

Town of St. Armand  
June 22, 2026 at 5:30 pm  
Public Hearing Rockledge Sewer District  
Immediately following: Public Hearing Community Solar Moratorium  
Immediately following Public Hearing BESS Ban  
Immediately following Special Board Meeting Resolutions

*These Meeting Minutes were approved by the St. Armand Town Board on August 18, 2026.*

A Special Board Meeting of the Town of St. Armand was held on the above date and time via webinar and in person at the Town Hall, Bloomingdale, NY. The meeting was advertised and made available to the public.

**BOARD MEMBERS PRESENT:**

Town Supervisor Davina Thurston, Deputy Supervisor Karl Law, Councilperson Donna Whitelaw, and Councilperson JP O’Neil were present at the meeting.

A quorum of the Board was in attendance.

**BOARD MEMBER EXCUSED:** Councilperson Raymond Tempestilli was excused from the meeting.

**TOWN EMPLOYEES PRESENT:** Town Clerk Alex Amell, Water & Sewer Clerk Barbara Darrah

**GUESTS FROM THE COMMUNITY:** In Person: Valarie Pawlere, Kathy Daggett, Sue Abbott-Jones, David Lynch, Patricia Barnett, Teah Dowling, Susan Sweeney, Larry Sweeney, Patrick Hogan, Tom Hesseltine, Diane Strablon, Rob Reyell, Robert Buckley, Lindsay Glowaski, R. Smith, Nancy Bernstein, D. Griffith, Alison King, Z. Smith, Kathy Hogan.

On-line: Jay Federman, M. Warner, Aaron Marbone, Cayenne, Frank

Supervisor Thurston opened the Public Hearing at 5:33 pm and asked all present to please join in the Pledge of Allegiance.

Supervisor Thurston asked Town Clerk Alexandra Amell to read the Public Hearing Notice aloud.

Town Clerk Alexandra Amell:

NOTICE IS HEREBY GIVEN that the Town Board of the Town of St. Armand, Essex County, New York, will conduct three PUBLIC HEARINGS on Monday, June 22<sup>nd</sup> beginning at 5:30 p.m. for the purpose of:

Public Hearing #1: Extension of the Rockledge Sewer District Subdivision.

Public Hearing #2: Adoption of Local Law #3 of 2026 – Moratorium on Community Solar Energy Systems.

Public Hearing #3: Adoption of Local Law #4 to ban BESS (Battery Energy Storage System).

In addition, immediately following, a Special Board Meeting will be held for the purpose of passing the affiliated Resolutions. The Links to the meeting were included in the posting. This was published in the Adirondack Daily Enterprise on June 9, 2026.

**ROCKLEDGE SEWER DISTRICT**

Supervisor Thurston explained that currently the Rockledge Sewer mains are actually owned by the residents of Rockledge that are hooked into that system, which is not an ideal way to deal with water and sewer mains when they break. The residents who live in Rockledge had petitioned the town to take over the sewer district, so we started working on that. This is actually one of the last steps that we had to take in order to establish that district. Discussion ensued amongst the Town Board members.

Supervisor Thurston asked if there were questions, comments or concerns.

Being none, the Rockledge Sewer District Public Hearing was closed.

**COMMUNITY SOLAR MORATORIUM**

Supervisor Thurston stated the reason the town board is establishing a one-year moratorium for community solar is because we don't have a building permit in place for community solar or commercial solar projects. We don't have a local law regulating their use or decommissioning.

We don't have any zoning. We don't have any mechanism in place to protect the residents, the property owners, or even the commercial businesses themselves.

So we wanted to do this to give ourselves some time to adopt a building permit application, hear from the residents, make sure we're doing what the majority of the people want and move forward with a local law regulating commercial or community solar if we move forward with it.

Supervisor Thurston then opened up the meeting for Public Comments.

Several people made comments about the need for community solar projects and felt it was good the Town Board was working on a building permit application and wanted to hear from the residents. There were a few typos in the Resolution that were pointed out and corrected.

Supervisor Thurston stated that Our Generation, the company that is proposing the Community Solar Project will be giving a presentation at the next Town Board Meeting, July 21<sup>st</sup> at 6:30 pm and invited everyone to attend.

No further comments or questions were asked. The Public Hearing on Community Solar was closed.

#### PUBLIC HEARING BESS BAN

Supervisor Thurston opened the floor to Public Comments.

Many people commented or read statements in favor of the BESS system and many people commented in opposition of the BESS system. Parts of the Public Comment period were contentious and some noted those in favor of BESS Systems did not live anywhere near where the proposed system would be installed. Some of the topics discussed were the need for additional energy, the low fire rates of newer BESS facilities, the fear of thermal runaway, the danger of water run off during a fire that could contaminate the air, well water and ecosystems, the noise and vibration that the residents will be exposed to if the BESS system is installed. Additionally, the safety of the small Fire Departments in our area and BESS fires can burn for days, the need for more power as more and more electricity is used in our area for heating and cooling, EPA safety guidelines and building restrictions that are in place for BESS facilities, battery chemical make-up, Carson Power – the engineer in charge of the project – has not responded to questions that were emailed by several residents regarding the project. Some spoke of different studies that have concluded BESS are safe, others spoke of studies that have shown BESS is not safe. Some people stated the Town Board was moving too quickly to Ban BESS and did not have good information to do so.

Some typographical errors in the Resolution were pointed out. Another concern that was pointed out in the number of kilowatts listed in the Resolution. A concern was brought forward regarding the SEQR process and if it had been completed. Supervisor Thurston stated we were passing the Resolution based on our attorney's recommendation and that we would defer to our attorney regarding those concerns.

After all comments were heard from the audience members, Supervisor Thurston explained that she has a map here with the proposed best facility highlighted. The Town has received a petition that was signed by residents that were opposed to the best facility, there was a total of 187 signatures, including most residents who live within one half mile of the proposed BESS facility. The Town received another petition in favor of the BESS facility that was signed by 62 people. Of those 62 people, only 1 person that signed it lived within 1 mile of the proposed BESS facility. Supervisor Thurston stated that an Electric Vehicle caught fire on the Northway this spring and the car burned for 8 hours and took thousands of gallons of water to extinguish. She discussed what would happen to the residents, the hospital, BOCES, the day care, if the BESS facility caught fire at 2 am, the devastation to life and property, the extremely dense wooded area. Further, she is very concerned about the location of the BESS proposal due to the fact that there are no fire hydrants in that area, all of the residents are on wells. If there were a fire, it could destroy everyone's well water for decades. Supervisor Thurston further explained that it is our job, gesturing to the Town Board, to protect the residents of St. Armand – that is what we are elected to do. While we respect the opinions of our friends and neighbors who reside in neighboring Towns and Counties, we represent the citizens of St. Armand and the citizens of Essex County.

Supervisor Thurston further stated that any local law can be repealed at any time simply by having a resolution to repeal this local law. So even though this is town-wide ban, if in the future there are new technologies and different types of batteries and the location can be changed, we can repeal this local law even though we're putting this ban in place does not mean that we are unwilling to look at other forms and other types in the future.

Deputy Supervisor Karl Law stated that we have seen some things come out of Albany, ways they are trying to take away Town Law rights from Town's to push an agenda. He stated he is not willing to risk the possibility of not having the ban in place to protect St. Armand residents. He further stated that Carson Power had plenty of opportunity to address the concerns of our residents and they failed to do so., he also asked them what the direct benefit to the members of the community and they stated there are only indirect benefits to the community, therefore he is in favor of the ban.

Councilperson Donna Whitelaw stated that she can empathize with both sides, we have tried to learn a lot in a very short time and there's always a lot of different what-ifs. She stated we represent the people, we are elected, we represent their desires and the majority of the people on Trudeau do not want it. Further, everything she has

learned so far, she is in agreement with the ban because of the reasons that it protects right now it can be changed if needed or wanted down the road.

Councilperson JP O’Neil stated he sees both sides but is leaning where the people live there and Carson has not looked at enough different areas where it could be installed, like the industrial park. He said he would not want one in his backyard and feels that those here tonight that are in favor of BESS would not want one in their backyard. He is in favor of the ban to protect the residents of St. Armand.

Supervisor Thurston closed the BESS Ban Public Hearing at 6:52 pm.

SPECIAL BOARD MEETING – RESOLUTIONS

Discussion ensued regarding 2 typos that were found and changed for Resolution 50.

RESOLUTION # 50 OF 2026

RESOLUTION ADOPTING PROPOSED LOCAL LAW NO. 3 FOR THE YEAR 2026 ENTITLED “TOWN OF ST. ARMAND LOCAL LAW AFFECTING A TEMPORARY MORATORIUM WITHIN THE TOWN OF ST. ARMAND ON THE DEVELOPMENT AND CONSTRUCTION OF CERTAIN SOLAR ENERGY SYSTEMS

Deputy Supervisor Karl Law, who moved its adoption, offered the following Resolution:

LOCAL LAW AFFECTING TEMPORARY MORITORIUM WITHIN THE TOWN OF ST. ARMAND ON THE DEVELOPMENT AND CONSTRUCTION OF CERTAIN SOLAR ENERGY SYSTEMS

Section I. TITLE.

This Local Law shall be known as the "Town of St. Armand Moratorium on the Development and Construction of Certain Commercial Solar Energy Systems".

Section 2. AUTHORITY AND INTENT; FINDINGS; PURPOSE.

A. Authority and Intent.

This Local Law is intended to be consistent with and is adopted pursuant to the authority granted to the Town Board of the Town of St. Armand under the New York State Constitution and the Laws of the State of New York, including but not limited to the following authorities: New York State Constitution Article IX, § 2 (c); Municipal Home Rule Law §§ 10 and 20 through 27; Statute of Local Governments § 10; and the State Environmental Quality Review Act and its implementing regulations.

This Law is a land use regulation, which is intended to act as and is hereby declared to exercise the permissive "incidental control" of zoning and land use law that is concerned with the broad area of land use planning and the physical uses of land within the Town.

B. Findings.

The Town Board hereby finds that it is in the interest of public health, safety and welfare to address, in a careful and thorough manner, the activities prohibited by Section 4 of this Local Law. In order to accomplish this, the Town requires a reasonable period of time to further study the potential impacts and effects on land,

the environment and the public in general caused by such activities, and to consider possible amendments to the Town's laws and/or comprehensive plan to address the same.

C. Purpose.

The purpose of the Local Law is to enable the Town of St. Armand to stay the construction, operation, and establishment of, and the submission and processing of applications for permits, zoning permits, special permits, zoning variances, building permits, operating permits, site plan approvals, subdivision approvals, certificates of occupancy, certificates of compliance, temporary certificates, and other Town-level land use approvals respecting the activities prohibited by Section 4 of this Local Law, for a reasonable time, so as to allow the Town time to study the potential impacts, effects, and possible controls over such activities and to consider possible amendments to the Town's laws and comprehensive plan to address the same. The Town Board finds that a moratorium of twelve (12) months duration, coupled with an “unnecessary hardship” variance procedure and a

provision for the “grandfathering” of legal, pre-existing non-conforming uses, will achieve an appropriate balance of interests between (i) the need to safeguard public health, safety and welfare, as well as the character and other resources of the Town of Middletown; and (ii) the rights of individual property owners.

### Section 3. DEFINITIONS.

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

**BUILDING-INTEGRATED SOLAR ENERGY SYSTEM** --- A combination of Solar Panels and Solar Energy Equipment integrated into any building envelope system such as vertical facades, semitransparent skylight systems, roofing materials, or shading over windows, which produce electricity for onsite consumption.

**COMMERCIAL SOLAR ENERGY SYSTEM** - A solar energy system that primarily produces energy that is fed directly into the grid primarily for off-site sale or consumption, or any solar energy system with a nameplate generating capacity of 1 megawatt or more. Commercial solar energy systems include building-integrated, roof-mounted and ground-mounted solar energy systems that meet or exceed the above-stated nameplate generating capacity.

**COMMUNITY SOLAR SYSTEM** - A large, off-site solar array (solar farm) that allows multiple electricity customers – including renters, homeowners and businesses – to subscribe to a share of the energy produced and receive credits on their monthly utility bills.

**GROUND-MOUNTED SOLAR ENERGY SYSTEM** --- A Solar Energy System that is anchored to the ground via a pole or other mounting system, detached from any other structure that generates electricity for onsite or offsite consumption.

**NON-COMMERCIAL SOLAR ENERGY SYSTEM** --- A solar energy system with a nameplate generating capacity of less than 1 megawatt that is incidental and subordinate to another use on the same parcel and which primarily produces energy for on-site consumption. Non-commercial solar energy systems include building-integrated, roof-mounted and ground-mounted solar energy systems that do not exceed the above-stated nameplate generating capacity.

**PERSON** --- Any individual, public or private corporation for profit or not for profit, association, partnership, limited liability company, limited liability partnership, firm, trust, estate, and any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

**ROOF-MOUNTED SOLAR ENERGY SYSTEM** --- A Solar Energy System located on the roof of any preexisting and/or legally permitted building or structure that produces electricity for onsite or offsite consumption.

**SOLAR ENERGY EQUIPMENT** --- Electrical material, hardware, inverters, conduit, storage devices/structures, or other electrical and photovoltaic equipment associated with the production of electricity from solar energy.

**SOLAR ENERGY SYSTEM** --- The components and subsystems required to convert solar energy into electric energy suitable for use. The term includes, but is not limited to, Solar Panels and Solar Energy Equipment. The area of a Solar Energy System includes all the land inside the perimeter of the Solar Energy System, which extends to any interconnection equipment.

**SOLAR PANEL** --- A photovoltaic device capable of collecting and converting solar energy into electricity.

**TOWN** --- The Town of St. Armand, Essex County, New York.

**TOWN BOARD** --- The Town Board of the Town of St. Armand.

### Section 4. MORATORIUM AND PROHIBITION.

A. From and after the effective date of this Local Law, no application for a permit, zoning permit, special permit, zoning variance (except as contemplated by Section 7 of this Law), building permit, site plan approval, subdivision approval or any other Town-level approval shall be accepted, processed, approved, approved conditionally, or issued for the construction, establishment, use or operation upon any land, body of water, building or other structure located within the Town any of the following:

- (i) Commercial Solar Energy Systems;
- (ii) Community solar system;
- (iii) any and all Solar Energy Equipment incident to the development and operation of a Commercial Solar

Energy System.

B. This moratorium and prohibition shall be in effect beginning on the effective date of this Local Law and shall expire on the earlier of (i) that date which is six (6) months after said effective date, or

(ii) the effective date of a duly enacted repeal of this Local Law.

C. This moratorium and prohibition shall apply to all real property within the Town.

D. Under no circumstances shall the failure of the Town Board or the Town Code Enforcement Officer to take any action upon any application for a permit, zoning permit, special permit, zoning variance, building permit, site plan approval, subdivision approval, or other Town-level approval constitute an approval by default or an approval by virtue of expiration of time to respond to such application.

## Section 5. PENALTIES.

A. Compliance Orders. The Code Enforcement Officer is authorized to order, in writing, the remedying of any condition or activity found to exist in violation of this Local Law. If the condition or activity is not

remedied after the issuance of a compliance order, then an appearance ticket may be issued as provided hereinafter.

B. Appearance Tickets. The Code Enforcement Officer is authorized to issue appearance tickets for any violation of this Local Law. Any person who violates any provision of this Local Law shall be deemed guilty of a violation and, upon conviction thereof, shall be subject to a fine of not more than

\$250 per violation. Each week's continued violation shall constitute a separate, additional violation.

C. Civil Penalty. In addition to those penalties prescribed herein, any person who violates any provision of this Local Law shall be liable to a civil penalty of not more than \$2,500 for each day or part thereof during which such violation continues. The civil penalties provided by this section shall be recoverable in a civil action instituted in the name of the Town of St. Armand.

D. Injunctive Relief. An action or proceeding may be instituted in the name of the Town of Middletown, in a court of competent jurisdiction, to prevent, restrain, enjoin, correct, or abate any violation of, or to enforce, any provision of this Local Law. No action or proceeding described in this subdivision shall be commenced without the appropriate authorization from the Town Board.

E. Remedies Not Exclusive. No remedy or penalty specified in this section shall be the exclusive remedy or penalty available to address any violation of this Local Law. Any remedy or penalty specified in this section and/or any other remedy or penalty provided by law, may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in this section. In addition to the above-provided remedies, the Town Board may also seek reimbursement to the Town for costs incurred by the Town in identifying and remedying each violation, including but not limited to, reasonable attorney's fees.

## Section 6. GRANDFATHERING OF LEGAL, PRE-EXISTING NON-CONFORMING USE.

Notwithstanding any provision hereof to the contrary, any application for the development or construction of a Commercial Solar Energy System and/or related Solar Energy Equipment that is or has been submitted prior to the effective date of this Local Law, as well as any Solar Energy System that is currently being operated within the Town in accordance with all applicable laws and regulations and in compliance with all valid permits required to be issued by the New York State Department of Environmental Conservation ("DEC") and all other federal, state and local regulating agencies, shall be considered pre-existing, non-conforming uses and shall be allowed to continue, subject, however, to the provisions of this Section.

Any expansion of a lawful, pre-existing nonconforming use as defined in this Section shall not be grandfathered hereunder, nor shall any substantive change or amendment not requested by the Town's Planning Board be allowed to a validly pending application for a Commercial Solar Energy System and/or Related Solar Energy Equipment. Such proposed expansions and/or unsolicited application changes/amendments instead shall in all respects be prohibited as contemplated by Section 4 hereof.

## Section 7. SEVERABILITY.

If any word, phrase, sentence, part, section, subsection, or other portion of this Local Law, or the application thereof to any person or to any circumstance, is adjudged or declared invalid or unenforceable by a court or other tribunal of competent jurisdiction, then, and in such event, such judgment or declaration shall be confined in its interpretation and operation only to the provision of this Local Law that is directly involved in the

controversy in which such judgment or declaration is rendered, and such judgment or declaration of invalidity or unenforceability shall not affect or impair the validity or enforceability of the remainder of this Local Law or the application hereof to any other persons or circumstances. If necessary as to such person or circumstances, such invalid or unenforceable provision shall be and be deemed severed here from, and the Town Board of the Town hereby declares that it would have enacted this Local Law, or the remainder thereof, even if, as to particular provisions and persons or circumstances, a portion hereof is severed or declared invalid or unenforceable.

Section 8. SUPERSEDING INTENT AND EFFECT.

It is the specific intent of the Town Board that this Local Law shall supersede any inconsistent provisions of Sections 267, 267-a, 267-b, 274-a, 274-b and 276 of the Town Law of the State of New York, as well as all other inconsistent provisions of local ordinances, local laws, or local resolutions or policies of the Town of Middletown, including but not limited to provisions of the aforementioned state and local laws, ordinances, resolutions or policies that require the approval, or affect a default approval of land use applications within certain statutory time periods.

Section 9. GENERAL PROVISIONS.

A. The Code Enforcement Officer is hereby designated as the enforcement officer for purposes of interpreting and enforcing this Local Law.

B. The section and other headings and titles to clauses and phrases in this Local Law are for convenience only, and shall not be used or construed to limit or define the scope or application of the clauses and phrases so following such headings or titles. Each section of this Local Law, whether in the nature of a preamble or otherwise, is a material part of this Local Law.

Section 10. EFFECTIVE DATE.

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

BE IT FURTHER RESOLVED that the Town Board of the Town of St. Armand shall hold and conduct a public hearing on the foregoing proposed local law on the 22<sup>nd</sup> day of June, 2026, at 5:30pm, to hear any and all persons concerning the same.

This Resolution was duly seconded by Councilperson Donna Whitelaw, and adopted by Roll Call Vote as follows:

|                                   |        |
|-----------------------------------|--------|
| Town Supervisor Davina 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.

Alexandra K. Amell

St. Armand Town Clerk

Dated: June 22, 2026

Discussion ensued regarding several typos that were found and changed for Resolution 51. Some people wanted the number of kilowatts changed, it was decided to leave the kilowatt hours as is, and we can do an addendum in the future if needed after speaking to our attorney, who drafted the Resolution.

RESOLUTION # 51 OF 2026

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

The following resolution was offered by Councilperson JP O’Neil, who moved its adoption.

WHEREAS, pursuant to Resolution dated June 22, 2026, this Board introduced proposed Local Law No. 4 of 2026, a local law entitled “A Local Law Prohibiting Utility Scale Battery Energy Storage Systems in the Town of St. Armand;” and

WHEREAS, that a Public Hearing was duly held on the 22 day of June, 2026 at 5:30 p.m. to hear any and all persons concerning the adoption of said local law; and

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

TOWN OF ST. ARMAND, ESSEX COUNTY, NEW YORK PROPOSED LOCAL LAW NO. 4  
OF THE YEAR 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 Down of Duanesburg, the Town of Montgomery, the Town of Ossing, 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 the public health, safety, and welfare to prohibit Utility Scale BESS, of any kind, including but 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 600kWh or are comprised of more than one storage battery technology in a room or enclosed area.

Section 5. BAN.

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

Section 6. ENFORCEMENT.

Any violation of this Prohibition on Utility Scale Battery Energy Storage Systems shall be subject to the same enforcement requirements, including civil and criminal penalties, provided for in the zoning or land use regulations of the Town of St. Armand.

Section 7. 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 8. EFFECTIVE DATE.

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

This Resolution was duly seconded by Donna Whitelaw, and adopted by Roll Call vote as follows:

|                                   |        |
|-----------------------------------|--------|
| Supervisor Davina 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: June 22, 2026

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Alexandra Amell, Town Clerk  
Town of St Armand

RESOLUTION #52 OF 2026

RESOLUTION OF THE TOWN BOARD OF THE TOWN  
OF ST ARMAND, ESSEX COUNTY, NEW YORK  
EXTENDING THE TOWN SEWER DISTRICT TO  
INCLUDE ROCKLEDGE SUB-DIVISION

Deputy Supervisor Karl Law, who moved its adoption, offered the following Resolution:

WHEREAS, the Town Board of the Town of St. Armand duly adopted a resolution on April 23, 2026, calling a public hearing to be held on June 22, 2026, at the Town Hall in Bloomingdale, New York, for the purpose of considering a proposal to establish a Town Sewer District in said Town to comprise the area hereinafter described in accordance with certain maps, plans and a report filed with said Town Board on January 2026; and

WHEREAS, notice of said public hearing was duly published in the manner and within the time provided by law and said public hearing was duly held at the time and place aforesaid, at which all persons desiring to be heard were duly heard; and

WHEREAS, residents of the Rockledge area petitioned the Town of St. Armand to establish a new sewer district to serve those residents in the Towns of St. Armand and North Elba along Rockledge Lane, Saranac Lane, and Forest Hill Avenue, which has sewer infrastructure that is not serviced by Town Sewer District, requesting that their parcels, located on the Town’s Tax Map Sections 32.39 and 32.9, be connected to the St Armand Sewer District (the “Sewer District”); and

WHEREAS, the purpose of this action is to supplement previous resolution #94 of 2024 which was intended to establish the Rockledge Sewer District but did not include the required findings that the proposed district benefited the property and property owners, that all benefited properties were within the limits of the district, and the proposed district is in the public interest; and

WHEREAS, the Town has reviewed the map and plans prepared by, M.J Engineering and Land Surveying, P.C. and updated on April 14, 2026, to study the extension of the Sewer District to have municipal

sewer service available for the Rockledge parcels; and

WHEREAS, copies of the petition, map and plans describing the above have been made available for inspection by the public in the Town Clerk's Office; and

WHEREAS, the following is intended to describe the bounds of the proposed Rockledge Sewer District in the Town of Saint Armand, Essex County, New York as shown on the map entitled "Rockledge Sewer District" prepared by Essex County Real Property Tax Service, dated 5/18/2023 updated 4/14/2026:

Beginning at the point located at the northeast corner of parcel 32.38-1-2.000 of the Town of Saint Armand and continuing 494-feet southerly along the easterly bounds of parcel 32.38-1-2.000, then easterly 52-feet across the Rockledge Lane right-of-way, to a point located at the northwest corner of parcel 32.38-1-2.000 on the eastern side of Rockledge Lane;

Thence easterly along the northerly bounds of parcel 32.38-1-2.000 to a point located on the northeast corner of parcel 32.38-1-2.000, and continuing southerly along the easterly bounds of parcel 32.38-1-2.000, to the northeast corner of parcel 32.38-1-4.100 and continuing southerly along the easterly bounds of parcel 32.38-1-4.100 to the southeast corner of parcel 32.38-1-4.100;

Thence westerly across the southerly bounds of parcel 32.38-1-4.100 to a point located at the northeast corner of parcel 32.38-1-4.200 and continuing northerly along the easterly bounds of parcel 32.38-1-4.200 to a point located at the north most corner of parcel 32.38-1-4.200 and continuing westerly along the northerly bounds of parcel 32.38-1-4.200 to its intersection with the eastern bounds of parcel 32.38-1-5.100;

Thence southeasterly along the easterly bounds of parcel 32.38-1-5.100 to a point located at the easternmost corner of parcel 32.38-1-5.100 and continuing southwesterly along the southern bounds of parcels 32.38-1-5.100, 32.38-1-5.200, and 32.38-1-6.000 to a point located at the southeast corner of parcel 32.38-1-6.000 of the Town of Saint Armand and its intersection with the northeast corner of parcel 32.9-3-9.000 of the Town of North Elba and continuing westerly along the southerly bounds of parcel 32.38-1-6.000 to a point located at the southwest corner of parcel 32.38-1-6.000; thence southerly along the westerly border of parcel 32.9-3-9.000 to the southwest corner of parcel 32.9-3-9.000;

Thence westerly 64-feet across Forest Hill Ave to a point located at the southeast corner of parcel 32.38-1-8.000 and continuing westerly along the southerly bounds of parcel 32.9-3-8.000 to the southeast corner of parcel 32.9-3-10.000 and continuing westerly along the southerly bounds of parcel 32.9-3-10.000 to a point at the southernmost corner of parcel 32.9-3-7.000 and the southeast corner of parcel 32.9-3-11.00;

Thence westerly along the southerly bounds of parcel 32.9-3-11.000 to the southeast corner of parcel 32.9-3-12.000 and continuing westerly along the southerly bounds of parcel 32.9-3-12.000 to the southeast corner of parcel 32.9-3-13.000 and continuing westerly along the southerly bounds of parcel 32.9-3-13.000 to the southeast corner of parcel 32.9-3-14.000 and continuing westerly along the southerly bounds of parcel 32.9-3-14.000 to the southeast corner of parcel 32.9-3-2.000 and continuing westerly along the southerly bounds of parcel 32.9-3-2.000 to the southeast corner of parcel 32.9-3-1.000 and continuing westerly along the southerly bounds of parcel 32.9-3-1.000 to the southwesterly corner of parcel 32.9-3-1.000;

Thence westerly 45-feet across Rockledge Lane to a point located at the southeast corner of parcel 32.9-3-15.000 and continuing westerly along the southerly bounds of parcel 32.9-3-15.000 to the southwest corner of parcel 32.9-3-15.000;

Thence easterly along the southerly bounds of parcel 32.38-1-79.000 of the Town of Saint Armand to the southeast corner of parcel 32.38-1-79.000 and continuing northwesterly along the easterly bounds of parcel 32.38-1-79.000 to the southwest corner of parcel 32.38-1-78.000 and continuing northerly along the westerly bounds of parcel 32.38-1-78.000 to the southwest corner of parcel 32.38-1-77.000 and continuing northerly along the westerly bounds of parcel 32.38-1-77.000 to a point located at its intersection with the southwest corner of parcel 32.38-1-1.000;

Thence easterly along the northerly bounds of parcel 32.38-1-77.000 to a point located at the northeast corner of parcel 32.38-1-77.000 and continuing 46-feet across the easterly bounds of parcel 32.38-1-1.000 to the north most corner of parcel 32.38-1-36.2000 and continuing 17-

feet across the easterly bounds of parcel 32.38-1-1.000 to the east most corner of parcel 32.38-1-22.000 and continuing northeasterly along the westerly bounds of parcel 32.38-1-22.000 to the north most corner of parcel 32.38-1-22.000 and continuing southeasterly along the northerly bounds of parcel 32.38-1-22.000 to the eastern corner of parcel 32.38-1-22.000;

Thence easterly across Saranac Lane to a point located at the southwest corner of parcel 32.38-1-24.000 and continuing northerly along the westerly bounds of parcel 32.38-1-24.000 to the northwest corner of parcel 32.38-1-24.000 and continuing easterly along the northerly bounds of parcel 32.38-1-24.000 to the north most corner of parcel 32.38-1-24.000 and its intersection with the westerly bounds of parcel 32.38-1-13.200 and continuing northerly along the westerly bounds of parcel 32.38-1-13.200 to the southwest corner of parcel 32.38-1-13.100;

Thence northerly along the westerly bounds of parcel 32.38-1-13.100 to the southwest corner of parcel 32.38-1-2.000 and continuing northerly along the westerly bounds of parcel 32.38-1-2.000 to the northwest corner of parcel 32.38-1-2.000 and continuing easterly along the northerly bounds of parcel 32.38-1-2.000 to the northeast corner of parcel 32.38-1-2.000, said point is also the point and place of the beginning.

WHEREAS, in accordance with Town Law § 209-d, the Town Board set a public hearing, entering same into its minutes, and published a public notice which: recited a description of the boundaries of the proposed expansion to the Sewer District sufficient to identify the lands included therein, detailed the improvements proposed, stated the cost of the extension to the typical property (\$1,589.70), provided that the a map, plan and report describing the same were on file in the Town Clerk's office for public inspection and specified the time when and place where said board would meet to for the public hearing to hear all persons interested in the subject thereof; and

WHEREAS, the Town Board caused a copy of the above detailed notice, which listed the public hearing date of June 22, 2026 to be published at least once in the official paper, the first publication thereof to be not less than ten nor more than twenty days before the day set therein for the hearing and caused a copy thereof to be posted on the sign-board of the Town maintained by the Town Clerk, not less than ten nor more than twenty days before the day designated for the hearing; and

WHEREAS, the Town Board held a public hearing to discuss the extension of the Sewer District on June 22, 2028 at 6:30 P.M. in Town Hall; and

WHEREAS, the Town Board has determined that the notice of hearing was published and posted as required by law, and is otherwise sufficient; and

WHEREAS, the Town Board acknowledged that the petition is signed, acknowledged or proved as required by law and is otherwise sufficient; and

WHEREAS, the Town Board has determined that that Property and Petitioners are benefitted entering the Property into the Sewer District; and

WHEREAS, the Town Board has determined that all potential properties and property owners benefitted are included within the limits of the proposed extension of the Sewer District; and

WHEREAS, the existing collection system infrastructure will remain as it currently exists relative to configuration and condition. Not capital improvements are anticipated as part of the proposed district formation. Therefore, there are no project costs for new infrastructure associated with the proposed district.; and

WHEREAS, the cost of operation and maintenance of the district to the typical property will be \$1,589.70, charged by the Town of St Armand to the residents served by Rockledge Sewer District.

WHEREAS, the Town Board has determined that it is in the public interest to add the Property to the Sewer District.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of St. Armand, as follows:

- (a) That the petition is signed, acknowledged or proved as required by law and is otherwise sufficient;
- (b) The existing improvements and facilities as detailed in the said map, plan and report for the proposed district are satisfactory, sufficient, adequate and appropriate;
- (c) That all the property and property owners within the proposed district are benefitted thereby;
- (d) That all the property and property owners benefitted are included within the limits of said proposed

district; and

- (e) That the proposed district and the facilities are in the public interest.

BE IT FURTHER RESOLVED, the establishment of said proposed Rockledge Sewer District to comprise the area more particularly described as follows is hereby approved; and

BE IT FURTHER RESOLVED, upon this resolution taking effect, the Town Clerk shall file an application in the office of the New York State Comptroller in Albany, New York, for permission to establish said sewer district in accordance with the provisions of Town Law Section 209-f.

BE IT FURTHER RESOLVED, the Town shall file with the New York State Department of Environmental Conservation and such other State agencies having jurisdiction, if any, such applications as are or may be required by law for the issuance of permits authorizing the establishment and operation of said District, and this resolution is adopted subject to obtaining such permits and approvals.

BE IT FURTHER RESOLVED that this resolution is subject to a permissive referendum in the manner provided for in Article Seven of New York State Town Law; and

This Resolution was duly seconded by Donna Whitelaw, and adopted by Roll Call vote as follows:

|                                   |        |
|-----------------------------------|--------|
| Supervisor Davina 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.

\_\_\_\_\_  
Alexandra Amell,  
St Armand Town Clerk

Dated: June 22, 2026

MOTION TO ADJOURN

Supervisor Thurston asked for a Motion to adjourn the Special Board Meeting. Councilperson JP O’Neil made a Motion to adjourn the Special Board Meeting. The Motion was seconded by Councilperson Karl Law. All in favor. Motion carried. The Special Board Meeting adjourned at 7:08 p.m.

I, Alexandra Amell, Town Clerk for the Town of St. Armand, does hereby certify that the above is a true and correct transcript of the Public Hearing and Special Board Meeting minutes held on the above-referenced date.

\_\_\_\_\_  
Alexandra Amell  
St. Armand Town Clerk

Dated: June 22, 2026