

REGULAR MEETING – ATHENS TOWN BOARD

April 7, 2025

The regular/organizational meeting of the Athens Town Board was called to order on April 7, 2025, 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., Athens, NY

The following Town Board members were in attendance: Supervisor Michael Pirrone, Town Board members Tami Bone, Karen Haas, Tony Paluch and Becky Pine

The following Town Officers and Appointees were in attendance: Town Clerk Phyllis Dinkelacker, Deputy Supervisor Gail Lasher, and Town Attorney George McHugh.

The following people were in attendance: George Greiner, Robert Brunner, connie Pazin, Dieter Hartmann, Robin Fischman, Rick Zimmer, Mike Campbell.

Town Action: Whereas the Town of Athens, after the conscientious perspectives of Town Council Members, diligent consultation & assistance from a Citizens' Committee, Planning Professionals, Town Attorney & other credible advice, resources & information, amendments to Zoning Law, necessary regulations & other procedures, the Town Council moved forward with the Wireless Telecommunication Facilities Updated Local Law, as has been presented.

A SEQR (State Environmental Quality Review Act) was completed by the board, for the Local Law #2025-2. Finding no negative impact, A motion was made by Tony Paluch and second by Becky Pine to accept the SEQR results.

Motion carried, Aye's – 5 (Bone, Haas, Paluch, Pine, and Pirrone), No's – 0.

A motion to pass resolution #2025-32 passing Local Law #2025-2 was made Becky Pine and second by Tami Bone.

Motion carried, Aye's – 5 (Bone, Haas, Paluch, Pine, and Pirrone), No's – 0.

VOUCHERS

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

<u>General 2025 Abstract # 6</u>	Vouchers	110 – 152	\$95,440.04
<u>Highway 2025 Abstract # 6</u>	Vouchers	39 - 54	\$22,853.91

The minutes from March 17, 2025 were distributed to the Town board and motion by Pine and seconded by Bone, to accept the minutes.

Motion carried, Aye's – 5 (Bone, Haas, Paluch, Pine, and Pirrone), No's – 0.

Clerk's Report: The Clerk's report for the month of March was presented to the Board. A motion was made by Pine and seconded by Bone to accept the Clerk's report.

Motion carried, Aye's – 5 (Bone, Haas, Paluch, Pine, and Pirrone), No's – 0.

Supervisor Report: Legal Items

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

Special Counsel Dreyer Boyajian (John Dowd, Esq., Of Counsel) will be drafting and applying to the Appellate Division asking them to refer the Freepoint Solar decision to the Court of Appeals for their review and deliberation. The Town does not have a right to appeal this decision to the Court of Appeals, like Freepoint had when they appealed the Supreme Court Decision to the Appellate Division. However, the Town does have the right to make an application for an appeal to the Court of Appeals, and if it is granted, the Freepoint application will be stayed, and the Court of Appeals will hear the case. If the application is not granted, the Appellate Division decision stands and Freepoint Solar will have the ability to proceed to the Planning Board for Site Plan review.

-Town Attorney McHugh-Town Board legal update & explanations

Supervisor Report: General Items

-Peckham, Schoharie Turnpike odor issues. The Supervisor continues to aid in the resolution of this issue, accurately identify any & all potential causes. Current report of odors, March 26, 2025. Peckham managers responded with information & kept us apprized. Constructive conversations, questions & answers are always welcomed.

-Greene County Ambulance Review Study Meeting will be Wednesday, April 9, 2025.

-Clean Up Day, Town & Village wide cleanup day is scheduled for April 26 at the Village of Athens, DPW Facility, 37 Third Street, Athens.

-Thoughts about Summertime Cancelling of Town Meeting for July 7, 2025, and August 4, 2025.

-Iroquois Pipeline Spring newsletter.

-Greene — Columbia NYS Dept. of State Training, June 10, 2025.

-Open to all Judge Pazin 40th Anniversary of Service. Town Honorarium recognition.

-Green Lake Resort, Planned Unit Development Project.

New Business:

Town Action: To Adopt the 2025 Proposed Building Department Permit & Fee Schedule dated March 17, 2025, which was initiated by Town Council Member Pine on Nov. 26, 2024. After diligent research & collaboration with Code Enforcement Officer Gasparini and Planning Board Chair Eric Nelson. With full inclusion of Town Council Members & Town Attorney during the entire process. The Town of Athens hereby recommends this updated fee schedule, in compliance with the applicable Code Sections: 92, 94, 103, 116,147, 153, 162, 180.

A motion was made by Bone and seconded by Haas to approve the new fee schedule.

Motion carried, Aye's – 5 (Bone, Haas, Paluch, Pine, and Pirrone), No's – 0.

Town Action: To Accept Greene County Resolution 116-25 Authorizing Chargeback of Assessment Roll Related Services & materials (2025 Senior Exemption 2nd Notice) \$ 1,008.86. Motion made by Pine and seconded by Bone.

Motion carried, Aye's – 5 (Bone, Haas, Paluch, Pine, and Pirrone), No's – 0.

Town Action: To Accept Greene County Resolution 117-25 Authorizing Chargeback of Assessment Roll Related Services & materials (2025 Tax Bills) \$ 1,582.39.

Motion was made by Haas and seconded by Pine.

Motion carried, Aye's – 5 (Bone, Haas, Paluch, Pine, and Pirrone), No's – 0.

Town Action: To Accept NYS Department of State Building Standards & Codes, Uniform Code Administration & Enforcement Report 2024, as submitted by CEO Gasparini.

Motion by Pine and seconded by Bone.

Motion carried, Aye's – 5 (Bone, Haas, Paluch, Pine, and Pirrone), No's – 0.

Old Business Issues:

A Motion by Pine and seconded by Bone to authorize the Supervisor to sign the agreement with ITS for a new phone system.

Motion carried, Aye's – 5 (Bone, Haas, Paluch, Pine, and Pirrone), No's – 0.

The bid notice for a new Truck for the highway was put in the paper.

Town Council Concerns:

Board member Pine suggested that now that the Law on telecommunications is done that they should now focus on the Local Law for B.E.S.S

Public Concerns:

-George Greiner asked if the minutes were on the Website yet. Town Clerk - Yes, they are.

-Judge Pazin Thanked Board member Pine for helping with the lift for upstairs. Waiting for the engineer to get the information for installing the lift.

-Mike Campbell advised that the board should request a copy of the MSDS from Peckham.

Community Information: All Dates Subjected to Change.

Please be advised: Burn Ban March 16 until May 14, 2025

Apr 9: Zoning Board of Appeal Meeting No Meeting Required,

Apr 12: Trooper David Brinkerhoff Memorial Bike Race.

Apr 20: Easter Week.

Apr 21: Town Board Meeting. Municipal Building.

Apr 24: Town Planning Board Meeting. Municipal Building.

Apr 24 to May 2: Supervisor Pirrone Out of Town.

Apr 26: Town & Village Clean Up Day. Village DPW Facility.

May 3: Margaret Schmidt Memorial 5K Run E J Arthur School.

May 5: Town Board Meeting. Municipal Building.

May 11: Mother's Day.

May 14: Zoning Board of Appeal Meeting. Municipal Building.
May 19: Town Board Meeting. Municipal Building.
May 20: Cossackie-Athens School Budget & Board Election. EJ Arthur School.
May 22: Town Planning Board Meeting. Municipal Building.
May 26: Memorial Day, Town Offices Closed.
Jun 2: Town Board Meeting. Municipal Building,
Jun 10: NYS-Greene & Columbia Counties Training by Registration,
Jun 11: Zoning Board of Appeal Meeting. Municipal Building.
Jun 14: Flag Day.
Jun 14: Athens Community Day. Riverside Park.
Jun 15: Father's Day.
Jun 16: Town Board Meeting. Municipal Building.
Jun 26: Town Planning Board Meeting. Municipal Building.
Jul 4: Independence Day. Town Offices Closed.
Jul 7: Town Board Meeting, Municipal Building.
Jul 9: Zoning Board of Appeal Meeting. Municipal Building.
Jul 21: Town Board Meeting. Municipal Building.
Jul 24: Town 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 6:44pm.

Motion carried, Aye's – 5 (Bone, Haas, Paluch, Pine, and Pirrone), No's – 0.

Respectfully submitted.

Phyllis Dinkelacker
Athens Town Clerk

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. Special Counsel Dreyer Boyajian (John Dowd, Esq., Of Counsel) will be drafting and applying to the Appellate Division asking them to refer the Freepoint Solar decision to the Court of Appeals for their review and deliberation. The Town does not have a right to appeal this decision to the Court of Appeals, like Freepoint had when they appealed the Supreme Court Decision to the Appellate Division. However, the Town does have the right to make an application for an appeal to the Court of Appeals, and if it is granted, the Freepoint application will be stayed, and the Court of Appeals will hear the case. If the application is not granted, the Appellate Division decision stands and Freepoint Solar will have the ability to proceed to the Planning Board for Site Plan review.**
- 2. Town Attorney McHugh-Town Board legal update & explanations.**

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- B. Greene County Ambulance Review Study Meeting will be Wednesday, April 9, 2025.**
- C. Clean Up Day, Town & Village wide cleanup day is scheduled for April 26 at the Village of Athens, DPW Facility, 37 Third Street, Athens.**
- D. Thoughts about Summertime Cancelling of Town Meeting for July 7, 2025, and August 4, 2025.**
- E. Iroquois Pipeline Spring newsletter.**
- F. Greene – Columbia NYS Dept. of State Training, June 10, 2025. Open to all.**
- G. Judge Pazin 40th Anniversary of Service. Town Honorarium recognition.**
- H. Green Lake Resort, Planned Unit Development Project.**

Old Business Issues:

Town Council Concerns:

Public Concerns:

- **Town Action: Move to Executive Session**
Motion By 2nd By AIF
EXCEPTION NOTED:

- **Town Action: To Adjourn from Executive Session.**
Motion By 2nd By AIF
EXCEPTION NOTED:

- **Town Action: To Reconvene Regular Session.**
Motion By 2nd By AIF
EXCEPTION NOTED:

Community Information: All Dates Subjected to Change.

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Town Action: Move to Adjourn,

Motion By

2nd By

AIF

Account Description	Fee Description	Account#	Qty	Local Share
Building Permits	Building Permit	B2555	10	9,086.65
			Sub-Total:	\$9,086.65
Clerk/Registrar Fees	Birth Certificate	A1255	3	30.00
			Sub-Total:	\$30.00
Dog Licensing	Female, Spayed	A2544	2	22.00
Dog Licensing	Male, Neutered	A2544	1	11.00
Dog Licensing	Male, Unneutered	A2544	1	16.00
			Sub-Total:	\$49.00
Marriage Lic.	Marriage License Fee	A 1255	1	17.50
			Sub-Total:	\$17.50
Misc Clerk/Registrar Fee	Marriage Transcript Fee	A1255	1	10.00
			Sub-Total:	\$10.00
Misc Code Fees	Municipal Search	B2770	2	200.00
Misc Code Fees	Short Term Rental	B2770	1	150.00
			Sub-Total:	\$350.00

Total Local Shares Remitted: \$9,543.15

Amount paid to: NYS Ag. & Markets for spay/neuter program 6.00
 Amount paid to: State Health Dept. for Marriage Licenses 22.50

Total State, County & Local Revenues: \$9,571.65

Total Non-Local Revenues: \$28.50

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

Date

Town Clerk

Date

90 86 65

200

150

94 36 65

At a Meeting of the Town Board of the Town of Athens, at 39 Third Street, Athens, New York, on April 7, 2025 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rebecca Pine	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Karen Haas	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Anthony Paluch	<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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Total

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

WHEREAS, the Town Board of the Town of Athens has introduced a proposed Local Law ^{#2} to address the sighting of Telecommunications project in the Town of Athens, and to amend certain sections of the Athens Town Code, in particular Chapter 180 of the Code pertaining to Telecommunications projects, and

WHEREAS, a public hearing upon proper notice was held on March 3, 2025, and continued through March 17, 2025, and

WHEREAS, the Greene County Planning Board, upon review under Section 239 of the NYS General Municipal Law, recommended Approval with Comment of said proposed Local Law by written decision on March 21, 2025, and

WHEREAS, The Town Board acting as Lead Agency pursuant to the NYS Environmental Quality Review ACT (SEQRA) has determined that enactment of the proposed Local Law will not create the potential for any adverse environmental impacts and has adopted a Negative Declaration pursuant to SEQRA and its accompanying regulations,

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 #2 of the year 2025.

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

Approved as to form and adopt this,

7th day of ^{April} ~~March~~ 2025.

ATTEST:

APPROVED:

Phyllis Dinkelacker
Athens, Town Clerk

Michael N. Pirrone
Athens, Town Supervisor

TOWN OF ATHENS
Local Law No. [INSERT] for the Year 2025
Adopted [INSERT DATE]

BE IT ENACTED by the Town Board of the Town of Athens as follows:

Section 1. Title

A local law to amend the Town's zoning law and enact other changes necessary to update local regulations governing wireless communications facilities developments in the Town

Section 2. Purpose

The purpose of this local law is to enact changes to the Town of Athens Town Code necessary in order to modernize, streamline, and update the Code with respect to wireless telecommunications facilities, as more particularly set forth in Sections 5.1 and Section 6 of this local law.

Advancements in technology and changes in society's use of technology have made it necessary to amend the Town's code to ensure further development of wireless communications facilities, including so-called macro cell and small cell types, are consistent with the Comprehensive Plan goals of both expand high-speed broadband services and other telecommunications in the Town while also addressing open space, environmental, natural resource, and scenic needs; historic, cultural, and recreational needs; and to preserve and enhance Athens' existing residential neighborhoods.

It is further the purpose of this local law to exercise the town's right to protect its citizens and their property by controlling the use of land under authority of the Town Law and the Municipal Home Rule Law of the State of New York, to broadly protect the public health, safety and general welfare and to carry out locally established goals and objectives in a democratic manner in accordance with the Town's Comprehensive Plan.

Section 3. Authority

This local law is adopted by the Town Board of Town of Athens (hereinafter referred to as the "Town Board") pursuant to its authority to adopt local laws under Article IX of the New York State Constitution; Articles 2 and 3 of the Municipal Home Rule Law; Article I of the Town Zoning Law, including Section 2 which authorize the Town to adopt zoning provisions that promote health and general welfare, encourage the most appropriate use of land throughout the Town, encourage development in accord with a comprehensive plan and professional planning techniques, and improve the quality of life throughout the Town.

Section 4. Repeal of Chapter 162 Telecommunications Towers

Chapter 162 Telecommunications Towers is hereby repealed in its entirety.

Section 5. Chapter 180 Amendments

Chapter 180 Zoning of the Town of Athen Town Code is amended as set forth in this Section.

TOWN OF ATHENS
Local Law No. [INSERT] for the Year 2025
Adopted [INSERT DATE]

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