

RESOLUTION # 40 OF 2026

RESOLUTION INTRODUCING PROPOSED LOCAL LAW NO. 4  
FOR THE YEAR 2026 ENTITLED "TOWN OF ST. ARMAND  
PROHIBITING UTILITY SCALE BATTERY ENERGY STORAGE  
SYSTEMS IN THE TOWN OF ST. ARMAND"

, offered the following Resolution:

BE IT RESOLVED that the Town of St. Armand Town Board hereby introduces proposed Local Law No. 4 of 2026 entitled "A Local Law Prohibiting Utility Scale Battery Energy Storage Systems in the Town of St. Armand" reading and provided as follows:

TOWN OF ST. ARMAND LOCAL LAW NO. 4 OF 2026  
A LOCAL LAW PROHIBITING UTILITY SCALE BATTERY ENERGY STORAGE  
SYSTEMS IN THE TOWN OF ST. ARMAND

Be it enacted by the Town Board of the Town of St. Armand as follows:

**Section 1.** TITLE.

A local law prohibiting certain Battery Energy Storage Systems ("BESS"), titled "Prohibition on Utility Scale Battery Energy Storage Systems"

**Section 2.** PURPOSE.

Utility scale BESS pose a unique hazard with regard to technology used in such batteries and tendency of the batteries to catch fire. The Town of St. Armand (the "Town") relies upon its volunteer fire companies to combat fires in the Town and its first responders, also volunteers, in the evacuation of homeowners when necessary. Most of these BESS are remote monitored which means that often no or little notice is provided to the Town and first responders, when such fires occur. Moreover, in the majority of the Town there is no public water available for firefighting which places additional burdens on the volunteer fire companies. The Town seeks to mitigate the impacts of BESS facilities on the Town's natural resources. The Town also recognizes that New York State has sought to promote renewable energy generation and storage, but such policies do not warrant the establishment of BESS facilities in every municipality where local safety, environmental and land use concerns are of the utmost importance. The United States Environmental Protection Agency (the "US EPA") recognized the very real dangers present by BESS facilities and issued a three page "Safety Guidance" brochure for the potential siting of BESS facilities. The Town has concerns that a fire a BESS facility could release harmful toxins into the air affecting the air quality at neighboring properties and schools within the Town. Moreover, the Town is primarily a residential community. Such prohibition will protect residential areas, enhance public safety, and protect and preserve groundwater supplies and water bodies. The Town also finds that BESS facilities function

primarily as commercial energy storage operations and do not constitute public utilities. Moreover, the Town has determined that BESS facilities also pose disproportionate risk to the public health, safety, and welfare, such that no new BESS facilities shall be permitted in the Town. The Town has studied the regulations of numerous municipalities and their regulations of BESS facilities, including, but not limited to Town of Yorktown, the Town of Carmel, the Town of Duanesburg, the Town of Montgomery, the Town of Ossining, and the Town of Southampton. The Town also will not consider BESS facilities public utilities subject to a public necessity use variance. For those reasons this local law is adopted to advance and protect the public health, safety, and welfare of the Town by prohibiting Utility Scale BESS.

**Section 3.            AUTHORITY.**

This local law is adopted pursuant to Sections 10, 20 and 22 of Municipal Home Rule Law. The Town Board, after careful review, has determined that it is not in the public's health, safety, and welfare to prohibit Utility Scale BESS, of any kind, including but not limited to those Utility Scale BESS associated with the electric transmission grid or with solar or wind projects.

**Section 4.            DEFINITIONS.**

For purposes of this Local Law, the following terms shall have the meanings respectively set forth below:

**BATTERY ENERGY STORAGE SYSTEM, UTILITY SCALE:** One or more devices assembled together, capable of storing energy in order to supply energy at a future time with an aggregate energy capacity greater than 20KW or are comprised of more than one storage battery technology in a room or enclosed area.

**Section 5.            BAN.**

Utility Scale Battery Energy Storage Systems are prohibited in the Town of St. Armand.

**Section 6.            ENFORCEMENT.**

1. Enforcement Officer. The provisions of the chapter shall be enforced by the Code Officer or any other person designated by the Resolution of the Town Board.
2. A violation of this chapter is hereby declared to be an offence, punishable by a fine not exceeding \$1,000.00 or imprisonment for a period not to exceed six months or both, for conviction of a first offense; for conviction of a second offense, both of which were committed within a period of five years, punishable by a fine not exceeding \$1,500.00 or imprisonment for a period not to exceed six months, or both. However, for the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this chapter shall be deemed misdemeanors, and for such purpose only, all provisions of law relating to misdemeanors shall apply to such violations. Each day's continued violation shall constitute a separate and distinct violation.
3. In addition, this law may be enforced by civil or criminal means which includes injunctive relief.

**Section 6. SEVERABILITY.**

The invalidity of any word, section, clause, paragraph, sentence, part or provision of this local law shall not affect the validity of any other part of this local law that can be given effect without such invalid part or parts.

**Section 10. EFFECTIVE DATE.**

This local law shall take effect immediately upon tis adoption and filing with the New York Secretary of State.

**BE IT ENACTED** this 27th day of May, 2026 by the Town Board of the Town of St. Armand, Essex County, New York.

This Resolution was duly seconded by \_\_\_\_\_, and adopted by Roll Call Vote as follows:

Town Supervisor Thurston	AYE
Deputy Supervisor Karl Law	AYE
Councilperson Donna Whitelaw	AYE
Councilperson JP O'Neil	AYE
Councilperson Raymond Tempestilli	ABSENT

By order of the Town Board of the Town of St. Armand.

Dated: May 19, 2026

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Barbara J. Darrah  
St. Armand Town Clerk