

Joe

Town of Broadalbin Special Meeting Minutes

January 9, 2024

The Special Meeting of the Town of Broadalbin Town Board was held at 6:30 P.M. on Tuesday, January 9th, at the Municipal Complex, 201 Union Mills Rd, Broadalbin, NY

Joseph DiGiacomo, Town Supervisor, presided.

Pledge of Allegiance

Roll Call

Supervisor Joseph DiGiacomo-present
Councilman Doug Kissinger-present
Councilman Dave Bardascini - present
Councilman Dave Bogardus-absent
Councilman Rorick-present

*******6:30 P.M. Opened Public Hearing (Local Law #1 of 2024) Solar Farm/Energy extension to the Moratorium Feb.10 – Aug. 9, 2024**

No comments at this time.

-Supervisor DiGiacomo inquired the hours the Town Park is open and who controls the gate, which is currently locked. (Keith Buchanan locks the front gate to prevent snowmobilers from ruining the playing fields.)

-Supervisor DiGiacomo stated perhaps a pedestrian gate can be put in place for people to use the Park during the winter months. He will look into it and report back at the next meeting.

-Supervisor DiGiacomo also stated the next BYC meeting will be held this Saturday, January 13, 2024 at 7:00 am which he will be attending. He will mention that the Town Board would appreciate their attendance at our Town Meetings to discuss the Town Park. Since they are now a 501C3 it makes our life easier and Supervisor DiGiacomo stated he would like to discuss a payment schedule to repay the tax payers of the Town for the Park.

-Councilman Bardascini agreed that a pedestrian gate would be a good idea for people that want to use the Park for snow shoeing or cross country skiing, etc. Also stating that the Town Board and the BYC need to meet to review the User Agreement for the Town Park, along with the repayment plan for the construction of the Park. They seem to only attend when they need something. They did state previously they wanted an open communication with the Town.

-Councilman Rorick stated he would like to see BYC representation at our Town Board Meetings. Stating Keith Buchanan comes on occasion gets bombarded with questions then we don't see him for awhile. He believes the Town Park is a good investment for the Town and the BYC does a great job with the kids.

Cont.

-Councilman Rorick stated he would like to see the Town Hall parking lot "island" be squared off for easier plowing. This will be put on the February 13, 2024 agenda for discussion.

-Councilman Kissinger stated he will check with Superintendent Thompson believing it can be saw cut.

-Supervisor DiGiacomo stated he has a saw they can borrow.

-Councilman Bardascini stated the Difibulator has been hung up in Town Hall by the Town Highway Employees and we are covered by the Good Samaritan Law for its' use.

-Councilman Rorick stated the Highway Garage should get one too. He stated he will discuss a check egress and fire extinguisher form to be reviewed every day by the Highway Employees and the Town Hall employees.

-Councilman Kissinger stated he recently talked to Spectrum about the new phone system and has received a service order pamphlet to be copied and discussed at the February 13, 2024 meeting. Spectrum needs to install one more phone line for the security system to proceed, with a cost of an additional \$30/month and \$100 for the installation. They also mentioned there are extra lines they don't know what to do with. Copies will be made for each Board Member to review, for the next meeting.

******Public Hearing on Local Law #1 of 2024 Solar Farm/Energy extension to the Moratorium was closed 6:40 P.M.**

-Supervisor DiGiacomo stated this extension of the moratorium should be the last and requested the rough draft be in place for the Town Board to review, for the June 11, 2024 meeting, at the latest. Also in question is the Pilot Agreement for the solar farm on Route 29 in the Town. The payment schedule will be copied and supplied to the Board Members for the February 13, 2024 meeting.

-Planning Board Chairman Mike Crispin stated they are working on the 2nd draft right now that includes fees to be set. He also stated Scott Henze will type it up with a decommission clause and check with the Town Attorney for legal questions.

-Councilman Rorick stated he has questions on the Lithium Battery storage stating he believes it should be included in the Site Plan for a solar project.

With no further comments the Public Hearing was closed at 6:40 P.M.

LOCAL LAW NO. 1 OF 2024

BY: Supervisor Joseph DiGiacomo / Bardascini

A LOCAL LAW EXTENDING MORATORIUM ON APPLICATIONS, APPROVALS AND/OR CONSTRUCTION OR INSTALLATION OF SOLAR ENERGY FACILITIES AND/OR SOLAR FARMS FOR AN ADDITIONAL SIX MONTHS

A Local Law establishing a six month extension to the six month moratorium on applications, approvals and/or construction or installation of Solar Energy facilities and/or Solar Farms in the Town of Broadalbin, New York that went into effect originally on August 9, 2022, extended by Public Hearing to February 10, 2024 and now extending to August 9, 2024.

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF BROADALBIN, NEW YORK AS FOLLOWS:

Section 1. Title

This Law shall be known as the "Town of Broadalbin Solar Energy Facility and Solar Farm Moratorium Law".

Section 2. Purpose and Intent.

The Town of Broadalbin presently has an established Zoning Ordinance for the Town of Broadalbin, New York. The Town Board believes that the Town of Broadalbin is likely to be considered for Solar Energy Facilities and/or Solar Farms.

The Town Board of the Town of Broadalbin is concerned that the current Town of Broadalbin Zoning Ordinance does not set forth any procedures for establishing Solar Energy Facilities or Solar Farms.

The Town Board of the Town of Broadalbin is of the opinion that if Solar Energy Facilities and/or Solar Farms are allowed to proceed without Zoning procedures in place the Town will have no way to assure the orderly development of such projects within the Town pursuant to the Town of Broadalbin Comprehensive Plan and the Town Board is desirous to investigate the impact of this new kind of use that may be inconsistent with the Comprehensive Plan.

The Town Board of the Town of Broadalbin realizes that the Town of Broadalbin is a rural and open community, and that Solar Energy Facilities and/or Solar Farms may be appropriate as an alternate energy source.

The Town Board of the Town of Broadalbin finds that a moratorium should be enacted to enable the Town of Broadalbin to investigate the appropriate regulation of Solar Energy Facilities and /or Solar Farms in terms of prospective development and/or amendment of the Comprehensive Plan and/or Zoning regulations of the Town of Broadalbin.

Since the time that the moratorium was enacted, the Town has dealt with the resignation of the Supervisor Bruce VanGenderen and the Town Board continues to analyze this evolving area of law, including but limited to awaiting the receipt of recommendations from the Town of Broadalbin Planning Board as well as the prospect of a yet to be written local laws pertaining to this issue. All of these things taken together justify the extension of the existing moratorium for an additional six months, through August 9, 2024.

Section 3. Moratorium

- A. The Moratorium on the construction or installation or for issuing building permits, site plan approval and/or any zoning permits or variances for the installation, construction, modification, alteration, approval or extension of Solar Energy Facilities and/or Solar Farms is hereby imposed for a period of six months from the effective date of February 10, 2024 hereby extending through August 9, 2024. During the period of this moratorium the Town of Broadalbin, including but not limited to, the Code Enforcement Officer, Planning Board or Zoning Board of Appeals shall not accept any application for construction or installation of Solar Energy Facilities and/or Solar Farms in the Town of Broadalbin.
- B. For the purposes of this Local Law, the terms Solar Energy Facilities and/or Solar Farms are defined as follows:
SOLAR ENERGY FACILITIES- any facility designed to generate electric power to be marketed, sold or used for other than the power demands of any improvements on the property in which such facility is located. Excluded from this definition and from the scope of this moratorium are Solar Energy Facilities which are residential or accessory to residential uses as roof mounted on ground pole-mounted solar energy systems occupying $\frac{1}{4}$ acre or less of area for the site of installation.
SOLAR FARM – a collection of solar panels covering $\frac{1}{4}$ acre or more of land which are designed to capture sunlight and convert it into electricity. This shall include all freestanding and ground -pole mounted photovoltaic and parabolic solar installations.
- C. This action is exempt under SEQRA pursuant to 6 NYCRR Section 617.5 (30) as a type II action involving the adoption on a moratorium on land development or construction, and the moratorium is enacted by the Town of Broadalbin pursuant to its authority to adopt local laws under Article IX of the New York State Constitution and Municipal Home Rule Law Section 10.

Section 4. Violation

A violation of this law shall constitute an offense under the penal law. Any person convicted of violating this law shall be subject to a fine not exceeding \$1,000 or ninety (90) days in jail or both.

Section 5. Enforcement

This Local Law shall be enforced by the Code Enforcement Officer for the Town of Broadalbin or such individuals as designated by the Town Board of the Town of Broadalbin, New York.

Section 6. Supersession

All Local Laws, ordinances, or parts of local laws and ordinances of the Town of Broadalbin that are in conflict with the provisions of this Local Law are hereby suspended to the extent necessary to give this Local Law full force and effect during the effective period of this moratorium.

Section 7.

This Local law shall take effect immediately upon filing with the Secretary Of State.

Seconded by : *Kissinger*

Town of Broadalbin Town Board

Supervisor Joseph Digiocomo	aye
Councilman Dave Bardascini	aye
Councilman Dave Bogardus	absent
Councilman Doug Kissinger	aye
Councilman Mike Rorick	aye

Supervisor Joseph Digiocomo
Dated:

Town Clerk Cheryl Briggs

Adjournment 6:50 PM

On a motion made by Councilman Kissinger and seconded by Councilman Bardascini the January 9, 2024 Special Meeting was adjourned.

VOTE: DiGiamomo -aye Kissinger -aye Bardascini -aye Rorick-aye Bogardus -absent

Respectfully Submitted

Cheryl Briggs, Town Clerk