

Long Lake Town Board – Town of Long Lake, Hamilton County, New York
Resolution of May 31, 2023 , at a Duly Noticed Regular Meeting

Establishment of Application Fee for Permit Applications for Tier 2 Battery Electric Storage Systems

WHEREAS, Local Law 1 of 2023 established the Town of Long Lake’s Battery Electric Storage Systems Local Law and provided that a permit application fee regime shall be established and from time to time revised by Town Board by resolution;

WHEREAS, Tier 2 Battery Electric Storage Systems may require intensive and expert review to afford the development of a lawful and proper record upon which the Town Board may come to rely upon in rendering its judgment to grant, deny, or condition its issuance of any construction permit, operating permit, decommissioning plan, and any and all other plans required under the Local Law after a full environmental review; and

WHEREAS, a building permit is also required for the construction and operating under the Town’s operation and enforcement of the local building code under Local Law 2 of 2022.

NOW THEREFORE, BE IT RESOLVED:

1. The Tier 2 application fee required under both the building code program and the Battery Electric Storage Local Law shall be formulated consistent with the following terms and conditions:

A. The applicant shall be responsible for all extraordinary expenses of the Town connected to review, development, issuance, denial, and monitoring of compliance with the terms of any such permit issuance under Local Law 1 of 2023 and the uniform code.

B. Applications for permits shall not be deemed complete until the negotiation and final execution of an Application Review Funding Agreement (“Agreement”) between the Town and the Applicant.

C. The Agreement shall be enforceable with expedited enforcement provisions such as those under the NY CPLR § 3218 (Judgement by confession) or a substantial financial undertaking in the form of a surety. The prevailing party in any action to recover fees established according to the Agreement shall be entitled to attorney’s fees and costs.

D. Default by the applicant in making timely payment under the Agreement shall result in immediate halt for at least 30 days in any permit review processing.

E. Default in making timely payment under the Agreement, beyond 60 days shall result in either termination of the review process or a permit denial.

F. The Agreement may have adequate protective language to ensure only good faith charges against the Application Review Account (“Account”) as established under the Agreement contemplated under this Resolution including provision for maximum hourly rates for various professional expert categories, audit, and review by the Applicant of charges against the Account and any other reasonable terms and conditions as mutually agreed by the Town and the Applicant.

G. Reimbursable expenses that may be charged against the Account shall be extraordinary costs to the Town and not standing costs for the use of Town facilities, use of the Town website for public notices or the engagement of its elected officials for permit review. However, extra legal costs for time

expended by the Town Attorney, outside counsel, and Town-engaged outside consultants will be considered chargeable expenses as establish in the Agreement.

H. The Account shall be kept funded by the applicant on an advanced basis to allow the Town to make timely reimbursement of its engaged outside experts, stenographers, and direct cost for notice publications in its official newspaper.

2 This Resolution shall take effect immediately.

On Wednesday May 31st, 2023, this Resolution was offered by Councilman **Clark Seaman** and Seconded by Councilman **Richard Dechene, Thomas Donnelly, and Supervisor Clay Arsenault.**

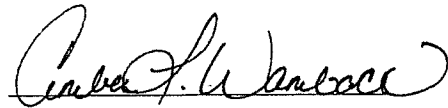
VOTING				
Clay J. Arsenault, Supervisor	<input checked="" type="radio"/> Aye	No	Abstain	Absent
Richard B. Dechene, Councilman-Seat C	<input checked="" type="radio"/> Aye	No	Abstain	Absent
Thomas L. Donnelly, Councilman-Seat B	<input checked="" type="radio"/> Aye	No	Abstain	Absent
Vacant - Seat A	<input type="radio"/> Aye	No	Abstain	Absent
Clark J. Seaman, Councilman-Seat D	<input checked="" type="radio"/> Aye	No	Abstain	Absent
<input checked="" type="radio"/> Adopted / <input type="radio"/> Not Adopted				

Town Clerk Certification

STATE OF NEW YORK :
 COUNTY OF HAMILTON :
 Office of the Clerk of the : ss.:
 TOWN OF LONG LAKE :

I, Amber L. Wamback, Deputy Clerk of the Town of Long Lake, in the County of Hamilton, New York, DO HEREBY CERTIFY that I have compared the preceding Resolution with the original thereof filed in my office on **June 1, 2023** and that the same is a true and correct copy of said original and of the whole thereof so far as the same relate to the subject matters referred to therein.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Town this **1st day of June 2023.**



Amber L. Wamback
 Deputy Town Clerk

