

REGULAR MEETING – ATHENS TOWN BOARD

February 3, 2025

The regular/organizational meeting of the Athens Town Board was called to order on Monday February 3, 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, Tony Paluch and Becky Pine

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

The following people were in attendance: Karen Haas, Susan Brady, Mathew Sovern, Michael Campbell, and Shaw Ness.

TOWN COUNCIL DISCUSSION: Continue Discussion of the Town Council Members concerning "Telecommunication Towers & Wireless Telecommunications Facilities," Propose Zoning Amendments, Greene County Planning Board, Coordinated SEQRA Review and Public Hearing Scheduled.

Town Code 180-54.1, Town Code 160-1, Full Environmental Assessment Form.

Adam Yagelski, Delaware engineering submitted updates to the Draft Telecommunications Law. He will be sending this revision to the planning board.

VOUCHERS

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

<u>General 2025 Abstract # 2</u>	Vouchers	19 – 34	\$ 48,525.67
<u>Highway 2025 Abstract #2</u>	Vouchers	5 – 10	\$200,517.11

The minutes from January 22, 2025 were not available.

Clerk’s Report: The Clerk’s report for the month of January was presented to the Board. A motion was made by Bone and seconded by Paluch to accept the Clerk’s report.

Motion Carried. Ayes – 4, Bone, Paluch, Pine and Pirrone. No’s – 0.

The board requested that the clerk give them a copy of her monthly report.

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. Hailee Dickson, et al. v. Town of Athens Zoning Board of Appeals, et al. NYS Supreme Court, Greene County-Index No.: EF2024-400.
Town's Special Counsel, John Dowd, Esq. preparing memorandum of law in opposition to Dickson and others' Article 78 Verified Petition.
3. 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. The last report of orders was on January 27, 2024. Peckham managers responded with some information, keeping us in the loop. Constructive conversations, questions & answers are always welcomed.

Greene County Ambulance Review Study Meeting #4 will be Wednesday, February 12, 2025. Cancelled.

The Supervisor would like to extend his congratulations to the owners/operators of Sunny Acres Farms, Flats Road, Athens NY. For their Recognition by NYS Agricultural Society Century Farm, "A Family Farm for Over 100 Years.

New Business:

Town Action: Town of Athens Acceptance of Resignation of Councilwoman Mary H. Brandow and pass Resolution 2025-19.

Motion By Pirrone 2nd By Paluch.

Motion Carried. Ayes – 4, Bone, Paluch, Pine and Pirrone. No's – 0.

TOWN BOARD APPOINTMENTS, Numbers 13 to 15. One Year Term.

Appoint Virginia Sherman as Town of Athens Court Clerk.

Motion By Paluch 2nd By Bone.

Motion Carried. Ayes – 4, Bone, Paluch, Pine and Pirrone. No's – 0.

Appoint Alison Dooley as Town of Athens Assessor's Consultant.

Motion By Bone 2nd By Pine

Motion Carried. Ayes – 4, Bone, Paluch, Pine and Pirrone. No's – 0.

Appoint Esther Bell as Town of Athens Assessor's Data Collector.

Motion By Pine 2nd By Bone.

Motion Carried. Ayes – 4, Bone, Paluch, Pine and Pirrone. No's – 0.

Town Action: Authorizing the Town of Athens to provide support in the preparation for the Capital Bicycle Racing Club 2025 Tropper Brinkerhoff Memorial Race, on April 12, 2025.

Motion By Pine 2nd By Bone.

Motion Carried. Ayes – 4, Bone, Paluch, Pine and Pirrone. No's – 0.

Town Action: Authorizing the Town of Athens to Adopt Greene County **Resolution 2025-20**, Authorizing Municipalities to Participate in County Highway Purchase, pursuant to Section 408-A, County Law, as stated in Town of Athens Code, Chapter 52, Article I, Paragraph 52-1, Adoption of County Bids, when so deemed prudent and advantage by Town of Athens Highway Superintendent.

Motion By Paluch 2nd By Bone

Motion Carried. Ayes – 4, Bone, Paluch, Pine and Pirrone. No's – 0.

Town Action: Authorizing the Town of Athens to Adopt Greene County Resolution No. 446-24, Increasing Amount of Income for Senior Citizen, and Disable Citizen Tax Exemption, pursuant to Section 467, RPTL, as Stated in Town of Athens Code, Article II, Senior Citizen Exemption Paragraph 159-7, Sliding Scale.

Athens's resolution #2025-21

Motion By Pirrone 2nd By Bone.

Motion Carried. Ayes – 4, Bone, Paluch, Pine and Pirrone. No's – 0.

Town Action: Authorizing the Highway Superintendent to proceed with Immediate Repairs and Related Parts Purchases for Highway Motor Vehicles, Equipment and necessary items with an estimated cost of up to \$10,000, when deemed necessary & practical by the Highway Superintendent. Resolution #2025-22

Motion By Paluch 2nd By Bone.

Motion Carried. Ayes – 4, Bone, Paluch, Pine and Pirrone. No's – 0.

Town Action: Authorizing the Repair of Highway Equipment, Motor Vehicle, 2014 International Model 7500 SFA 4 X 4. The cost of Repairs, Parts, Fluids & Diagnostics is \$9, 342.50 as presented on the attached estimate of services. Resolution #2025-23.

Motion By Paluch 2nd By Bone.

Motion Carried. Ayes – 4, Bone, Paluch, Pine and Pirrone. No's – 0.

Town Action: A motion was made by Pine and seconded by Paluch to pass resolution 2025-24. Extending the Battery Energy Storage System (B.E.S.S.) Moratorium for 6 months, March 5, 2025 – September 5, 2025

Motion Carried. Ayes – 4 Pirrone, Bone, Paluch, Pine. No's – 0

Old Business Issues:

Council Member Pine & Code Enforcement Officer Gasparini have prepared a draft of proposed Building Department Permit & Fees revisions for consideration by the Council.

Town Council Concerns:

Public Concerns:

Executive Session: Town Board Only

1. Town Council Vacancy
2. Planning Board Candidates.

Town Action: Supervisor Pirrone requests an Executive Session to Evaluate Town Council Vacancy and Planning Board Candidates. Went into executive session at 6:22pm.

Motion By Bone 2nd By Pine

Motion Carried. Ayes – 4, Bone, Paluch, Pine and Pirrone. No's – 0.

Town Clerk was asked to leave.

Notes taken after executive session were taken by Supervisor Pirrone.

Town Action: To Adjourn from Executive Session. 6:50pm

Motion By Paluch 2nd By Bone.

Motion Carried. Ayes – 4, Bone, Paluch, Pine and Pirrone. No's – 0.

Town Action: To Reconvene Regular Session.6:50pm

Motion By Paluch 2nd By Bone

Motion Carried. Ayes – 4, Bone, Paluch, Pine and Pirrone. No's – 0.

Town Action: To appoint Eric Nelson as Chair of the Planning Board, for a term of one (1) year. February 3, 2025 to December 31, 2025.

Motion by Pine and seconded by Bone.

Motion Carried. Ayes – 3, Bone, Pine and Pirrone. No's – 1, Paluch.

Town Action: To appoint Courtney Sherman to the planning board as an alternate member for a term of one(1) year. February 3, 2025 – December 31, 2025

Motion by Bone and seconded by Pine.

Motion Carried. Ayes – 4, Bone, Paluch, Pine and Pirrone. No's – 0.

Community Information:

Feb. 3: Town Board Meeting. Municipal Building.

Feb. 12: Zoning Board of Appeal Meeting (When needed). Municipal Building.

Feb. 12: ~~Cancelled~~ Greene County EMS Evaluation Committee, Cairo.

Feb. 17: Presidents Day. Town Offices Closed All Day.

Feb. 19: Wednesday, Town Board Meeting. Municipal Building.

Feb. 27: Town Planning Board Meeting. Municipal Building.

Mar. 3: Town Board Meeting. Municipal Building.

Mar. 12: Zoning Board of Appeal Meeting. Municipal Building.

Mar. 17: Town Board Meeting. Municipal Building.

Mar. 27: Town Planning Board Meeting. Municipal Building.

Apr. 7: Town Board Meeting. Municipal Building.

Being no other business to come before the Board.

A Motion was made by Paluch and second by Bone to adjourn the meeting at 6:54pm.

Motion Carried. Ayes – 3, Bone, Pine and Pirrone. No's – 1, Paluch.

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.
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3. **Town Attorney McHugh-Town Board legal update & explanations.**

Supervisor Report: General Items.

- A. **Peckham, Schoharie Turnpike odor issues.** The Supervisor continues to aid in the resolution of this issue, accurately identify any & all potential causes. **The last report of orders was on January 27, 2024.** Peckham managers responded with some information, keeping us in the loop. Constructive conversations, questions & answers are always welcomed.
- B. **Greene County Ambulance Review Study Meeting #4 will be Wednesday, February 12, 2025. Cancelled.**
- C. The Supervisor would like to extend his congratulations to the owners/operators of Sunny Acres Farms, Flats Road, Athens NY. For their Recognition by NYS Agricultural Society Century Farm, "A Family Farm for Over 100 Years.

New Business:

Public Concerns:

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- **Town Action: Supervisor Pirrone requests an Executive Session to Evaluate Town Council Vacancy and Planning Board Candidates**

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.**

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**Town Action: Move to Adjourn,
Motion By**

2nd By

AIF

Date	Cash Category	Fee Description	Name	ID # / Misc	User ID	Rept #	Qty	Prnt Method	Amount	Total Amount
01/02/25	Clerk/Registrar Fees	Birth Transcript	Reich, Lesley	4-04121987 / 4-04121987	PDINK	4879	1	CASH	\$10.00	\$10.00
Total for: 01/02/2025										
01/06/25	Dog Licenses (Original)	Female, Unspayed	Fine, Livia	450 / 450	PDINK	4881	1	CASH	\$19.00	\$19.00
Total for: 01/06/2025										
01/07/25	Dog Licenses (Renewal)	Male, Neutered	Brown, Maria	00425 / 00425	TMART	4908	1	CK #2039	\$12.00	\$12.00
Total for: 01/07/2025										
01/09/25	Misc Code Fees	Municipal Search	Lic, Real Res	MS1-1/9 / MS1-1/9	TMART	4887	1	CK #1532158	\$100.00	\$100.00
		Municipal Search	Lic, Veteran's Investing	MS2-1/9 / MS2-1/9	TMART	4889	1	CK #19289	\$100.00	\$100.00
		Building Permit	Hale, Janae Redmond	BP24-51 / BP24-51	TMART	4886	1	CK #4789	\$383.42	\$383.42
		Building Permit	Flynn, Katie	BP24-54 / BP24-54	TMART	4888	1	CK #3445	\$150.00	\$150.00
Total for: 01/09/2025										
01/13/25	Dog Licenses (Original)	Male, Neutered	Kinch, Jennifer	451 / 451	PDINK	4890	1	CASH	\$12.00	\$12.00
Total for: 01/13/2025										
01/15/25	Permits	Building Permit	Swanteson, Susan	BP24-52 / BP24-52	TMART	4891	1	CK #3424	\$150.00	\$150.00
		Building Permit	Goldenstein, Ryan	BP25-1 / BP25-1	TMART	4893	1	CK #9478	\$500.00	\$500.00
Total for: 01/15/2025										
01/16/25	Dog Licenses (Original)	Male, Neutered	Dustin, James	00452 / 00452	PDINK	4892	1	CASH	\$12.00	\$12.00
		Municipal Search	Deyo Sr., Myron Jacob	MS1-1/16 / MS1-1/16	TMART	4894	1	CK #80713	\$100.00	\$100.00
Total for: 01/16/2025										
01/22/25	Dog Licenses (Renewal)	Female, Spayed	Aftulis, Kimberly	00286 / 00286	TMART	4896	1	CK #6238	\$12.00	\$12.00
		Death Certificate/Copies	Koon, Cindy	DC1-1/22 / DC1-1/22	TMART	4895	2	MO #29566522	\$20.00	\$20.00
Total for: 01/22/2025										
01/23/25	Town Clerk/Registrar Fees	Death Certificate/Copies	Home, Millspaugh Camerato	2024-7 / 2024-7	PDINK	4897	1	CK #4041	\$10.00	\$10.00
Total for: 01/23/2025										

indicates a payment that covered multiple transactions
 A indicates an amount that is no longer valid due to an adjustment
 * indicates an online transaction
 If transaction marked incomplete, you must bring up the record in the originating module and click the edit payment breakdown button.
 Note: Voided records are suppressed.

Date	Cash Category	Fee Description	Name	ID # / Misc	User ID	Rcpt #	Qty	Pmnt Method	Amount	Total Amount
01/24/25	Dog Licenses (Original)	Male, Neutered	Koppenhafer, Diane	453 / 453	PDINK	4899	1	CASH	\$12.00	\$12.00
		Male, Neutered	Koppenhafer, Diane	454 / 454	PDINK	4900	1	CASH	\$12.00	\$12.00
		Female, Spayed	Koppenhafer, Diane	455 / 455	PDINK	4901	1	CASH	\$12.00	\$12.00
Total for: 01/24/2025										\$36.00
01/29/25	Permits	Building Permit	Gurgov, Daniel	BP25-2 / BP25-2	TMART	4902	1	CK #3619	\$1,250.00	\$1,250.00
		Building Permit	598 Green Lake Road, LLC	BP22-50 / BP22-50	TMART	4903	1	CK #106	\$315.00	\$315.00
		Building Permit	706 Green Lake Road LLC	BP22-51 / BP22-51	TMART	4904	1	CK #106	\$315.00	\$315.00
Total for: 01/29/2025										\$1,880.00
01/31/25	Dog Licenses (Renewal)	Male, Neutered	Svidro, Joanne	00413 / 00413	PDINK	4905	1	CK #	\$12.00	\$12.00
		Male, Neutered	Svidro, Joann	00412 / 00412	PDINK	4906	1	CK #1423	\$12.00	\$12.00
Total for: 01/31/2025										\$24.00

Received Through	Total
COUNTER	\$143.00
Mail	\$3,387.42

Cash Total:	\$89.00
Check Total:	\$3,421.42
Credit Card Total:	\$0.00
Debit Card Total:	\$0.00
Money Order Total:	\$20.00
Online Total:	\$0.00
Other/Unknown:	\$0.00
Report Total:	\$3,530.42

Cash/CK/MO Total: \$3,530.42

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Monthly Report of Marriage Licenses Issued

SEE INSTRUCTIONS AT BOTTOM OF PAGE

Report for the month of
January 2025

City or Town of Town of Athens

County of Greene

DEP. NO. _____

\$ _____

CHECK # _____

DO NOT WRITE IN ABOVE SPACE

Pursuant to the provisions of Section 15 of the Domestic Relations Law, as last amended by Chapter 62 of the Laws of 2003, I herewith transmit to the State Commissioner of Health a fee of twenty-two dollars and fifty cents for each marriage license issued by me during the month covered by this report.

Licenses were numbered from None to _____ inclusive.
 (If ONE license was issued place number in first space only) _____ (If NO licenses were issued write "NONE" in above space.)

Make remittance by CHECK or MONEY ORDER payable to the State Department of Health DO NOT SEND CASH Amount of remittance with this report \$ <u>-0-</u>	Name of City or Town Clerk (Please print) Phyllis Dinkelacker	
	Signature of City or Town Clerk _____	Date 2/3/2025
	Mailing Address 2 First St _____ Athens zip 12015	

INSTRUCTIONS

THIS MONTHLY REPORT OF MARRIAGE LICENSES ISSUED MUST BE TRANSMITTED TO THE STATE DEPARTMENT OF HEALTH AT THE ABOVE ADDRESS FOR EACH MONTH regardless of whether or not any licenses were issued. If no licenses were issued, indicate NONE in the space provided for license numbers.

The issuance of a marriage license makes you responsible for the remittance fee of \$22.50, regardless of whether or not the marriage ceremony is ever performed.

Marriage licenses must be numbered and reported consecutively throughout the year starting with number 1 at the beginning of EACH calendar year.

Pursuant to the authority of Section 19 of the New York State Domestic Relations Law, the Commissioner of Health has directed that this report, together with any fee, must be transmitted to the State Department of Health by the 15th of the month following the month which the report covers.

New York State Domestic Relations Law Section 22 provides that any Town or City Clerk who violates or fails to comply with any of the above mentioned reporting or filing requirements, shall be deemed guilty of a misdemeanor and shall pay a fine not exceeding the sum of one hundred dollars on a conviction thereof.