

**MINUTES OF THE PUBLIC HEARING FOR SOLAR BATTERY STORAGE
& REGULAR MONTHLY MEETING
OF THE TOWN BOARD OF THE TOWN OF CANAJOHARIE
HELD JULY 11, 2024 AT THE TOWN HALL COMMENCING AT 7:25 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: Amy Kretser, Town Bookkeeper
Les Hassan, Town Code Officer
Steven Oare, Highway Superintendent
Kirsten Dunn, Town Attorney/Dunn & Dunn
Ronald & Ellie Hunt, Residents for the Preservation of the MV Committee Member
Fay Mead, Residents for the Preservation of the MV Committee Member
Claude Porter, Residents for the Preservation of the MV Committee Member
Andrei Stover, SunEast Development

Call to Order

The Public Hearing, held in regard to the Solar Battery Storage Moratorium was called to order by Mr. Vroman, at 7:25 PM, with the Pledge of Allegiance.

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

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

Recognition of Citizens Present

The Board recognized Town Resident Fay Mead and addressed her concerns about the road closures due to the Route 162 detours. She stated that many vehicles are not obeying the traffic patterns, some even running through barricades. The Highway Superintendent will look for “No Truck” Signs to place at the intersection, in hopes that this will deter reckless driving. Fey also had questions concerning the Scenic Bi-way Signs, she’d like to have at least 5-6 signs added to our Town. This request needs to be addressed with the County.

Mr. Hunt was also recognized by the Board; he has concerns about the sand that has gotten into the creek bed on West Ames Road from the Town Highway Garage sand pile. The Highway Department will go to the site and dig out any sand that may have accumulated and potentially changed the flow of the water.

Vote on Solar Battery Storage

RESOLUTION #6 of 2024

Resolution to Approve Moratorium on Placement of Battery Energy Storage Systems

Sponsor: Pete Vroman, Councilman
Second: John Peruzzi, Sr., 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 July 11, 2024 at 7:25 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 June 2024 Meeting Minutes

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

Town Supervisor

Upon review the Bill #7834: An Act to Amend the Executive Law, in Relation to Qualified Energy Storage Systems, the following vote took place:

RESOLUTION #7 of 2024
Resolution to Declare the Town's Position on Bill S7834
and Other Legislation Proposed to Limit the Power of Town Governments

Sponsor: Pete Vroman, Councilman
Second: John Peruzzi, Sr., Councilman

WHEREAS, the Town Board of the Town of Canajoharie was made aware of Bill S7834 sponsored by Pete Harckham, entitled, "An act to amend the executive law, in relation to qualified energy storage systems," which was introduced but then withdrawn in May, 2024; said Bill would provide for the expansion of ORES (Office of Renewable Energy Siting) powers by enabling ORES to site large energy storage systems of greater than five thousand KW not co-located with major renewable energy facilities; and,

WHEREAS, Said Bill S7834 would have the additional result of reducing the power of local government to determine whether it would allow the same or similar energy storage system within its boundaries; and,

WHEREAS, this limitation would greatly reduce local government's ability to preserve and protect the residents under the powers granted to Towns pursuant to sections 261-263 of the Town Law and section 20 of the Municipal Home Rule Law of the State of New York, which authorize the Town to adopt zoning provisions that advance and protect the health, safety and welfare of the community, and, in accordance with Town Law of New York State, "to make provision for, so far as conditions may permit, the accommodation of Solar Energy Systems and equipment...", and,

WHEREAS, the Town of Canajoharie thrives on the agriculture industry and tourism, and is home to many Farms, Historic sites, Families, Amish communities and businesses--all interests that the Town is desirous of protecting through zoning; and,

WHEREAS, the Town of Canajoharie has been chosen by ORES as a location favorable for solar energy facility placement; and,

WHEREAS, the Town residents have made clear in public hearings and through other engagement that they are largely not in favor of the placement of large scale solar energy facilities or energy storage facilities due to removal of viable farmland from production, the diminishment of property values, the unsightly views, the change in animal activity patterns and hunting opportunities, the potential harm to environment and water supply, and the general change of the face of the community which large scale energy facilities bring to their home; and,

WHEREAS, the Town of Canajoharie is aware that the regulations promulgated by the New York State government, enabling NYSERDA through the changes to the Executive Law remove a Town's power to regulate solar energy production within their boundaries; and,

WHEREAS, the Town of Canajoharie Town Board has committed to its residents to preserve and protect the community to the best of its ability and has determined to make known its opinion on the proposed Bill or any other similar Bills that so limit or hinder the Town's powers regarding the placement of solar energy production and/or storage facilities by the passage of this Resolution.

NOW THEREFORE BE IT RESOLVED BY THE TOWN OF CANAJOHARIE TOWN BOARD, AS FOLLOWS:

1. The Town opposes proposed Bill S7834 and all other similar Bills that propose limiting the power of local governments granted them under New York State Town Law and General Municipal Law and which would supersede local government powers as to the placement of solar energy production and/or storage facilities within their boundaries; and,

2. The Town Board hereby authorizes the Town Clerk to submit this Resolution declaring the Town's position to The Governor of New York State; to the Legislature in general and State Assemblymen and Senators, specifically; to ORES; to NYSERDA; and, to any other government actor or agency to who the Board deems appropriate to receive this Resolution.

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		

Mr. Vroman also spoke to the Board about signing a grant letter in support of broadband and access to residents that do not have it in their areas. The Board agreed to support.

Deputy Town Supervisor

Mr. Muhlebeck gave an update on the upcoming Root/Canajoharie/Cordelio meeting scheduled for July 23rd @ 2pm at the Root Town Office.

Town Garage Update

Mr. Young updated the Board that the Town Garage will be completed soon. The next steps are the paving of the driveway and a walkthrough to ensure all is right with the build.

Town Bookkeeper

TOWN OF CANAJOHARIE-7/10/24
CASH REPORT
June 30, 2024
Corrected 7/13/24

CHECKING ACCOUNTS		MONEY MARKET ACCOUNTS	
General	\$ 191,652.89	General	\$212,010.25
Fire District	\$ 4,890.86	Highway Town Wide	\$205,403.59
Highway Town Wide	\$ 274,778.57	Highway PartTown	<u>\$403,888.63</u>
Highway Part Town	\$ 140,203.30	Total	\$821,302.47
Capital Project	\$ 697,019.92		
Trust & Agency	<u>\$ 73,824.01</u>		
Total	\$ 1,382,369.50		
*\$73,823.96 Avangrid/Mohawk Host Community			

SAVINGS ACCOUNTS	
Highway Cap Reserve	\$ 3.74
Gen-Cap Reserve-Garage	\$314,889.19
Gen-Cap Reserve-land	<u>\$ 15,626.29</u>
Total	\$330,519.22

Authorization of Vouchers

The Town Clerk presented the following bill vouchers for approval:
General fund vouchers #234 through #272, totaling \$337,466.90.
Highway fund vouchers #65 through #76, totaling \$23,906.55.
On a motion by Mr. Vroman, seconded by Mr. Armitstead, the bill vouchers were unanimously approved for payment.

Adjournment

On a motion by Mr. Vroman, seconded by Mr. Muhlebeck, the meeting was adjourned at 8:48 PM.

Respectfully submitted,

Erica Hayes

Town Clerk