

A regularly scheduled meeting of the Town Board of Long Lake, Hamilton County, New York was held July 26, 2023, at the Raquette Lake Union Free School at 07:00 PM and called to order with the Pledge of Allegiance to the Flag of the United States of America and a prayer by Councilman Clark Seaman. Twenty people attended.

Roll Call: Members present:

Clay J. Arsenault	Supervisor
Mark A. Bird	Councilman
Thomas L. Donnelly	Councilman
Richard B. Dechene	Councilman
Clark J. Seaman	Councilman

Attending for the Town as well were the Confidential Secretary to the Supervisor, Matthew Newby, the First Deputy Town Clerk, Amber Wamback, and the Town Attorney, Carl Ferrentino.

There was a quorum to conduct the business of the Long Lake Town Board.

BOARD APPROVALS

Motion by Richard Dechene, seconded by Thomas Donnelly to accept the June 28, 2023, Regular Meeting minutes.

Adopted:

Clay J. Arsenault	Aye
Mark A. Bird	Aye
Thomas L. Donnelly	Aye
Richard B. Dechene	Aye
Clark J. Seaman	Aye

Motion by Clark Seaman, seconded by Richard Dechene to pay encumbrances as listed on Abstract 7, July 2023.

Bills as listed on abstract 7

General Fund #A0544 – A0638	in the amount of	\$129,989.52
Highway Fund #D115 – D128	in the amount of	35,552.43
Water District 1 #SW1080- SW1095	in the amount of	2,869.66
Water District 2 #SW2176 - SW2195	in the amount of	40,477.44

Adopted:

Clay J. Arsenault	Aye
Mark A. Bird	Aye
Thomas L. Donnelly	Aye
Richard B. Dechene	Aye
Clark J. Seaman	Aye

SUPERVISOR'S REPORT

Supervisor Arsenault welcomed newly appointed Councilman Mark A. Bird to the Long Lake Town Board.

July 11, 2023, Storm damage

On the night of July 10th into the early morning of July 11th, Long Lake experienced between 5-10 inches of rain throughout sections of town. Long Lake Fire and Rescue started receiving calls of basements flooding around 12pm, they worked tirelessly through the night. In the Hamlet of Long Lake, the rain caused at least one beaver dam in Shaw Pond to fail, and possibly others upstream. After assessing the Long Lake Water Reservoir, it seemed as though something up the mountain let go and caused damage between there and Shaw Pond. The resulting head of water washed out culverts, plugged others, and escaped the banks of the Shaw Brook. The first culvert that blew out was the one crossing Shaw Brook at the entrance of the Reservoir Road, which resulted in both reservoirs being damaged, and the filtration plant suffered damage as well. Hamilton County Highway Superintendent, Tracy Eldridge has been instrumental in rebuilding access to the reservoir.

Where Shaw Brook crosses 28N became plugged with debris, the water breached the road and followed the south side of the road, as well as over the road and the brook on the north making the State Road impassable. Private property on both sides of the road suffered damage. New York State Department of Transportation and Slate Hill Contractors started working on the section of 28N to reestablish safe passage on July 12th. Although they are regulated by State Regulations and Laws, they have been trying to do what they can to help the property owners that live along the road that was damaged. Also, with the damage of this part of the road the Long Lake Transfer Station was not accessible to residents that do not live in Long Lake East. Alex Roalsvig, Parks, and Recreation Director has been updating the Town's website and Facebook with the temporary transfer station details.

The water proceeded into the "downtown" area, the Shaw Brook behind Day's now Hosley's Garage breached the banks and rushed through the back of the building. The deluge of water breached the bridge, and demolished the brown garage in front of Hoss' campground and ran down the road washing out parts of the Long Lake Diner's parking lot and embankment. There was so much water rushing into Jennings' Park Pond that the water breached the banks by the Adirondack Hotel and crossed NYS Route 30. The Adirondack Hotel and Helm's Aero Service suffered damage and the Town Beach pathways were washed out. The Spill way embankment failed, and the pond began to empty directly into Long Lake. The Town repaired the Beach pathways within a few days of the storms with the help of Branden Tokarz, Owner of Tokarz Excavation. The fact that the route 30 bridge near the Diner was restored by 7pm on July 11th is nothing short of miraculous. Many people pitched in, from crews from other towns to our own Town Board Councilman, Thomas Donnelly unclogging the culvert under the bridge.

The Fishing Brook Bridge on 28N was washed out, and Tioga Construction has been working to repair this road.

Supervisor Arsenault and his staff have met and spoke with NY District 21, Congresswoman Elise Stefanik, NY District 49 Senator, Mark Walczyk, NY District 118 Assemblyman, Robert Smullen, NYS DEC Commissioner Basil Seggos, NYS DOT Commissioner Marie Therese Dominguez, multiple officials from NYS Dept. of Homeland Security Emergency Services Office, Hamilton County Chairman of the Board of Supervisors, Brian Wells, Lenny Croot from Hamilton County Soil and Water, officials from USDA, Multiple engineers, contractors, and property owners.

Commissioner Seggos came to Long Lake on July 11th to assess the damage that Long Lake suffered overnight.

Assemblyman Smullen, Commissioner Dominguez, NYS Region 2 Director Linda Lubey, Superintendent Eldridge, Town Highway Superintendent Charles Farr, and others from all levels of government came to visit all the impacted areas in town on July 13th.

The Town is currently working with engineers to develop plans to get the spillway back as soon as possible, as Jennings Park Pond is quickly returning to its natural state as a marsh. This Park and Pond are a huge asset to the people in Long Lake Hamlet, and restoration and revitalization are a priority.

Water Department superintendent Keith Austin and his crew fixed issues arising from the storm damage, but surprisingly the system never failed throughout this event.

The Long Lake Town Highway Department did an amazing job restoring Town roads. Some filled two sets of shoes as both Fire and Highway, this is the magic of small-town folks.

The Town is awaiting news from the County Department of Emergency Services, NYS Dept. of Homeland Security Emergency Services, and FEMA as to how the Federal and State Governments are going to respond to this crisis with relief funding. Sources of funding to assist private property owners such as go-fund-me and Adirondack Foundation SUN Fund have been utilized. Updates will be available on the Town's social media and website regarding assistance for property owners that were impacted once the Town is informed.

Raquette Lake Library

The Raquette Lake Library's most recent newsletter highlights that they are working on a new website, and the newsletter also highlights the treasurer's report.

AGENDA

RESOLUTION TO APPROVE THE 2023 AGREEMENT FOR OUTSOURCED ACCOUNTING WITH BONADIO

WHEREAS: The Town of Long Lake and Bonadio & Co., LLP entered into an agreement in 2022 to provide outsourced accounting services to the Town; and

WHEREAS: The Town Board has been pleased with the work done by Bonadio to date in getting the Town up to date in our AUD submission as well as converting the Town accounting to a new software; and

WHEREAS: The costs of this agreement will increase from \$3500 to \$3675 monthly for regular accounting services, and increase from \$5000 to \$5250 to complete the Annual Update Document and submit to the NYS Office of the Comptroller; and

WHEREAS: The Town Board would like to continue this agreement with Bonadio for the remainder of 2023;

NOW, THEREFORE, BE IT RESOLVED:

That the Town Board of the Town of Long Lake, Hamilton County, State of New York hereby approves of the financing by the Raquette Lake Fire Department, Inc. for the purpose of constructing a new fire house. The loan for the maximum amount of one million dollars (\$1,000,000) principal and financing them over twenty (20) years. The Town in no way guarantees the obligation through this approval, and this approval is provided for compliance with IRS code 150, *et seq.*

Motion Richard Dechene, seconded by Mark Bird to approve the above resolution to approve the 2023 Professional Services Agreement with Bonadio.

Adopted:	Clay J. Arsenault	Aye
	Mark A. Bird	Aye
	Thomas L. Donnelly	Aye
	Richard B. Dechene	Aye
	Clark J. Seaman	Aye

RESOLUTION TO APPROVE THE RAQUETTE LAKE FIRE DEPARTMENT TO APPLY FOR FINANCING FOR THE NEW FIRE STATION BUILDING

The Long Lake Town Board has no authority over this matter, the Town Board took no action.

RESOLUTION TO APPROVE EXTRA WORK AUTHORIZATION #1 TO THE MUNICIPAL ENGINEERING AGREEMENT WITH CHA CONSULTING, INC.

WHEREAS: At the March 29th, 2023, Regular Scheduled Town Board Meeting, the Town Board approved a Municipal Consulting Agreement for Professional Engineering and Consulting services to be provided by CHA Consulting, Inc., a New York corporation, with a principal base of business at III Winners Circle, Albany, County of Albany, in the State of New York (hereinafter CHA); and

WHEREAS: Due to the storm event on the evening of July 10th into the morning of July 11th, 2023 that necessitated the issuance of Executive Order No. 29-1 “Declaring A Disaster Emergency in Several Counties of New York State” by Governor Hochul which included Hamilton County where the Town of Long Lake resides, CHA was asked by the Town

Supervisor to support the Town in development of detailed costs and inspection reports per FEMA requirements to attempt to acquire FEMA funding for the Town; and

WHEREAS: The Town Supervisor has requested CHA for necessary support to acquire FEMA funding, and preform potential engineering to either temporarily replace or permanently replace infrastructure for the Town that could include transportation, civil, water, or other infrastructure assets; and

WHEREAS: CHA has agreed to conduct site visits as requested to complete all necessary engineering and inspection tasks; correspond with Department of Homeland Security Emergency Management as well as other relevant governmental agencies in the development of preliminary rough order of magnitude cost estimates, and preparation of detailed damage inspection reports per FEMA requirements; and provide any future engineering support such as permit acquisition, engineering of structures or systems, meeting attendance, public meeting attendance, or any other requested support specifically detailed in CHA's July 17th letter to Homeland Security's Harry Gough which outlines identified damage to the Town's infrastructure and its subsequent repairs; and

WHEREAS: CHA has proposed a value of the Extra Work Authorization to be performed under the existing municipal engineering agreement on a as-requested basis up to a value not to exceed \$50,000.

NOW, THEREFORE, BE IT RESOLVED:

That the Town Board of the Town of Long Lake, Hamilton County, State of New York hereby authorizes the Town Supervisor to sign an Extra Work Authorization #1 of Municipal Engineering Agreement between Town of Long Lake and CHA Consulting, Inc. with costs to the Town not to exceed \$50,000.

Motion by Clark Seaman, seconded by Thomas Donnelly to accept the above resolution.

Adopted:	Clay J. Arsenault	Aye
	Mark A. Bird	Aye
	Thomas L. Donnelly	Aye
	Richard B. Dechene	Aye
	Clark J. Seaman	Aye

RESOLUTION TO APPROVE A PUBLIC HEARING FOR LOCAL LAW 3 OF 2023 TO ESTABLISH A MORATORIUM ON BATTERY ENERGY STORAGE SYSTEMS

**Proposed Town of Long Lake Local Law (Introductory) No. 3 of 2023
Proposed July 26, 2023
Town of Long Lake
County of Hamilton, New York**

Be it enacted by the Town Board of the Town of Long Lake, Hamilton County, New York as follows:

Section A—Title and Enactment

The title of this Law is: MORATORIUM AMENDMENT TO THE TOWN OF LONG LAKE BATTERY ENERGY STORAGE SYSTEM LAW.

Section B—Amendment

Town of Long Lake Local Law No. 1 of 2023 “The Town of Long Lake Battery Energy Storage System Law” is amended by adding the underlined words as follows:

Section 14. Moratorium Legislative Intent

On April 20, 2023, the Town Board enacted Local Law # 1 of 2023 “Battery Energy Storage System Law” 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 objectives set forth in Section 3 -Statement of Purpose. In addition, the Town Board adopted Local Law 2 of 2022 adopted on December 28, 2022, to upgrade its building code program which provides for building permits and operating permits for certain types of facilities. It is the intent of this Local Law moratorium provisions to affect all such regulatory provisions of the Town of Long Lake with respect to Tier 2 Battery Electric Storage Systems.

Recently, there has been a significant amount of public concern regarding the potentially volatile nature of lithium-ion batteries and the fear that operation of this type of land use will pose a threat to the health, safety and welfare of the public including the impact upon the surrounding roadways, infrastructure, and the orderly evacuation of improved areas if necessary.

Furthermore, there is a current state of emergency precipitated by the storms of July 2023. The emergency has strained capacity of the administrative staff of the Town of Long Lake to undertake the necessary engagement of consultants and deliberate review of the matters attendant to the modification of the Battery Electric Storage Law and Comprehensive Plan. Consequently, the Town Board must take account of this capacity concern in establishing a moratorium period.

These concerns, coupled with the Board’s need for additional information and assurance about the safety of these types of facilities, including, but not limited to, ensuring the technology and availability of equipment necessary for local fire districts to be able to suppress a fire should one occur, precautions related to air emissions and deterring any necessary fire suppression chemicals from impacting surface and groundwater, and the adequacy of location and other special exception standards for siting these facilities, has persuaded the Town Board to amend the local law pertaining to receipt of applications to construct and operate Tier 2 Battery Electric Storage Systems and to pause any action to consider permitting of BESS under Local Law # 1 of 2023 or any building permit pursuant to Local Law No. 2 of 2022 and therefore is enacting a twelve (12) month limited moratorium for the review and permitting of Battery Energy Storage Systems pursuant to those Local Laws and to further consider revisions to address any outstanding concerns, including the potential for catastrophic failures and evacuation planning. As a separate matter, the Town Board shall also use the moratorium period to consider revision of its Comprehensive Plan first adopted on January 27, 2021.

Section 15 Moratorium.

No new applications for a permit or building permit or operating permit application for Tier 2 Battery Electric Storage Systems shall be accepted pursuant to Local Law # 1 of 2023 and Local Law 2 of 2022, nor shall any pending applications continue to be processed or decided by the Town Board, during the Moratorium Period as provided under this Local Law.

Section 16 Moratorium Period.

The moratorium established under Section 15 shall be in effect during the period between the adoption of this Local Law and for a period of 12 months following adoption of this local law, and the filing of the same with the Secretary of State. The same may be extended by appropriate action of the Town Board.

Section 17 Applications that may be exempted.

(1) Applications may be exempted from the Moratorium provisions of this Local Law, following a public hearing on due notice before the Town Board. Upon such application, the Town Board shall consider:

- a. The size of the subject parcel;
- b. The proximity of the applicant's premises to wetlands, endangered plant and animal species, wildlife, and other similar environmental concerns;
- c. The extent of the proposed development and/or disturbance of the applicant's premises;
- d. The environmental significance, if any, of the applicant's parcel and the proposed development's impact upon the environment, including existing transportation resources;
- e. Compatibility of the proposed development with the aesthetic resources of the community or with the existing community or neighborhood character; and
- f. Compatibility of the proposed development with the recommendations of the Comprehensive Plan Update and all adopted Comprehensive Plans and Plan Elements henceforth.

(2) In making a determination under this Subsection, the Town Board may obtain and consider written reports from such other sources as required in the judgment of the Town Board and consistent with the purpose of this this Local Law and Local Laws. A grant of an exemption to an applicant's premises shall include a determination of hardship and unique circumstances which do not generally apply throughout the Town, and a finding that the grant of an exemption will be in harmony with and will not be unduly disruptive to the goals and purposes of the assessment undertaken pursuant to this Chapter.

(3) An application under this subsection shall be accompanied by a fee of \$1,000.00 and ten (10) copies of the application, together with the applicant's written undertaking to pay all out-of-pocket costs incurred by the Town in studies and/or by retainer of resource personnel relating to the hearing, review, and determination of such application, in form and substance acceptable to the Town Board.

Section 18 Statutory Authority/Supersession.

This MORATORIUM AMENDMENT TO THE TOWN OF LONG LAKE BATTERY ENERGY STORAGE SYSTEM LAW is adopted pursuant to Municipal Home Rule Law §10(1)(ii)(a)(11) and (12), and expressly supersedes any inconsistent provisions of Local Laws No. 1 of 2023 and No. 2 of 2022.

Section C 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.

Section D 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.

NOTICE OF PUBLIC HEARING

TOWN OF LONG LAKE

County of Hamilton

State of New York

PLEASE TAKE NOTICE that a proposed Local Law entitled: MORATORIUM AMENDMENT TO THE TOWN OF LONG LAKE BATTERY ENERGY STORAGE SYSTEM LAW and denominated as Introductory Local Law No. 3 of 2023 has been introduced before the Long Lake Town Board.

The intent of the proposed local law is 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.

The local law would enact a moratorium on further processing of applications related to Battery Energy Storage Systems (“BESS”) until such time that the TOWN OF LONG LAKE BATTERY ENERGY STORAGE SYSTEM LAW Local Law No. 1 of 2023 and the Long Lake Building Code Local Law No. 2 of 2022 can be amended to address additional safety considerations including but not limited to fire suppression techniques, emergency response and environmental concerns. The Town Board is also considering the updating of the Comprehensive Plan adopted January 27, 2021.

PLEASE TAKE FURTHER NOTICE that a public hearing upon said will be held on August 30, 2023, at 7:00 pm, the Town Hall, 1204 Main Street, within the Town of Long Lake, New York and that an opportunity to be heard in regard thereto will then and there be given to those favoring or opposed to passage of the proposed local law. At such time and place all persons interested in the subject matter will be heard. Written comments may be submitted to the Supervisor at the Town Office and email comments may be submitted to the town at: supervisor@mylonglake.com. The deadline for timely consideration of comments is noon August 30th, 2023.

A copy of the entire proposed Local Law is on file in the Office of the Town Clerk located at the Town Office, 1130 Deerland Road, Long Lake, NY. Requests for a copy may be directed to the Town Clerk by mail at P.O. Box 42, Long Lake, NY 12847 or viewed at <https://mylonglake.com/agendas/>

**Authorizing Consideration, Public Notice, and Hearing by the Long Lake
Town Board for Proposed**

Local Law-Introductory No. #3-of 2023

WHEREAS, Town Supervisor, Clay Arsenault has duly introduced a proposed Local Law to entitled: “MORATORIUM AMENDMENT TO THE TOWN OF LONG LAKE BATTERY ENERGY STORAGE SYSTEM LAW”.

WHEREAS, prior to enacting any local law, a public hearing shall be held to allow any person wishing to speak in favor or against the proposed Local Law.

NOW, THEREFORE, BE IT RESOLVED THAT:

- 1- The Town Board of the Town of Long Lake hereby orders the Town Clerk to provide the necessary publication in the official newspaper of the Town and posting of public notice for a Hearing.
- 2- All parties in attendance to such hearing be permitted an opportunity to speak on behalf of, or in opposition to, said Proposed Local Law, or any part thereof on August 30th, 2023, at the scheduled place, the Long Lake Town Hall, preceding a Special Town Board scheduled on that date.
- 3- Members of the public may submit written comments until that time of the hearing.
- 4-The full text of the proposed local law shall be made available for review on the Town’s website and at the Town Clerk's office during regular business hours.

Motion by Supervisor Arsenault, seconded by Mark Bird to approve resolution to set a public hearing for Local Law 3 of 2023 to Establish a Moratorium on Battery Energy Storage Systems on August 30, 2023, at the Long Lake Town Hall at 7:00 pm and to have the Town Clerk publish notice of public hearing.

Adopted:	Clay J. Arsenault	Aye
	Mark A. Bird	Aye
	Thomas L. Donnelly	Aye
	Richard B. Dechene	Aye
	Clark J. Seaman	Aye

COUNCILMAN COMMENT

Councilman Dechene & Councilman Donnelly thanked all who helped with the flood for all their hard work.

Councilman Seaman thanked all for the great job in working together. He wanted to note that during the storm people outside Town were able to get updates through the network of amateur Ham Radio operators.

Councilman Seaman spoke to Senator Walczyk and informed him of the damage that had been caused from the July 10 & 11th storm, and the safety and health issues with having roads washed out and losing the causeway of Jennings Park Pond.

PUBLIC COMMENT

Carl Clough applauded the Town for their quick response to the flooding and thanked the Board for the continued support to the Raquette Lakers.

Laurie Murdock thanked the Board for introducing the proposed local law 3 of 2023, Moratorium on Battery Energy Storage Systems.

Debra Evans asked why the Town of Long Lake does not have 2 Board meetings in Raquette Lake?

Councilman Seaman informed Ms. Evans that in the past Raquette Lake meetings were more attended by people from Long Lake than Raquette Lake.

Aris Bird thanked the Board for writing the 2 letters supporting the Raquette Lake residents opposition to National Grid.

Lynn Roderick & James Blanchard both commented on the Battery Energy Storage Systems.

ADJOURN

Motion by Supervisor Arsenault, seconded by Clark Seaman to adjourn at 7:36pm.

Adopted:	Clay J. Arsenault	Aye
	Mark A. Bird	Aye
	Thomas L. Donnelly	Aye
	Richard B. Dechene	Aye
	Clark J. Seaman	Aye

Attested by: _____
Amber L. Wamback, Deputy Town Clerk