

4-9-26 Town Board Agenda

Supporting documents for this meeting are available in the Town Clerk's Office

Members present: Supervisor Mo Wright, Attorney Raeann Johnson, Town Clerk Colleen DeMarsh, Town Board Members; Tina Ladd, Jim Brewster, Tim Hilker & Chuck Ovitt.

Members absent: Highway Superintendent Gilbert

6:45 p.m. Supervisor Wright opened the Public Hearing for Proposed Local Law 1 of 2026, A Local Law Amending the Code of the Town of Hadley to Establish a 6 Month Moratorium Prohibiting the Acceptance, Review and Approval of Applications and Permits for Battery Energy Storage Systems.

- Many people spoke against allowing a Battery Energy Storage System in the town and supported the moratorium.
- Tom Cavanaugh commented that the storage facilities have dangerous chemicals and the training provided for the local fire department is not enough. He also advised the town to be aware of a bill being submitted to the NYS Senate that will override local control.
- Robert & Patty Dalbec spoke in support of the moratorium and stated that a facility in the town would decrease property value.
- Attorney Johnson stated that she received an email from Northhampton Town Clerk that advised against the facilities.
- Jennifer Keatsman, a Corinth Town Board Member, supported the moratorium and advised all towns to do the same.
- Board Member Hilker asked if the Association of Towns and Villages are pro or against the facilities.
- Supervisor Wright replied that NYS Association of Town and Villages is taking it case by case, but keep in mind that NY State is pushing for it, Adirondack Association of Towns and Villages has taken no stance, and NYSEERDA is helping people get laws on the books. He stated we must do our due diligence because there are a lot of questions.

6:54 p.m. Supervisor Wright closed the Public Hearing.

7:00 p.m. Supervisor Wright Called the Meeting to order and all cited the Pledge of Allegiance.

Approval of Pre-Paid:

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|----------|----|------------------|------------------|----|------------------|
| General: | \$ | 52,346.44 | Highway: | \$ | 49,623.72 |
| Water 1: | \$ | 2,386.89 | Water 2: | \$ | 1,056.76 |
| Sewer: | \$ | 681.41 | Street Lighting: | \$ | 2,912.97 |

Motion made by Chuck Ovitt. Second by Tim Hilker. All Ayes. Approved.

Approval of Paying Bills:

| | | | | | |
|----------|----|------------------|-----------|----|------------------|
| General: | \$ | 39,260.91 | Highway: | \$ | 19,172.03 |
| Water 1: | \$ | 1,670.08 | Water 2: | \$ | 2,012.18 |
| Sewer: | \$ | 8,266.11 | Cemetery: | \$ | 85.32 |

Motion made by Chuck Ovitt. Second by Tim Hilker. All Ayes. Approved.

Budget Transfers

General

Transfer **\$2758.00** from Code 1990.4 (Contingency) to Code 1910.4 (Unallocated Insurance)

Highway

Transfer **\$2535.41** from Code 5110.4 (General Repairs) to Code 1910.4 (Unallocated Insurance)

Motion made by Chuck Ovitt. Second by Tim Hilker. All Ayes. Approved.

Provided in Folders: 3-12-26 Town Board Meeting Minutes, Flyer for Homeland Security Presentation, Budget Transfers

Reports: Town Clerk, Building Inspector, Fuel, Supervisor & Operating Statement

Public Comments – No Public Comments

Acceptance of 3-12-26 Town Board Meeting Minutes

Motion made by Chuck Ovitt. Second by Tim Hilker. All Ayes. Approved.

Acceptance of March 2026 Supervisor's Report

Motion made by Chuck Ovitt. Second by Tim Hilker. All Ayes. Approved.

Highway Superintendent's Report:

- Supervisor Wright reported for the Highway Superintendent that the crew is working on getting equipment ready for the season and sweeping roads.
- He also reminded everyone that Spring Clean-up is the week of May 18th. Everything should be roadside by the 18th.

Supervisor's Report:

- Asked the board to vote on proposed Resolution #31 for Local Law 1 of 2026

RESOLUTION #31

Be it resolved that the Town Board of Hadley hereby adopts Local Law 1 of 2026.

TOWN OF HADLEY LOCAL LAW NUMBER 1 OF YEAR 2026

"A Local Law Amending the Code of the Town of Hadley to Establish a 6 Month Moratorium Prohibiting the Acceptance, Review and Approval of Applications and Permits for Battery Energy Storage Systems"

BE IT ENACTED by the Town Board of the Town of Hadley, County of Saratoga, State of New York, as follows:

SECTION 1: PURPOSE

The purpose of this Local Law is to protect the health, safety and welfare of the residents of the Town of Hadley and to maintain the status quo by temporarily suspending the processing of land use approvals as to Battery Energy Storage System uses, and to further suspend the rights of land owners and their designees to obtain development approvals as identified below for a period of six (6) months as the present regulations of the Town of Hadley do not necessarily adequately address this type of use. This moratorium will temporarily stop the processing of applications for and the issuance of permits, certificates of occupancy and approvals for certain land uses related to Battery Energy Storage Systems. The moratorium is for a period of six (6) months, which will

allow the Town Board time to analyze and determine potential appropriate revisions to the Town of Hadley Code, including the Town of Hadley Site Plan Law, concerning this use.

SECTION 2: DEFINITIONS

Battery Energy Storage System: One or more devices, assembled together, capable of storing energy in order to supply electrical energy at a future time, not to include a stand-alone 12-vold car battery or an electric motor vehicle.

A Battery Energy Storage System is classified as a Tier 1 or Tier 2 Battery Energy Storage System as follows:

Tier 1 Battery Energy Storage Systems have an aggregate energy capacity less than or equal to 600kWh and if in a room or enclosed area, consist if only a single energy storage system technology. **Tier 2 Battery Energy Storage Systems** have an aggregate energy capacity greater than 600kWh or are comprised of more than one (1) storage battery technology in a room or enclosed area.

SECTION 3: FINDINGS

The Town of Hadley is a rural, largely residential community located wholly within the Adirondack Park. Most of the Town consists of single-family homes. Several large water bodies are located partially or completely within the Town, including the Hudson River, the Sacandaga River, the Reservoir at Stewart's Bridge and the Great Sacandaga Lake a/k/a the Sacandaga Reservoir. Wetlands exist throughout the Town. The Town is part of a wholly volunteer Fire District. One specific area of concern and inquiry is Battery Energy Storage Systems within the Town. The Town has significant safety concerns, especially following the fire incidents at facilities across the state. The Town intends to study the safety and security of these energy storage systems, including thermal runaway, off gassing and toxicity, stranded energy, ways to prevent fires, prevent by-product contamination, and ensure emergency responders have the necessary training and information to prepare and deploy resources in the event of a fire. The Town is aware of extremely contentious public hearings and negative public opinion regarding proposed Battery Energy Storage Systems in nearby Towns. In short, the Town is very concerned with the detrimental effects of Battery Energy Storage Systems on the health, safety, welfare and quality of life of the residents and citizens of the Town of Hadley. The Town of Hadley hereby finds that without a temporary halt on the processing, permitting and approval for Battery Energy Storage Systems, there is the potential that such uses could be located in unsuitable areas within the Town and / or in areas without adequate regulations in place. The potential for the unsuitable location of and lack of proper regulations for such uses would have materially adverse impacts on the Town. The Town Board finds that it is in need of time to perform the necessary analysis of the potential types of Battery Energy Storage System facilities that could be located in the Town. By maintaining the status quo regarding such uses, the Town Board can provide for the planned orderly growth and development of the Town. The Town Board deems that it is in the best interest of the general health, safety and welfare of the residents of the Town of Hadley to impose a six (6) month moratorium prohibiting the review and approval of applications and permits for Battery Energy Storage Systems in the Town of Hadley.

SECTION 4: MORATORIUM IMPOSED

Pursuant to the statutory authority vested in the Town to regulate and control land use and to protect the health, safety and welfare of its residents, the Town Board of Hadley hereby declares that for a period of six (6) months following the effective date of the adoption of this Local Law, no application may be processed and no permits, certificates of occupancy, site plan approval, variances, denials, determinations or interpretations may be issued or granted for any land uses relating to Battery Energy Storage Systems within the Town of Hadley. This Local Law shall be binding on the Town Board, Planning

Board, Building Inspector / Code Enforcement Officer and all Town officials and employees and any applicant or real property owner in the Town of Hadley desiring to apply for or receive a building permit, certificate of occupancy, certificate of completion, site plan approval or other approval for a Battery Energy Storage System in the Town of Hadley. During the period of this local law, the Planning Board shall not accept any application, grant any approval to, or continue the review of a subdivision plat, site plan, special use permit or other permit that includes the permitting, construction and / or development of a Battery Energy Storage System within the Town. During the period of this local law, the Code Enforcement / Building Department shall not accept any building permit application or grant any Certificate of Occupancy or Certificate of Compliance for a Battery Energy Storage System within the Town. During this period of the moratorium, the Town Board shall endeavor to complete all reasonable and necessary review, study, analysis and, if warranted, revisions to the Town of Hadley Code, including the Town of Hadley Site Plan Law. During the period of the moratorium, no applications will be accepted nor permits, certificates of occupancy or approvals issued, which would authorize development within the Town for land uses relating to Battery Energy Storage Systems as described above.

SECTION 5: TERM

The moratorium shall be in effect for a period of six (6) consecutive months from the effective date of this Local Law. This term may be extended by the adoption of a local law duly enacted by the Town Board.

SECTION 6: EFFECT ON OTHER LAWS

To the extent that any law, ordinance, rule or regulation, or parts thereof, are in conflict with the provisions of this Local Law, including all provisions of Article 16 of the New York State Town Law concerning special use permit, site plan, building permit and certificates of occupancy procedure and requirement, this Local law shall control and supersede such law, ordinance, rule or regulation.

SECTION 7: VARIANCE

An application for a variance from the terms of this moratorium may be submitted to the Town Clerk of the Town of Hadley. The Town Board shall have the power, in their discretion, after a public hearing, to vary or modify the application of any provision of this Local Law upon its determination that strict application of this Local Law would impose extraordinary hardship upon the applicant and that the variance granted would not adversely affect the health, safety or welfare of the citizens of the Town or significantly conflict with the general purposes and intent of this Local Law. The Town Board shall conduct a Public Hearing on the application on not less than five (5) days' notice and shall make its decision within thirty (30) days after the close of the Public Hearing. Any project which is granted a variance from this Local Law shall be subject to all requirements under the Town Code of the Town of Hadley and Laws of the State of New York which would have been applicable to the project if the moratorium had not been adopted, including but not limited to Site Plan Review.

SECTION 8: SEVERABILITY

If any part of this Local Law shall be declared invalid by a court of competent jurisdiction, such declaration shall not affect or impair in any way any other provision and all other provisions shall remain in full force and effect.

SECTION 9: SEQRA

This local law constitutes a Type II Action under the State Environmental Quality Review Act inasmuch as it constitutes the adoption of a moratorium on land development or construction. As such, this project is not subject to review under the State Environmental Quality Act.

SECTION 10: EFFECTIVE DATE This Local Law shall take effect upon filing with the New York State Secretary of State.

Motion made by Chuck Ovitt. Second by Tim Hilker. All Ayes. Approved.

Supervisor Wright also reported that the new sign for Fowler Lot should be up by May 1st. In commemoration of the existing sign, which was an Eagle Scout Project done by George Mosher, he would like to display a bronze plaque.

Motion made by Chuck Ovitt. Second by Tim Hilker. All Ayes. Approved.

He also reported that he would like to get a Newsletter out by the end of April and for departments to submit items to Town Clerk(townclerk@townofhadleyny.gov) or Tax Collector (taxcollector@townofhadleyny.gov) by the end of next week.

Town Clerk Report:

Town Clerk DeMarsh reported.

- Free Class presented by Homeland Security & Emergency Services and the New York National Guard – Hadley Town Hall – Thursday, April 16th, 2026 – 5:00 p.m. (should take about an hour)
- Sewer Bills have been mailed out and are due by the end of the month without penalty.
- Hadley's 225th Birthday Celebration (Founder's Day) will be held on July 11th at Hadley Park. Opening Ceremonies begin at 2pm. If you are interested in participating, please stop/call/email the Town Clerk's Office. 518-696-7701, M-Thu 8-3 (do not leave for lunch), townclerk@townofhadleyny.gov
- Fishing Licenses are on sale now!
- Dog License Renewals went out, please make sure your dogs are up to date on vaccinations and renewals.

7:07 p.m. Supervisor Wright entertained a motion to adjourn.

Motion made by Jim Brewster. Second by Tim Hilker. All Ayes. Approved.

UPCOMING MEETING

Thursday, May 14th, 2026 – 7:00 p.m.

SPRING CLEAN UP IS THE WEEK OF MAY 18TH!

All brush must be 3" in diameter or less & no longer than 8' in length.

Unbagged and put NEXT to the road.

Please do not put it on the road.