

**A public hearing for Local Law 1 of 2023 and Local Law 2 of 2023 of the Town Board of Long Lake, Hamilton County, New York was held April 20, 2023 at the Long Lake Town Hall at 07:00 PM. Forty-two people were in attendance.**

<b>Members present:</b>	Clay J. Arsenault	Supervisor
	Thomas L. Donnelly	Councilman
	Richard B. Dechene	Councilman

Absent: Councilman Dean Pohl, and Councilman Clark Seaman

Also in attendance: Confidential Secretary to the Supervisor, Matthew Newby, the First Deputy Town Clerk, Amber Wamback, and the Town Attorney, Carl Ferrentino.

Supervisor Arsenault stated that written comments will not be read at the public hearing.

Supervisor Arsenault informed the public that the public hearing is not a question-and-answer session for the specific battery storage project in Raquette Lake.

Supervisor Arsenault stated that the Town has no ownership interest in the properties involved in the proposed project. If the Town did, they would have to provide an opportunity for permissive referendum to approve the sale of the properties. Supervisor Arsenault emphasized if the first local law is no passed then the Town has no power to undertake discretionary review and subject the project to SEQR environmental review.

Supervisor Arsenault opened the public hearing for Local Law 1 of 2023 titled: Town of Long Lake Battery Energy Storage System Law at 7:02pm.

With no comments of in favor or against from the public, Supervisor Arsenault closed the public hearing for Local Law 1 of 2023 titled: Town of Long Lake Battery Energy Storage System Law at 7:09pm.

Supervisor Arsenault opened the public hearing for Local Law 2 of 2023 titled: A Local Law to Opt-out of Real Property Tax Law §487 at 7:10pm.

With no comments of in favor or against from the public, Supervisor Arsenault closed the public hearing for Local Law 2 of 2023 titled: A Local Law to Opt-out of Real Property Tax Law §487 at 7:16pm.

The Long Lake Town Board took a recess at 7:17pm and returned at 7:33pm.

**A special meeting was held of the Town Board of Long Lake, Hamilton County, New York was held March 29, 2023 at the Long Lake Town Hall at 07:33 PM and called to order with the Pledge of Allegiance to the Flag of the United States of America. Forty-four people attended.**

**Roll Call:**

<b>Members present:</b>	Clay J. Arsenault	Supervisor
	Thomas L. Donnelly	Councilman
	Richard B. Dechene	Councilman

**Absent:** Councilman Dean Pohl, and Councilman Clark Seaman

**Also in attendance:** Confidential Secretary to the Supervisor, Matthew Newby, the First Deputy Town Clerk, Amber Wamback, and the Town Attorney, Carl Ferrentino.

**Supervisor’s Comments**

The Town is going to be seeking assistance from NYSERDA concerning fire and safety with Battery Energy Storage Systems to provide the Town and first responders with technical expertise on Battery Energy Storage Systems and their associated risks and hazards.

The Town Board has invited National Grid and REV Renewables to present a public information forum on their proposed project, the forum will take place at the Raquette Lake Union Free School Gymnasium on May 23, 2023 at 6pm. This is not a public hearing, there will be no Board actions at this forum.

A fee schedule and application will be created for Local Law #1 of 2023 and deciding on their adoption at April’s regular Town Board meeting.

The Town Board will be looking into whether any amendments are necessary for Local Law #1 once it is adopted.

**NEW BUSINESS**

**RESOLUTION TO DECLARE AND FILE A NEGATIVE DECLARATION PERTAINING TO SEQR OF PROPOSED LOCAL LAW #1 OF 2023 TOWN OF LONG LAKE BATTERY ENERGY STORAGE SYSTEM LAW**

WHEREAS, the Town Board of the Town of Long Lake has conducted a public hearing concerning the enactment of Town of Long Lake Battery Energy Storage System Law as proposed Local Law No. 1 of 2023;

WHEREAS, The Town has completed review of the Proposed Local Law under the New York State Environmental Quality Review Act, using a Short Environmental Assessment Form under the applicable standards of SEQRA 6 NYCRR §617.6;

WHEREAS, the Town Board had classified the action as an unlisted action;

WHEREAS, the Town Board reviewed all of the information and documentation developed for the action to enact the Local Law, including but not limited to the Negative Declaration, Determination of Non-Significance dated, as well as comments received from agencies, staff, and the public; and,

WHEREAS, the Town Board has followed and complied with the applicable standards of the New York State Environmental Quality Review Act, SEQRA 6 NYCRR §617.6 and completed Part I EAF and Part II EAF.

**NOW THEREFORE, BE IT RESOLVED THAT:**

The Town Board of Long Lake, acting as lead agency, based on the record before it, including the general, specific, and detailed knowledge by the Board of the Enactment and of the community, hereby makes the following determinations:

1. The findings and conclusions relating to the probable environmental impacts and contained within the Negative Declaration are hereby adopted and incorporated by reference.
2. The Supervisor is hereby authorized to file the Negative Declaration in accordance with applicable provisions of the law.
3. The project will not result in any significant adverse environmental impacts.
4. The requirements of SEQRA have been satisfied.

**Motion** by Supervisor Arsenaault seconded by Councilman Thomas Donnelly to adopt the resolution to declare and file a negative declaration pertaining to SEQR of proposed Local Law #1 of 2023.

<b>Adopted:</b>	Clay J. Arsenaault	Aye
	Thomas L. Donnelly	Aye
	Richard B. Dechene	Aye

**Local Law No. 1 of the Year 2023**

**TOWN OF LONG LAKE BATTERY ENERGY STORAGE SYSTEM LAW**

**Be it enacted by the town board of the town of Long Lake as follows:**

**1. Title**

The title of this Law is: TOWN OF LONG LAKE BATTERY ENERGY STORAGE SYSTEM LAW

**2. Authority**

This Battery Energy Storage System Law is adopted pursuant to Article IX of the New York State Constitution, §2(c)(6) and (10), New York Statute of Local Governments, § 10 (1) and (7); sections 261-263 of the Town Law and section 10 of the Municipal Home Rule Law of the State of New York, which authorize the Town to adopt laws that advance and protect the health, safety and welfare of the community.

**3. Statement of Purpose**

This Battery Energy Storage System Law is adopted to advance and protect the public health, safety, welfare, and quality of life of Town by creating regulations for the installation and use of battery energy storage systems, with the following objectives:

- A. To provide a regulatory scheme for the designation of properties suitable for the location, construction, operation, and decommissioning of battery energy storage systems;
- B. To ensure compatible land uses in the vicinity of the areas affected by battery energy storage systems;
- C. To mitigate the impacts of battery energy storage systems on environmental resources such as important agricultural lands, forests, wildlife, and other protected resources; and
- D. To create synergy between battery energy storage system development and stated goals of the community pursuant to the Town of Long Lake Comprehensive Plan.

**4. Definitions**

As used in this Local Law the following terms shall have the meanings indicated:  
ANSI: American National Standards Institute

**BATTERY(IES):** A single cell or a group of cells connected together electrically in series, in parallel, or a combination of both, which can charge, discharge, and store energy electrochemically. For the purposes of this law, batteries utilized in consumer products are excluded from these requirements.

**BATTERY ENERGY STORAGE MANAGEMENT SYSTEM:** An electronic system that protects energy storage systems from operating outside their safe operating parameters and disconnects electrical power to the energy storage system or places it in a safe condition if potentially hazardous temperatures or other conditions are detected.

**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-volt 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:

- a. 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 of only a single energy storage system technology.
- b. Tier 2 Battery Energy Storage Systems have an aggregate energy capacity greater than 600kWh or are comprised of more than one storage battery technology in a room or enclosed area.

**CELL:** The basic electrochemical unit, characterized by an anode and a cathode, used to receive, store, and deliver electrical energy.

**COMMISSIONING:** A systematic process that provides documented confirmation that a battery energy storage system functions according to the intended design criteria and complies with applicable code requirements.

**DEDICATED-USE BUILDING:** A building that is built for the primary intention of housing battery energy storage system equipment, is classified as Group F-1 occupancy as defined in the International Building Code, and complies with the following:

The building's only use is battery energy storage, energy generation, and other electrical grid-related operations.

No other occupancy types are permitted in the building.

Occupants in the rooms and areas containing battery energy storage systems are limited to personnel that operate, maintain, service, test, and repair the battery energy storage system and other energy systems.

Administrative and support personnel are permitted in areas within the buildings that do not contain battery energy storage system, provided the following:

- a. The areas do not occupy more than 10 percent of the building area of the story in which they are located.
- b. A means of egress is provided from the administrative and support use areas to the public way that does not require occupants to traverse through areas containing battery energy storage systems or other energy system equipment.

**ENERGY CODE:** The New York State Energy Conservation Construction Code adopted pursuant to Article 11 of the Energy Law, as currently in effect and as hereafter amended from time to time.

**FIRE CODE:** The fire code section of the New York State Uniform Fire Prevention and Building Code adopted pursuant to Article 18 of the Executive Law, as currently in effect and as hereafter amended from time to time.

**NATIONALLY RECOGNIZED TESTING LABORATORY (NRTL):** A U.S. Department of Labor designation recognizing a private sector organization to perform certification for certain products to ensure that they meet the requirements of both the construction and general industry OSHA electrical standards.

**NEC:** National Electric Code.

**NFPA:** National Fire Protection Association.

**NON-DEDICATED-USE BUILDING:** All buildings that contain a battery energy storage system and do not comply with the dedicated-use building requirements.

**NON-PARTICIPATING PROPERTY:** Any property that is not a participating property.

**NON-PARTICIPATING RESIDENCE:** Any residence located on non-participating property.

OCCUPIED COMMUNITY BUILDING: Any building in Occupancy Group A, B, E, I, R, as defined in the International Building Code, including but not limited to schools, colleges, daycare facilities, hospitals, correctional facilities, public libraries, theaters, stadiums, apartments, hotels, and houses of worship.

PARTICIPATING PROPERTY: A battery energy storage system host property or any real property that is the subject of an agreement that provides for the payment of monetary compensation to the landowner from the battery energy storage system owner (or affiliate) regardless of whether any part of a battery energy storage system is constructed on the property.

UNIFORM CODE: the New York State Uniform Fire Prevention and Building Code adopted pursuant to Article 18 of the Executive Law, as currently in effect and as hereafter amended from time to time.

## **5. Applicability**

- A. The requirements of this Local Law shall apply to all battery energy storage systems permitted, installed, or modified in Town after the effective date of this Local Law, excluding general maintenance and repair.
- B. Battery energy storage systems constructed or installed prior to the effective date of this Local Law shall not be required to meet the requirements of this Local Law.
- C. Modifications to, retrofits or replacements of an existing battery energy storage system that increase the total battery energy storage system designed discharge duration or power rating shall be subject to this Local Law.

## **6. General Requirements**

- A. A building permit and an electrical permit shall be required for installation of all battery energy storage systems.
- B. Issuance of permits and approvals by the Town Board shall include review pursuant to the State Environmental Quality Review Act ("SEQRA") [ECL Article 8 and its implementing regulations at 6 NYCRR Part 617].
- C. All battery energy storage systems, all Dedicated Use Buildings, and all other buildings or structures that (1) contain or are otherwise associated with a battery energy storage system and (2) subject to the Uniform Code and/or the Energy

Code shall be designed, erected, and installed in accordance with all applicable provisions of the Uniform Code, all applicable provisions of the Energy Code, and all applicable provisions of the codes, regulations, and industry standards as referenced in the Uniform Code, the Energy Code, and the Town Code.

- D. Coordinated review under SEQRA for matters that require Adirondack Park Agency Permitting shall be conducted in such a manner that the Town is kept fully advised by any permit applicant under this local law with all land use determinations and review by the Adirondack Park Agency.

**7. Permitting Requirements for Tier 1 Battery Energy Storage Systems**

**Tier 1** Battery Energy Storage Systems shall be permitted Town wide, subject to the Uniform Code and the issuance of a Building Permit by the Code Enforcement Officer.

**8. Permitting Requirements for Tier 2 Battery Energy Storage Systems**

**Tier 2** Battery Energy Storage Systems are permitted through the issuance of a Battery Storage System Permit for a facility located within the Town and shall be subject to the Uniform Code and the application requirements set forth in this Section and notice of application to the Local Fire District.

- A. Applications for the installation of Tier 2 Battery Energy Storage System shall be:
  - 1) reviewed by the Code Enforcement Officer and Town Board for completeness. An application shall be complete when it addresses all matters listed in this Local Law including, but not necessarily limited to, (i) compliance with all applicable provisions of the Uniform Code and all applicable provisions of the Energy Code and (ii) matters relating to the proposed battery energy storage system and Floodplain, Utility Lines and Electrical Circuitry, Signage, Lighting, Vegetation and Tree-cutting, Noise, Decommissioning, Ownership Changes, Safety, and Permit Time Frame and Abandonment. Applicants shall be advised within **12** business days of the completeness of their application or any deficiencies that must be addressed prior to substantive review at regular and special Town Board Meetings.
  - 2) subject to a public hearing to hear all comments for and against the application. The Town Board shall have a notice printed in its newspaper of general



circulation at **least 7 days** in advance of such hearing. Applicants shall have delivered the notice by first class mail to adjoining landowners or landowners within 500 feet of the property at least 14 days prior to such a hearing. Proof of mailing shall be provided to the Town Board at the public hearing.

3) referred to the entity handling review pursuant to General Municipal Law § 239-m if required.

4) upon closing of the public hearing, the Town Board shall act on the application within 62 days of the public hearing, which can include approval, approval with conditions, or denial. The 62-day period may be extended upon consent by both the Town Board and Applicant.

B. Utility Lines and Electrical Circuitry. All on-site utility lines shall be placed underground to the extent feasible and as permitted by the serving utility, with the exception of the main service connection at the utility company right-of-way and any new interconnection equipment, including without limitation any poles, with new easements and right-of-way.

C. Signage.

1) The signage shall be in compliance with **ANSI Z535** and shall include the type of technology associated with the battery energy storage systems, any special hazards associated, the type of suppression system installed in the area of battery energy storage systems, and 24-hour emergency contact information, including reach-back phone number.

2) As required by the NEC, disconnect and other emergency shutoff information shall be clearly displayed on a light reflective surface. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations.

D. Lighting. Lighting of the battery energy storage systems shall be limited to that minimally required for safety and operational purposes and shall be reasonably shielded and downcast from abutting properties.

E. Vegetation and tree cutting. Areas within 10 feet on each side of Tier 2 Battery Energy Storage Systems shall be cleared of combustible vegetation and other combustible growth. Single specimens of trees, shrubbery, or cultivated ground

cover such as green grass, ivy, succulents, or similar plants used as ground covers shall be permitted to be exempt provided that they do not form a means of readily transmitting fire. Removal of trees should be minimized to the extent possible.

F. Noise. The **1-hour** average noise generated from the battery energy storage systems, components, and associated ancillary equipment shall not exceed a noise level of **60 dBA** as measured at the outside wall of any non-participating residence or occupied community building. Applicants may submit equipment and component manufacturers noise ratings to demonstrate compliance. The applicant may be required to provide Operating Sound Pressure Level measurements from a reasonable number of sampled locations at the perimeter of the battery energy storage system to demonstrate compliance with this standard.

G. Decommissioning.

1) Decommissioning Plan. The applicant shall submit a decommissioning plan, developed in accordance with the Uniform Code, to be implemented upon abandonment and/or in conjunction with removal from the facility. The decommissioning plan shall include:

- a. A narrative description of the activities to be accomplished, including who will perform that activity and at what point in time, for complete physical removal of all battery energy storage system components, structures, equipment, security barriers, and transmission lines from the site;
- b. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations;
- c. The anticipated life of the battery energy storage system;
- d. The estimated decommissioning costs and how said estimate was determined;
- e. The method of ensuring that funds will be available for decommissioning and restoration;
- f. The method by which the decommissioning cost will be kept current;
- g. The manner in which the site will be restored, including a description of how any changes to the surrounding areas and other systems adjacent to the battery energy storage system, such as, but not limited to, structural

elements, building penetrations, means of egress, and required fire detection suppression systems, will be protected during decommissioning, and confirmed as being acceptable after the system is removed; and

h. A listing of any contingencies for removing an intact operational energy storage system from service, and for removing an energy storage system from service that has been damaged by a fire or other event.

2) Decommissioning Fund. The owner and/or operator of the energy storage system, shall continuously maintain a fund or bond payable to the Town, in a form approved by the Town Board for the removal of the battery energy storage system, in an amount to be determined by the Town Board, for the period of the life of the facility. This fund may consist of a letter of credit from a State of New York licensed-financial institution. All costs of the financial security shall be borne by the applicant.

H. The Battery Energy Storage System application for a Tier 2 Battery Energy Storage System shall include the following information:

- 1) Property lines and physical features, including roads, for the project site.
- 2) Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, and screening vegetation or structures.
- 3) A three-line electrical diagram detailing the battery energy storage system layout, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and over current devices.
- 4) A preliminary equipment specification sheet that documents the proposed battery energy storage system components, inverters and associated electrical equipment that are to be installed. A final equipment specification sheet shall be submitted prior to the issuance of the building permit.
- 5) Name, address, and contact information of proposed or potential system installer and the owner and/or operator of the battery energy storage system. Such information regarding the final system installer shall be submitted prior to the issuance of building permit.

- 6) Name, address, phone number, and signature of the project Applicant, as well as all the property owners, demonstrating their consent to the application and the use of the property for the battery energy storage system.
- 7) Adirondack Park Agency land use designations for the parcel(s) of land comprising the project site.
- 8) Commissioning Plan. Such plan shall document and verify that the system and its associated controls and safety systems are in proper working condition per requirements set forth in the Uniform Code. Where commissioning is required by the Uniform Code, Battery energy storage system commissioning shall be conducted by a New York State (NYS) Licensed Professional Engineer after the installation is complete but prior to final inspection and approval. A corrective action plan shall be developed for any open or continuing issues that are allowed to be continued after commissioning. A report describing the results of the system commissioning and including the results of the initial acceptance testing required in the Uniform Code shall be provided to Code Enforcement Officer and Town Board prior to final inspection and approval and maintained at an approved on-site location.
- 9) Fire Safety Compliance Plan. Such plan shall document and verify that the system and its associated controls and safety systems are in compliance with the Uniform Code.
- 10) Operation and Maintenance Manual. Such plan shall describe continuing battery energy storage system maintenance and property upkeep, as well as design, construction, installation, testing and commissioning information and shall meet all requirements set forth in the Uniform Code.
- 11) Erosion and sediment control and storm water management plans prepared to New York State Department of Environmental Conservation standards, if applicable, and to such standards as may be established by the Town of Long Lake.
- 12) Prior to the issuance of the building permit or final approval by the Town Board, but not required as part of the application, engineering documents must be signed and sealed by a NYS Licensed Professional Engineer.

13) Emergency Operations Plan. A copy of the approved Emergency Operations Plan shall be given to the system owner, the local fire department, and local fire code official. A permanent copy shall also be placed in an approved location to be accessible to facility personnel, fire code officials, and emergency responders. The emergency operations plan shall include the following information:

- a. Procedures for safe shutdown, de-energizing, or isolation of equipment and systems under emergency conditions to reduce the risk of fire, electric shock, and personal injuries, and for safe start-up following cessation of emergency conditions.
- b. Procedures for inspection and testing of associated alarms, interlocks, and controls.
- c. Procedures to be followed in response to notifications from the Battery Energy Storage Management System, when provided, that could signify potentially dangerous conditions, including shutting down equipment, summoning service and repair personnel, and providing agreed upon notification to fire department personnel for potentially hazardous conditions in the event of a system failure.
- d. Emergency procedures to be followed in case of fire, explosion, release of liquids or vapors, damage to critical moving parts, or other potentially dangerous conditions. Procedures can include sounding the alarm, notifying the fire department, evacuating personnel, de-energizing equipment, and controlling and extinguishing the fire.
- e. Response considerations similar to a safety data sheet (SDS) that will address response safety concerns and extinguishment when an SDS is not required.
- f. Procedures for dealing with battery energy storage system equipment damaged in a fire or other emergency event, including maintaining contact information for personnel qualified to safely remove damaged battery energy storage system equipment from the facility.

g. Other procedures as determined necessary by the Town to provide for the safety of occupants, neighboring properties, and emergency responders.

h. Procedures and schedules for conducting drills of these procedures and for training local first responders on the contents of the plan and appropriate response procedures.

I. Permit Standards.

1) Setbacks. Tier 2 Battery Energy Storage Systems shall comply with the setback requirements of the underlying Adirondack Park Agency land classifications for principal structures.

2) Height. Tier 2 Battery Energy Storage Systems shall comply with the building height limitations for principal structures of the underlying Adirondack Park Agency land classifications.

3) Fencing Requirements. Tier 2 Battery Energy Storage Systems, including all mechanical equipment, shall be enclosed by a 7-foot-high fence with a self-locking gate to prevent unauthorized access unless housed in a dedicated-use building and not interfering with ventilation or exhaust ports.

4) Screening and Visibility. Tier 2 Battery Energy Storage Systems shall have views minimized from adjacent properties to the extent reasonably practicable using architectural features, earth berms, landscaping, or other screening methods that will harmonize with the character of the property and surrounding area and not interfering with ventilation or exhaust ports.

J. Ownership Changes. If the owner of the battery energy storage system changes or the owner of the property changes, the Battery Electric Storage System permit shall remain in effect, provided that the successor owner or operator assumes in writing all of the obligations of the Battery Electric Storage System permit, and decommissioning plan. A new owner or operator of the battery energy storage system shall notify the Code Enforcement Officer and Sole Assessor of such change in ownership or operator within 30 days of the ownership change. A new owner or operator must provide such notification to the Code Enforcement Officer in writing. The Battery Electric Storage System permit and all other local approvals for the battery energy storage system would be void if a new owner or

operator fails to provide written notification to the Code Enforcement Officer in the required timeframe. Reinstatement of a void Battery Electric Storage System permit will be subject to the same review and approval processes for new applications under this Local Law.

## **9. Safety**

- A. System Certification. Battery energy storage systems and equipment shall be listed by a Nationally Recognized Testing Laboratory to UL 9540 (Standard for battery energy storage systems and Equipment) or approved equivalent, with subcomponents meeting each of the following standards as applicable:
- 1) UL 1973 (Standard for Batteries for Use in Stationary, Vehicle Auxiliary Power and Light Electric Rail Applications),
  - 2) UL 1642 (Standard for Lithium Batteries),
  - 3) UL 1741 or UL 62109 (Inverters and Power Converters),
  - 4) Certified under the applicable electrical, building, and fire prevention codes as required.
  - 5) Alternatively, field evaluation by an approved testing laboratory for compliance with UL 9540 (or approved equivalent) and applicable codes, regulations and safety standards may be used to meet system certification requirements.
- B. Site Access. Battery energy storage systems shall be maintained in good working order and in accordance with industry standards. Site access shall be maintained, including snow removal at a level acceptable to the local fire department and, if the Tier 2 Battery Energy Storage System is located in an ambulance district, the local ambulance corps.
- C. Battery energy storage systems, components, and associated ancillary equipment shall have required working space clearances, and electrical circuitry shall be within weatherproof enclosures marked with the environmental rating suitable for the type of exposure in compliance with NFPA 70.

## **10. Permit Time Frame and Abandonment**

- A. The Battery Storage System Permit for a battery energy storage system shall be valid for a period of 24 months, provided that a building permit is issued for

construction and construction is commenced. In the event construction is not completed in accordance with the final site plan, as may have been amended and approved, as required by the Town Board within 24 months after approval, the Town may extend the time to complete construction for 180 days. If the owner and/or operator fails to perform substantial construction after 36 months, the approvals shall expire.

- B. The battery energy storage system shall be considered abandoned when it ceases to operate consistently for more than one year. If the owner and/or operator fails to comply with decommissioning upon any abandonment, the Town may, at its discretion, enter the property and utilize the available bond and/or security for the removal of a Tier 2 Battery Energy Storage System and restoration of the site in accordance with the decommissioning plan.

**11. Enforcement**

Any violation of this Battery Energy Storage System Law shall be subject to the same enforcement requirements, including the civil and criminal penalties, provided for the Town Code and under state law.

**12. Severability**

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

**13. Effective Date**

This Local Law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

**RESOLUTION TO ADOPT LOCAL LAW 1 OF 2023 TOWN OF LONG LAKE BATTERY ENERGY STORAGE SYSTEM LAW**



WHEREAS, the Town Board of the Town of Long Lake finds it in the best interests of the Town of Long Lake to enact Local Law Number 1 of 2023, Town of Long Lake Battery Energy Storage System Law, in that such enactment will enable the Town to review, condition, or deny permits for the construction and operation and require the creation of a decommissioning fund for such installations within the Town of Long Lake; and

WHEREAS, all the legal prerequisites for the enactment of such Local Law have been duly and timely completed, including notice to the public and the holding of public hearing, and the issuance by the Town Board of a negative declaration pursuant SEQRA;

**NOW THEREFORE, BE IT RESOLVED THAT:**

Local Law Number 1 of 2023, entitled “Town of Long Lake Battery Energy Storage System Law” is hereby enacted.

**Motion** by Supervisor Arsenault, seconded by Councilman Richard Dechene the following resolution was ADOPTED by ROLL CALL VOTE

Clay J. Arsenault	Aye
Thomas L. Donnelly	Aye
Richard B. Dechene	Aye

**RESOLUTION TO DECLARE AND FILE A NEGATIVE DECLARATION PERTAINING TO SEGR OF PROPOSED LOCAL LAW #2 OF 2023 A LOCAL LAW TO OPT-OUT OF REAL PROPERTY TAX LAW §487**

WHEREAS, the Town Board of the Town of Long Lake has conducted a public hearing concerning the enactment of A LOCAL LAW TO OPT-OUT OF REAL PROPERTY TAX LAW §487 as proposed Local Law No. 2 of 2023;

WHEREAS, The Town has completed review of the Proposed Local Law under the New York State Environmental Quality Review Act, using a Short Environmental Assessment Form under the applicable standards of SEQRA 6 NYCRR §617.6;

WHEREAS, the Town Board had classified the action as an unlisted action;

WHEREAS, the Town Board reviewed all of the information and documentation developed for the action to enact the Local Law, including but not limited to the Negative Declaration, Determination of Non-Significance dated, as well as comments received from agencies, staff and the public; and,

WHEREAS, the Town Board has followed and complied with the applicable standards of the New York State Environmental Quality Review Act, SEQRA 6 NYCRR §617.6 and completed Part I EAF and Part II EAF.

**NOW THEREFORE, BE IT RESOLVED THAT:**

The Town Board of Long Lake, acting as lead agency, based on the record before it, including the general, specific, and detailed knowledge by the Board of the Enactment and of the community, hereby makes the following determinations:

1. The findings and conclusions relating to the probable environmental impacts and contained within the Negative Declaration are hereby adopted and incorporated by reference.
2. The Supervisor is hereby authorized to file the Negative Declaration in accordance with applicable provisions of the law.
3. The project will not result in any significant adverse environmental impacts.
4. The requirements of SEQRA have been satisfied.

Motion by Supervisor Arsenault, seconded by Councililmsn Richard Dechene to adopt the resolution to declare and file a negative declaration pertaining to SEQR of proposed Local Law #2 of 2023

<b>Adopted:</b>	Clay J. Arsenault	Aye
	Thomas L. Donnelly	Aye
	Richard B. Dechene	Aye

**Local Law No. 2 of the Year 2023**

**A LOCAL LAW TO OPT-OUT OF REAL PROPERTY TAX LAW §487**

BE IT ENACTED by the Town Board of the Town of Long Lake, County of Hamilton, State of New York, as follows:

**1. Title**

The Title of this Local Law shall be: A LOCAL LAW TO OPT-OUT OF REAL PROPERTY TAX LAW §487.

**2. Legislative intent.**

New York Real Property Tax Law §487 exempts real property which includes a solar or wind energy system, farm waste energy system, micro-hydroelectric energy system, fuel cell electric generating system, micro-combined heat and power generating equipment system, electric energy storage equipment and electric energy storage system, or fuel-flexible linear generator electric generating system, from taxation to the extent of any increase in the value thereof by reason of the inclusion of system for a period of fifteen years. Real Property Tax Law §487

further provides the Town of Long Lake with the option to opt-out of the RPTL §487 tax exemption by enacting a local law stating that no exemption under RPTL §487 shall be applicable within Long Lake's jurisdiction. The Town Board of the Town of Long Lake finds that it is in the best interest of the Town to tax property value increases related to real property potentially subject to the exemption granted under RPTL §487 at its full assessed value.

**3 . Opt-Out of Real Property Tax Law §487 Exemption.**

The tax exemption made available by Real Property Tax Law §487 shall not be applicable within the boundaries of the Town of Long Lake with respect to any solar or wind energy system, farm waste energy system, micro-hydroelectric energy system, fuel cell electric generating system, micro-combined heat and power generating equipment system, electric energy storage equipment and electric energy storage system, or fuel-flexible linear generator electric generating system, hereafter constructed, or to any other energy system eligible for the real property tax exemption pursuant to §487 of the Real Property Tax Law.

**4. Authority.**

This Local Law is authorized by and enacted pursuant to the New York State Constitution, the New York Municipal Home Rule Law, the Statute of Local Governments, section 487 of the Real Property Tax Law, and the Town Law of the State of New York.

**5. Severability.**

If any provision, word, clause, sentence, paragraph, section, article, or part of this local law, or the application thereof to any person or circumstances, shall be adjudged by any court of competent jurisdiction to be invalid, such judgement shall not affect, impair, or invalidate any other parts of this local law or the application of this law, or any part thereof, to other persons or circumstances.

**6. Effective Date.**

This local law shall take effect immediately upon filing with the Secretary of State.

**RESOLUTION TO ADOPT LOCAL LAW #2 OF 2023, A LOCAL LAW TO OPT-OUT OF REAL PROPERTY TAX LAW §487**

WHEREAS, the Town Board of the Town of Long Lake finds it in the best interests of the Town of Long Lake to enact Local Law Number 2 of 2023, A LOCAL LAW TO OPT-OUT OF REAL

PROPERTY TAX LAW §487, in that such enactment will enable the Town to fairly include within its tax base sustainable renewal and energy storage systems exempted under RPTL Section 487 but made subject to the local government opt-out by adoption of a local law; and

WHEREAS, all the legal prerequisites for the enactment of such Local Law have been duly and timely completed, including notice to the public and the holding of public hearing, and the issuance by the Town Board of a negative declaration pursuant SEQRA;

**NOW THEREFORE, BE IT RESOLVED THAT:**

Local Law Number 2 of 2023, entitled “A LOCAL LAW TO OPT-OUT OF REAL PROPERTY TAX LAW §487” is hereby enacted

Motion by Supervisor Arsenault, seconded by Councilman Richard Dechene the following resolution was ADOPTED by ROLL CALL VOTE

Clay J. Arsenault	Aye
Thomas L. Donnelly	Aye
Richard B. Dechene	Aye

**COUNCILMAN COMMENTS**

Councilman Thomas Donnelly thanked all that attended the meeting.

Supervisor Arsenault informed the public and the Board that there will be future informational meetings about the Raquette Lake Battery Project.

Motion by Supervisor Arsenault, seconded by Councilman Richard Dechene to adjourn at 7:48PM.

ADOPTED: Clay J. Arsenault	Aye
Thomas L. Donnelly	Aye
Richard B. Dechene	Aye

Attested by: \_\_\_\_\_  
Amber L. Wamback, First Deputy Town Clerk