTMENT for Marriage Licenses, Amount paid to NEW YORK STATE AGRICULTURE & MARKETS for Unspayed / Unneutered Dogs, Amount paid to NEW YORK STATE for Sales Tax on Sale of Dogs.

\*Received Payment of these amounts: TOTAL DISBURSED \$ 1416.00, March 4 20 24, Michael Pirrone Supervisor

STATE OF NEW YORK, COUNTY OF CATTARAUGUS, TOWN OF Athens, being duly sworn, says that I am the Clerk of the Town of Athens that the foregoing is a full and true statement of all Fees and Moneys received by me during the month above stated, excepting only such Fees the application and payment of which are otherwise provided for by law.

Subscribed and Sworn to before me this day of 20 } Notary Public

At a Meeting of the Town Board of the Town of Athens, at 2 First Street, Athens, New York, on March 4, 2024 there were:

	<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"/>
Mary Brandow	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Anthony Paluch	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Rebecca Pine	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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>					

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

WHEREAS the Town Board of the Town of Athens has introduced a proposed Local Law to authorize the establishment of a six (6) month moratorium to temporarily halt the processing and issuing of any applications, permits, certificates of occupancy, approvals, denials, determinations or interpretations for any land use relating to Battery Energy Storage Systems (BESS) facilities, and

WHEREAS, a public hearing upon proper notice was held on March 4, 2024, 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 enact the proposed Local Law attached hereto and made a part hereof, which shall be numbered Local Law # 1 of the year 2024.

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