

**MINUTES OF THE SOLAR BATTERY STORAGE PUBLIC HEARING  
& REGULAR MONTHLY MEETING  
OF THE TOWN BOARD OF THE TOWN OF CANAJOHARIE  
HELD APRIL 14, 2024 AT THE TOWN HALL COMMENCING AT 7:20 PM**

**Present:** Pete Vroman, Town Supervisor  
John Peruzzi, Sr., Councilman  
Michael Muhlebeck, Councilman  
William Armitstead, Councilman  
Rodney Young, Councilman

**Recording Secretary:** Erica Hayes, Town Clerk

**Others Present:** Steve Oare, Town Highway Superintendent  
Amy Kretser, Town Bookkeeper  
Charlene Ruszkowski, Sole Assessor  
Kirsten Dunn, Town Attorney/Dunn & Dunn  
Kylie Ferguson, Legal Assistant/Dunn & Dunn  
Jennifer Stein, Residents for the Preservation of the MV Committee Founder  
Susan Mallery, Residents for the Preservation of the MV Committee Member  
Claude Porter, Residents for the Preservation of the MV Committee Member

**Call to Order**

The Public Hearing, held in regard to the Solar Battery Storage Moratorium, was called to order by Mr. Muhlebeck, at 7:20 PM, with the Pledge of Allegiance.

On a motion by Mr. Muhlebeck, seconded by Mr. Armitstead, the Public Hearing was adjourned at 7:30 PM.

The regular monthly meeting was called to order by Mr. Muhlebeck, seconded by Mr. Peruzzi, at 7:30 PM.

**Recognition of Citizens Present**

The Board recognized Jennifer Stein, who commended Mr. Muhlebeck for his diligent work putting together a visual impact presentation for the Cordelio Solar group in regard to the Flat Creek Solar Project.

Claude Porter was recognized by the Board, reminding members that there are Amish members of the community that may want to attend the upcoming Solar meeting(s), asking that people extend the offer for rides to any Amish individuals that may need/want one.

Sue Mallery offered to send the Board a copy of the letter that was drafted to send to the State, in opposition to the Flat Creek Solar Project.

The Board adopted the following Resolution:

**RESOLUTION #4 of 2024**

**Resolution to Approve Moratorium on Placement of Battery Energy Storage Systems**

**Sponsor:** John Peruzzi, Sr., Councilman  
**Second:** William Armitstead, Councilman

**Whereas,** the Town of Canajoharie had deliberated over incorporating provisions into the existing Zoning Code, entitled the Moratorium on Placement of Battery Energy Storage Systems; and,

**Whereas,** the Town had help public hearing on said Law on April 11, 2024 at 7:20 p.m. and allowed for public comment to hear and explore Town concerns about the proper placement of battery energy storage systems and the potential tax consequences thereof; and,

**Whereas,** the Town Board, by and through the advice of Attorneys for the Town, Dunn & Dunn, PLLC, as well as advise from Attorneys at Whiteman, Osterman, Hanna, LLP, as Counsel for the Town for Scale Solar projects within the Town, determined that the Town was in needs of a new law regulating placement and development of Battery Energy Systems within the Town; and,

**Whereas,** the Town, being made aware that the State of New York has experiences several fires at Utility Scale Battery Storage sites and is examining how best to protect State residents from the potentially harmful effects to both person and property, considers it in the best interest of the Town to issue this moratorium to better explore all avenues to protect Town residents from fire and other dangers relating to Battery Energy Storage Systems; and,

**Whereas,** the Town of Canajoharie finds that the above-mentioned law is the Town’s responsibility to its residents to preserve property values and protect the quality of life; preserve the essential character of the Town as Historic and Agricultural; promote a clean, wholesome and attractive environment; protect clean water sources and prime farmlands; secure the public peace, health, safety, welfare and protection of the environment; and,

**Whereas,** the Town of Canajoharie Board has followed proper procedure to adopt new provisions into the Town Zoning Code, including receiving input from residents of the Town of Canajoharie at a Public Hearing.

**Now, therefore,** be it resolved by the Board of the Town of Canajoharie that as of the date of this Resolution:

- 1) The Town hereby approves the moratorium on placement of battery energy storage systems in the Town of Canajoharie, NY, which shall become Local Law and be incorporated into the Town of Canajoharie Zoning Code.

VOTING	AYES	NAYS	ABSENT
Pete Vroman, Supervisor	X		
William Armitstead, Councilman	X		
John Peruzzi, Sr., Councilman	X		
Michael Muhlebeck, Councilman	X		
Rodney Young, Councilman	X		

**Accept the March 2024 Meeting Minutes**

A motion was made by Mr. Vroman, seconded by Mr. Muhlebeck, that the minutes of the March 2024 meeting, as submitted by the Town Clerk, be approved. All in favor ayes, carried.

**Town Supervisor**

Mr. Vroman spoke to the Board about working on the Comprehensive Plan for the Town. A plan for a 3-to-5-year timeframe was proposed.

Another topic addressed was the concern of damage to the Town roadways from trucks leaving Beech-Nut and delivering debris to residential addresses, as well as concern for what materials are being delivered. The department for Soil and Water has been contacted to ensure that the materials are not hazardous.

**Highway Superintendent**

The truck ordered pre-covid has finally been delivered for use.

A motion was made by Mr. Vroman, seconded by Mr. Armitstead, that the trade of the Highway Departments current truck, as well as the purchase of a new plow, was submitted by the Highway Superintendent, be approved. All in favor ayes, carried.

A check from MYR Energy Services, Inc., in the amount of \$40,200.50, was sent to the Town Highway Department to repair Nestle Road, which was damaged during the power line upgrades.

### **Legal**

Kylie Furguson informed the Board that there are grants available for use in developing a Comprehensive Plan. She also made mention that we should consider having a "Citizen's Committee" to help assist in the planning. The Planning Board will take the lead on this initiative.

### **Sole Assessor**

The Tentative Roll Equalization Rate currently stands at 100%, per the State.

### **Councilman Young**

Mr. Young updated the Board on the progress of the Town Garage, stating that everything seems to be on schedule.

The Board was told that the Clerk of Work was approached about adding a 14' apron to the plans for the Town Garage, which was unanimously voted against.

### **Town Bookkeeper**

#### **TOWN OF CANAJOHARIE-4/11/24 CASH REPORT MARCH 31, 2024**

CHECKING ACCOUNTS		MONEY MARKET ACCOUNTS	
General	\$ 265,641.76	General	\$211,080.63
Fire District	\$ 39.86	Highway Town Wide	\$324,171.00
Highway Town Wide	\$ 173,705.00	Highway PartTown	<u>\$401,871.25</u>
Highway Part Town	\$ 189,054.43	Total	\$937,122.88
Capital Project	\$1,151,732.06		
Trust & Agency	<u>\$ 77,724.01*</u>		
Total	\$1,857,897.12		

\*\$77,459.96 Avangrid/Mohawk Host Community

### **SAVINGS ACCOUNTS**

Highway Cap Reserve	\$ 56,827.74
Gen-Cap Reserve-Garage	\$314,889.19
Gen-Cap Reserve-land	<u>\$ 15,626.29</u>
Total	\$387,343.22

### **Budget Amendment**

Increase Expenditure	Appropriate Fund Balance	Amount
DA5130.2 Equipment	DA599	\$39,216.00*
DA5130.2 Equipment	DA878 Reserve Fund Bal	\$56,824.00**

\*This increases the Appropriation that will be used to pay for the new truck, using funds from FY 2023.

\*\*Tsf from Truck Reserve to Highway Town Wide checking, uses current money on hand.

Increase Expenditure	Increase Revenue
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DA5130.2 Equipment	DA5730 Proceeds of Bond	\$134,000.00
DA5130.2 Equipment	DA Federal Aid	<u>\$ 34,898.00</u>
	Total all changes	\$264,948.00***

\*\*\* Total cost of truck \$264,948.00

### **Authorization of Vouchers**

The Town Clerk presented the following bill vouchers for approval:

General fund vouchers #116 through #159, totaling \$197,473.15.

Highway fund vouchers #30 through #41, totaling \$317,069.61.

On a motion by Mr. Vroman, seconded by Mr. Muhlebeck, the bill vouchers were unanimously approved for payment.

### **Adjournment**

On a motion by Mr. Vroman, seconded by Mr. Muhlebeck, the meeting was adjourned at 9:44 PM.

Respectfully submitted,

Erica Hayes

Town Clerk